

METROPOLITAN DADE COUNTY, FLORIDA



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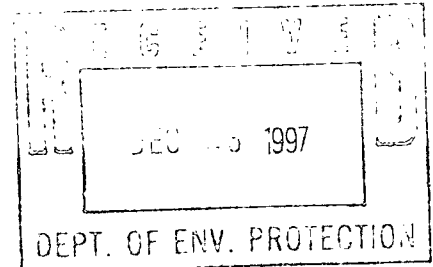
Dept. of Environ. Protection
Port St. Lucie

UK
AVIATION DEPARTMENT

P.O. BOX 592075
MIAMI, FLORIDA 33159-2075
(305) 876-7000

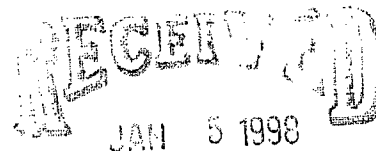
December 17, 1997

FLD980709075



VIA FACSIMILE

Mr. Carlos Rivero-deAguilar
Director of District Management
State of Florida Department
of Environmental Protection
400 North Congress Avenue
West Palm Beach, Florida 33401



DEPT. OF ENV. PROTECTION

RE: Consent Order Between Florida Department of
Environmental Protection and Miami-Dade County
Regarding Miami International Airport

Dear Mr. Rivero-deAguilar: *Carlos*

Since our receipt of the Department's December 4, 1997 draft of the Consent Order and your letter of December 9, 1997, staff and attorneys for the Department and DCAD have succeeded in resolving all major issues. I wish to thank you and your staff for working with the County to address the numerous complicated environmental issues involved at MIA

The County is, nonetheless, disappointed that the Consent Order does not incorporate a resolution of the dispute relating to IPTF funding for the clean up of the former Eastern sites subject to court order. The most recent proposal from the Department to settle this matter appears to regress from prior discussions between Mike Sole and Pedro Hernandez. We urge the Department to reconsider its position on the Eastern court order sites so that a settlement of the IPTF issues can be presented to the County Commission at the same time as the Consent Order.

In summary, all that remains is the "minor fine tuning" referred to on page 2 of your December 9, 1997 letter. Specifically, our respective staff are working together to finalize paragraphs 31 and 34. We just received yesterday the Department's latest version of paragraph 34. Subject to these items, and consistent with the memoranda which have been exchanged between our

MIAMI INTERNATIONAL AIRPORT

Mr. Carlos Rivero-deAguilar
December 17, 1997
Page 2

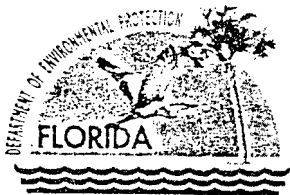
respective counsel during the last week, I believe we have reached agreement on the terms of a Consent Order that I will recommend for ratification by the County Commission. I have instructed our attorneys to work with your attorney to generate a final version of the Consent Order no later than Friday, December 19, 1997.

Sincerely,

A handwritten signature in cursive script, appearing to read "Gary", with a long horizontal flourish extending to the right.

Gary J. Dellapa

cc: Pedro F. Hernandez, DCAD/EE
Armando Vidal, County Manager
John W. Renfrow, DERM
Mercedes Sandoval Holston, DCAD
Virginia Wetherell, FDEP
Thomas M. Beason, FDEP
Kirby Green, FDEP
John M. Ruddell, FDEP
Douglas M. Halsey, Esq.



Department of Environmental Protection

Lawton Chiles
Governor

Southeast District
P.O. Box 15425
West Palm Beach, Florida 33416

Virginia B. Wetherell
Secretary

DEC 22 1997

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Gary J. Dellapa
Miami-Dade County Aviation Department
Post Office Box 592075
Miami, Florida 33159-2075

Dade County
HW - Miami International
Airport

RE: Miami International Airport, Miami, Florida
OGC Case No. 97-0984

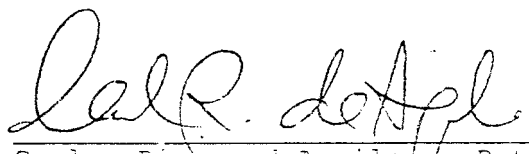
Dear Mr. Dellapa:

Enclosed for the County Manager's signature is a Consent Order drafted by the Department in the above-styled case. The Consent Order represents the resolution acceptable to the Department in this case.

Please return the signed Order to the Department within sixty (60) days from the date of receipt for Department signature and distribution.

Should you have any questions concerning this Consent Order please let me know. Thank you for your cooperation in this matter.

Sincerely,

 12/19/97
Carlos Rivero-deAguilar Date
Director of District Management
Southeast District

VK
CRA/VK/kt

cc: West Palm Beach, DEP File
Pedro Hernandez, DCAD/EE
John W. Renfrow, DERM
Virginia Wetherell, FDEP
Thomas M. Beason, FDEP
Kirby Green, FDEP
John M. Ruddell, FDEP
Douglas M. Halsey, Esq.

BEFORE THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL
PROTECTION

| | | |
|--|---|--|
| STATE OF FLORIDA, DEPARTMENT OF ENVIRONMENTAL PROTECTION, |) | IN THE OFFICE OF THE SOUTHEAST DISTRICT |
| |) | |
| Complainant, |) | |
| |) | |
| vs. |) | OGC FILE NO. 94-0984 |
| |) | |
| MIAMI-DADE COUNTY, a political |) | |
| subdivision of the State of Florida, |) | |
| |) | |
| Respondent. |) | |
| | | |

CONSENT ORDER AND SETTLEMENT AGREEMENT

The State of Florida, Department of Environmental Protection ("the Department") and Miami-Dade County (the "County"), a political subdivision of the State of Florida, enter into this Consent Order and Settlement Agreement ("Consent Order") to cooperatively address and resolve disputes which have arisen regarding numerous complex environmental matters at Miami International Airport ("MIA").

RECITALS

BACKGROUND

A. The Department is the administrative agency of the State of Florida charged with the duty to administer and enforce the provisions of the Florida Air and Water Pollution Control Act, Sections 403.011, et seq., Florida Statutes ("F.S."); the Florida Resource Recovery and Management Act, Sections 403.702, et seq., F.S.; the Warren S. Henderson Wetlands Protection of 1984, Sections 403.91-403.929, F.S.; Chapter 373, Part IV, F.S.; Chapter 376, F.S.; and the rules promulgated thereunder in the Florida Administrative Code ("F.A.C."). The Department has jurisdiction over the matters addressed in this Consent Order.

B. The County is a political subdivision of the State of Florida and is a person within the meaning of Sections 403.031(5), 403.703(4), 373.019(5), and 376.301(12), F.S.

C. The County is the owner of MIA. The County operates the airport through its Aviation Department ("DCAD"). DCAD provides services to air carriers for a fee, and leases space to air carriers and supporting fixed base operators. DCAD is responsible, for operating and maintaining the airport in compliance with all federal and state laws and regulations, and the Miami-Dade County Code (the "County Code").

D. The County's Department of Environmental Resources Management ("DERM") is empowered to control and prohibit pollution and protect the environment within the County pursuant to Article VIII, Section 6 of the Florida Constitution, the Miami-Dade County Home Rule Charter, the County Code, and Section 403.182, F.S. Under this Consent Order, DERM shall exercise its local authority pursuant to Chapter 403.182, F.S., and Chapter 24 of the County Code.

E. MIA is located in Miami-Dade County, Florida. It is bounded on the north by Northwest 36th Street, on the south by State Road 836, on the east by Le Jeune Road, and on the west by the Venetian Canal. MIA occupies approximately 3,000 acres of developed land, with over 2,000,000 square feet of building space.

F. MIA is one of the busiest airports in North America. It is sixth in total passengers, third in total landings, and first in total international commercial cargo. Approximately 33,000 individuals work at MIA for public and private sector employers. MIA accounts for approximately \$3.5 billion of Florida's economy annually.

G. To accommodate increased domestic and international traffic, the County is redeveloping MIA. The current capital improvement program for redevelopment is expected to cost approximately \$4.6 billion. It is one of the largest public works projects in the State of Florida. The redevelopment project includes a new runway along the

northern boundary of the airport and the complete renovation and expansion of the main terminal and cargo handling areas.

H. The addition of a runway at MIA is a Development of Regional Impact, under Chapter 380, F.S. It is also subject to the federal National Environmental Policy Act. An Environmental Impact Statement is required for this project. The redevelopment and expansion of MIA is subject to review and approval by federal, state, regional, and local regulatory agencies, including the Federal Aviation Administration, the State of Florida Department of Community Affairs, and the South Florida Regional Planning Council.

I. MIA has several on-site drainage canals that are part of its storm water management system. All but one of these drainage canals will be filled during the course of airport redevelopment. The South Florida Water Management District ("SFWMD") has issued DCAD permits authorizing use of the canals. EPA has issued DCAD NPDES Permit No. FLS 000030 for discharges from the MIA storm water collection system, including on-site canals, through five permitted outfalls to the Miami and Tamiami Canals.

J. The County also owns some, but not all, of the underground and aboveground storage tanks, integral piping, fuel filtering systems, and associated airport hydrant piping systems located at the airport which contain, or which previously contained, petroleum and other substances regulated by the Department, DERM, and other governmental authorities. Portions of the airport were previously owned by the United States Department of Defense and operated by it as a defense installation.

