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LETTER FROM FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION REGARDING
INTERIM MEASURES WORK PLAN UST SITE 19 NAS PENSACOLA FL
4/15/2013
FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION



**FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION**

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

RICK SCOTT
GOVERNOR

HERSCHEL T. VINYARD JR.
SECRETARY

April 15, 2013

Ms. Patty Marajh-Whittemore
Remedial Project Manager
ITP Gulf Coast
Naval Facilities Engineering Command Southeast
Attn: AJAX Street, Building 135N
P.O. Box 30A
Jacksonville, FL 32212-0030

RE: Interim Measures Work Plan, UST Site 19, Naval Air Station Pensacola, Pensacola

Dear Patty:

The Department has reviewed the Interim Measures Work Plan, UST Site 19, Naval Air Station Pensacola, dated March 2013 (received electronically March 12, 2013), prepared by AGVIQ-CH2M HILL Constructors, Inc. Joint Venture III. The proposed interim measures are acceptable to the Department. In accordance with Chapter 62-528, Florida Administrative Code, an Underground Injection Control (UIC) Approval Order has been attached to this letter authorizing the injection of air into the surficial aquifer at UST Site 19 for the purpose of stimulating biological activity in the aquifer in order to enhance the natural attenuation of petroleum contamination. The injection of air shall only be done in accordance with the proposal contained in the Interim Measures Work Plan. Any additional injections into the aquifer will require a separate approval from the Department. I have attached Jeff Lockwood's Professional Engineers Certification of Approval to this letter.

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

Sincerely,

David P. Grabka, P.G.
Remedial Project Manager
Federal Programs Section
Bureau of Waste Cleanup

KAW



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April 15, 2013

**CERTIFIED MAIL #
RETURN RECEIPT REQUESTED**

Ms. Patty Marajh-Whittemore
Remedial Project Manager
ITP Gulf Coast
Naval Facilities Engineering Command Southeast
Attn: AJAX Street, Building 135N
P.O. Box 30A
Jacksonville, FL 32212-0030

Subject: UIC Approval Order
Underground Storage Tank (UST) Site 19
Former Sherman Field Fuel Farm Pipeline Leak
Naval Air Station Pensacola
Pensacola, Escambia County
Discharge Date: 1958

Dear Ms. Marajh-Whittemore:

The Bureau of Waste Cleanup has reviewed the Interim Measures Work Plan for UST Site 19 dated March 2013 (received electronically March 12, 2013), prepared by AGVIQ-CH2M HILL Constructors, Inc. Joint Venture III, for the petroleum product discharge referenced above. The Florida Department of Environmental Protection (Department) approves the document as described in this Approval Order (Order). Since the proposed action involves injection into an aquifer, the criteria for Class V, Group 4 aquifer remediation wells set forth in Chapter 62-528, Florida Administrative Code (F.A.C.), apply, as well as the minimum criteria for groundwater set forth in Chapters 62-520 and 62-777, F.A.C., and the general provisions for groundwater permitting and monitoring in Chapter 62-522, F.A.C.

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 Interim Measures Work Plan you do not have to do anything. This Order is final and effective on the date filed with the Clerk of the Department, which is indicated on the last 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 Ms. Marajh-Whittemore, Naval Facilities Engineering Command Southeast, shall mail a copy of the request to Ms. 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 Ms. Marajh-Whittemore, Naval Facilities Engineering Command Southeast, shall mail a copy of the petition to Ms. 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 facility owner's name and address, if different from the petitioner; the FDEP facility number, 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 on the date filed with the Clerk of the Department, which is indicated on the last 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

Ms. Marajh-Whittemore
Interim Measures Work Plan
UST Site 19, NAS Pensacola
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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).

Questions

Any questions regarding the Department's review of your Interim Measures Work Plan should be directed to David Grabka at (850) 245-8997 or Jeff Lockwood at (850) 245-7504. 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

DAJ/dpg

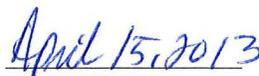
ec: David Grabka, FDEP, Federal Programs Section – david.grabka@dep.state.fl.us
Cathy McCarty, Division of Water Resource Management, MS 3530 –
Cathleen.McCarty@dep.state.fl.us
Sam Naik, CH2M Hill Constructors, Inc., Atlanta, GA

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

CERTIFICATION OF APPROVAL

March 28, 2013

RE: Interim Measures Work Plan for Installation of Biosparging Remediation System at Site 19, Naval Air Station Pensacola

In my professional judgment, the proposed remediation measures contained in the above-referenced document dated March 2013 (electronic copy reviewed and certification page received March 28, 2013) 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. Hector Hernandez, Florida P.E. No. 68237, is the engineer of record.



Jeffrey D. Lockwood, P.E., BCEE
Professional Engineer No. 39554
Expires February 28, 2015

3-28-13
Date