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WETLAND RESOURCE PERMIT WITH TRANSMITTAL FOR SITE 19 NAS PENSACOLA FL
6/11/2010
FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION



Florida Department of Environmental Protection

160 Governmental Center, Suite 308
Pensacola, Florida 32502-5794

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

June 11, 2010

Navy Public Works Dept.
Naval Air Station Pensacola
Attn: Mr. William H. Taylor
310 John Tower Road
Pensacola, FL 32508

Dear Mr. Taylor,

Enclosed is Wetland Resource Permit, Permit/ Authorization No. 17-300755-001-DF, issued pursuant to Part IV of Chapter 373, Florida Statute, and Title 62, Florida Administrative Code.

Appeal rights for you as the permittee and for any affected third party are described in the text of the permit along with conditions which must be met when permitted activities are undertaken. Please review this document carefully to ensure compliance with both the general and specific conditions contained herein. If you have any questions about this document, please contact me at 850-595-8300, extension 1127.

Sincerely,

A handwritten signature in blue ink, appearing to read "S. Kell", written over a horizontal line.

Sarah Kell
Environmental Specialist
Submerged Lands & Environmental
Resources Program



Florida Department of Environmental Protection

160 Governmental Center, Suite 308
Pensacola, Florida 32502-5794

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WETLAND RESOURCE FIELD PERMIT

In the Matter of an
Application for Permit

Navy Public Works Dept.
Naval Air Station Pensacola
310 John Tower Road
Pensacola, FL 32508

DEP FILE NO: 17-300755-001-DF

COUNTY: Escambia

Date of Issue: June 10, 2010

Expiration Date: June 10, 2015

Latitude/Longitude: 30° 20' 34.00" North/
-87° 19' 38.00" West

You are hereby granted *regulatory* authorization to impact 0.0009 acres of jurisdictional wetlands to investigate and remediate the soil and groundwater contamination at Site 19 on Naval Air Station Pensacola. The project will be conducted in two phases. The first phase will involve Membrane Interface Probes (MIP) and discrete vertical sampling using Direct Push Technology (DPT) to identify and determine the extent of any residual source material. A total of 26 MIP and four DPT points will be located within wetlands; sample points are three-inches in diameter for a total wetland impact of 1.5 square feet/0.00003 acres. Based on the findings in phase one, phase two will involve the installation of groundwater monitoring wells (MWs) and remediation system, air sparging wells (ASWs). Approximately 14 MWs and 32 ASWs will be placed within wetlands; wells are 12-inches in diameter for a total wetland impact of 35.9 square feet/0.0008 acres, as shown on the enclosed agreed upon drawings. The activity is located on Naval Air Station, Site 19, in Pensacola, on unnamed wetlands, Class III Waters of the State, Prohibited Shellfish Harvesting Area, Section 17, Township 03-South, Range 31-West, Latitude 30° 20' 34.00" North, Longitude -87° 19' 38.00" West, in Escambia County and is issued pursuant to Chapters 403 and 373 Florida Statutes and Administrative Codes 62-4, 62-312 and 62-302. This authorization is conditioned upon the acceptance of and compliance with the attached *Regulatory General Conditions*.

This Permit in no way waives the authority and/or jurisdiction of any government entity, nor does it disclaim any title interest the state may have in the project site. Please check with your local government for specific requirements. Where local governments have standards, the more stringent standards shall apply.

The attached approved construction plans are part of your field permit and construction must be in accordance with those plans. Your rights pursuant to Chapter 120, Florida Statutes, are described in the enclosed notice.

A copy of this Permit will be sent to the U.S. Army Corp of Engineers for review and may require a separate permit issued by them. Failure to obtain their authorization prior to construction could subject you to their enforcement action.

RIGHTS OF AFFECTED PARTIES:

This permit is hereby granted. This action is final and effective on the date filed with the Clerk of the Department unless a sufficient petition for an administrative hearing is timely filed under sections 120.569 and 120.57 of the Florida Statutes as provided below. If a sufficient petition for an administrative hearing is timely filed, this action automatically becomes only proposed agency action on the application, subject to the result of the administrative review process. Therefore, on the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department. Because an administrative hearing may result in the reversal or substantial modification of this action, the applicant is advised not to commence construction or other activities until the deadlines noted below for filing a petition for an administrative hearing or request for an extension of time have expired.

Mediation is not available.

