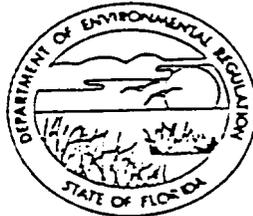


STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL REGULATION

1014

WEST DISTRICT
ENVIRONMENTAL CENTER
PENSACOLA, FLORIDA 32501-5794



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NAS PENSACOLA
5090.3a

September 26, 1984

CERTIFIED, RETURN
RECEIPT REQUESTED

Captain William H. Harmon
CEC, USN
Commanding Office
NAS, Public Works Center
Pensacola, Florida 32508

Dear Captain Harmon:

Re: Hazardous Waste Temporary Operation Permit
Escambia County - HT17-68087

This letter of intent supersedes the letter of intent dated April 12, 1984.

Pursuant to Section 403.815, Florida Statutes, 2nd Florida Administrative Code Rule 17-1.62, you are required to publish at your own expense the attached notice of the Department's intent to issue a permit to temporarily operate hazardous waste storage surface impoundments at the industrial waste treatment facility and to store hazardous waste in containers at the Defense Property Disposal Office end in Building 71.

The Department regulates this activity under the authority granted by Section 403.722, Florida Statutes. After publication of notice the Department intends to issue the permit pursuant to Florida Administrative Code Rule 17-4.07 for the following reasons:

Engineering design and operation **plans**, under the direction of a registered professional engineer, provide the necessary assurance that the facility is in compliance with the interim standards contained in 40 CFR 265 as adopted in Florida Administrative Code Rule 17-30.18.

Issuance of this temporary operating permit under Florida Administrative Code Rule 17-30.23 will enable the facility to remain in operation until July 1, 1987, at which time compliance with all Department standards will be achieved. These include a permanent container storage facility and an approved ground water monitoring and corrective action plan.

Encl: (1)

The notice should be published, one time only, in the legal ad section of the Pensacola News-Journal, and broadcast one time only over a local radio station, as soon as possible. Pursuant to Florida Administrative Code Rule 17-1.62(3)(a), the provisions of Section 120.60(2), Florida Statutes, shall be held in abeyance until forty-five days after publication of the public notice. Requests for administrative hearings may be made by affected third parties during the forty-five day period after publication of notice.

The Department, in accordance with Florida Administrative Code Rule 17-1.62, is required to have proof that the public notice was given. Therefore, it is your responsibility to insure an affidavit of publication is provided to the Department within seven days of publication of the notice.

The Department shall issue the permit with the attached conditions unless an appropriate petition is filed for a hearing pursuant to the provisions of Section 120.57, Florida Statutes. At such formal hearing, all parties shall have an opportunity to present evidence and argument on all issues involved, to conduct cross-examination and submit rebuttal evidence, to submit proposed findings of fact and orders, to file exceptions to any order or hearing officer's recommended order and to be represented by counsel.

Any petition for a hearing must comply with the requirements of Part III, Chapter 17-1, and Florida Administrative Code Rule 28-5.201, (copies enclosed) and be filed with the Office of General Counsel of Department of Environmental Regulation at Twin Towers Office Building, 2600 Blair Stone Road, Tallahassee, Florida 32301, with a copy to this office within forty-five (45) days of receipt of notice. Petitions which are not filed in accordance with the above provisions may be subject to dismissal.

Sincerely


Robert V. Kriegel
District Manager

RVK/wkf

Attachment

cc: Susan Keil, Esq.; DER Tallahassee
Board of County Commissioners, Escambia County

Notice of Proposed Agency Action

The Department of Environmental Regulation gives notice of its intent to issue a permit to Public Works Center, NAS, Pensacola, to temporarily operate hazardous waste containers storage facilities and storage surface impoundments.

Any interested person may submit written comments on this proposed agency action to the Department of Environmental Regulation, Northwest District Office, 160 Governmental Center, Pensacola, Florida 32501-5794 within forty-five (45) days of publication of this notice.

A person who is substantially affected by the department's proposed permitting decision may request a hearing in accordance with Section 120.57, Florida Statutes, and Chapters 17-103 and 28-5, Florida Administrative Code. Any person may request a public meeting pursuant to Section 403.722(10), Florida Statutes. The request for a hearing or meeting must be filed (received) in the Office of General Counsel of the Department at 2600 Blair Stone Road, Twin Towers Office Building, Tallahassee, Florida 32301 within forty-five (45) days of publication of this notice. Failure to file a request for hearing within this time period shall constitute a waiver of any right such person may have to request a hearing under Section 120.57, Florida Statutes, or a meeting under Section 403.722(10), Florida Statutes.

If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, the department's final action may be different from the proposed agency action. Persons whose substantial interests will be affected by any decision of the department have the right to intervene in the proceeding. A petition for intervention must be filed pursuant to Model Rule 28-5.207, Florida Administrative Code, at least five (5) days before the final hearing and be filed with the Hearing Officer if one has been assigned at the Division of Administrative Hearings, Department of Administration, 2009 Apalachee Parkway, Tallahassee, Florida 32301. If no Hearing Officer has been assigned, the petition is to be filed with the Department's Office of General Counsel, 2600 Blair Stone Road, Tallahassee, Florida 32301. Failure to petition to intervene within the allowed time frame constitutes a waiver of any right such person has to an administrative determination (hearing) under Section 120.57, Florida Statutes.

The application and a copy of the proposed permit is 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 of Environmental Regulation, Northwest District Office, 160 Governmental Center, Pensacola, Florida 32501-5796.