

Johnston, Tom

N61331.AR.000990

From: Gates, William H CIV NAVFAC SE [william.gates@navy.mil]
Sent: Monday, July 21, 2008 12:08 PM
To: Johnston, Tom
Subject: FW: USN Coastal Systems-Naval Support Activity Panama City;FL8 170 023 792;66255 - HH - 002
Attachments: 7-21-08-USN Coastal Systems-Intent.pdf

NSWC PANAMA CITY
5090.3a

FYI

-----Original Message-----

From: McDonald, Arturo CIV NAVFAC SE, PWD Panama City
Sent: Monday, July 21, 2008 12:05
To: Pfefferkorn, Jessica M CDR NSA Panama City, N00; Neish, Christopher P LCDR NAVFAC SE, PWD Panama City
Cc: Clayton, Michael D CIV NAVFAC Southeast, Environmental; Gates, William H CIV NAVFAC SE
Subject: FW: USN Coastal Systems-Naval Support Activity Panama City;FL8 170 023 792;66255 - HH - 002

CDR Pfefferkorn/LCDR Neish,

We just received this Notice of Intent/Draft Permit from FDEP to issue a permit modification to our existing Corrective Action Permit. The Fact Sheet on page 2 explains the reason for this modification.

A Newspaper Notice and Radio Announcement will be published/broadcasted one time within the next few days and followed up by a 45 day public comment period.

The draft permit has been coordinated and agreed upon by NAVFAC SE and FDEP. NAVFAC SE is the program manager for the Installation Restoration (cleanup) program at NSA-PC and is funded by Environmental Restoration Navy (ERN) funds.

NSA-PC is in full compliance with FDEP RCRA (Hazardous Waste) Remedial/Corrective Action Regulations and has an active partnering team with NAVFAC SE, FDEP and Tetra Tech Nus (contractor).

After the 45 day comment period and if no public comments are filed, FDEP will issue the Final Permit. Based on past experience, no public comments are expected.

Let me know if you have any questions or need additional background information.

Arturo McDonald, Code PRPC4
Naval Support Activity Panama City
101 Vernon Avenue
Panama City Beach, FL 32407-7018
Phone: (850) 234-4743
DSN: 436-4743
Fax: (850) 230-7179

-----Original Message-----

From: Epost HWRS [mailto:EpostHWRS@dep.state.fl.us]
Sent: Monday, July 21, 2008 9:04
To: McDonald, Arturo CIV NAVFAC SE, PWD Panama City

Cc: Knight.Karen@epamail.epa.gov; Byer, James; heath_rauschenberger@fws.gov;
maryann.poole@myfwc.com; goberst@pcb.gov.com; jgirvin@co.bay.fl.us; Winters, John; Bahr, Tim;
Kuncicky, Daniel; Tripp, Anthony; Kothur, Bheem
Subject: USN Coastal Systems-Naval Support Activity Panama City;FL8 170
023 792;66255 - HH - 002

In an effort to provide a more efficient service, the Florida Department of Environmental Protection's Hazardous Waste Regulation Section is forwarding the attached document to you by electronic correspondence "e-correspondence" in lieu of a hard copy through the normal postal service.

We ask that you verify receipt of this document by sending a "reply" message to epost_hwrs@dep.state.fl.us. If your email address has changed or you anticipate that it will change in the future, please advise accordingly in your reply. You may also update this information by contacting Kim Thursby at (850) 245-8792.

The attached document is in "pdf" format and will require Adobe Reader 6 or higher to open properly. You may download a free copy of this software at www.adobe.com/products/acrobat/readstep2.html
<<http://www.adobe.com/products/acrobat/readstep2.htm>> .

Please note that our documents are sent virus free. However, if you use Norton Anti-virus software, a warning may appear when attempting to open the document. Please disregard this warning.

Your cooperation in helping us affect this process by replying as requested is greatly appreciated. If you should have any questions about the attached document(s), please direct your questions to the contact person listed in the correspondence.

