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NAS WHITING FIELD  
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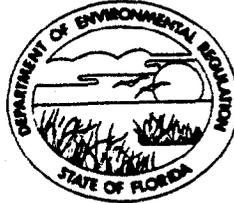
LETTER REGARDING SIGNED AND EXECUTED CONSENT ORDER REGARDING THE  
UNAUTHORIZED DISPOSAL OF AIRCRAFT BATTERIES NAS WHITING FIELD FL  
3/15/1985  
FLORIDA DEPARTMENT OF ENVIRONMENTAL REGULATION

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL REGULATION

18.01.00.0009

00752

NORTHWEST DISTRICT  
160 GOVERNMENTAL CENTER  
PENSACOLA, FLORIDA 32501-5794



✓ GOVERNOR  
VICTORIA J. TCHINKEL  
SECRETARY  
ROBERT V. KRIEDEL  
DISTRICT MANAGER

March 15, 1985

CERTIFIED RETURN  
RECEIPT REQUESTED

Captain C. L. Lavinder  
Commanding Officer  
NAS Whiting Field  
Milton, Florida 32570

Dear Captain Lavinder:

I have attached a copy of the executed Consent Order entered into between the Department and the U.S. Navy Whiting Field to resolve the issues surrounding the unauthorized disposal of battery electrolyte.

Please review the Order and continue to monitor and comply accordingly. The cooperation that the Navy has exhibited in negotiating this Consent Order has been greatly appreciated.

In the event you should have any questions regarding this matter, please feel free to contact Mr. Charles F. Goddard of this office at 436-8320.

Sincerely,

A handwritten signature in cursive script, appearing to read "Charles F. Goddard".

George E. Hoffman, Jr.  
District Enforcement Officer

GEH:cgd  
Attach: consent Order  
cc: Eugenia Williamson, Esq.

BEFORE THE STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL REGULATION

STATE OF FLORIDA DEPARTMENT :  
OF ENVIRONMENTAL REGULATION, :  
Complainant, :  
vs. : OGC FILE NO. 84-0253  
UNITED STATES NAVY, WHITING :  
FIELD NAVAL AIR STATION :  
Respondent. :

CONSENT ORDER

This Consent Order is entered into between the State of Florida Department of Environmental Regulation ("Department") and the United States Navy, Whiting Field Naval Air Station ("Respondent").

The Department finds and Respondent admits the following:

1. Respondent owns, operates and controls a flight training installation which performs aircraft maintenance and repair work including stripping and repainting aircraft parts and processing aircraft storage batteries. Respondent's facility is situated north of Milton, Florida, in Section 2, Township 2 North, Range 28 West, Santa Rosa County.
2. On February 9, 1984, the Department conducted a hazardous waste compliance inspection of Respondent's facility. During this inspection, Respondent advised the Department that aircraft storage batteries (spent batteries which accumulate on-site from the aircraft utilized in the flight program) are processed on-site in Building #1478. Respondent further advised the Department that its processing and/or treatment of the spent batteries has for approximately 15 years consisted of emptying battery electrolyte and cell rinsate into the building wash basin or sink. The sink is then flushed with a sodium bicarbonate solution and tap water for a 15 minute period. Waste effluent then gravitates and discharges into an underground dry well and associated drainfields which discharge to Class G-II ground waters of the State. The drainfield is located within an estimated 100 feet of Respondent's "South" public drinking water supply well.

3. On February 14, 1984, the Department issued Warning Notice NWHW 57-1011 to Respondent which advised that the battery electrolyte and/or wastes consisted of hazardous waste constituents and that the unauthorized disposal of hazardous waste constituted violations of Florida Administrative Code Chapters 17-4 and 17-30, and Chapter 403, Florida Statutes. A copy of the Department's Warning Notice is attached hereto as Exhibit 1.