TENANT ENVIRONMENTAL COMPLIANCE

K. Over the past 60 years, scores of airlines, fixed based operators, fueling companies, aircraft engine repair shops, and related industries have operated at MIA as tenants of the County. As a result of the operations of tenants and others, there have been spills, releases, and discharges of hazardous substances and petroleum products at various locations at MIA.

L. The Department and DERM have in the past conducted inspections of DCAD's and tenant operations at MIA. During these inspections, the Department and DERM noted alleged violations of the Florida Statutes, Florida Administrative Code, and the County Code. The Department and DERM have in the past initiated and are currently pursuing administrative proceedings: (a) to compel certain tenants at MIA to cease and desist from unlawful practices which threaten the environment; and (b) to require DCAD and certain tenants to implement corrective measures to abate polluting conditions. Areas of contaminated soil and groundwater at MIA have not been responded to by the tenants which caused or contributed to such contamination.

THE DERM-DCAD CONSENT AGREEMENT

M. In August 1993, DCAD and DERM signed a consent agreement under which DCAD voluntarily agreed to initiate assessment and remediation activities at certain contamination sites, including those associated with former tenants at MIA (the "1993 Consent Agreement"). DCAD also agreed to abide by the provisions of Chapter 24 of the Dade County Code. DCAD has made substantial progress in implementing the response actions contemplated by the 1993 Consent Agreement. The actual cleanup status of all known contamination sites at MIA is summarized in the Inland Protection Trust Fund Locations Spread Sheet (the "IPTF Spreadsheet") attached as Exhibit A, and the Non-IPTF Locations Spreadsheet ("Non-IPTF Spreadsheet") attached as Exhibit B. The areas of these contamination locations are depicted on GIS Figure 1, attached as Exhibit C. The 1993 Consent Agreement is attached as Exhibit D.

HAZARDOUS WASTE

N. Many of DCAD's current and former tenants are or were generators of hazardous waste subject to regulation under Florida's hazardous waste program.

O. Cleanup of numerous of the areas under review as possible candidates for the hazardous waste closure and corrective action process under 40 C.F.R. part 264 has been initiated and is underway.

P. DCAD is cooperating with the Department in making determinations of whether some of the contaminated locations at MIA currently being addressed under the 1993 Consent Agreement are areas of disposal of hazardous waste subject to closure under Ch. 62-730, F.A.C., incorporating 40 C.F.R. part 264. The parties are desirous of resolving all pending hazardous waste issues in accordance with the appropriate standard for decision and moving forward promptly to complete appropriate cleanups at MIA.

Q. The Department and the United States Environmental Protection Agency ("USEPA") have jurisdiction over hazardous waste cleanups in Florida. The Department is authorized to administer the base hazardous waste program, which includes closure and post-closure for hazardous waste facilities. USEPA retains jurisdiction over corrective actions facility-wide for other solid waste management units and areas of concern pursuant to the Hazardous and Solid Waste Amendments of 1984 ("HSWA"). USEPA Region IV has acknowledged by letter dated November 14, 1997, that at appropriate cleanup sites, USEPA's cleanup integration and coordination policy may be used to integrate hazardous waste cleanup authorities with other substantially equivalent state and federal cleanup authorities which achieve the substantive requirements of such hazardous waste authorities.

CONTINUATION OF ENFORCEMENT ACTIONS

R. In addition to the Department and DERM administrative enforcement actions currently being pursued, DCAD is investigating those parties responsible for the contamination at MIA. The parties to this Consent Order intend to preserve the County's rights to recover costs of response from persons responsible for contamination at MIA.

S. A portion of MIA, known as the Eastern Varsol Spill Site, was previously placed on the National Priority List ("NPL") under the Comprehensive Environmental Response Compensation and Liability Act ("CERCLA"). In the early 1980s, EPA studied a portion of MIA's West Cargo Area formerly known as "Aerodex Ponds" for possible listing on the NPL. The federal government has designated for future response action a portion of MIA within the U.S. Army's former Miami Air Depot in accordance with the Defense Environmental Restoration Program for Formerly Used Defense Sites ("DERP/FUDS"). The U.S. Army Corps of Engineers is studying the federal government's liability for contamination at MIA. Because federal funding for the cleanup of DERP/FUDS facilities must comply with federal law, response actions at the former Miami Air Depot may be subject to the requirements of relevant portions of the National Contingency Plan.

T. Many of the current and former tenants at MIA have not voluntarily responded to the contamination they have caused. As a result, DCAD has commenced assessment and remediation of certain tenant related contamination.

U. The County has begun to notify current and former tenants of their potential responsibility for the remedial actions required with respect to contamination at MIA, including costs of response DCAD has incurred and will incur for contamination at MIA.

THE IPTF LOCATIONS

V. The Department has determined that the majority of the petroleum contamination at MIA is eligible for state-funded cleanup from the Inland Protection Trust Fund ("IPTF") under the following state cleanup programs: the Early Detection Incentive Program; the Petroleum Liability and Restoration Insurance Program; the Abandoned Tank Restoration Program and the Petroleum Cleanup Participation Program (the "IPTF Locations" and "IPTF Programs").

W. To date, actual cleanup activities have been conducted in accordance with Ch. 62-770, F.A.C., under the supervision of the Department and DERM, which the Department has contracted to perform specific oversight activities. Through March 29, 1995, DCAD (and, in a few cases, responsible tenants) conducted the assessment, remedial action planning and remediation of the IPTF Locations under the private cleanup and state reimbursement cleanup mechanism under Chapter 376, Florida Statutes. The eligibility status of the IPTF Locations, their cleanup status, and other relevant information is summarized in the IPTF Spreadsheet.

PRE-CONSTRUCTION ASSESSMENT PROCESS

X. In addition to the locations addressed under the 1993 Consent Agreement and by the state-funded IPTF programs, DCAD also implements a pre-construction investigation of any proposed area of construction in accordance with DERM's pre-construction assessment process. If suspected contamination is uncovered, the location is addressed, depending on whether the contamination involves petroleum products or hazardous substances, under either Ch. 62-770, F.A.C., or the local contamination assessment and remedial action methodology utilizing the framework of the Department's

Corrective Actions For Contamination Sites Cases, attached as Exhibit E. The areas which have undergone this pre-construction assessment process are depicted on GIS Figure 1, Exhibit C.

Therefore, in consideration of the foregoing recitals and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

AGREEMENT

1. The foregoing recitals are true and correct and are fully incorporated herein by reference.
2. The parties desire that the investigation and remediation of contamination at MIA shall be comprehensive, protective of human health and the environment, efficient and cost effective. They will cooperate to minimize requirements or activities that are overlapping, duplicative, or inconsistent. The parties intend to conduct the cleanup at MIA in such a manner that would permit application of the USEPA the Cleanup Integration Policy if at some future date that should become relevant and desirable. See USEPA September 24, 1996, Memorandum entitled "Coordination Between RCRA Corrective Action and Closure and CERCLA Site Activities."
3. The purpose of this Consent Order is to provide for and require a comprehensive and integrated program of action that will achieve a complete investigation and remediation of all conditions of contamination at MIA that will fulfill and satisfy all applicable federal, state and local environmental regulatory requirements to assure protection of human health and the environment. This Consent Order also requires the

timely assessment and cleanup of pollutants, petroleum products, regulated substances, hazardous substances, hazardous materials or hazardous wastes as defined in federal, state, and local law, and the correction of other existing environmental issues not previously addressed by the parties under prior agreements or orders, which assessments and cleanups shall be performed in accordance with applicable federal laws and regulations, Chapters 373, 376, and 403, F.S., and the County Code. This Consent Order shall also serve to establish procedures to eliminate or minimize polluting conditions and events in the future.

4. Except as set forth herein, DCAD shall be responsible for the completion of the assessment and cleanup of existing pollutants, petroleum products, regulated substances, hazardous substances, hazardous materials or hazardous wastes contamination, as defined in applicable federal, state and local law, at MIA. The outstanding and remaining response actions required under the 1993 Consent Agreement shall be completed under the provisions of this Consent Order. Petroleum contamination sites at MIA covered by the 1993 Consent Agreement shall comply with assessment and response action requirements of applicable laws and regulations in effect on the date of this Consent Order. DCAD's response actions at non-petroleum contamination sites shall be subject to DERM supervision and Department oversight as set forth in this Consent Order.

5. Except as set forth herein, the Department's Inland Protection Trust Fund shall have the primary obligation to pay for the completion of the assessment and cleanup of petroleum product contamination locations at MIA for which DCAD has responsibility

but which are eligible for state-funded cleanup under the IPTF. IPTF-funded cleanup will be pursuant to the preapproved site rehabilitation process of Section 376.30711, F.S. (Supp. 1996). Otherwise, IPTF-funded cleanup will be in compliance with section 376.308(5), F.S. (Supp. 1996), occurring under Ch. 62-770, F.A.C., except to the extent that DCAD has agreed to perform the cleanup in advance of site priority ranking order. The IPTF-eligible locations and the sources of funding for the completion of cleanup under this Consent Order are set forth in the IPTF Spreadsheet attached as Exhibit A. The areas of contamination associated with such IPTF-eligible locations are depicted generally in GIS Figure 1, Exhibit C. The petroleum product contamination cleanup process is depicted in Figure 2, "Relationship Between Airport RBCA Protocol and RBCA Activities at the Airport for Petroleum Sites Per Ch. 62-770, F.A.C.," attached as Exhibit F.