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under sections 120.569 and 120.57 of the Florida Statutes. The petition must contain the information set forth below and must be filed (received by the clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

Under rule 62-110.106(4) of the Florida Administrative Code, a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, before the applicable deadline. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon. If a request is filed late, the Department may still grant it upon a motion by the requesting party showing that the failure to file a request for an extension of time before the deadline was the result of excusable neglect.

If a timely and sufficient petition for an administrative hearing is filed, other persons whose substantial interests will be affected by the outcome of the administrative process have the right to petition to intervene in the proceeding. Intervention will be permitted only at the discretion of the presiding officer upon the filing of a motion in compliance with rule 28-106.205 of the Florida Administrative Code.

In accordance with rule 62-110.106(3), Florida Administrative Code, petitions for an administrative hearing by the applicant must be filed within **21 days** of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under section 120.60(3) of the Florida Statutes must be filed within **21 days** of publication of the notice or within **21 days** of receipt of the written notice, whichever occurs first. Under section 120.60(3) of the Florida Statutes, however, any person who has asked the Department for notice of agency action may file a petition within **21 days** of receipt of such notice, regardless of the date of publication.

The 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 for an administrative hearing within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under sections 120.569 and 120.57 of the Florida Statutes.

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

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decision;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action;
- (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

A petition that does not dispute the material facts on which the Department'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.

Under sections 120.569(2)(c) and (d) of the Florida Statutes, a petition for administrative hearing must be dismissed by the agency if the petition does not substantially comply with the above requirements or is untimely filed.

This permit constitutes an order of the Department. Subject to the provisions of paragraph 120.68(7)(a) of the Florida Statutes, which may require a remand for an administrative hearing, the applicant has the right to seek judicial review of the order under section 120.68 of the Florida Statutes, by the filing of a notice of appeal under rule 9.110 of the Florida Rules of Appellate Procedure with the Clerk of the Department in the Office of General Counsel, 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 from the date when the order is filed with the Clerk of the Department. The applicant, or any party within the meaning of section 373.114(1)(a) or 373.4275 of the Florida Statutes, may also seek appellate review of the order before the Land and Water Adjudicatory Commission under section 373.114(1) or 373.4275 of the Florida Statutes. Requests for review before the Land and Water Adjudicatory Commission must be filed with the Secretary of the Commission and served on the Department within 20 days from the date when the order is filed with the Clerk of the Department.

STATE OF FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION


Hector Hernandez (date) 6/10/10
Agent


Sarah Kell (date) 6/10/10
Environmental Specialist
Submerged Lands and Environmental
Resources Program

Enclosures: ___ General Conditions (Regulatory)
___ Specific Conditions
___ Vicinity Map and Permit Drawings

c: Hector Hernandez, CH2M Hill, Inc., Agent
Army Corps of Engineers

REGULATORY GENERAL CONDITIONS:

1. The terms, conditions, requirements, limitations and restrictions set forth in this permit, are "permit conditions" and are binding and enforceable pursuant to sections 403.141, 403.727, or 403.859 through 403.861, F.S. The permittee is placed on notice that the Department will review this permit periodically and may initiate enforcement action for any violation of these conditions.
2. This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action by the Department.
3. As provided in subsections 403.087(6) and 403.722(5), F.S., the issuance of this permit does not convey any vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations. This permit is not a waiver of or approval of any other Department permit that may be required for other aspects of the total project which are not addressed in this permit.
4. This permit conveys no title to land or water, does not constitute State recognition or acknowledgment of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title.
5. This permit does not relieve the permittee from liability for harm or injury to human health or welfare, animal, or plant life, or property caused by the construction or operation of this permitted source, or from penalties therefore; nor does it allow the permittee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department.
6. The permittee shall properly operate and maintain the facility and systems of treatment and control (and related appurtenances) that are installed and used by the permittee to achieve compliance with the conditions of this permit, that are required by Department rules. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit and when required by Department rules.

7. The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, upon presentation of credentials or other documents as may be required by law and at reasonable times, access to the premises where the permitted activity is located or conducted to:

- a. Have access to and copy any records that must be kept under conditions of the permit;
- b. Inspect the facility, equipment, practices, or operations regulated or required under this permit; and
- c. Sample or monitor any substances or parameters at any location reasonable necessary to assure compliance with this permit or Department rules.

Reasonable time may depend on the nature of the concern being investigated.

