

N00204.AR.004651  
NAS PENSACOLA  
5090.3a

LETTER REGARDING REVIEW COMMENTS AND ACCEPTANCE FROM FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION OF FINAL REMEDIAL ACTION PLAN  
REVISION 3 UNDERGROUND STORAGE TANK SITE 22 NAS PENSACOLA FL  
5/6/2014  
FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION



**FLORIDA DEPARTMENT OF  
ENVIRONMENTAL PROTECTION**

BOB MARTINEZ CENTER  
2600 BLAIRSTONE ROAD  
TALLAHASSEE, FLORIDA 32399-2400

RICK SCOTT  
GOVERNOR

CARLOS LOPEZ-CANTERA  
LT. GOVERNOR

HERSCHEL T. VINYARD JR.  
SECRETARY

May 6, 2014

Ms. Patty Marajh-Whittemore  
Remedial Project Manager  
ITP Gulf Coast  
Naval Facilities Engineering Command Southeast  
Attention: AJAX Street, Building 135N  
Post Office Box 30A  
Jacksonville, Florida 32212-0030

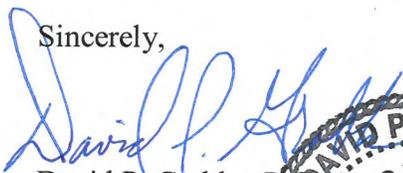
Subject: Final Remedial Action Plan, Revision 3, Underground Storage Tank Site 22, Naval Air Station Pensacola, Pensacola, Florida

Dear Ms. Marajh-Whittemore:

The Department has completed its review of the Final Remedial Action Plan (Revision 3) for Underground Storage Tank Site 22, Naval Air Station Pensacola, dated September 2013 (received September 16, 2013), prepared and submitted by Tetra Tech, Inc. Based upon my review, the enclosed Remedial Action Plan Approval Order was signed by Mr. Doug Jones, Waste Cleanup Program Administrator.

If you have any concerns regarding this letter, please contact me at (850) 245-8997.

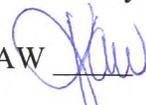
Sincerely,

  
David P. Grabka, P.E.  
Remedial Project Manager  
DoD and Brownfields Partnerships  
Waste Cleanup Program



6 May 2014  
Date

CC: Greg Campbell, NAS Pensacola  
Gerry Walker, Tetra Tech, Tallahassee

KAW 

DOD\_11\_3474

[www.dep.state.fl.us](http://www.dep.state.fl.us)



**FLORIDA DEPARTMENT OF  
ENVIRONMENTAL PROTECTION**

BOB MARTINEZ CENTER  
2600 BLAIRSTONE ROAD  
TALLAHASSEE, FLORIDA 32399-2400

RICK SCOTT  
GOVERNOR

CARLOS LOPEZ-CANTERA  
LT. GOVERNOR

HERSCHEL T. VINYARD JR.  
SECRETARY

May 1, 2014

Ms. Patty Marajh-Whittemore  
Remedial Project Manager  
ITP Gulf Coast  
Naval Facilities Engineering Command Southeast  
Attention: AJAX Street, Building 135N  
Post Office Box 30A  
Jacksonville, Florida 32212-0030

Subject: Remedial Action Plan Approval Order  
Underground Storage Tank Site 22  
Naval Air Station Pensacola  
Pensacola, Escambia County  
OCULUS Site ID: DOD\_11\_3474

Dear Ms. Marajh-Whittemore:

The Waste Cleanup Program has reviewed the final Remedial Action Plan (RAP), Revision 3, dated September 2013 (received September 16, 2013), prepared and submitted by Tetra Tech, Inc., for the site referenced above. The RAP consists of several components that include: soil excavation, an engineering control evaluation of the seawall, groundwater monitoring including the evaluation of natural attenuation, and the preparation and implementation of land use controls.

We found all the documents submitted to date to be adequate to meet the RAP requirements of rule 62-780.700, Florida Administrative Code (F.A.C.). The Florida Department of Environmental Protection (the Department) has determined that the actions proposed in this RAP represent a reasonable strategy toward partially accomplishing the site-specific cleanup objectives. However, implementation of this RAP will not result in a complete cleanup to the applicable cleanup target levels referenced in Chapter 62-777, F.A.C., or site-specific cleanup target levels. A subsequent phase of remedial design will be necessary to accomplish the necessary comprehensive cleanup in accordance with Chapter 62-780, F.A.C. Pursuant to Paragraph 62-780.700(8)(a), F.A.C., the Department approves the RAP as described in this 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(15), F.A.C., may be submitted to the Department or the Department may require the preparation and submittal of a RAP Modification to enhance the active remediation. Depending on the nature of the system 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 Patty Marajh-Whittemore/Naval Facilities Engineering Command Southeast, shall mail a copy of the request to Patty Marajh-Whittemore/Naval Facilities Engineering Command Southeast 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 Patty Marajh-Whittemore/Naval Facilities Engineering Command Southeast, shall mail a copy of the petition to Patty Marajh-Whittemore/Naval Facilities Engineering Command Southeast 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 as of the date on the top of the first 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).

Ms. Patty Marajh-Whittemore  
Remedial Action Plan  
Underground Storage Tank Site 22  
Page 2 of 2  
May 1, 2014

Questions

Any questions regarding the Department's review of your Interim Measures Work Plan should be directed to David Grabka at (850) 245-8997. 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 an administrative hearing or a request for an extension of time to file a petition for an administrative hearing.

Sincerely,



Douglas A. Jones, Program Administrator  
Waste Cleanup Program

DAJ/dpg

ec: David Grabka, FDEP, DoD and Brownfields Partnerships – david.grabka@dep.state.fl.us  
Gerry Walker, Tetra Tech, 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)

May 1, 2014  
Date