6. DCAD shall be primarily responsible for the completion of the assessment and cleanup of all Non-IPTF Locations at MIA, except for those locations where DERM and the Department determine that a DCAD tenant shall be primarily responsible. Any enforcement action by DERM or the Department against a DCAD tenant does not relieve DCAD of its ultimate responsibility for the contamination at that location if the tenant fails to complete assessment and cleanup to the satisfaction of DERM and the Department. The Non-IPTF Spreadsheet attached hereto as Exhibit B and accompanying illustrative GIS Figure 1, Exhibit C, identify the known non-IPTF-eligible locations, their current cleanup status, and whether DCAD or DCAD's tenant is the current lead on cleanup. Exhibits A, B, and C are not intended as a limitation on DCAD's responsibility to cleanup

contamination discovered at MIA. Non-IPTF-eligible petroleum product contamination will be assessed and remediated in accordance with Ch. 62-770, F.A.C. Cleanup of hazardous substance contamination other than contamination addressed under Ch. 62-770 or Ch. 62-730, F.A.C., will be completed pursuant to the contamination assessment and remedial action requirements of the Department's Corrective Actions for Contamination Site Cases, attached as Exhibit E, and the risk based corrective action criteria applied by the Department and specified in Section 376.81(1), F.S. (but not including the permanent groundwater deviations or off-facility point of compliance authorized by Sections 376.81(1)(g)(3), 376.81(1)(h) or 376.81(1)(I), F.S.). The hazardous substance contamination cleanup process is depicted in Figure 3, "Relationship Between Airport Risk Analysis Protocol and Activities at the Airport for Non-Petroleum Sites Per the Corrective Actions for Contamination Sites Cases," attached as Exhibit G. For the duration of this Consent Order, all future response actions of DCAD at MIA, for regulated substances, hazardous materials, petroleum products, hazardous substances, and hazardous waste contamination, shall be subject to the terms of this Consent Order, and applicable federal, state and local laws, regulations, and ordinances.

7. Apart from the contamination locations identified in the IPTF Spreadsheet and the Non-IPTF Spreadsheet, neither the Department nor the County is aware of any areas of contamination at MIA which are not already being responded to by DCAD, the Department through the IPTF, or the potentially responsible tenant. DCAD will continue to screen the airport for contamination locations using the preconstruction assessment process approved by DERM and, to the extent that the preconstruction assessment

process uncovers additional contamination locations where the contamination predates the effective date of this Consent Order and which are not already under assessment or remediation, such locations shall be cleaned up under this Consent Order. Within ninety (90) days of the effective date of this Consent Order, DCAD shall submit to the Department and DERM for review and approval a plan for identifying other contamination locations at MIA which are not already under assessment or remediation, and for which a reasonable basis exists to suspect contamination exists in excess of applicable standards. DCAD's facility assessment plan shall set forth a methodology for identifying such suspect contamination locations based on site inspections and a review of agency records, including permit files and aerial photographs, to identify onsite structures, features and events which may have caused contamination of soil, sediments or groundwater at MIA. In the event that DERM and the Department disapprove the plan of facility assessment, DCAD shall have 30 days to revise the plan and resubmit it. In the event that DERM and the Department again disapprove the plan of facility assessment, DERM and the Department may either require a resubmittal by DCAD within 15 days or draft specific modifications to the plan. Any contamination locations identified through the methodology of the approved plan of facility assessment shall be cleaned up under this Consent Order or, whenever DERM and the Department deem it appropriate, by the responsible DCAD tenant. Areas of contamination previously assessed under DERM or the Department's supervision do not have to be assessed again under the facility assessment plan.

8. Completion of cleanup of contamination locations for which DCAD is responsible shall be performed pursuant to a Schedule of Compliance to be finalized within 90 days of the effective date of this Consent Order. DCAD shall propose a Schedule of Compliance within 60 days of the effective date of this Consent Order. Such Schedule shall take account of the current status of contamination location cleanups stated in the IPTF Spreadsheet and the Non-IPTF Spreadsheet, the relative risk to human health and the environment posed by the contamination locations in light of applicable risk based corrective action criteria, section 376.308(5), F.S., MIA's construction and redevelopment plans, DCAD's operating and construction budgets, and other pertinent considerations. Based on these considerations, DERM and the Department shall finalize the Schedule of Compliance, and the approved Schedule of Compliance shall be incorporated by reference and become a fully enforceable part of this Consent Order.

9. The cleanup of the areas being remediated by DCAD tenants at MIA shall remain the primary responsibility of such tenants under the Department's and DERM's direct cleanup enforcement authority. DCAD will assist the Department's and DERM's cleanup enforcement efforts against tenants by supplying any information pertinent to the tenants' liability for the contamination at issue.

10. The parties acknowledge that in order to enable DCAD to pursue claims against other potentially responsible parties for contribution under Section 113 (f) of the federal Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), DCAD is voluntarily responding to hazardous substance contamination at MIA in a manner consistent with relevant portions of Subpart H of the National

Contingency Plan ("NCP"). The parties agree to cooperate to facilitate compliance with such requirements. This paragraph does not authorize delay in complying with the requirements of this Consent Order. Compliance with the NCP is solely the responsibility of DCAD, which will serve as the "lead agency" as that term is understood in the NCP. DCAD's public participation plan is attached as Exhibit H. DCAD may seek from DERM and the Department appropriate modifications of deadlines and procedural requirements of this Consent Order to enable DCAD to comply with relevant portions of Subpart H, based upon a demonstration of necessity and provided that human health and the environment will not be adversely impacted. The Department and DERM will retain their supervisory roles as described herein.

TENANT ENVIRONMENTAL COMPLIANCE

11. DCAD, within sixty days of the execution of this Consent Order shall mail or deliver a request in writing to each tenant at the airport which is operating under an annual operating permit issued by DERM, asking the tenant to file a written report with the Department, DCAD, and DERM within sixty days of receipt of the request, describing its activities involving the use, generation, or other handling of hazardous materials, and listing the types and quantities of regulated substances, hazardous materials, pollutants, petroleum products, hazardous substances and hazardous wastes handled or managed by each such tenant. Within 60 days of the execution of this Consent Order, DCAD shall furnish the Department and DERM with a copy of each such written request to tenants.

12. The Department and DERM shall assist DCAD in preparing and reviewing for distribution to tenants information consistent with applicable laws and regulations

regarding: (a) the handling of hazardous substances, hazardous wastes, and other regulated pollutants; (b) emergency equipment requirements; and (c) training information for managing a spill, release, or discharge of these substances.

13. Within sixty days of execution of this Consent Order, DCAD shall request each tenant operating under an annual operating permit from DERM to notify the appropriate state and local officials of its designated emergency response coordinator in accordance with applicable laws, and provide a copy of such notification to DCAD, DERM and the Department.

14. To the extent not present in existing appropriate tenant leases, DCAD shall include in new leases, and where possible in lease extensions, provisions requiring appropriate tenants, in accordance with all federal, state and local laws and regulations, to develop emergency action plans to enable an immediate tenant response to spills, releases, or discharges of regulated substances, hazardous materials, pollutants, petroleum products, hazardous substances and hazardous wastes, including the hiring of emergency response contractors.

15. The Department agrees to cooperate with DCAD in preparing for distribution to appropriate tenants a notice informing such tenants that:

a. All reportable incidents involving spills, discharges or other releases of regulated substances, hazardous materials, pollutants, petroleum products, hazardous substances and hazardous wastes, must be reported in accordance with applicable laws, and must be accurately and timely reported by the tenants to the State Warning Point,

telephone number 904/413-9911 (24-hour emergency), the Department, DERM and DCAD.

b. To the extent required by law, within seventy-two hours of the start of any such incident, the tenant responsible for the incident shall submit to DCAD, the Department, and DERM a written preliminary report describing the incident. The tenant responsible for the incident shall submit to DCAD, the Department, and DERM a final written report within two weeks of the incident. The final report shall contain a complete description of and discuss the cause of the emergency and/or discharge, and the steps that will be taken to reduce, eliminate and prevent the recurrence of the event, and all other information necessary to characterize the incident.

16. DCAD shall, to the best of its ability, upon discovery of any release or discharge of regulated substances, hazardous materials, pollutants, petroleum products, hazardous substances or hazardous wastes, notify the person potentially responsible for such release or discharge, of its obligations regarding any reportable discharge or release. To the extent not present in existing appropriate tenant leases, DCAD shall include in new leases, and where possible in lease extensions, provisions requiring proof to DCAD that such discharges have been reported to the Department and DERM. If DCAD believes that the person potentially responsible for the discharge or release has failed to report any reportable discharge or release, then DCAD shall promptly report such discharge or release to the Department and DERM, including information regarding the identity of the potentially responsible party. Copies of Field Notices and Incident Reports related to the discovery of any release or discharge as stated in this paragraph and issued to airport

tenants by or on behalf of DCAD, shall be forwarded to the Department and DERM within one (1) working day of discovery.

17. DCAD shall include in new leases provisions allowing DCAD: (a) to inspect each tenant's leased premises at least annually, and to obtain answers to periodic questionnaires about each tenant's hazardous materials use, generation and other handling practices, in an attempt to ensure compliance with the lease; and (b) to perform a new inspection if, between inspections, DCAD learns that a tenant's operations have changed. Copies of inspection reports shall be maintained in DCAD's tenant files.

