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NAS KEY WEST
5090.3a

LETTER SUBMITTING NAVY REQUEST FOR AN INFORMAL HEARING NAS KEY WEST
2/19/1988
U S NAVY

5801/Code 09C
19 February 1988

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Geoff Smith, Esquire
Office of General Counsel
Department of Environmental Regulation
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Dear Mr. Smith:

Enclosed please find the Navy's request for an informal hearing as discussed during our phone conversation of 18 February 1988. As stated in the request, a copy of the F.A.C. was not available in time to file the request. Therefore, the request will in all likelihood not comply with Chapters 17-103 and 28-5.

As stated during the subject phone conversation the main idea behind this filing is to make DER aware of the fact that other responsible parties may be involved.

Please feel free to contact me at (803) 743-0774.

Sincerely,

COUNSEL
CIRC
09C daily

BRYAN H. WOOD
Assistant Counsel

09CCx
jmk 2/19/88

Encl: (as stated)

BEFORE THE FLORIDA
DEPARTMENT OF ENVIRONMENTAL REGULATION

REQUEST FOR AN INFORMAL HEARING OR IN THE ALTERNATIVE
REQUEST FOR WAIVER OF THE 21-DAY PERIOD IN WHICH TO REQUEST A FORMAL HEARING

A 2 February 1988 letter authored by DER (Encl. 1) ordered the Department of the Navy to undertake immediate steps to study and abate a discharge of alleged petroleum products at the Trumbo Point Tank Farm, Naval Air Station, Key West, Florida. Potentially interested parties are:

- 1) Commanding Officer
Naval Air Station
Key West, Florida 33040-500
- 2) Southern Division
Naval Facilities Engineering Command
P.O. Box 10068
Charleston, S. C. 29411-0068
- 3) Defense Fuel Supply Center
Cameron Station
Alexandria, VA 22314
- 4) Key West Pipeline Company
4211 Southwest Freeway
P.O. Box 56727
Houston, Texas 77256

The affected real property is owned by the United States of America under the cognizance of the Department of the Navy. The storage tanks and the fuel pipeline are owned by the Key West Pipeline Company (KWPLC) and were installed and are maintained under a license agreement between the Navy and KWPLC (Encl. 2). The actual fuel is owned by the Defense Fuel Supply Center (DFSC). KWPLC operates the fuel farm under an operating agreement with DFSC (Encl.3).

Prior to the receipt of the 2 February 1988 letter, the Navy was already engaged in actions which fulfill the mandates of the order. The seepage through the seawall was abated and product recovery has been conducted since December 1987. A large portion of the Trumbo Point Annex of the Naval Air Station is being studied under the Naval Installation Restoration Program which was undertaken pursuant to CERCLA which involved a contamination

Assessment. The Navy foresees no difficulty in complying with the six month reporting requirement outlined in the order.

As a necessary measure to insure the abatement of any further JP-5 leakage into the ground at the site, the pipeline and tanks must be inspected. These fixtures are not the property of the Navy and cannot be tampered with by the Navy absent the consent of the owner KWPLC. The only JP-5 found in the area is that which is transported and stored in the KWPLC-owned pipeline and fuel tanks. It is the Navy's belief that the JP-5 leaked from the pipeline or the storage tanks owned by KWPLC.

The Navy does not object to all the contents of the DER order and is presently complying with necessary mandates. The Navy believes that KWPLC is a potentially responsible party and has a substantial interest under the present facts. The Navy therefore requests an informal hearing on all issues raised herein and any other issues raised by the facts and law, or, in the alternative, requests the waiver of the 21-day requirement in which to request a formal hearing under Sect. 120.57, Florida Statutes.

Due to the geographical location of this office, access to a copy of the Florida Administration Code was impossible under the present time constraints. Therefore this petition may not conform to the requirements of Chapters 17-103 and 28-5, F.A.C. It is anticipated that this petition will be amended.

Respectfully submitted,

BRYAN H. WOOD
Assistant Counsel

cc: w/o enclosures
Code 11439
Code 11