



Florida Department of  
Environmental Protection  
Southwest District Office  
13051 North Telecom Parkway  
Temple Terrace, Florida 33637-0926

Charlie Crist  
Governor

Jeff Kottkamp  
Lt. Governor

Mimi Drew  
Secretary

December 6, 2010

CERTIFIED MAIL #7009 1680 0001 0455 5540  
RETURN RECEIPT REQUESTED

Ms. Susan Goebel, P.E.  
Interim Public Works Director  
Hernando County Department of Public Works  
1525 East Jefferson Street  
Brooksville, FL 34601

**Subject: Remedial Action Plan Approval Order  
Remedial Action Plan (dated October 7, 2010)  
Hernando County Former Fleet Maintenance Facility  
201 West Martin Luther King  
Brooksville, Hernando County, Florida  
FAC ID #27/8520223  
FDEP Site No. COM\_65033/ Project No. 65840**

Dear Ms. Goebel:

The Florida Department of Environmental Protection (Department) has reviewed the Remedial Action Plan (RAP) dated and received October 7, 2010, along with supplemental information received and in our files through the date of this Order, submitted or prepared and submitted by Cardno TBE for the Site referenced above. We have found all the documents and remedial action plan summary form [Form 62-780.900(4)] submitted to date to be adequate to meet the RAP requirements of Rule 62-780.700, Florida Administrative Code (F.A.C.), and Rule 62-770.700, F.A.C.

The Department has determined that the actions proposed in this RAP, inclusive of supplemental information dated through the date of this Order, contains information adequate to support the conclusion that the active remediation objectives will comply with all applicable requirements of Rule 62-780.700, F.A.C., and Rule 62-770.700, F.A.C.

Pursuant to paragraph 62-780.700(8)(a), F.A.C., and paragraph 62-770.700(8)(a), F.A.C., the Department approves the RAP as described in this Remedial Action Plan Approval Order (Order). However, if it appears during RAP implementation that the remedial strategy is not effective, a request for modification of this Order, pursuant to subsection 62-780.700(15), F.A.C., and subsection 62-770.700(15), F.A.C., may be submitted to the Department or the Department may require the preparation and submittal of a RAP Modification to enhance the active remediation. Depending on the nature of the system modification, the Department may revoke this Order. Operations of the active remediation system must be initiated within 120 days as required by subsection 62-770(11), F.A.C.

You are also required to submit to the Southwest District record drawings (as-built drawings) of the treatment system within 120 days of initiating operation of the active remediation system. These drawing must be certified by a professional engineer.

Prior to implementation of the Remedial Action Plan, Hernando County shall obtain all applicable Department permits or authorizations required for site rehabilitation activities (for example, separate permits for underground injection control, National Pollutant Discharge Elimination System, or air emissions), if not included in the Remedial Action Plan approval. Hernando County is advised that other federal or local laws and regulations may apply to these activities.

If effluent concentrations or air concentrations exceed those in the approved Remedial Action Plan, or plume migration occurs during remediation system startup or during operation of the treatment system(s), corrective actions shall be taken and the Department shall be notified by the PRSR within seven days. If the condition may represent an imminent threat to human health, public safety, or the environment, the Department shall be notified within 24 hours. Details of all such incidents shall be included in the status report described in subsection 62-780.700(13), F.A.C., and subsection 62-770.700(13), F.A.C.

During implementation of the Remedial Action Plan, the PRSR may propose and justify:

- (a) Supplemental assessment to determine alternative Cleanup Target Levels (CTLs) pursuant to Rule 62-780.650, F.A.C., and Rule 62-770.650, F.A.C;
- (b) Modifications to existing treatment or recovery system(s), or modifications or discontinuation of monitoring of operational parameters as outlined in the remedial action status report prepared pursuant to subsection 62-780.700(13), F.A.C., and subsection 62-770.700(13), F.A.C.;
- (c) Innovative technologies pursuant to subsection 62-780.700(6), F.A.C., or 62-770.700(7), F.A.C., or other alternative technologies or approaches; or
- (d) Discontinuation of active remediation and commencement of Natural Attenuation with Monitoring. The proposal shall include a Natural Attenuation with Monitoring Plan pursuant to subsection 62-780.690(4), F.A.C., and subsection 62-770.690(4), F.A.C

Active remediation shall be deemed complete when the No Further Action criteria of subsection 62-780.680(1), 62-780.680(2), or 62-780.680(3), F.A.C., and 62-770.680(1), 62-770.680(2), or 62-770.680(3), F.A.C., have been met, or may be deemed complete when the Natural Attenuation with Monitoring criteria of Rule 62-780.690, F.A.C. and Rule 62-770.690, F.A.C., have been met.