18. To the extent permitted under existing leases, DCAD shall conduct periodic environmental compliance inspections of appropriate tenants at a frequency determined by DCAD to be consistent with its obligations under this Consent Order. DCAD's performance of tenant inspections shall not relieve the Department or DERM from any of their responsibilities or obligations with respect to the administration and enforcement of applicable state and local environmental laws and regulations. Neither shall such performance of inspections relieve the hazardous waste handler of any duty to inspect and report.

AGENCY OVERSIGHT ROLES

19. The Department and DERM agree to coordinate their respective responsibilities for overseeing DCAD's response actions under this Consent Order. Both DERM and the Department shall oversee DCAD's cleanup activities; DCAD shall deliver all required submittals to both DERM and the Department and both agencies will review the submittals within a reasonable amount of time consistent with current Department

policies. For reviews where the Department has the primary responsibility DERM will furnish its comments to the Department within a reasonable amount of time; the Department shall within a reasonable amount of time provide a written response to DCAD. For reviews where DERM has the primary responsibility, the Department will furnish its comments to DERM within a reasonable period of time; DERM shall within a reasonable amount of time provide a written response to DCAD incorporating the comments of the Department, which shall retain ultimate oversight authority for DCAD's response actions under this Consent Order. The decisions of the Department herein, including its actions on matters over which DERM has primary review responsibility, shall be agency action subject to the Administrative Procedure Act, Chapter 120, Florida Statutes.

a. DERM shall have primary responsibility for cleanup of non-petroleum contamination which is not subject to the Department's hazardous waste program. DERM will utilize the Department's Corrective Actions for Contamination Site Cases, attached as Exhibit E, and the RBCA criteria established in Section 376.81 (1)(a-j), F.S., except for the permanent groundwater deviations authorized by Sections 376.81(1)(g)(3), 376.81(1)(h) or 376.81(1)(I), F.S., for Brownfield program sites.

b. The Department's Bureau of Petroleum Storage Systems shall have exclusive authority over cleanup of the locations of petroleum and petroleum mixed with other contamination eligible under the Inland Protection Trust Fund (IPTF) which are specified in the IPTF Spreadsheet attached as Exhibit A. Such cleanups shall be consistent with section 376.308(5), F.S.

c. The Department shall have exclusive authority over closure activities under the hazardous waste program.

d. The Department's Southeast District has exclusive authority over petroleum storage system inspection and compliance activities at MIA.

CHAPTER 403 HAZARDOUS WASTE

20. DCAD will fully cooperate with the Department to ensure that tenants of MIA are aware of all applicable hazardous waste management requirements and to encourage compliance with all applicable hazardous waste laws. As owner of MIA, DCAD is ultimately responsible for compliance with these laws.

21. If within 90 days of this Consent Order, the Department is unable to enter into a consent order with Sonic Aviation, Inc. for clean closure of an area of regulated hazardous waste activity at Building 55 pursuant to 40 C.F.R. part 264, DCAD will perform such 40 C.F.R. part 264 clean closure pursuant to the terms of this Consent Order. In this event, consistent with applicable laws, regulations, and guidance, the Department will allow DCAD a reasonable period of time within which to complete clean closure under 40 C.F.R. part 264.

22. At MIA locations where the identity and viability of the potentially responsible tenant is not obvious, as determined by the Department, including former Eastern Buildings 2, 3, 6, 7, and 21, portions of the Northwest Cargo area, and portions of the West Cargo area encompassing former Aerodex operations, DCAD will continue to make hazardous waste site determinations pursuant to the requirements of Chapter 62-730, F.A.C., incorporating 40 C.F.R. 262.11's standard of good faith effort and

reasonable inquiry using available information and actual knowledge. At locations where there is an identified and viable responsible tenant, as determined by the Department, that tenant will have primary responsibility to make the hazardous waste disposal site determination. DCAD will submit the hazardous waste disposal site determination in the event that the responsible tenant refuses to cooperate with the Department. For the specific locations identified in this paragraph, DCAD will submit supplemental hazardous waste location determinations to the Department by March 1, 1998.

23. With regard to the area of MIA formerly known as the Pan American Maintenance Base, which is an area where the responsible tenants are no longer in business or available and pertinent records and information are not available, DCAD will make additional reasonable efforts to uncover the necessary information to enable a determination to be made as to whether such area contains any location of illegal hazardous waste disposal into the environment subject to closure under 40 C.F.R. part 264. DCAD will submit a supplemental analysis on whether or not Pan Am Main Base is or is not a hazardous waste closure location by January 9, 1998.

24. If the Department preliminarily determines that any contamination location at MIA is an illegal hazardous waste facility subject to closure under 40 C.F.R. Part 264, DCAD shall have the right to contest such determination pursuant to Chapter 120, Florida Statutes. Upon final determination that any contamination location at MIA is an illegal hazardous waste facility subject to closure under 40 C.F.R. Part 264, DCAD, or the operator of the facility, shall submit a closure plan consistent with the requirements of 40 C.F.R. Part 264 and Chapter 62-730, Florida Administrative Code. If clean closure is not

achieved within the appropriate time frames, the Department will, in accordance with its Memorandum of Agreement with EPA, issue a post closure permit. DCAD may apply to the Department for authorization to complete closure under this Consent Order and the Department's Corrective Actions for Contamination Site Cases as modified herein to demonstrate that cleanup thereunder will be substantially equivalent to the requirements of 40 C.F.R. Part 264. If the Department approves DCAD's application, it will issue a post-closure care permit which prescribes use of this Consent Order and the Department's Corrective Actions for Contamination Site Cases as modified herein to accomplish the substantive requirements of 40 C.F.R. Part 264. If the Department is satisfied that the substantive requirements of its Hazardous Waste Program will be met, it will support DCAD's application to EPA Region IV to have any remaining facility wide corrective actions completed under this Consent Order, in accordance with the November 14, 1997 letter from EPA Region IV to Mr. Richard Pettigrew, as well as other appropriate guidance.

25. Based upon DCAD's good faith investigation and reasonable inquiry and the available information and actual knowledge, the following locations have been determined by the Department not to qualify as areas of unlawful disposal of hazardous waste into the environment subject to the closure process of Ch 62-730, F.A.C. incorporating 40 C.F.R. part 264, and their cleanup may continue pursuant to the Corrective Actions for Contamination Site Cases or Chapter 62-770, F.A.C., as applicable, under this Consent Order: former Eastern locations Hangar 22 and Buildings 39, 40, 42; former Aerodex vicinity locations Building 2120 and Buildings 2072 and

2072A, the former N.W. 72nd Avenue Soil Staging Area, and the Opa-locka Soil Staging Area.

26. To the extent that 40 C.F.R. part 264 is applicable to any cleanups under this Consent Order, the Department will exercise maximum flexibility in implementing its requirements, in accordance with principles of risk assessment utilized by the USEPA and the Department, USEPA guidance documents and other relevant and appropriate state and federal guidance. Furthermore, the Department shall allow the use of the latest federal and state risk based closure criteria for soils and groundwater for hazardous waste program closures.

DCAD'S STORAGE TANK RESPONSIBILITIES

27. DCAD, upon execution of this Consent Order, shall notify the Department and DERM verbally and in writing, 24 hours prior to the performance of any activity related to above or underground storage tanks owned by DCAD, so that the Department or DERM is able to obtain split ground water samples in connection with the closure of such storage tanks, and to verify the installation, management, closure and/or abandonment of such storage tanks in accordance with applicable federal, state and local laws and regulations.

28. Within ninety (90) days of execution of this Agreement, DCAD shall provide the Department a complete and accurate inventory of all known storage tank systems owned by or located on the Airport (the "Master Storage Tank Inventory"). The Master Storage Tank Inventory shall include: name of facility and location (latitude and longitude), the Department Facility ID number or copy of the submitted State Registration

Form, tank identification number as it appears on the state registration, type of storage tank (above or underground), tank capacity, tank contents, and the status of the tank. State Storage Tank Registration Forms shall be submitted to the Department and DERM as required by Chapters 62-761 and 62-762, Florida Administrative Code.

29. Within one hundred and eighty (180) days of execution of this Agreement, DCAD shall prepare and submit to the Department registration forms and discharge reporting forms for the known, remaining and previously unregistered, improperly registered, abandoned and closed in place and/or removed storage tanks, pursuant to Chapters 62-761 and 62-762, F.A.C. DCAD shall also coordinate with the Department to verify and update information concerning the Airport storage tank facilities found in the Department's databases.

30. Within one year of execution of this Agreement, DCAD shall submit to the Department and DERM a best management plan which clearly identifies all groundwater monitoring wells and sample points, which provides for their proper maintenance to prevent or minimize sampling interferences, and includes the location of each groundwater monitoring well in degrees, minutes and seconds of Latitude and Longitude. In addition DCAD's Best Management Plan should contain provisions for:

- a. Tank and fuel hydrant systems inspections and annual testing (integrity tests). System failures shall be reported in accordance with Section 62-762.450, FAC.

b. Secondary containment for all fuel hydrant loop piping and secondary containment for all field erected above ground tanks in the DCAD owned storage tank farms to the extent required by applicable rules and statutes.

c. Installation of a Department approved leak detection system or pressure test program for the fuel hydrant distribution system which can detect discharge from the tank and integral piping system to the extent required by applicable rules and statutes.

d. Installation of a Department-approved leak detection method for the underground storage tank systems owned by, and located at MIA. The release detection method, or combination of methods, must be able to detect a discharge from storage tank systems and integral piping and be capable of detecting increases in contamination above background levels.

e. An overall investigation of the airport to include an inspection of the land surface to locate storage tank systems.

f. In lieu of the provisions of paragraphs a - d, DCAD has the option of implementing an alternate procedure approved by the Department pursuant to applicable rules and statutes. Should there be any changes to Department regulations, DCAD shall comply with the new rule requirements.