4. By letter dated February 24, 1984, Respondent notified the Department that it had terminated its battery electrolyte disposal practice at the Whiting Field facility as of February 9, 1984, and that it had contracted with a consulting firm to prepare a ground water monitoring plan. Further, by letter to the Department dated March 8, 1984, Respondent submitted a compliance schedule listing actions to implement the ground water monitoring plan.

5. By letter dated April 4, 1984, Respondent submitted a water quality analysis of its "South Well" which is described in paragraph 2 of this Consent Order. The Department's review of the analysis and subsequent letter to Respondent dated April 9, 1984 confirm that all concentrations of the constituents tested were below the Florida Administrative Code Chapter 17-3 ground water standards. A copy of this report is attached hereto as Exhibit 2.

6. Wherefore pursuant to Florida Administrative Code Rule 17-103.110, the Department and Respondent met to discuss the matters contained in this Consent Order on November 20, 1984 and having arrived at a mutually acceptable resolution of this matter it is therefore agreed and it is:

ORDERED

7. Within 45 days of the effective date of this Consent Order, Respondent shall submit for Department approval a detection and monitoring program which will determine if contamination of the ground waters of the State has resulted from Respondent's battery disposal practices in excess of Florida Administrative Code Rules 17-3.402 and 17-3.404 standards and criteria. Respondent's program shall include a

proposed monitoring network consisting of at least three observation wells and a sampling program which will identify contamination, if any. Respondent shall sample the observation wells and analyze for the primary and secondary drinking water standard identified in Florida Administrative Code Rule 17-22.104 and a scan of the 129 priority pollutants referenced in Table II, Appendix D of 40 CFR 122 which are not otherwise identified as standards in Florida Administrative Code Rule 17-22.104.

8. Within 60 days after receipt of Department approval, Respondent shall implement the detection and monitoring program including any modifications as approved by the Department.

9. In the event the detection and monitoring program reveals the presence of contaminants in the ground water in excess of Florida Administrative Code Chapter 17-3 standards and criteria, Respondent shall within 60 days of receipt of notification by the Department of said contamination submit a proposed ground water contamination assessment and soil assessment plan, including a time schedule for instituting the plan, which complies with the requirements of Florida Administrative Code Rule 17-4.245(6). The time schedule shall not exceed 120 days. At a minimum the sampling parameters shall include those contaminants detected in excess of Florida Administrative Code Chapter 17-3 standards and criteria. The purpose of the plan shall be to locate the plume or plumes of contamination in the ground water, to determine the chemical composition and levels of concentration, to calculate the size and the volume of water affected, and to determine the direction and rate of movement.

10. Within 30 days of receipt of approval of the proposed ground water contamination assessment from the Department, Respondent shall implement the plan, including any modifications, as approved by the Department.

11. On the first day of each month after beginning implementation of the ground water contamination assessment plan, Respondent shall submit to the Department a report explaining what measures included in the plan have been completed, the results of any tests which have been

expected to cause delays in completion of any steps in the plan. The reports shall be submitted until the planned activities have been completed to the satisfaction of the Department.

12. Within 60 days after the ground water contamination assessment plan outlined in Paragraph 9 has been completed, Respondent shall submit to the Department a report containing the results of the assessment and a proposal, including a time schedule, for corrective action to clean up the contamination in accordance with Florida Administrative Code Rule 17-4.245(7). The proposal shall include provisions for tracking and continued monitoring of the plume(s) of contamination until such time as all corrective action required is completed.

13. Within 90 days after receipt of Department approval, Respondent shall implement the proposal for corrective action, including any modifications, as approved by the Department.

14. On the first day of the first month of each quarter after beginning implementation of the corrective measures approved by the Department, Respondent shall submit to the Department a report explaining what measures have been completed and the results of any tests which have been conducted. The reports shall be submitted until the corrective measures have been completed to the satisfaction of the Department.