8. If, for any reason, the permittee does not comply with or will be unable to comply with any condition or limitation specified in this permit, the permittee shall immediately provide the Department with the following information:

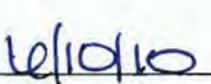
- a. A description of and cause of noncompliance; and
- b. The period of noncompliance, including dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance. The permittee shall be responsible for any and all damages which may result and may be
- c. Subject to enforcement action by the Department for penalties or for revocation of this permit.

9. In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted source which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the permitted source arising under the Florida Statutes or Department rules, except where such use is prescribed by sections 403.111 and 403.73, F.S. Such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.

10. The permittee agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance; provided, however, the permittee does not waive any other rights granted by Florida Statutes or Department rules. A reasonable time for compliance with a new or amended surface water quality standard, other than those standards addressed in rule 62-302.500, F.A.C., shall include a reasonable time to obtain or be denied a mixing zone for the new or amended standard.

11. This permit is transferable only upon Department approval in accordance with rules 62-4.120 and 62-730.300, F.A.C., as applicable. The permittee shall be liable for any non-compliance of the permitted activity until the transfer is approved by the Department.
12. This permit or a copy thereof shall be kept at the work site of the permitted activity.
13. This permit also constitutes Certification of Compliance with State Water Quality Standards (Section 401, PL 92-500).
14. The permittee shall comply with the following:
 - a. Upon request, the permittee shall furnish all records and plans required under Department rules. During enforcement actions, the retention period for all records will be extended automatically unless otherwise stipulated by the Department.
 - b. The permittee shall hold at the facility or other location designated by this permit records of all monitoring information (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation) required by the permit, copies of all reports required by this permit, and records of all data used to complete the application for this permit. These materials shall be retained at least three years from the date of the sample, measurement, report, or application unless otherwise specified by Department rule.
 - c. Records of monitoring information shall include:
 1. the date, exact place, and time of sampling or measurements;
 2. the person responsible for performing the sampling or measurements;
 3. the dates analyses were performed;
 4. the person responsible for performing the analyses;
 5. the analytical techniques or methods used; and
 6. the results of such analyses.
15. When requested by the Department, the permittee shall within a reasonable time furnish any information required by law which is needed to determine compliance with the permit. If the permittee becomes aware the relevant facts were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be corrected promptly.


Hector Hernandez (date)
Agent

 
Sarah Kell (date)
Environmental Specialist
Submerged Lands and Environmental
Resources Program

SPECIFIC CONDITIONS:

1. This permit shall be readily available at the project site to any duly authorized representative of the Department, the U.S. Army Corps of Engineers, or any empowered law enforcement officer. A copy of this permit and associated drawings shall be clearly posted and remain on site at all times during the activities. In addition to having the permit on site, the permittee is required to have a weather resistant sign, no smaller than 8 ½ inches by 11 inches that states **DEP Permit No. 17-300755-001-DF**. This sign must be posted in such a location that it can be clearly seen from the road. This sign shall be posted on site for the duration of the construction authorized by this permit.
2. If during the progress of this project prehistoric or historic artifacts, such as pottery or ceramics, stone tools or metal implements, dugout canoes, or any other physical remains that could be associated with Native American cultures or early colonial or American settlement are encountered at any time within the project site area, the permitted project should cease all activities involving subsurface disturbance in the immediate vicinity of such discoveries. The permittee, or other designee, shall contact the Florida Department of State, Division of Historical Resources, Review and Compliance Section at (850) 245-6333 or (800) 847-7278, as well as the appropriate permitting agency office. Project activities should not resume without verbal and/or written authorization from the Division of Historical Resources. In the event that unmarked human remains are encountered during permitted activities, all work shall stop immediately and the proper authorities notified in accordance with Section Chapter 872.05, Florida Statutes.
3. At least 48 hours and no more than one week prior to commencement of work authorized by this permit, the permittee shall notify the Department of Environmental Protection, Submerged Lands & Environmental Resources Program, Compliance and Enforcement Section, Suite 202, Northwest District Office, 160 Governmental Center, Pensacola, Florida 32502-5794, in writing. The Department telephone number for reporting problems, malfunctions or exceedances under this permit is (850) 595-8300 during normal working hours.
4. If the approved permit drawings conflict with the specific conditions, then the specific conditions shall prevail.
5. This permit does not authorize the construction of any additional structures not illustrated on the permit drawings.
6. All wetland areas and water bodies which are adjacent to the specific limits of construction authorized by this permit shall be protected from erosion, sedimentation, siltation, scouring, excess turbidity or dewatering.

