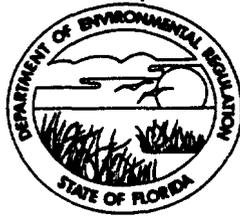


STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL REGU

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TWIN TOWERS OFFICE BUILDING
2600 BLAIR STONE ROAD
TALLAHASSEE, FLORIDA 32301-8241



BOB GRAHAM
GOVERNOR
VICTORIA J. TSCHINKEL
SECRETARY

December 3, 1984

Mr. D. R. Spell, P.E.
Head, Environmental Branch
Naval Facilities Engineering Command
Post Office Box 10068
Charleston, South Carolina 29411

Dear Mr. Spell:

The attached memorandum outlines the department's new enforcement policy regarding environmental problems on Florida's military facilities. By advising you of this guidance, we hope to realize a more timely response to existing and future problems through a better understanding of our priorities and course of action.

In addition to the new guidance, we have established an internal procedure whereby all reports and data generated as a part of the Military's Installation Restoration Program (IRP) will be reviewed by and coordinated through the Bureau of Operations in our Tallahassee office. Please send two copies of future IRP information directly to Mr. John Ruddell, Chief of the Bureau of Operations as well as one copy to our District office. This process will eliminate the potential for conflicting directions from various DER offices. Contact Mr. Ruddell at (904) 488-0190, should you have any questions regarding these procedures,

Sincerely,

Victoria J. Tschinkel
Secretary

VJT/bs
Attachment

cc: Mr. Charles Jeter, EPA Region IV
Mr. Lee Thomas, EPA Washington

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STATE OF FLORIDA

DEPARTMENT OF ENVIRONMENTAL REGULATION

TWIN TOWERS OFFICE BUILDING
2800 BLAIR STONE ROAD
TALLAHASSEE, FLORIDA 32301-8241



BOB GRAHAM
GOVERNOR
VICTORIA J. TSCHINKEL
SECRETARY

TO: District Managers/Enforcement Managers
Division Directors
Mary Smallwood

FROM: Victoria J. Tschinke *VJ*

DATE: November 28, 1984

SUBJECT: Enforcement - Military Facilities

A variety of environmental and potential public health problems exist on military installations around the state. These facilities encompass roughly 700,000 acres statewide.

You are aware of many of the past and present problems on these facilities. Some of the problems are minor. Others are major, such as groundwater and surface water contamination. Response to our enforcement efforts to date has been inconsistent from district to district, generally because of decision-making constraints imposed on the local base commander or lack of standards and procedures on the part of the Department of Defense. In addition, our resolution efforts have been lengthy because of delays encountered in negotiating the legal instrument or the use of informal approaches to remedy environmental problems. The EPA's efforts to address these issues have been ineffective because it has entered into a Memorandum of Understanding with the Defense Department delegating the EPA's responsibilities to the Defense Department, which in turn has delegated its authority to the secretaries of the Army, Navy and Air Force.

Henceforth, major environmental problems (major is defined as significant groundwater or surface water contamination, significant potential for long-term contamination, Class I RCRA violations, construction or operation without appropriate permits) will be handled as follows:

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Memorandum

Page Two

November 28, 1984

A. A Warning Notice will be sent initially advising the base commander of the violation and that the department is proceeding with an administrative action against the military service. The Notice should further state that if the base commander wishes to discuss the issues, the commander should respond within 10 days of receipt of the Notice. The Notice will be signed by the District Manager or in his absence, the Enforcement Administrator. Send copies of the Warning Notice to Bill Buzick and Dan Thompson.

B. The NOV is to be prepared and issued within 30 days of the date of the Warning Notice. The NOV will be signed by the District Manager after coordination and approval by the OGC. If an imminent hazard exists, a case report should be sent to legal within this time frame so that judicial proceeding can be instituted in the federal courts for injunctive relief in lieu of an NOV.

C. If a positive response is received to the Warning Notice (plan of action with compliance dates and commitments provided), negotiate the Orders for Corrective Action and subsequently issue the NOV within 60 days of the response date. If no hearing is requested, either Al Devereaux or I will sign the Final Order. The option for a Consent Order will remain available provided a signature by the responsible party is obtained within 60 days of date of execution of the NOV. Otherwise, do not use this legal instrument. Dan Thompson is to be advised and must concur that the Consent Order process is the appropriate method for use.

Many of the problems you have identified in your recent memos to Bill Buzick should be handled in this manner. Please note, the time clock or day one, for this process begins from the date you receive data confirming the presence of an uncontrolled or unmanaged problem. These issues are to be tracked very closely by the Enforcement Managers. Should you have questions concerning this process or what constitutes a major problem, please contact Dan Thompson or Bill Buzick.

VJT/bbs

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