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LETTER FROM FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION APPROVING
LAND USE CONTROLS DESCRIBED IN REMEDIAL ACTION PLAN FOR SITE 351-1 NS
MAYPORT FL
9/16/2014
FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION



**FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION**

BOB MARTINEZ CENTER
2600 BLAIR STONE ROAD
TALLAHASSEE, FLORIDA 32399-2400

RICK SCOTT
GOVERNOR

CARLOS LOPEZ-CANTERA
LT. GOVERNOR

HERSCHEL T. VINYARD JR.
SECRETARY

September 16, 2014

Naval Facilities Engineering Command Southeast
Attn: Mr. Dana Hayworth (OPUE3), Remedial Project Manager
135 Ajax Street North, Building 903
Naval Air Station Jacksonville
Jacksonville, Florida 32212-0030

Subject: Remedial Action Plan Approval Order
Site 351-1
Naval Station Mayport
Jacksonville, Duval County
Operating and Corrective Action Permit No. 72442-HO-004
Facility ID# 16-8626008

Dear Mr. Hayworth:

The Florida Department of Environmental Protection (the Department) has reviewed the Land Use Control (LUC) Report, which contains the Land Use Control Implementation Plan (LUCIP), dated May 3, 2013 (received May 7, 2013), prepared by Tetra Tech, Inc. for the site referenced above. We found all the documents submitted to date to be adequate to meet the RAP requirements of section 62-780.700, Florida Administrative Code (F.A.C.). The Department has determined that the actions proposed in this LUCIP (engineering controls, institutional controls, free product monitoring, and annual LUCs inspections) represent a reasonable strategy toward accomplishing the cleanup objectives of Chapter 62-780, F.A.C. Pursuant to Paragraph 62-780.700(7)(a), F.A.C., the Department approves the LUCIP as described in this Remedial Action Plan (RAP) Approval Order (Order).

If it appears during RAP implementation that the remedial strategy is not effective, a request for modification of this Order, pursuant to Subsection 62-780.700(14), F.A.C., may be submitted to the Department or the Department may require the preparation and submittal of a RAP Modification. Depending on the nature of the modification, the Department may revoke this Order.

Legal Issues

The Department's Order shall become final unless a timely petition for an administrative hearing is filed under Sections 120.569 and 120.57, Florida Statutes (F.S.), within 21 days of receipt of this Order. The procedures for petitioning for an administrative hearing are set forth below.

Persons affected by this Order have the following options:

- (A) If you choose to accept the Department's decision regarding the RAP you do not have to do anything. This Order is final and effective as of the date on the top of the first page of this Order.
- (B) If you choose to challenge the decision, you may do the following:
 - (1) File a request for an extension of time to file a petition for an administrative hearing with the Department's Agency Clerk in the Office of General Counsel within 21 days of receipt of this Order; such a request should be made if you wish to meet with the Department in an attempt to informally resolve any disputes without first filing a petition for an administrative hearing; or
 - (2) File a petition for an administrative hearing with the Department's Agency Clerk in the Office of General Counsel within 21 days of receipt of this Order.

Please be advised that mediation of this decision pursuant to Section 120.573, F.S., is not available.

How to Request an Extension of Time to File a Petition for an Administrative Hearing

For good cause shown, pursuant to Subsection 62-110.106(4), F.A.C., the Department may grant a request for an extension of time to file a petition for an administrative hearing. Such a request must be filed (received) by the Department's Agency Clerk in the Office of General Counsel at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida, 32399-3000, within 21 days of receipt of this Order. Petitioner, if different from Dana Hayworth / Naval Station Mayport, shall mail a copy of the request to Dana Hayworth / Naval Station Mayport at the time of filing. Timely filing a request for an extension of time tolls the time period within which a petition for an administrative hearing must be made.

How to File a Petition for an Administrative Hearing

A person whose substantial interests are affected by this Order may petition for an administrative hearing under Sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed (received) by the Department's Agency Clerk in the Office of General Counsel at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida,

32399-3000, within 21 days of receipt of this Order. Petitioner, if different from Dana Hayworth/Naval Station Mayport, shall mail a copy of the petition to Dana Hayworth/Naval Station Mayport at the time of filing. Failure to file a petition within this time period shall waive the right of anyone who may request an administrative hearing under Sections 120.569 and 120.57, F.S.

Pursuant to Subsection 120.569(2), F.S. and rule 28-106.201, F.A.C., a petition for an administrative hearing shall contain the following information:

- (a) The name, address, and telephone number of each petitioner; the name, address, and telephone number of the petitioner's representative, if any; the site owner's name and address, if different from the petitioner; and the name and address of the site;
- (b) A statement of when and how each petitioner received notice of the Department's action or proposed action;
- (c) An explanation of how each petitioner's substantial interests are or will be affected by the Department's action or proposed action;
- (d) A statement of the disputed issues of material fact, or a statement that there are no disputed facts;
- (e) A statement of the ultimate facts alleged, including a statement of the specific facts the petitioner contends warrant reversal or modification of the Department's action or proposed action;
- (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the Department's action or proposed action; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the Department to take with respect to the Department's action or proposed action.

This Order is final and effective on the date filed with the Clerk of the Department, which is indicated on the last page of this Order. Timely filing a petition for an administrative hearing postpones the date this Order takes effect until the Department issues either a final order pursuant to an administrative hearing or an Order Responding to Supplemental Information provided to the Department pursuant to meetings with the Department.

Judicial Review

Any party to this Order has the right to seek judicial review of it under Section 120.68, F.S., by filing a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the Department's Agency Clerk in the Office of General Counsel at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida, 32399-3000, and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within 30 days after this Order is filed with the Department's clerk (see below).

Mr. Dana Hayworth
Naval Station Mayport, Site 351-1
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Questions

Any questions regarding the Department's review of your RAP/(LUCIP) should be directed to John Winters at (850) 245-8999, or John.Winters@dep.state.fl.us. Questions regarding legal issues should be referred to the Department's Office of General Counsel at (850) 245-2242. Contact with any of the above does not constitute a petition for administrative hearing or request for an extension of time to file a petition for administrative hearing.

Sincerely,



Douglas A. Jones, Program Administrator
Waste Cleanup Program
Division of Waste Management

DAJ/jdw

cc: Tim Bahr, FDEP, Tallahassee
File

FILING AND ACKNOWLEDGMENT
FILED, on this date, pursuant to
§120.52 Florida Statutes, with the
designated Department Clerk, receipt
of which is hereby acknowledged.



Clerk
(or Deputy Clerk)

September 16, 2014

Date