Upon approval of the plan by the Department and DERM, DCAD shall implement the plan.

DCAD's ADDITIONAL ENVIRONMENTAL RESPONSIBILITIES

31. The County also agrees to undertake all reasonable efforts to investigate the nature and extent of the contamination caused by or attributable to the activities of any potentially responsible person, and to seek the recovery of the costs of investigating and remediating any such contamination, except when in DCAD's judgment the amount of a particular claim is too small or the likelihood of recovery is too uncertain. The Department and DERM agree to assist DCAD as they deem appropriate in DCAD's efforts to recover costs incurred in connection with the investigation and remediation of contamination caused by or attributable to activities performed by or on behalf of any potentially responsible person at MIA.

32. In recognition of the past and future costs incurred by the Department in the investigation of contamination at MIA, DCAD agrees not to seek payment from the Department for the official use of DCAD office space, telephones, copy machines and facsimile machines from 1995 through the duration of this Consent Order.

33. In lieu of the payment of penalties, no later than one hundred and eighty (180) days from the effective date of the Consent Order DCAD shall fund three Other Personnel Services ("OPS") positions to assist the Department and DCAD in the performance of this Consent Order. These positions will be recruited by and work under the direct supervision of the Department and will have the following duties and responsibilities:

- Engineer : Will be part of a technical team to: support DCAD's assessment and remediation activities; provide guidance to DCAD on the Department's technical design

criteria, treatment standards, remediation methods, and reporting requirements; serve as a liaison between DCAD, DERM USEPA and the Department; review remedial action plans; inspect facilities/tenants at MIA and provide assistance in pollution prevention, waste minimization, compliance, enforcement, public outreach and ecosystem management activities.

- Geologist/Environmental Specialist: Assures that all contamination assessment, monitoring and remedial activities are performed in compliance with this order and provides progress reports; participates in meetings with DERM and Department staff; maintains records of all assessment activities, monitoring reports and advises the Department on status of compliance with the Consent Order; inspects facilities at MIA to assure compliance with Department rules and statutes; provides assistance in multimedia inspections, pollution prevention, public outreach and ecosystem management activities.

- Secretary/Clerk: Acts as an administrative support person for all the technical staff including the Department staff assigned to the Miami Office and other positions filled pursuant to this order; organizes and maintain records, filing systems, performs typing and revisions of outgoing documents as requested by staff, operates office equipment like fax machines, copiers, printers, computers and answers telephones. The need for continued funding of these OPS positions, any adjustments to funding, or any other incidental funding including but not limited to office space, furniture, telephone, office supplies and other utility services shall be reviewed by the Department annually, and shall not exceed the duration of this Consent Order. Unless otherwise agreed by the Parties, the cost to DCAD of the obligations in this paragraph shall not exceed \$100,000

per year for a period of ten (10) years from the effective date of this Consent Order. This paragraph does not affect the Department's obligation to supervise compliance with this Consent Order.

34. In a manner consistent with the airport being a public facility, DCAD shall use reasonable efforts to provide sufficient security at the airport: (I) to prevent third parties from entering the airport and illegally disposing of regulated substances, hazardous materials, pollutants, petroleum products, hazardous substances and hazardous wastes; and (ii) to prevent vandalism, theft of materials, equipment, or wastes; and (iii) to prevent other unauthorized activity by third parties which might result in injury to human health or the environment, or violations of law which threaten human health or the environment. Nothing in this paragraph creates nor shall be construed to create any third party rights.

35. Given that MIA is an operating international airport, with reasonable advance notice, DCAD shall allow all authorized representatives of the Department access to the facility at reasonable times for purposes of sampling and determining compliance with this Consent Order, any permits issued by the Department, and the rules of the Department.

RELEASE, COSTS AND PENALTIES

36. The Department will cooperate with DCAD in pursuing enforcement actions where appropriate to ensure that current and former tenants or other responsible parties assume full responsibility for cleanup of contamination for which they are liable. DCAD will fully cooperate with the Department and DERM in their efforts to require

tenants to complete cleanups of contamination for which they are responsible. This cooperation does not alter DCAD's liabilities for cleanup.

37. The Department, for and in consideration of the complete and timely performance by the County of the assessment and cleanup obligations, including the Schedule of Compliance, defined in this Consent Order, releases and covenants not to sue the County, regarding any and all legal, equitable, common law and statutory claims and causes of action, including claims under Chapters 376 and 403, F.S., which the Department now has or may have, arising out of the existing contamination and pollution conditions at MIA the cleanup of which are the subject of this Consent Order. With regard to third party claims for contribution against the County for any of the contaminated locations which DCAD has agreed to clean up under this Consent Order, the Department agrees that the County is entitled, as of the execution of this Consent Order, to such protection from third party contribution actions or claims based on common liability to the Department as may be provided in state or federal law. This release and covenant not to sue from the Department to the County is for purposes of section 768.31(5) F.S., intended to discharge the County from any and all liability for contribution to any third party who has common liability to the Department for the contamination and pollution conditions at MIA the assessment and cleanup of which is made DCAD's obligation under this Consent Order.

38. In addition, in light of the County's voluntary resolution of its liability to the Department before the filing of an action, for and in consideration of the complete and timely performance by the County of the cleanup obligations agreed to in this Consent

Order, and for the specific purpose of preserving and perfecting the County's entitlement to recover contribution under Sections 376.313(3), 768.31(d), and 403.727(8), F.S., and common law, by entering into this settlement the Department extinguishes and releases the liability of any persons jointly and severally liable in common with DCAD for all costs of removal or remedial action incurred by the Department for the contamination and pollution conditions at MIA which are made DCAD's assessment and cleanup obligations under this Consent Order. The foregoing release: (a) does not extinguish the Department's rights to pursue civil penalties from persons responsible for existing contamination and pollution conditions at MIA, given that civil penalties are not liabilities in tort under UCATA; and (b) applies only to contamination, releases or threatened releases existing at MIA as of the effective date of this Consent Order.

39. Should the County fail timely and completely to perform the assessment and cleanup obligations, including the Schedule of Compliance, defined by this Consent Order, the rights granted in the preceding three paragraphs shall be void and of absolutely no effect whatsoever and shall not be asserted as a defense to impede the Department's ability to enforce the other terms of this Consent Order or to seek any injunctive or damages relief whatsoever in respect of the existing contamination and pollution conditions at MIA.

40. Respondent agrees to pay the Department stipulated penalties in the amount of \$100.00 per day for each and every day Respondent fails to timely comply with any of the material requirements of the Schedule of Compliance referred to in paragraph 8 and with the storage tank requirements referred to in paragraph 30. a. - d. Within 30 days

of written demand from the Department, Respondent shall make payment of the appropriate stipulated penalties to the "Department of Environmental Protection" by cashier's check or money order and shall include thereon the OGC number assigned to this Consent Order and the notation "Ecosystem Management and Restoration Trust Fund". Payment shall be mailed to the Department of Environmental Protection, Post Office Box 15425, West Palm Beach, Florida 33416-5425. The Department may make demands for payment at any time after violations occur. Nothing in this paragraph shall prevent the Department from filing suit to specifically enforce any of the terms of the Consent Order. If the Department is required to file a lawsuit to recover stipulated penalties under this paragraph, the Department will not be foreclosed from seeking penalties for violations of this Consent Order in an amount greater than the stipulated penalties due under this paragraph.

41. This Consent Order is a settlement of the Department's civil and administrative authority arising from Chapters 403 and 376, F.S., to pursue the allegations addressed herein. This Consent Order does not address settlement of any criminal liabilities which may arise from Sections 403.161(3) through (5), 403.413(5), 403.727(3)(b), 376.302(3) and (4), or 376.3071(10), F.S., nor does it address settlement of any violation which may be prosecuted criminally or civilly under federal law.

42. Respondent waives its right to an administrative hearing on the terms of this Consent Order under Section 120.57, F.S., and its right to appeal this Consent Order pursuant to Section 120.68, F.S. This waiver does not extend to any future final agency action by the Department taken after the effective date of this Consent Order.

43. Execution of this Consent Order does not relieve DCAD of the need to comply with applicable federal, state or local laws, regulations or ordinances.

44. The Department reserves its right to bring suit against DCAD in a court of competent jurisdiction pursuant to Sections 120.69 and 403.121, F.S.

45. The Department hereby expressly reserves the right to initiate appropriate legal action to prevent or prohibit any violations of applicable statutes, or the rules promulgated thereunder, that are not specifically addressed by the terms of this Consent Order.

46. Nothing herein shall be construed to limit the authority of the Department to undertake any action against DCAD in response to or to recover the costs of responding to conditions at or from MIA that require Department action to abate an imminent hazard to the public health, welfare or the environment.

