



# Department of Environmental Protection

Jeb Bush  
Governor

Southwest District  
3804 Coconut Palm Drive  
Tampa, Florida 33619

David B. Struhs  
Secretary

July 22, 2002

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Richard E. Buckley, Manager  
Buckley-Shuler Land Holdings L.L.C.  
270 Carpenter Drive  
Suite 200  
Atlanta, Georgia 30328

DEPARTMENT OF ENVIRONMENTAL PROTECTION  
BUREAU CHIEF'S OFFICE  
JUL 24 AM 11:45

**Re: Site Rehabilitation Completion Approval**  
Parcel E of the Wal-Mart/Buckley Shuler Brownfields Area  
Tampa, Hillsborough County, Florida  
Site Identification Number: BF290201001

Dear Mr. Buckley,

The Department is in receipt of a request for no further action (NFA) letter, prepared and submitted on behalf of Buckley Shuler Land Holdings L.L.C. by your brownfields contractor, the Colinas Group, Inc. The submittal, dated June 10, 2002, identifies the assessment and remediation activities that were performed with respect to the above-referenced Brownfields Area. The submittal also includes sufficient information and certifications to demonstrate that Parcel E of the brownfields area meets the No Further Action (NFA) criteria of Rule 62-785.680(1) of the Florida Administrative Code (F.A.C.). Pursuant to F.A.C. Rules 62-785.680(4), the Department approves the request for no further action at Parcel E and is therefore issuing the following order:

*Based upon the information provided by Buckley Shuler Land Holdings L.L.C. concerning the property identified as Parcel E and located at the intersection of Gunn Highway and Normandie Road in Hillsborough County, with such property being more fully described in the Brownfields Site Rehabilitation Agreement, it is the opinion of the Department that Buckley Shuler Land Holdings L.L.C. has successfully and satisfactorily implemented the pertinent provisions of the approved brownfield site rehabilitation agreement schedule and, accordingly, no further*

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action is required for Parcel E to assure that the land use identified in the brownfield site rehabilitation agreement is consistent with existing and proposed uses.

Please observe that you are required to properly abandon all monitoring wells on Parcel E within 60 days of receipt of this Order. The monitoring wells must be abandoned in accordance with the requirements of Rule 62-532.500(4), F.A.C. You are also required to submit, within 30 days, the electronic copy (two copies) of the letter requesting no further action, on compact disk as required under Paragraph 17 of the BSRA. In order to complete the project's archive, the Department suggests that the compact disk include a copy of the BSRA, Chapter 62-785, F.A.C., this order, and the site assessment and remediation documents that are cited in your letter requesting no further action.

The NFA is hereby incorporated by reference in this Site Rehabilitation Completion Order (Order). Therefore, you are released from any further obligation to conduct site rehabilitation at the site for the contamination identified within the submittals, subject to the reopener provisions of §376.82(3).

#### Legal Issues

The Department's Order shall become final unless a timely petition for an administrative proceeding (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 a hearing are set forth below.

Persons affected by this Order have the following options:

If you choose to accept the above decision by the Department about the No Further Action Proposal, 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. If you disagree with the decision, you may do one of the following:

- 1) File a petition for administrative hearing with the Department's Office of General Counsel within 21 days of receipt of this Order; or
- 2) File a request for an extension of time to file a petition for hearing with the Department's 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 hearing.

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 Hearing

For good cause shown, pursuant to Rule 62-110.106(4), F.A.C., the Department may grant a request for an extension of time to file a petition for hearing. Such a request must be filed (received) in the Department's 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 Buckley Shuler Land Holdings L.L.C., shall mail a copy of the request to the Buckley Shuler Land Holdings L.L.C., 270 Carpenter Drive, Suite 200, Atlanta, Georgia 30328 at the time of filing. Timely filing a request for an extension of time tolls the time period within which a petition for administrative hearing must be made.

How to File a Petition for 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) in the Department's 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 the Buckley Shuler Land Holdings L.L.C., shall mail a copy of the request to Buckley Shuler Land Holdings L.L.C., 270 Carpenter Drive, Suite 200, Atlanta, Georgia 30328 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 Section 120.54(5)(b)4.a., F.S., and Rule 28-106.201, F.A.C., a petition for 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, the FDEP Brownfield Site ID Number, and the name and address of the site;
- b) A statement of how and when 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 material facts disputed by the petitioner, 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.

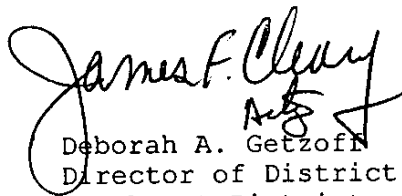
This Order is final and effective as of the date on the top of the first page of this Order. Timely filing a petition for administrative hearing postpones the date this Order takes effect until the Department issues either a final order pursuant to an administrative hearing or an order responding to supplemental information provided 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 clerk of the Department in the Office of General Counsel, 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 clerk of the Department (see below).

Should you have any questions regarding the legal processes, please contact the Office of General Counsel at 850.488.9314. Any questions regarding the Department's technical review should be directed to David Gerard, Southwest District Brownfields Coordinator, at the letterhead address, or by telephone at 813.744.6100, extension 420. Contact with the above-named person does not constitute a petition for administrative determination.

Sincerely yours,



Deborah A. Getzoff  
Director of District Management  
Southwest District

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

7-22-02  
Date

Cc: R.Register, BWC  
M. Stevens, P.E., The Colinas Group