If the site does not meet the No Further Action criteria of subsection 62-780.680(1), F.A.C. and subsection 62-770.680(1), F.A.C., or the Natural Attenuation with Monitoring criteria of Rule 62-780.690, F.A.C., and Rule 62-770.690, F.A.C., the PRSR may submit to the Department for review two copies of a proposal to discontinue active groundwater remediation, provided the demonstrations and analyses listed in 62-780.700(19), (a) through (c), F.A.C., and 62-770.700(19), (a) through (d), F.A.C., are met.

When the No Further Action criteria of subsection 62-780.680(1), F.A.C. and subsection 62-770.680(1), F.A.C., or the leveling off criteria of subsection 62-780.700(19), F.A.C. and subsection 62-770.700(19), F.A.C., have been met, two copies of a Post Active Remediation Monitoring Plan prepared pursuant to the Post Active Remediation Monitoring criteria described in Rule 62-780.750, F.A.C., and Rule 62-770.750, F.A.C., shall be submitted by the PRSR to the Department for review (unless the Department has concurred that Post Active Remediation Monitoring sampling for groundwater is unnecessary based on the site-specific conditions). If the Department agrees that groundwater sampling is unnecessary and the site meets the No Further Action criteria of subsection 62-780.680(1), F.A.C. and subsection 62-770.680(1), F.A.C., a Site Rehabilitation Completion Order shall be issued as referenced in subsection 62-780.680(7), F.A.C., and subsection 62-770.680(7), 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 RAP 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 Hernando County, shall mail a copy of the request to Hernando County at 1525 East Jefferson Street, Brooksville, FL 34601, 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 Hernando County, shall mail a copy of the petition to Hernando County Department of Public Works at 1525 East Jefferson Street, Brooksville, FL 34601, 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 site owner's name and address, if different from the petitioner; and the name and address of the site;
- (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, including the Specific Conditions attached and incorporated by reference into 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

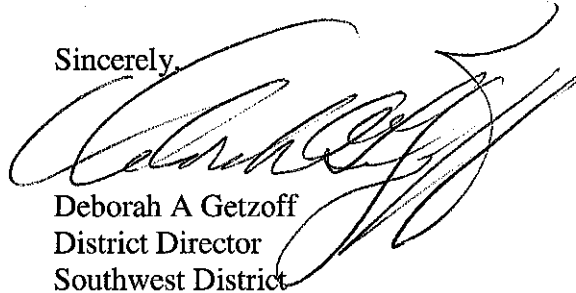
Any party to this Order has the right to seek judicial review of it under section 120.68, F.S., by filing a notice of appeal under rule 9.110 of the Florida Rules of Appellate Procedure with the Department's Agency Clerk in the Office of General Counsel at 3900 Commonwealth Boulevard, Mail Station 35,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

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Questions

Any questions regarding the Department's review of your RAP should be directed to William Kutash at (813) 632-7600. 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,




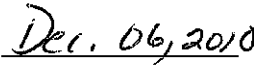
Deborah A Getzoff  
District Director  
Southwest District

WK/dag

**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

cc (e-mail): Mr. David Hamilton, Hernando County Administrator  
Mr. Al Gray, Hernando County Environmental Health Director  
Ms. Erica D. Moore, Esq., Assistant County Attorney, Hernando County  
Mr. Richard Hagberg, P.G., Cardno TBE  
Mr. Richard Howell, Health Awareness and Mitchell Heights Restoration Board  
Mr. H. Paul Douglas, HP Douglas and Associates Consultants  
The Honorable Paula Dockery  
The Honorable Robert Schenck  
Ms. Leslie Pedigo, Storage Tanks Section, FDEP, Southwest District  
Mr. Steve Bell, Waste Cleanup FDEP, Southwest District

Attachment: P.E. Certification

## **SPECIFIC CONDITIONS**

- (1) **Publication of Notice of Order.** Respondent shall publish the following notice in a newspaper of daily circulation in Hernando County, Florida. The notice shall be published one time only within 10 days after the effective date of the Remedial Action Plan Approval Order by the Department. Respondent shall provide proof of publication by furnishing the Department with a uniform affidavit in substantially the form prescribed in s. 50.051, F.S. within 10 days of publication.

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STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION  
NOTICE OF REMEDIAL ACTION PLAN APPROVAL ORDER

The Department of Environmental Protection gives notice of agency action of entering into a Remedial Action Plan Approval Order (hereinafter "Order") with Hernando County pursuant to Section 120.57(4), Florida Statutes. The Order addresses the chlorinated solvents, petroleum constituents, or other organic compounds released to the soil and groundwater from the operations at the Hernando County Former Fleet Maintenance Facility Site, 201 West Martin Luther King, Brooksville, Florida 34601, Hernando County, FDEP Petroleum Storage Tank System FAC ID: 27/8520223 and Waste Cleanup Site ID: COM\_65033. The Order is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Department of Environmental Protection, 13051 North Telecom Parkway, Temple Terrace, FL 33637.