7. Any damage to wetland areas outside of the permitted footprint shall be reported within 24 hours of detection to SLERP Compliance and Enforcement Section at (850) 595-8300. The permittee may be responsible for restoring the area to pre-construction conditions as so determined by the Department.

8. All storage or stockpiling of tools or materials shall be limited to uplands or within the impact areas authorized by this project.

9. Erosion controls are required in upland work areas adjacent to any wetlands.

10. Erosion controls are not required around the Membrane Interface Probe (MIP) and Direct Push Technology (DPT) sample points and/or the groundwater monitoring wells (MWs) and air sparging wells (ASWs) as long as the work does not adversely impact turbidity. If erosion controls are needed, best management practices shall be utilized.

11. Best management practices for erosion control shall be implemented and maintained at all times during construction to prevent siltation and turbid discharges in excess of State water quality standards pursuant to Rule 62-302, F.A.C. Methods shall include, but are not limited to the use of staked hay bales, staked filter cloth, sodding, seeding, and mulching; staged construction; and the installation of turbidity screens around the immediate project site.

The permittee shall be responsible for ensuring that erosion control devices/procedures are inspected and maintained daily during all phases of construction authorized by this permit until all areas that were disturbed during construction are sufficiently stabilized to prevent erosion, siltation, and turbid discharges.

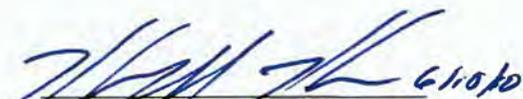
12. The following measures shall be taken by the permittee whenever turbidity levels, within waters of the State, exceed 29 nephelometric turbidity units (NTUs) above background level:

- a. Immediately cease all work contributing to the water quality violation.
- b. Stabilize all exposed soils contributing to the water quality violation, modify the work procedures that were responsible for the violation, install more turbidity containment devices and repair any non-functioning turbidity containment devices.
- c. Notify the Department of Environmental Protection (DEP), Northwest District, within 24 hours of the time the violation is first detected.

13. Prior to any sampling or well installation, a gopher tortoise habitat survey shall be conducted and all burrows shall be marked as to avoid any disturbance to these critical areas.

14. Removal of wetland vegetation to provide site access shall be minimized to the maximum extent possible.

15. Removal of wetland trees shall be limited to those having a 12-inch or less diameter. At no time shall root balls be removed.
16. No heavy equipment shall be used to remove or clear any wetland vegetation.
17. Native trees that are removed/cleared shall be allowed to remain in the wetlands to naturally decompose; exotic, invasive species shall be removed.
18. All other cleared vegetation, trash, garbage and any other type of debris shall be removed from wetlands/waters of the state within 14 days of completion of the work authorized in this permit.
19. Access through wetlands shall require the use of equipment with tracks or with low ground pressure tires, the temporary placement of mats over the marsh, or the lifting of equipment over the wetland areas into the sites. No dredging or filling, other than the mats, is authorized for access to the sites. Mats, if used, shall be removed within 24 hours following completion of the activities authorized by this permit.
20. The locations of the MWs and ASWs may change based on the findings of the MIP/DPT samples. Prior to commencement of work, the FDEP shall be noticed of any substantial changes to the number of wells needed to be installed or increase of wetland impacts to occur. Depending on the changes a permit modification may be needed.
21. Any contaminated soil removed shall be contained in an appropriate storage vessel and properly disposed of.
22. No substances in concentrations which injure, are chronically toxic to, or produce adverse physiological or behavioral response in humans, animals, or plants shall be present.
23. Any required reports to FDEP Bureau of Waste Cleanup shall be submitted and approved prior to commencement of work.