MEDIATION OF DISPUTES

47. The Department, DCAD, DERM and any other substantially affected people may agree to mediate disputes which may arise out of the interpretation or implementation of this Consent Order, pursuant to the terms of the Administrative Procedures Act.

48. The names, addresses, and telephone numbers of the party representatives who may participate in the mediation are those set forth in paragraph 51, plus any additional persons which the Department, DCAD, or DERM may identify, or anyone who has filed a timely and sufficient petition. The mediating parties agree to jointly select a

mediator from lists provided by the Florida Growth Management Conflict Resolution Consortium of the Florida State University.

49. The costs and fees associated with mediation shall be borne equally by the parties. All discussions and documents relating to the mediation shall be open to the public.

50. Mediation shall occur within 30 days of any agreement to mediate a dispute with respect to the interpretation or implementation of this Consent Order. The provisions of Section 120.573, F.S., shall govern mediation of any dispute relating to the interpretation or implementation of this Consent Order. If mediation terminates without settlement of the dispute, the parties retain their rights to administrative hearings under Sections 120.569 and 120.57, F.S., or other relief with respect to such disputes. The mediation provisions of this Consent Order do not preclude the Department from taking such action as may be necessary to abate any imminent hazard or immediate threat to human health and safety.

COMMUNICATIONS

51. All communications, including notices, writings and deliverables relating to the Consent Order shall be directed to the following individuals on behalf of the parties hereto:

| | |
|--------------------|---|
| <u>Department:</u> | Mr. Carlos Rivero-deAguilar State of Florida Department of Environmental Protection P.O. Box 15425 West Palm Beach, Florida 33416 Telephone: (561) 681-6600 Facsimile: (561) 681-6755 |
|--------------------|---|

With a
copy to:

Mr. Thomas M. Beason
Assistant General Counsel
State of Florida
Department of Environmental Protection
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000
Telephone: (904) 488-9314
Facsimile: (904) 488-2439

DCAD:

Mr. Pedro F. Hernandez
Manager, Environmental Engineering
Dade County Aviation Department
4200 NW 36th Street
Building 5A, 1st Floor
Miami, Florida 33159
Telephone: (305) 876-7928
Facsimile: (305) 876-0239

With a
copy to:

Ms. Mercedes Sandoval Holston
Assistant County Attorney
Dade County Attorney's Office
Aviation Division
Miami International Airport
Concourse B
4th Floor
Miami, Florida
Telephone: (305) 876-7040
Facsimile: (305) 876-7294

DERM:

Mr. John W. Renfrow
Director
Dade County Department of
Environmental Resources Management
33 SW 2nd Avenue, Penthouse 2
Miami, Florida 33130
Telephone: (305) 372-6789
Facsimile: (305) 372-6759

With a
copy to:

Mr. Thomas H. Robertson
Assistant County Attorney
Stephen P. Clark Center
Suite 2810

111 NW First Street
Miami, Florida 33128-1993
Telephone: (305) 375-5151
Facsimile: (305) 375-1347

The parties may change these designations at any time, including additional designees, by giving written notice of the change or additional designees to the other parties.

MISCELLANEOUS PROVISIONS

52. DCAD shall publish the following notice in a newspaper of daily circulation in Dade County, Florida. The notice shall be published one time only within twenty-one days after execution of the Consent Order by the Department. DCAD shall provide a copy of such publication to the Department's Southeast District Office, and to DERM within seven (7) days after publication.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

NOTICE OF CONSENT ORDER AND SETTLEMENT AGREEMENT

The Department of Environmental Protection ("the Department") gives notice of agency action of entering into a Consent Order and Settlement Agreement ("Consent Order") with Miami-Dade County, Florida (the "County"). The Consent Order addresses the assessment and remediation of soil and groundwater contamination at the Miami International Airport. The Consent 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 (a) the Department of Environmental Protection, 1600 South Congress Avenue, West Palm Beach, Florida; (b) Miami-Dade County Department of Environmental Resources Management, 33 SW 2nd Avenue, Penthouse 2, Miami, Florida; and (c) Miami-Dade County Aviation Department, 4200 NW 36th Street, Building 5A, 1st Floor, Miami, Florida.

Persons whose substantial interests are affected by this Consent Order have a right to petition for an administrative hearing on the Consent 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, Tallahassee, Florida 32399-3000, within twenty-one days of receipt of this notice. A copy of the petition must also be mailed at the time of filing to the Department Southeast District Office, PO Box 15425, West Palm Beach, Florida 33416-5425, the Dade County Aviation Department and the Dade County Department of Environmental Resources Management. Failure to file a petition within the twenty-one days constitutes a waiver of any right such person has

to an administrative hearing pursuant to Section 120.57, F.S. The petition shall contain the following information: (a) The name, address, and telephone number of each petitioner; the Department's identification number for the Consent Order and the county in which the subject matter or activity is located; (b) A statement of how and when each petitioner received notice of the Consent Order; (c) A statement of how each petitioner's substantial interests are affected by the Consent Order; (d) A statement of the material facts disputed by petitioner, if any; (e) A statement of facts which petitioner contends warrant reversal or modification of the Consent Order; (f) A statement of which rules or statutes petitioner contends require reversal or modification of the Consent Order; (g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Consent 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 Consent 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 twenty-one days of receipt of this notice in the Office of General Counsel at the above address of the Department. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Section 120.569 and 120.57, F.S., 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 60Q-2.010, F.A.C.

A person whose substantial interests are affected by the Consent Order may file a timely petition for an administrative hearing under Sections 120.569 and 120.57, F.S., or may choose to pursue mediation as an alternative remedy under Section 120.573, F.S., before the deadline for filing a petition. Choosing mediation will not adversely affect the right to a hearing if mediation does not result in a settlement. The procedures for pursuing mediation are set forth below.

Mediation may only take place if the Department and all the parties to the proceeding agree that mediation is appropriate. A person may pursue mediation by reaching a mediation agreement with all parties to the proceeding (which include the Respondent, the Department, and any person who has filed a timely and sufficient petition for a hearing) and by showing how the substantial interests of each mediating party are affected by the Consent Order. The agreement must be filed in (received by) the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, by the same deadline as set forth above for the filing of a petition.

The agreement to mediate must include the following:

(a) The names, addresses, and telephone numbers of any persons who may attend the mediation;

(b) The name, address, and telephone number of the mediator selected by the parties, or a provision for selecting a mediator within a specified time;

(c) The agreed allocation of the costs and fees associated with the mediation;

(d) The agreement of the parties on the confidentiality of discussions and documents introduced during mediation;

(e) The date, time, and place of the first mediation session, or a deadline for holding the first session, if no mediator has yet been chosen;

(f) The name of each party's representative who shall have authority to settle or recommend settlement;

(g) Either an explanation of how the substantial interests of each mediating party will be affected by the action or proposed action addressed in this notice of intent or a statement clearly identifying the petition for hearing that each party has already filed, and incorporating it by reference; and

(h) The signatures of all parties or their authorized representatives.

As provided in section 120.573 of the Florida Statutes, the timely agreement of all parties to mediate will toll the time limitations imposed by sections 120.569 and 120.57, F.S. for requesting and holding an administrative hearing. Unless otherwise agreed by the parties, the mediation must be concluded within sixty days of the execution of the agreement. If mediation results in settlement of the administrative dispute, the Department must enter a final order incorporating the agreement of the parties. Persons whose substantial interests will be affected by such a modified final decision of the Department have a right to petition for a hearing only in accordance with the requirements for such petitions set forth above, and must therefore file their petitions within 21 days of receipt of this notice. If mediation terminates without settlement of the dispute, the Department shall notify all parties in writing that the administrative hearing processes under Sections 120.569 and 120.57, F.S. remain available for disposition of the dispute, and the notice will specify the deadlines that then will apply for challenging the agency action and electing remedies under those two statutes.

The public is also invited to comment on the proposed cleanup process for MIA and whether the proposed cleanup is necessary and appropriate and satisfies applicable and appropriate legal requirements. Those who wish to challenge the cleanup process proposed in the Consent Order must petition the Department or seek mediation, as set forth above. Those who merely have comments or recommendations on the proposed cleanup process must submit them in writing to Mr. Pedro F. Hernandez, Manager, Environmental Engineering, Dade County Aviation Department, 4200 NW 36th Street, Building 5A, 1st Floor, Miami, Florida 33159, within thirty days of this Notice. If

DCAD determines that there is sufficient public interest warranting further discussion of the proposed cleanup process, DCAD will hold a public hearing. DCAD will take any significant public comments into account in the cleanup and will submit them to the Department and DERM before the Department and DERM approve or otherwise take action on the proposed cleanup of MIA. Persons failing to submit comments to DCAD within the above time period shall be deemed to have waived the right to participate in decision making on the proposed contamination assessment.

53. The parties may amend this Consent Order from time to time as necessary to reflect changed conditions or circumstances or the adoption of new laws, regulations, or applicable guidance. Any such amendment of the terms of this Consent Order shall be effective only if reduced to writing and executed by the County and the Department.