Tim Bahr
Environmental Administrator
Hazardous Waste Regulation

Department of Environmental Protection

E-Mail

Address: epost_hwrs@dep.state.fl.us <mailto:epost_hwrs@dep.state.fl.us>

The Department of Environmental Protection values your feedback as a customer. DEP Secretary Michael W. Sole is committed to continuously assessing and improving the level and quality of services provided to you. Please take a few minutes to comment on the quality of service you received. Simply click on this link to the DEP Customer Survey <http://survey.dep.state.fl.us/?refemail=EpostHWS@dep.state.fl.us> . Thank you in advance for completing the survey.



Florida Department of Environmental Protection

Bob Martinez Center
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

July 21, 2008

Sent Via E-mail

arturo.mcdonald@navy.mil

CDR Jessica Pfefferkorn
Commanding Officer
Naval Support Activity Panama City
101 Vernon Avenue
Panama City Beach, Florida 32407

SUBJECT: Naval Support Activity Panama City
FL8 170 023 792
Corrective Action Permit 66255 - HH - 002
Bay County

Dear CDR Pfefferkorn:

The purpose of this letter is to provide notice of intent to issue a permit modification for your facility located at 101 Vernon Avenue, in Panama City Beach, Bay County, Florida, specifically for fulfilling corrective action requirements under the Department's authorized program for implementing the federal Hazardous and Solid Waste Amendments (HSWA). Please review the attached documents and ensure publication and broadcast within the time allotted.

If you have any questions or would like to discuss this matter, please contact Daniel Kuncicky at (850) 245-8786 or Daniel.kuncicky@dep.state.fl.us

Sincerely,

Tim J. Bahr, Administrator
Hazardous Waste Regulation

TJB/dmk

cc (with enclosures):

Karen Knight, EPA/Region 4, Knight.Karen@epamail.epa.gov
Jim Byer, DEP/Pensacola, james.byer@dep.state.fl.us
Heath Rauschenberger, U.S. Fish & Wildlife Service, heath_rauschenberger@fws.gov
Mary Ann Poole, Florida Fish and Wildlife Conservation Commission, maryann.poole@myfwc.com
Gayle Oberst, Mayor/Panama City Beach, goberst@pcb.gov
Jerry L. Girvin, Chairman/Bay County Commission, jgirvin@co.bay.fl.us
John Winters, DEP/Tallahassee, John.winters@dep.state.fl.us

FACT SHEET

July 21, 2008

Facility Name: USN Coastal Systems, Jacksonville, Florida

EPA ID Number: FL8170023792

Corrective Action Permit # 66255-HH-002

Project: Site-wide Corrective Action

1. A fee in the amount of \$1,000 was received on Oct. 29, 2007
2. The permit has been modified to reflect the recently approved statements of basis for remedy selections at SWMU 2, 3 & 10 and AOC 1 .
3. The permit has been updated to include language for 62-780, F.A.C.
4. There are no issues with this permit.

**STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

In the Matter of an
Application for a Permit Modification by:

Naval Support Activity Panama City
101 Vernon Avenue
Panama City Beach, Florida 32407

*DEP File No.: 66255 – HH – 002
Bay County*

INTENT TO ISSUE

The Florida Department of Environmental Protection (“the Department”) gives notice of its intent to issue a permit modification (copy enclosed) for the proposed project as detailed in the application specified above, for the reasons stated below.

On October 22, 2007, the applicant, Naval Support Activity Panama City, applied to the Department for a permit modification to implement selected remedies at Solid Waste Management Units at the Naval Support Activity site at Panama City, Florida. The selected remedy for the Solid Waste Management Unit(s) (SWMUs) and Areas of Concern (AOC) are:

- SWMU 3 - Land Use Controls Restricting Access to Surface Soil.
- SWMUs 2 & 10 - Monitored Natural Attenuation with Land Use Controls Restricting Access to Groundwater.
- AOC 1 - Monitored Natural Attenuation with Land Use Controls Restricting Access to Soils and Groundwater.

The Department has permitting jurisdiction under Section 403.722, Florida Statutes (F.S.) and Florida Administrative Code (F.A.C.) Chapters 62-4 and 62-730. The project is not exempt from permitting procedures. The Department has determined that a corrective action permit modification is required for the proposed work. The Department intends to issue the permit modification with the conditions included in the enclosed draft.