15. Within 45 days of the effective date of this Consent Order, Respondent shall submit for Department approval a soil contamination assessment plan which will determine if soils subjected to discharges from Respondent's dry well have been contaminated at levels which exceed the 40 CFR Part 261.24 (EP Toxic) standards. The purpose of the plan will be to identify the horizontal and vertical extent of the contamination, if any, and remove and dispose of those soils which are in excess of 40 CFR Part 261.24 standards and/or which may cause ground water pollution in excess of Florida Administrative Code Chapter 17-3 standards and criteria. Sampling parameters shall be as specified in Exhibit 3 of this Consent Order and shall be analyzed to determine EP Toxicity and actual concentration of the parameters in the soil in milligrams per kilogram (mg/kg).

16. Within 60 days of Department approval of the soil contamination assessment plan, Respondent shall implement the plan with modifications as approved by the Department.

17. If the Department concludes that the activities of Respondent have caused damages through pollution of ground water in the vicinity of this facility, the Department at any time subsequent to the effective date of this Consent Order, may seek restitution by Respondent for such environmental damages. Within 20 days of receipt of Department notification of its intent to seek said restitution, Respondent may pay the amount of damages or may, if it so chooses, initiate negotiations with the Department regarding the monetary terms of restitution to the State. Respondent agrees that, should a negotiated sum or other compensation for environmental damage not be agreed to by the Department and Respondent within 30 days, the Department may institute appropriate civil action to seek and recover Department assessed environmental damages.

18. Respondent shall allow authorized representatives of the Department access to the property at reasonable times for purposes of determining compliance with this Order and the rules and regulations of the Department.

19. The Department hereby expressly reserves the right to initiate appropriate legal action to prevent or prohibit the future violation of applicable statutes, or the rules promulgated thereunder.

20. The Department, for and in consideration of the complete and timely performance by Respondent of the obligations agreed to in this Consent Order, waives its right to seek judicial imposition of civil penalties for the alleged violations outlined in this Consent Order. The Department specifically reserves its right to seek restitution by Respondent for environmental damages caused by Respondent, in accordance with the procedure outlined in paragraph 17. above. Respondent waives its right to a hearing or judicial review of the terms of this Consent Order, but specifically reserves its right to challenge any claim made by the Department for restitution by Respondent for environmental damages.

21. Entry of this Consent Order does not relieve Respondent of the need to comply with applicable Federal, State or local laws, regulations, or ordinances. The entry of this Consent Order does not abrogate the rights of substantially affected persons who are not parties to this Order, pursuant to Chapter 120, Florida Statutes, and does not constitute a release of liability for injury to any persons who are not parties to this Order.

22. The terms and conditions set forth in this Consent Order may be enforced in a court of competent jurisdiction pursuant to Sections 120.69 and 403.121, Florida Statutes. Failure to comply with the terms this Consent Order shall constitute a violation of Section 403.161(1)(b), Florida Statutes.

23. Respondent is fully aware that violation of the terms of this Consent Order may subject Respondent to judicial imposition of damages seeking relief in accordance with Sections 403.121, 403.131 and 403.141, Florida Statutes.

FOR RESPONDENT

1 Mar 85  
DATE

[Signature]

DONE AND ENTERED this 14th day of March, 1985, in Pensacola, Florida.

[Signature]

ROBERT V. KRIEDEL  
District Manager  
Northwest District  
160 Governmental Center  
Pensacola, Florida 32501-5794  
(904) 436-8300

FILING AND ACKNOWLEDGEMENT  
FILED, on this date, pursuant to §120.52 (9), Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

Lillian E. Laubich 3-15-85  
Clerk Date



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FOR RESPONDENT

\_\_\_\_\_  
DATE

DONE AND ENTERED this \_\_\_\_\_ day of \_\_\_\_\_, 1984, in  
Pensacola, Florida.

\_\_\_\_\_  
ROBERT V. KRIEDEL  
District Manager  
Northwest District  
160 Governmental Center  
Pensacola, Florida 32501-5794  
(904) 436-8300