54. The provisions of this Consent Order shall apply to and be binding upon the parties, their successors, and assigns.

55. If any event occurs which causes delay, or the reasonable likelihood of delay, in complying with the requirements of this Consent Order, DCAD shall have the burden of proving that the delay was, or will be, caused by the circumstances beyond the reasonable control of DCAD and could not have been or cannot be overcome by due diligence. Upon occurrence of an event causing delay, or upon becoming aware of a potential for delay, DCAD shall promptly notify the Department and DERM orally and shall, within seven (7) days of oral notification, notify the Department and DERM in writing of the anticipated length and cause of the delay, the measures taken, or to be taken, to prevent or minimize the delay, and the timetable by which DCAD intends to implement these measures. If the parties can agree that the delay or anticipated has been, or will be, caused by circumstances beyond the reasonable control of DCAD, the time for performance hereunder shall be extended for a period equal to the agreed delay resulting

from such circumstances. Such Consent Order shall adopt all reasonable measures necessary to avoid or minimize delay. Failure by DCAD to comply with the notice requirements of this paragraph in a timely manner shall constitute a waiver of DCAD's right to request an extension of time for compliance with the requirements of this Consent Order.

56. This Consent Order is final agency action of the Department pursuant to Section 120.69, F.S., and Rule 62-103.105(3), F.A.C., and it is final and effective on the date filed with the Clerk of the Department unless a Petition for Administrative Hearing is filed in accordance with Chapter 120, F.S. Upon timely filing of a petition this Consent Order will not be effective until such petition is disposed of or a new Consent Order is executed by the parties.

MIAMI-DADE COUNTY

DATE

By: _____
Armando Vidal, County Manager

STATE OF FLORIDA, DEPARTMENT
OF ENVIRONMENTAL PROTECTION

DATE

By: _____
Carlos Rivero-deAguilar
Director of District Management
Southeast District

EXHIBIT "A"

MIA IPTF LOCATIONS SPREADSHEET

| Facility ID Number | General Location | Building or sites included | Program | Eligibility |
|--------------------|---|---|---------|-------------|
| 138503710 | Dynair Tech of Florida | Building 1035/1036 | EDI/32 | Eligible |
| 138503995 | Benton Brothers | Benton Brothers Active >3/1 | ATRP | Ineligible |
| 138504385 | Delta | Building 3078 | EDI/15 | Eligible |
| 138504453 | Eastern Airlines | Eastern Airlines Tank Farm w/ associated integral hydrant piping Building 21/21B(139600885) Building 21/ 21A(139600897) Concourse A(139602241) Concourse B Building 13(139600888) Hangar 22/24(139600886) Hangar 22(139600887) Excludes Oil/Water separator off Building 1033 Building 30A Building 5(139602074) Building 7(139600889) Excludes varsol contamination Building 33(139600898) | EDI/34 | Eligible |
| 138505401 | LCAD Concourse E | Concourse E(138505401, "O") (139200291, "C") (139400010, "G") (139400011, "M") (139400012, "X" Remote) Building 3025 (Location A) | EDI/14 | Eligible |
| 138505493 | National Car Rental | Sites 1 and 2 Buildings 3116,3117 & 3119 | EDI/13 | Eligible |
| 138521998 | Bellomy & Lawson Aviation | Building 1042 Petroleum Products Only | EDI/30 | Partial |
| 138522009 | Rolls Royce | Building 2120 Building 2121 Building 1050A | EDI/9 | Eligible |
| 138522062 | Pan American Airways Maintenance Base Areas 1 & 2 | Integral hydrant piping Building 3030 NFA Building 3032-boiler fuel NFA Building 3037 petroleum product USTs (Building 3040 excludes mineral spirits)139600892 Building 3088-boiler fuel NFA 139600891 Building 3090 Active Building 3092 Active Excludes Building 3095-non petroleum 139600890 | EDI/10 | Partial |
| 138622186 | Avis Car Rental | Building 3014 | EDI/14 | Eligible |
| 138622187 | Aircraft Service International Inc. (ASII) | Former Fl Aviation Fueling Building 3101 See Chevron #52020(139401072) | EDI/14 | Eligible |

MIA IPTF LOCATIONS SPREADSHEET

| Facility ID Number | General Location | Building or sites included | Program | Eligibility |
|--------------------|--|---|----------------|-----------------------|
| 138622188 | Air Terminating/Aircraft Service | Former Pan American Airways Tank Farm w/ associated integral hydrant piping | EDI/15 | Eligible |
| 138628897 | Texaco/Tursair | Building 1002 | EDI/34 | Eligible |
| 138629044 | DCAD (See 139046224) | Building 3047 >3/1 | ATRP | Ineligible |
| 138629406 | DCAD Tank Farm #5 Former Citgo Tank Farm | Building 3048 w/ usts | EDI/14 | Eligible |
| 138733359 | Red Top Sedan Miami Shuttle | >3/1, PP, CI | EDI/11 ATRP | Partial Ineligible |
| 139046224 | Advance Petroleum Inc. | Building 3047 | ATRP/6 | Partial |
| 139101470 | Pan American Airways | Building 60 Building 60A Building 60B Building 48 Building 52 Building 55 Building 63 | | |
| 139101470 | Pan American Airways (DUPLICATE) | Building 60A | ATRP/1 4 | Partial |
| 139102396 | DCAD Tank Farm #5 see 138629406 | Bulk Tanks w/ associated integral hydrant piping | EDI/14 | Eligible |
| 139103362 | DCAD-Cargo Area/Engine Test Site | Building 2120 PP | EDI | Ineligible |
| 139103364 | DCAD-Concourse C & D | Concourse C "F" | EDI/? | Partial |
| 139200292 | DCAD-Concourse F | Concourse F "L" hydrant system | EDI/10 | Eligible |
| 139401072 | Chevron #52020 See ASII | Building 3046 USTs Only see 138622187 | EDI/14 | Partial |
| 139600080 | DCAD-Random Tank A | Midfield Area SW of Building 1068 | ATRP/11 | Eligible |
| 139601054 | DCAD-Concourse J | Building 3071 | ATRP/11 | Eligible |
| 139601057 | Shell Oil Company | Building 3049 | ATRP/10 | Partial |
| 139601058 | Pan American Airways | Building 48 PP | ATRP | Ineligible |
| 139601059 | Pan American Airways | Tank 17 | ATRP/30 | Eligible |
| 139601060 | Hertz Rent-A-Car | Building 3012 | ATRP/9 | Partial |
| 139601308 | DCAD-West End Cargo/Aqua Gasoline System | Building 702 Closure | ATRP | Ineligible |
| 139601309 | Airlift International | Building 2136 NC Closure Building 2138 | ATRP | Ineligible |
| 139601310 | Pan American Airways Clockhouse | Building 2179 | ATRP/11 | Eligible |
| 139601311 | DynAir Tech of Florida | Building 1036 NC, Closure, >3/1 Building 1064 | ATRP | Ineligible |
| 139601312 | Aerodex Inc. | Building 2064 | ATRP/15 | Partial |
| 139601313 | Lanica and Varig Airlines | Building 2169 NC, Closure | ATRP | Ineligible |
| 139601314 | Aero Facilities | Building 1040 NC, Closure | ATRP | Ineligible |
| 139601315 | DCAD | Building 3024 NC, Closure | ATRP | Ineligible |
| 139601316 | DCAD | Building 3081 Building 3082 | ATRP/11 | Eligible |

MIA IPTF LOCATIONS SPREADSHEET

| Facility ID Number | General Location | Building or sites included | Program | Eligibility |
|-----------------------|------------------|----------------------------|---------|-------------|
| 139601317 | Aerodex | Building 2140 NC, Closure | ATRP | Ineligible |
| 139601318 | APCOA Facility | Building 3007 NC, Closure | ATRP | Ineligible |

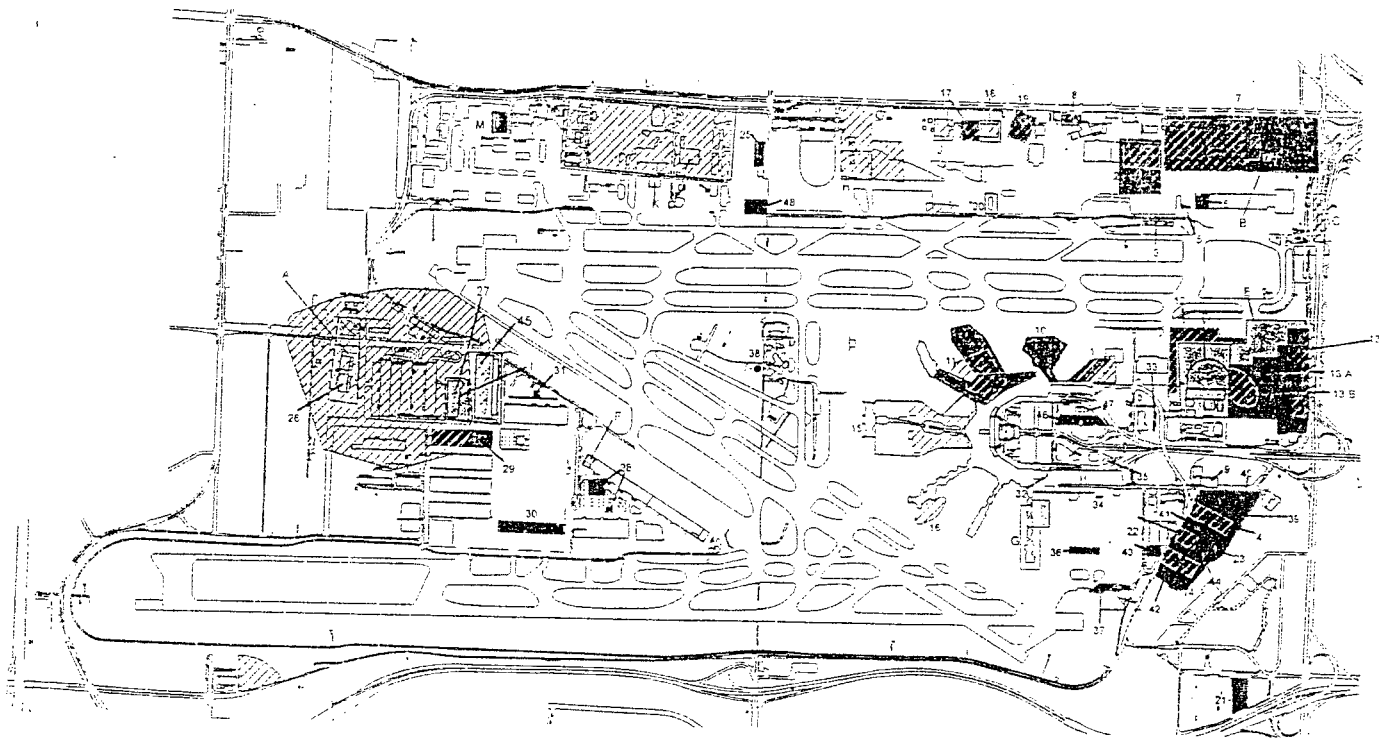
EXHIBIT " B "