Pursuant to Sections 403.722 and 403.815, F.S. and Rule 62-730.292, F.A.C., you (the applicant) are required to publish at your own expense the enclosed Newspaper Notice, and to broadcast over a local radio station the enclosed Radio Announcement. The notice shall be published one time only within 30 days of receipt of the Intent in the legal ad section of a daily, major newspaper of general circulation in the area affected. The newspaper must contain at least 25 percent of its words in the English language, be for sale to the public generally, be available to the public generally for the publication of official or other notices and customarily contain

information of a public character or of interest or of value to the public. The newspaper must have been in existence for one year, unless no such newspaper exists in the affected area (See Sections 50.011 and 50.031, F.S.). Where there is more than one daily newspaper of general circulation in the county, the newspaper used must be one with significant circulation in the area that may be affected by the permit. If you are uncertain that a newspaper meets these requirements, please contact the Office of General Counsel of the Department at (850) 245-2242. The applicant shall provide proof of publication to the Department of Environmental Protection at 2600 Blair Stone Road, Mail Station #4560, Tallahassee, Florida 32399-2400; Attention: Administrator, Hazardous Waste Regulation Section, within 14 days of publication. Failure to publish the notice and provide proof of publication within the allotted time may result in the denial of the permit modification.

The Radio Announcement shall be broadcast one time only within 30 days on a licensed commercial radio station of sufficient power to be clearly received in the area that may be affected by the permit. **Broadcast of the notice shall occur between 8:00 a.m. and 10:00 p.m.** The applicant shall provide proof of broadcast to the Department of Environmental Protection, 2600 Blair Stone Road, Mail Station #4560, Tallahassee, Florida 32399-2400; Attention: Administrator, Hazardous Waste Regulation Section, within 14 days of the broadcast. Failure to broadcast the announcement and provide proof of the broadcast within the allotted time may result in the denial of the permit modification.

The Department will issue the permit modification with the attached conditions unless a timely petition for an administrative hearing is filed under Sections 120.569 and 120.57, F.S., or all parties reach a written agreement on mediation as an alternative remedy under Section 120.573, F.S., before the deadline for filing a petition. The procedures for petitioning for a hearing are set forth in the enclosed Newspaper Notice. The administrative rights explained in the enclosed Newspaper Notice apply to you, as applicant and Permittee. Your 45-day period for requesting an administrative hearing begins on the date you receive this Intent.

Mediation is not available in this proceeding.

If you should have any questions please call Daniel Kuncicky at (850) 245-8786.

Executed in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



Charles F. Goddard, Chief
Bureau of Solid & Hazardous Waste

cc: Karen Knight, EPA/Region 4, Knight.Karen@epamail.epa.gov
Jim Byer, DEP/Pensacola, james.byer@dep.state.fl.us
Heath Rauschenberger, U.S. Fish & Wildlife Service, heath_rauschenberger@fws.gov
Mary Ann Poole, Florida Fish and Wildlife Conservation Commission,
maryann.poole@myfwc.com
Gayle Oberst, Mayor/Panama City Beach, goberst@pcb.gov
Jerry L. Girvin, Chairman/Bay County Commission, jgirvin@co.bay.fl.us
John Winters, DEP/Tallahassee, John.winters@dep.state.fl.us

Newspaper Notice:

FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

NOTICE OF INTENT TO ISSUE

THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FDEP) GIVES NOTICE OF ITS INTENT TO ISSUE A PERMIT MODIFICATION UNDER SECTION 403.722, FLORIDA STATUTES (F.S.), AND CHAPTERS 62-4 AND 62-730, FLORIDA ADMINISTRATIVE CODE (F.A.C.) TO NAVAL SUPPORT ACTIVITY PANAMA CITY. The permit relates to Naval Support Activity, Panama City, Florida 32407, facility I.D. number FL8 170 023 792 and is issued as part of FDEP's hazardous waste management program, authorized pursuant to the Resource Conservation and Recovery Act and the Hazardous and Solid Waste Amendments.

The draft permit modification contains the modifications for Corrective Action permit 66255 – HH - 002. The permit modification is for the purpose of fulfilling corrective action requirements under the Department's authorized program for implementing the federal Hazardous and Solid Waste Amendments (HSWA) at the Naval Support Activity site at Panama City, Florida. The selected remedies for Solid Waste Management Unit(s) (SWMU)(s) and Areas of Concern (AOC) are: SWMU 3 - Land Use Controls Restricting Access to Surface Soil, SWMUs 2 & 10 - Monitored Natural Attenuation with Land Use Controls Restricting Access to Groundwater, and AOC 1 - Monitored Natural Attenuation with Land Use Controls Restricting Access to Soils and Groundwater.