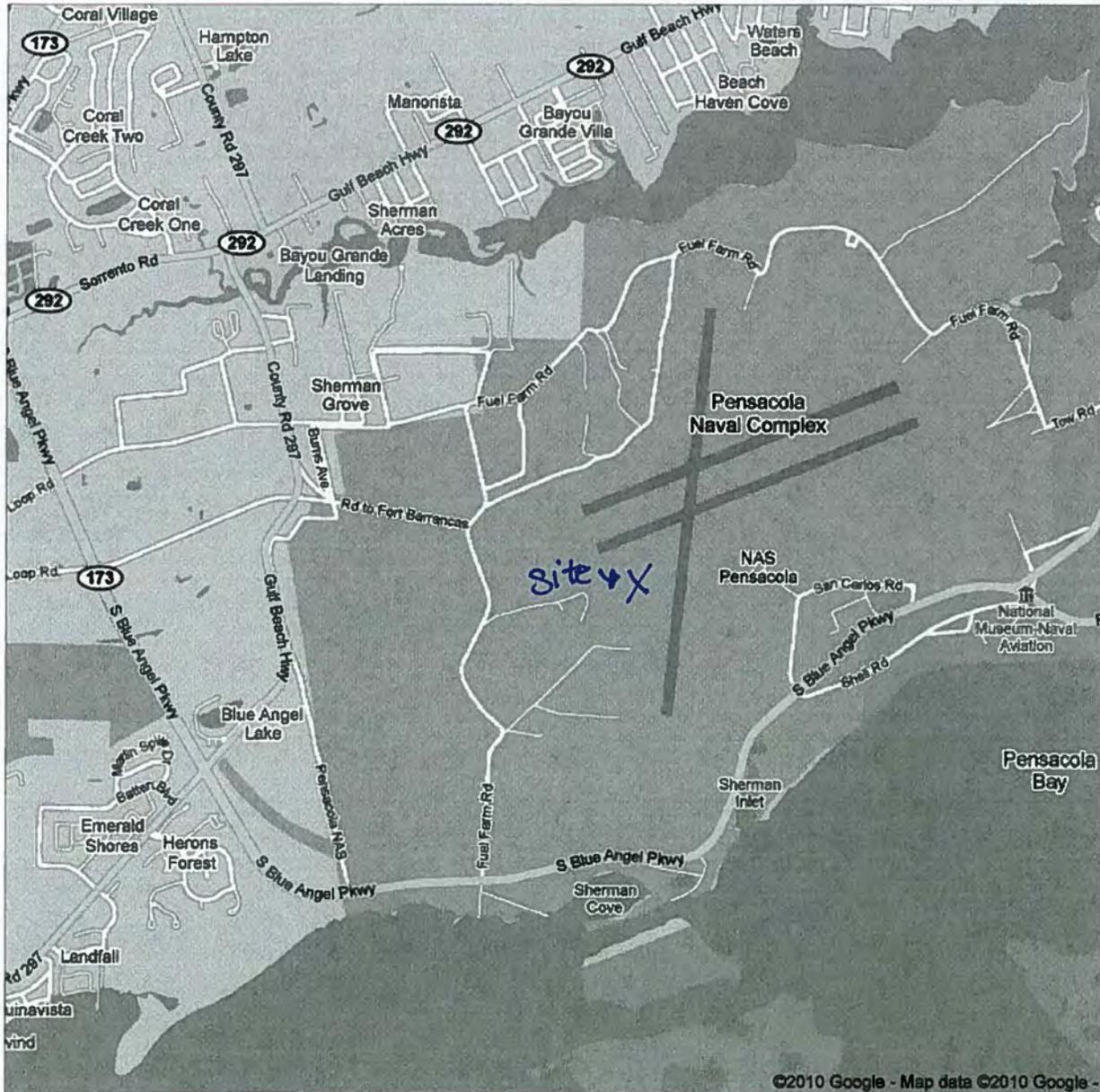

Hector Hernandez (date) 6/10/10
Agent

 6/10/10
Sarah Kell (date)
Environmental Specialist
Submerged Lands and Environmental
Resources Program

Google maps Address Pensacola, FL

Get Google Maps on your phone

Text the word "GMAPS" to 466453



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CH2M HILL, Inc.
9191 S. Jamaica Street
Englewood, CO 80112-5946

Certificate of Authorization No. 00000072
Expiration: February 28, 2011



This request for the de minimus exemption and wetland resource permit for Site 19, Naval Air Station Pensacola, was prepared under the direction of a Florida registered professional engineer. Proposed investigation locations shown in Figures 1 through 4, both in quantity and general location may change based on field observations and data at the time of work implementation. Any changes in excess of what is represented herein will be discussed with FDEP and USACE representatives prior to implementation of additional work.

A handwritten signature in blue ink, appearing to read "Hector M. Hernandez".