Persons whose substantial interests are affected by this Order have a right to petition for an administrative hearing on the Order. The Petition must contain the information set forth below and must be filed (received) in the Department's Office of General Counsel, 3900 Commonwealth Boulevard, MS-35, Tallahassee, Florida 32399-3000, within 21 days of receipt of this notice. A copy of the Petition must also be mailed at the time of filing to the District Office named above at the address indicated. Failure to file a petition within the 21 days constitutes a waiver of any right such person has to an administrative hearing pursuant to Sections 120.569 and 120.57, Florida Statutes.

The petition shall contain the following information:

- (a) The Department's FDEP Petroleum Storage Tank System FAC ID: 27/8520223 and Waste Cleanup Site ID: COM\_65033 and the county in which the subject matter or activity is located; (b) The name, address, and telephone number of each 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; (c) An explanation of how the petitioner's substantial interests will be affected by the Order; (d) A statement of when and how the petitioner received notice of the Order; (e) A statement of all material facts disputed by petitioner, if any; (f) A statement of the specific facts the petitioner contends warrant reversal or modification of the Order; (g) A

statement of which rules or statutes the petitioner contends require reversal or modification of the Order; and (h) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the Department to take with respect to the Order.

If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, the Department's final action may be different from the position taken by it in this Notice. Persons whose substantial interests will be affected by any decision of the Department with regard to the subject Order have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 21 days of receipt of this notice in the Office of General Counsel at the above address. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Sections 120.569 and 120.57, Florida Statutes, and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 28-106.205, Florida Administrative Code.

The Remedial Action Plan Approval Order is final and effective on the date filed with the Clerk of the Department, which is indicated on the last page of the 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.

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- (2) Pre-excavation confirmation soil sampling and supplemental (step-out) borings and sampling for the planned excavation of Area 1 western off-site and on-site arsenic impacts (RAP Section 2.5.2) must completely encircle the planned excavation area. Sampling locations should not be more than 25 feet apart.
  - (3) Prior to closure with engineering controls using Risk Management Option (RMO) Level II, Hernando County shall provide certification by a registered Professional Engineer that, to the best of his or her knowledge, the impervious cover material that is proposed as the engineering control (RAP Section 2.5.3), which includes asphalt pavement, concrete sidewalks, and concrete pads, is consistent with commonly accepted engineering practices, and provides protection against leaching in all areas of the property where leachable soils are exposed.
  - (4) Prior to submitting a No Further Action Proposal for the site, a final round of groundwater sampling of representative monitoring wells for the perched groundwater with "non-petroleum" impacts (western plume) must be conducted to demonstrate that the groundwater contamination has not migrated away from the localized source area (the plume continues to be stable or shrinking) to support the proposed closure using RMO Level II, pursuant to Rule 62-780.680(2)(c), F.A.C., (RAP Section 2.5.5).

- (5) The Department previously determined that the arsenic detected in Area 2, the eastern off-site soil contamination (Section 2.5.2), was not demonstrated to be related to any release of contaminants at the Hernando County facility. Therefore, the Department does not require Hernando County to perform any remedial actions on this off-site property. The Department does not object to the remedial action proposed in Section 2.5.2, however, this is up to the discretion of Hernando County.
- (6) A Remedial Action Status Report for the soil excavation activities shall be submitted within 120 days of the effective date of this Order. In the event that the soil excavation activities are not completed within 60 days of the effective date of this Order, then Remedial Action Status Reports shall be submitted every 60 days until the excavations are completed. The Remedial Action Status Report(s) should contain all applicable information equivalent to that required for an Interim Source Removal Report (ref. Rule 62-780.500(7), F.A.C.
- (7) For the perched groundwater with petroleum impacts (eastern plume), the RAP proposed quarterly monitoring of MW-21-1 and MW-22-1 for one year for all volatile organic compounds (VOCs) of interest using EPA Method 8260B to demonstrate that the groundwater contamination has not migrated away from the localized source area (the plume continues to be stable or shrinking) to support the proposed closure using RMO Level II, pursuant to Rule 62-770.680(2)(c), F.A.C., (RAP Section 2.5.4). In addition, monitoring wells MW-2, MW-3, MW-21-2, MW-21-3, MW-21-4, MW-21-5 or MW-21-5R, MW-21-7, MW-21-8, MW-21-9, MW-22-2, MW-22-3, MW-22-4, MW-22-5, and MW-23-1 should be included in the quarterly monitoring for one year. These additional wells are located within and along the perimeter of the perched zone groundwater with petroleum impacts (eastern plume).
- (8) The following conditions apply to the primary proposed remedial strategy for addressing the Floridan aquifer groundwater impacts (RAP Section 2.5.6), which is the application of RegenOx™ via gravity feed through key well DW-6-1 (screened from 100 to 120 ft) to lower the dissolved hydrocarbon concentrations to below the natural attenuation default concentration levels before conducting a plume stability demonstration for RMO Level II closure consideration:
  - a) During baseline sampling, groundwater samples collected from monitoring wells DW-6-1, DW-6-2, and DW-6-3 must also be analyzed for sodium, iron, sulfate, and total dissolved solids (TDS).
  - b) The stated amount of RegenOx™ {360 lbs of RegenOx™ and 888 gallons of water (5% by weight slurry solution) over a period of 3 months} should not be exceeded.
  - c) Following completion of the RegenOx™ injection, the sodium, iron, sulfate, and TDS concentrations in DW-6-1, DW-6-2, DW-6-3, and DW-6-5 must continue to be monitored until the concentrations have returned