Copies of the application and the draft permit modification are available for public inspection during normal business hours 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at FDEP, Northwest District Office, Suite 104, 160 Governmental Center, Pensacola, Florida 32502, (850)595-8360 and at Division of Waste Management, Bureau of Solid & Hazardous Waste (BSHW), Bob Martinez Center, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, (850) 245-8786.

A person whose substantial interests are or will be affected by the Intent to Issue may petition for an administrative determination (hearing) under Sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed (received) in FDEP's Office of General Counsel, Agency Clerk, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000. Petitions filed by the permit applicant and any parties entitled to written notice under Section 120.60(3), F.S. must be filed within 45 days of receipt of the Intent. Petitions filed by any other persons must be filed within 45 days of publication of this notice or receipt of the Intent, whichever occurs first. A petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition within this time period shall constitute a waiver of that person's right to request a hearing under Sections 120.569 and 120.57, F.S. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

A petition that disputes the material facts on which FDEP's action is based must contain the following information:

(a) The name, address, and telephone number of each petitioner, the applicant's name and address, the FDEP Permit File Number and the county in which the project is proposed; (b) A statement of how and when each petitioner received notice of FDEP's proposed action; (c) A statement of how each petitioner's substantial interests are affected by FDEP's proposed action; (d) A statement of all material facts disputed by petitioner, or a statement that there are no disputed facts; (e) A statement of facts which petitioner contends warrant reversal or modification of FDEP's proposed action; (f) A statement of which rules or statutes the petitioner contends require reversal or modification of FDEP's proposed action; and (g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants FDEP to take with respect to the proposed action.

A petition that does not dispute the material facts on which FDEP's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that FDEP's final action may be different from the position taken by it in this notice. Persons whose substantial interests will be affected by any such final decision of FDEP have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Any person may request a public meeting regarding the proposed permitting decision pursuant to Section 403.722(10), F.S. A request for a public meeting is not equivalent to a request for a formal or informal administrative hearing. Public meetings are not evidentiary in nature, and information submitted at a public meeting is for non-binding consideration only. A public meeting is not subject to court or appellate review. A request for a public meeting must be filed (received) in the Office of General Counsel, Agency Clerk, within 45 days of publication of this notice. Failure to file a request for a public meeting within this time period shall constitute a waiver of any right such a person may have to request a meeting under Section 403.722(10), F.S.

Mediation is not available in this proceeding.

Radio Announcement:

**FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
NOTICE OF INTENT TO ISSUE**

The Florida Department of Environmental Protection gives notice of its intent to issue a permit modification to Naval Support Activity, Panama City, Florida, I.D. number FL8 170 023 792. The permit modification is to be issued under Section 403.722, Florida Statutes, and Chapters 62-4 and 62-730, Florida Administrative Code, as authorized by the Resource Conservation and Recovery Act and the Hazardous and Solid Waste Amendments. The permit modifications contain conditions for fulfilling corrective action requirements under the Department's authorized program for implementing the federal Hazardous and Solid Waste Amendments. The selected remedies can be found in the application.

A person who is or will be substantially affected by the Department's proposed permitting decision may file a petition for an administrative hearing in accordance with Sections 120.569 and 120.57, Florida Statutes. Any person may request a public meeting pursuant to Section 403.722(10), Florida Statutes. A petition for an administrative hearing or a request for a public meeting must be filed with the Agency Clerk, Office of General Counsel within forty-five days of this announcement.

Mediation is not available in this proceeding.

For more information concerning the hearing process and the necessary time frames for filing, please contact the Office of General Counsel at (850) 245-2242. Copies of the application and the draft permit modification are available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Department's Hazardous Waste Regulation Section, 2600 Blair Stone Road, Tallahassee, Florida, 32399-2400, (850) 245-8786 and at the Department of Environmental Protection, Northwest District Office, Suite 104, 160 Governmental Center, Pensacola, Florida 32502, (850) 595-8360.