Hector M. Hernandez, P.E. No. 68237

May 3, 2010
Date

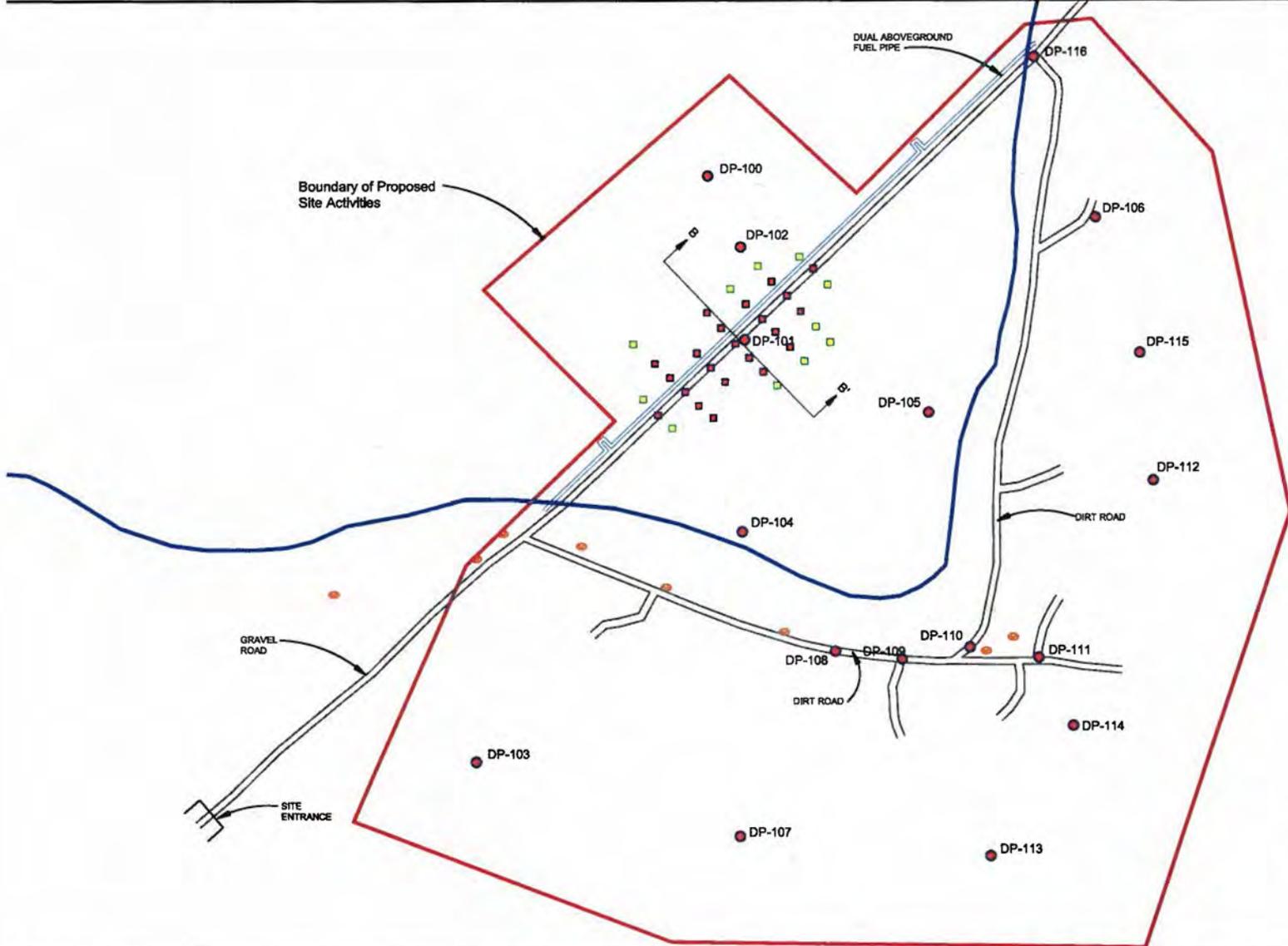


March 10, 2010
20-Apr-2010



- LEGEND**
- Road
 - Fuel Pipeline
 - Wetland
 - Cooper Tortoise Burrows

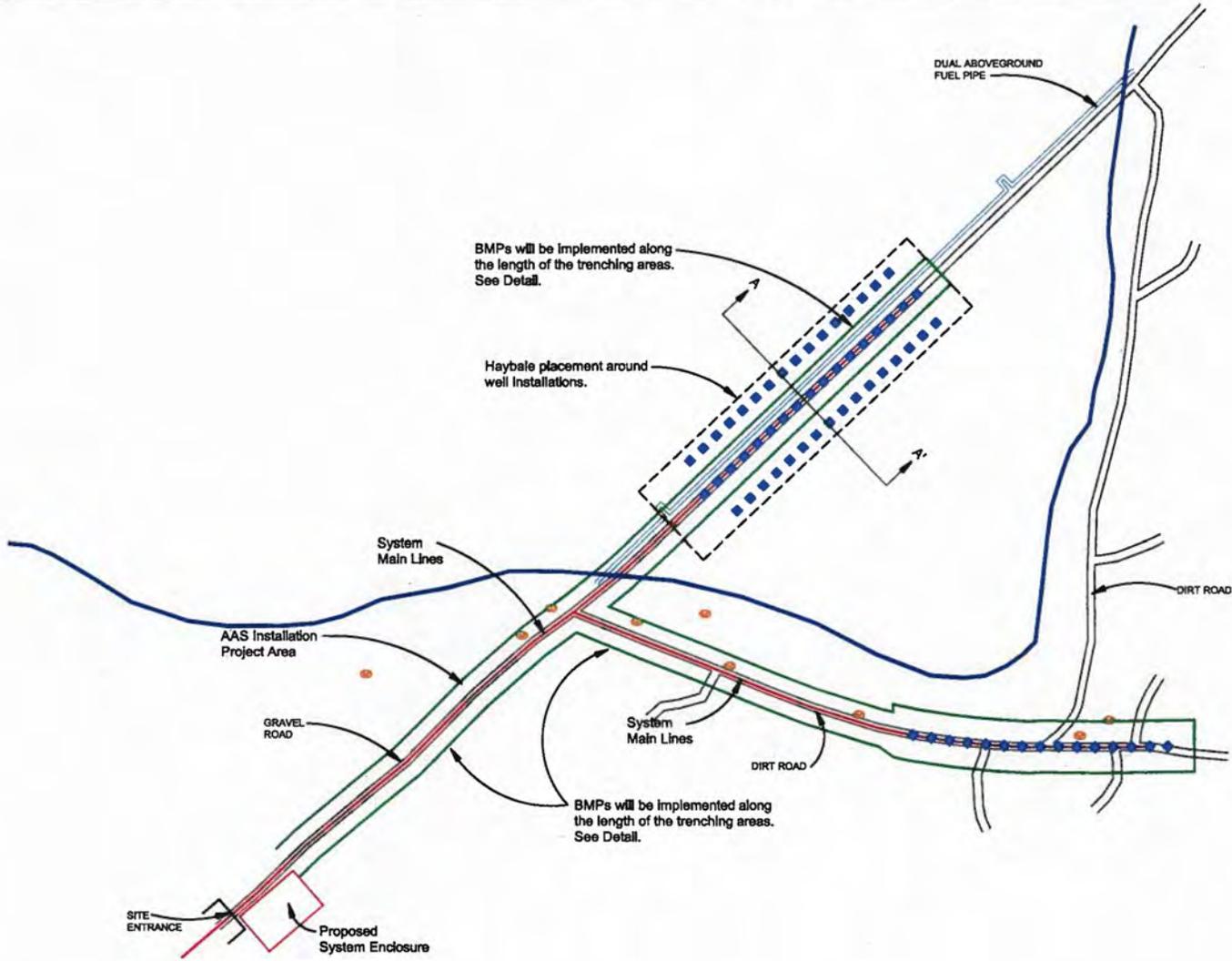
Figure 1
Site Layout
Site 19, NAS Pensacola
CH2MHILL



- LEGEND**
- Road
 - Fuel Pipeline
 - Wetland
 - Gopher Tortoise Burrows
 - Proposed Primary MIP Location
 - Proposed Step-Out/In MIP Location
 - Proposed Discrete Vertical DPT GW Sampling Location for Horizontal and Vertical Delineation.



