



DEPARTMENT OF THE NAVY

NAVAL AIR STATION PENSACOLA
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PENSACOLA, FL 32508-1051

5090
Ser N4/0412
16 May 19

Ms. Teresa Booeshaghi
Program Administrator, Waste Cleanup Program
Division of Waste Management
Florida Department of Environmental Protection
Bob Martinez Center
2600 Blair Stone Rd
Tallahassee, FL 32399-2400

**SUBJECT: FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
REQUIREMENTS FOR ADDRESSING PER- AND POLYFLUOROALKYL
SUBSTANCES**

I am writing in response to your letter dated April 19, 2019. In that letter you indicated you were clarifying Florida Department of Environmental Protection's (FDEP) requirements and expectations as they pertain to perfluorooctanoic acid (PFOA) and perfluorooctane sulfonate (PFOS) discovered in monitoring wells at Saufley Field and in private drinking water wells near Saufley Field.

Respectfully, there are some issues upon which we disagree with FDEP.

The Department of the Navy (DON) follows the federal Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) process to investigate and respond to contamination issues, pursuant to authorities granted to it under the Defense Environmental Restoration Program (DERP). DON is following CERCLA with respect to our PFOA/PFOS responses as well.

Your letter asserts that DON has not followed the State's contamination notification requirements. CERCLA requires compliance with substantive cleanup requirements rather than procedural ones. Florida's contamination notification requirements appear to be procedural requirements, making them inapplicable to a CERCLA cleanup. Additionally, DON intends to adhere to our commitment to affected homeowners that we will protect their names and addresses from public disclosure, to the extent legally permitted. It's our understanding that if specific parcel information is provided to FDEP, it would be publicly releasable on request under Florida's Sunshine Laws.

That said, however, we understand FDEP's need to comply with the requirement to notify record owners of any real property at which contamination has been discovered. We therefore suggest an alternative approach that would give FDEP the ability to reach and notify each affected homeowner. If FDEP is willing to draft a letter it would like each property owner to see, DON will mail that letter to each homeowner, who can then contact FDEP directly if they choose to do so.

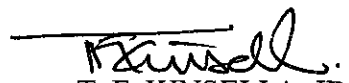
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Your letter also requested that DON generate a management plan or strategy, including a list of actions to be conducted, reports to be prepared and a schedule for task completion. DON's CERCLA process will generate documentation that will address issues such as these. For example, there is no need for the Site Assessment Report you requested, as we have already completed a draft Preliminary Assessment under CERCLA. FDEP will be able to review these documents as the process moves forward. That being the case, separate alternative documentation will not be produced.

We understand that the Department of Defense (DoD) will be responding to your January 23, 2019 letter to the Region 4 DoD Regional Environmental Coordinator (DoD REC), Susan Gibson, on the issue of Florida's PFOA and PFOS cleanup target levels (CTLs). The DON will follow the direction given by DoD in this regard.

We deeply appreciate the excellent working relationship our environmental cleanup staff enjoys with FDEP. As we move forward to address PFOA and PFOS via our CERCLA process in a manner that protects human health and the environment, we look forward to working collaboratively with FDEP to assist affected homeowners. Any questions can be directed to Robert Fisher at (904) 542-8679 or robert.r.fisher@navy.mil.

Sincerely,


T. F. KINSELLA, JR
Captain, U.S. Navy
Commanding Officer