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LETTER REGARDING FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
ISSUANCE OF REMEDIAL ACTION PLAN APPROVAL ORDER FOR SITE 250 NS MAYPORT
FL
3/3/2006
FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION



Jeb Bush
Governor

Department of Environmental Protection

Twin Towers Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Colleen M. Castille
Secretary

March 3, 2006



Ms. Beverly Washington
Department of the Navy, Southern Division
Naval Facilities Engineering Command
2155 Eagle Drive, PO Box 190010
North Charleston, South Carolina 29419-9010

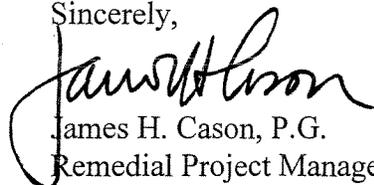
file: 250FRAP1.doc

RE: Focused Remedial Action Plan for Site 250, Mayport Naval Station; Mayport, FL

Dear Ms. Washington:

Mr. Jeff Lockwood, P.E., and I have reviewed the above document dated December 2005 (received December 22, 2005). A Remedial Action Plan Approval Order has been issued and is attached. If further clarification is required or if you have any questions, please contact me at 850-245-8999.

Sincerely,


James H. Cason, P.G.
Remedial Project Manager

CC: Diane Racine, NAVSTA Mayport
Mike Fitzsimmons, FDEP Northeast District Office, Jacksonville
Mark Peterson, Tetra Tech, Jacksonville

JJC  ESN 



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2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Colleen M. Castille
Secretary

March 3, 2006

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ms. Beverly Washington
Department of the Navy, Southern Division
Naval Facilities Engineering Command
2155 Eagle Drive
Post Office Box 190010
North Charleston, South Carolina 29419-9010

Subject: Remedial Action Plan Approval Order
UST Site 250
Mayport Naval Station; Duval County

Dear Ms. Washington:

The Bureau of Waste Cleanup has reviewed the Focused Remedial Action Plan (FRAP) dated December 2005 (received December 22, 2005), prepared and submitted by Tetra Tech for the petroleum product discharge discovered at this site. We found all the documents submitted to date to be adequate to meet the RAP requirements of rule 62-770.700, Florida Administrative Code (F.A.C.). The Florida Department of Environmental Protection (Department) has determined that the actions proposed in this FRAP represent a reasonable strategy toward accomplishing the cleanup objectives of Chapter 62-770, F.A.C. Pursuant to paragraph 62-770.700(8)(a), F.A.C., the Department approves the FRAP as described in this RAP Approval Order (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.

"More Protection, Less Process"

Printed on recycled paper.

Persons affected by this Order have the following options:

- (A) If you choose to accept the Department's decision regarding the FRAP 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 Beverly Washington, shall mail a copy of the request to Beverly Washington 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 Beverly Washington, shall mail a copy of the petition to

Beverly Washington 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 facility owner's name and address, if different from the petitioner and the name and address of the facility;
- (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

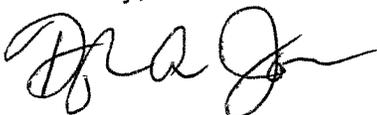
Any party to this Order has the right to seek judicial review of it under section 120.68, F.S., by filing a notice of appeal under rule 9.110 of the Florida Rules of Appellate Procedure with the Department's Agency Clerk in the Office of General Counsel at 3900 Commonwealth Boulevard, Mail Station 35, 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. Beverly Washington
March 3, 2006
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Questions

Any questions regarding the Department's review of your FRAP should be directed to James H. Cason at (850) 245-8999. 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, Chief
Bureau of Waste Cleanup
Division of Waste Management

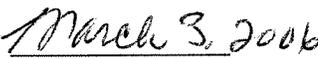
DAJ/jhc

cc: James H. Cason, FDEP – BWC
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)



Date

Florida Department of
Environmental Protection

Memorandum

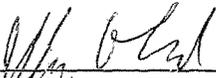
February 24, 2006

CERTIFICATION OF APPROVAL

RE: Focused Remedial Action Plan for Site 250 Naval Station Mayport
Mayport, Florida

In my professional judgment, the engineering features described in the above-referenced document dated December 2005 (received December 22, 2005) provide reasonable assurance of reducing applicable pollutants that may be potentially harmful or injurious to human health or welfare and animal or plant life in accordance with state requirements described in Chapter 376, F.S. Mr. Gregory S. Roof, Florida P.E. No. 50842, is the engineer of record for this document.

I have not evaluated and do not certify aspects of this plan that are outside the limits of my review responsibilities and outside of my area of expertise, including but not limited to electrical, mechanical, and structural features.



Jeffrey D. Lockwood, P.E., BCEE
Professional Engineer No. 39554
Expires February 28, 2007

2-24-06
Date