Figure 2
Proposed MIP Locations and Discrete
DPT GW Sampling Locations
Site 19, NAS Pensacola
CH2MHILL

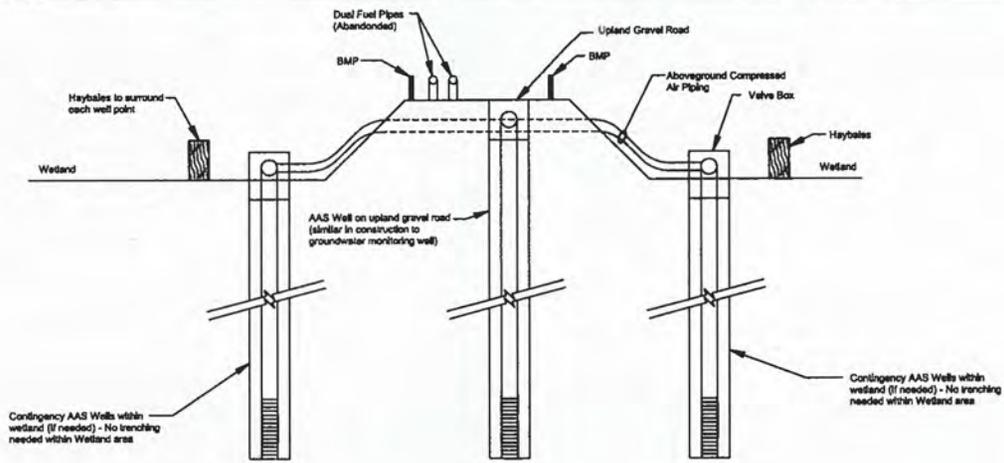


- LEGEND**
- Road
 - Fuel Pipeline
 - Wetland
 - Gopher Tortoise Burrows
 - AAS 15 ft ROI, 30 ft Treatment Zone

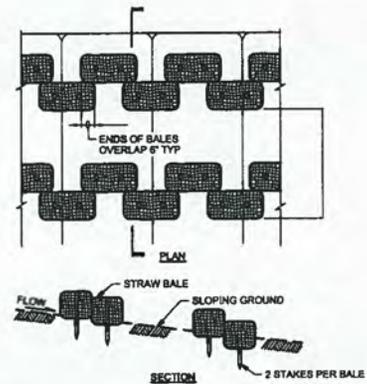
Note:
Individual well locations within wetland areas will be surrounded by hay bales during well installation to control turbidity in surface water.



Figure 3
AS Installation Phase Layout and BMPs
Site 19, NAS Pensacola
CH2MHILL



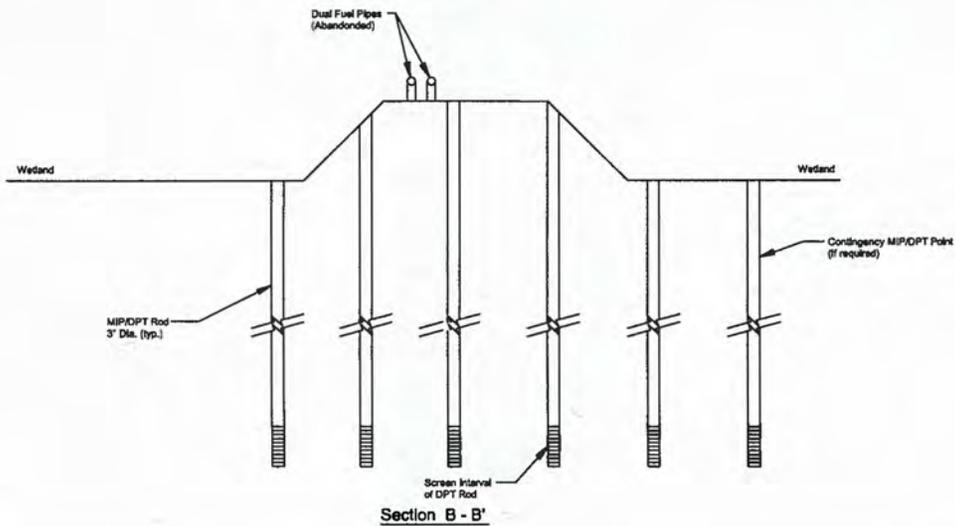
Section A - A'



NOTES:

1. STAKING OF BALES IS REQUIRED USING (2) 2"x2"x7' LONG WOOD STAKES OR APPROVED EQUAL PER BALE.
2. DRIVE STAKES MINIMUM 12" INTO GROUND AND FLUSH WITH TOP OF BALES.
3. EMBED BALES MINIMUM OF 4" INTO GROUND SURFACE.
4. BILFILTER BAGS TO BE USED, IF SPECIFIED.

Haybale Detail



Section B - B'



Figure 4
Cross-Sectional Details
Site 19, NAS Pensacola
CH2MHILL