to baseline conditions or the GCTLs for these constituents. Also, sufficient groundwater monitoring wells must be included in the monitoring schedule so that a full evaluation of the effectiveness of RegenOx™ in remediating the entire dissolved hydrocarbon plume in the Floridan aquifer (as opposed to just remediating the contaminants in the area surrounding the injection well DW-6-1) can be made. The need for this evaluation is due to the proposed strategy of injecting RegenOx™ through a well designated for tracking cleanup progress. This evaluation will provide the BPSS with an assurance that RegenOx™ has remediated the entire plume.

- d) Note that the approved temporary zone of discharge for RegenOx™ application is also a 10 foot radius around the perimeter of active treatment zone and the approved duration of the zone of discharge for exceeding the secondary drinking water standards for sodium, iron, sulfate, TDS, and pH is also one year following completion of the gravity fed treatment event.
  - e) If the UIC parameters referenced above fail to return to “baseline” levels one year following application, then contact the FDEP to discuss implementing the proposed short term groundwater remedial recovery.
  - f) In order to demonstrate plume stability of the groundwater contamination in the Floridan aquifer, groundwater samples collected from monitoring wells DW-6-4, DW-6-6, DW-8-1, DW-21-1, DW-6-5 and DW-21-5 must also be monitored for EPA 8260B parameters on a quarterly basis for one year to establish perimeter conditions. At the conclusion of the monitoring period, it will be necessary for the consultant to provide an explanation as to their conclusion regarding plume stability based on observed changes in contaminant concentrations in the source and perimeter wells. At that time, the Department will determine whether additional monitoring wells are needed or whether some monitoring wells can be dropped from the monitoring schedule or the frequency of sampling can be revised.
  - g) Operational parameters, which includes measurements of biological, chemical, or chemical indicators that will verify the radius of influence at representative monitoring locations must be monitored weekly for the first month, monthly for the next two months, quarterly for the next two years, and semiannually thereafter, or until the frequency is modified in an approved Remedial Action Plan Addendum. If a demonstration is made to the Department that operational parameters remain unchanged, the person responsible for site rehabilitation may propose, that the monitoring be modified or discontinued. All monitoring results will be reported as required in Conditions #10 and #11 below.
- (9) Prior to initiation of the remedial action system, all applicable Department permits or other authorizations required shall be obtained, and during the operation of the system shall be maintained, to comply with all federal, state, and local laws and regulations (ref. Rules 62-780.700(10) and 62-770.700(10), F.A.C).

- (10) The first Remedial Action Status Report shall be submitted within 60 days after receipt of the analytical results for the last set of samples collected during the first month of system operation. The second Remedial Action Status Report shall be submitted within 60 days after the third month of operation. All subsequent status reports will be submitted quarterly, except that each fourth quarterly report will be incorporated into an annual report thereafter until the remedial action is completed.
- (11) The Remedial Action Status Reports and Annual Reports shall contain the applicable information described in Rules 62-780.700(13) and 62-770.700(13), F.A.C.
- (12) The schedule for implementation of the RAP (Figure 8) will begin with the effective date of this Order.
- (13) The RAP contains insufficient information to pre-approve any alternative remedial approach. If "Decision Tree Alternatives" are to be used, Hernando County will need to submit detailed remedial action plan for the alternative being pursued, and must obtain the Department's approval prior to implementing the alternative remedial action.