HAZARDOUS SUBSTANCE LOCATIONS SPREADSHEET

October 24, 1997

| Site No. | Building No. | A/K/A | Cleanup Area (Consent Order Zone or DERM Enforcement Name). | FDEP Facility ID | Areas & Types of Contamination | Completed Clean-up Tasks and Current Clean-up Status | Party Conducting Cleanup Post Consent Order |
|----------|---------------------------|---|---|------------------|--|--|---|
| A | DOD/ Aerodex Area | B2000 - B2006 Aerodex Pond. B2060 - B2065 | Aerodex | | Petroleum and Non-Petroleum Contamination, PCB Contamination. | IRA, Partial Source Removal, Monitoring of the Pond. Contemplated risk based modification. | DCAD |
| B | Firewell 481 | | Eastern Main Base | | Non-Petroleum Contamination in soil and groundwater. | Closed. | |
| C | 1W-Line | | Eastern | | Discharges of Waste containing oil and grease and metals. | Monitoring Report currently under review. | DCAD |
| D | Pan Am Main Base - Site 5 | B-3095 | | | Petroleum and Non-Petroleum Contamination in soil and groundwater. | CAP, CAR, RAP, RAPA. Contemplated risk based modification. | DCAD |
| E | Pan Am Main Base - Site 6 | NE corner of Pan Am Main Base | | | Petroleum and Non-Petroleum Contamination in soil and groundwater. | CAP, CAR, CARA, RAP (dis). Contemplated risk based modification. | DCAD |
| F | Bldg. 2207 | | Bldg. 2207 | | Non-Petroleum Products found in the groundwater. | NORT Response Plan. Contemplated risk based modification. | DCAD |
| G | Concourse H | | Concourse H | 139400015 | Petroleum and Non-Petroleum Products in soil and groundwater. | NORT Response Plan. Contemplated risk based modification. | DCAD |
| H | Bldg. 55 | | Sonic Aviation | 139101470 | Non-Petroleum Contamination in soil and groundwater. | FDEP Consent Order with Sonic pending; further assessment pending. | Sonic Aviation |
| I | Bldg. 2120 | | DCAD | 139103362 | Petroleum and Non-Petroleum Contamination in soil and groundwater. | RAP contemplated risk based modification. | DCAD |
| J | Bldg. 63 | Midway Airlines | Midway Airlines | | Petroleum and Non-Petroleum Contamination in soil and groundwater. | RAP, IRA, Source Removal. Contemplated risk based modification. | DCAD |
| K | Bldg. 1033 | Tan Airlines | Bldg. 1033 | | Non-Petroleum Contamination in soil and groundwater. | PCA of utility corridor; further assessment to be conducted during construction. | DCAD |
| L | NWCargo Area | | NW Cargo Area | | Non-Petroleum Contamination in soil and groundwater. | Active contamination remediation. | DCAD |
| M | Bldg. 1024 | Southern Air Transport | NW Cargo Area | | Non-Petroleum Contamination in soil and groundwater. | DERM Consent Agreement with Southern. CAR | Southern Air Transport |

EXHIBIT " C "



BUILDING LAYOUT, 1991
 1993 Consent Agreement Zones
 Paved Areas (1992)
 Detention & Noise Containment Zone (see Exhibit 100)
 AA - NOTICE OF REQUIRED TESTING PLAN
 ST - 200 HOURS OF TEST

Miami International Airport
 Status of Environmental

EXHIBIT "D"

RECEIVED

DEC 14 1994

DEPT OF ENV PROTECTION
WEST PALM BEACH

DADE COUNTY DEPARTMENT OF
ENVIRONMENTAL RESOURCES MANAGEMENT,

Complainant,

V.

METROPOLITAN DADE COUNTY
AVIATION DEPARTMENT,

Respondent

CONSENT AGREEMENT

This Agreement, entered into by and between METROPOLITAN DADE COUNTY DEPARTMENT OF ENVIRONMENTAL RESOURCES MANAGEMENT (hereinafter referred to as DERM), and METROPOLITAN DADE COUNTY AVIATION DEPARTMENT, (hereinafter referred to as DCAD), pursuant to Section 24-5(15)(c), Metropolitan Dade County Environmental Protection Ordinance, shall serve to resolve violations of Chapter 24 of the Code of Metropolitan Dade County at the Miami International Airport, Dade County, Florida; and more particularly described on Exhibit A, a copy of which is attached hereto and made a part hereof by reference.

The DERM finds and DCAD admits the following:

FINDINGS OF FACT

1. The DERM is an agency of Metropolitan Dade County, a political subdivision of the State of Florida which is empowered to control and prohibit pollution and protect the environment within Dade County pursuant to Article VIII, Section 6 of the Florida Constitution, the Dade County Home Rule Charter and Section 403.162 of the Florida Statutes.



2. DERM's investigations at the Miami International Airport (MIA) have revealed soil and groundwater contamination throughout the Airport.
3. DCAD hereby consents to the terms of this Agreement and in an effort to insure continued protection of the health and safety of the public and the environment of Dade County and to insure compliance with Chapter 24, Metropolitan Dade County Environmental Protection Ordinance, the parties hereto stipulate and agree to the following, and it is ORDERED:

SUBMITTAL AND REPORTING REQUIREMENTS

4. DCAD shall within ninety (90) days of the effective date of this Agreement, submit to DERM a description of the leak detection system for the current MIA fuel distribution system, including plans for the upgrading, replacement or installation of monitoring wells for the current fuel hydrant system throughout MIA, and planned expansions and improvements to ensure environmental protection. The report shall include a recent certification which indicates that the system is not leaking.



5. DERM shall review the report, submitted pursuant to paragraph 4 of this Agreement, in a timely manner and approve or disapprove the report. Any contamination identified within the report shall require submission, by DCAD, of a Contamination Assessment Report (CAR) within the timeframes specified by DERM.
6. DCAD shall, on or before March 1, 1994, complete an Initial Remedial Action (IRA) for the area near Concourse A, and within six (6) months of completion of the IRA, submit to DERM a Contamination Assessment Report (CAR) prepared in accordance with Rule 17-770.630, of the Florida Administrative Code (F.A.C.), and DERM criteria for non-petroleum contaminants for the identification of the extent of soil contamination and the free floating and dissolved contamination in the groundwater in the area near Concourse A.
7. The DERM shall review the CAR for the area near Concourse A in a timely manner and approve or disapprove said report.
8. DCAD shall within sixty (60) days of receipt of approval of the CAR for the area near Concourse A, submit to DERM a Remedial Action Plan (RAP) prepared in accordance with Rule 17-770.700 F.A.C. and DERM criteria for non-petroleum contaminants for the restoration of the contaminated soils and groundwater in the area of Concourse A.



9. DERM shall review the RAP for the area near Concourse A in a timely manner and approve or disapprove the RAP. Upon receipt of DERM approval, DCAD shall implement the RAP in accordance with the approved time periods.
10. DCAD shall on or before February 22, 1994, submit to DERM a Contamination Assessment Report (CAR) prepared in accordance with Rule 17-770.630 F.A.C. and DERM criteria for non-petroleum contaminants for the identification of the extent of soil contamination and the free floating and dissolved contamination in the groundwater in the area of Concourses C & D.
11. The DERM shall review the CAR for the area near Concourses C & D in a timely manner and approve or disapprove said report.
12. DCAD shall within sixty (60) days of receipt of approval of the CAR for Concourse C & D, submit to DERM a Remedial Action Plan (RAP) prepared in accordance with Rule 17-770.700 F.A.C. and DERM criteria for non-petroleum contaminants for the restoration of the contaminated soils and groundwater in the area of Concourses C & D.
13. DERM shall review the RAP for the area near Concourses C & D in a timely manner and approve or disapprove the RAP. Upon receipt of DERM approval, DCAD shall implement the RAP in accordance with the approved time periods.



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14. DCAD shall, on or before December 31, 1993, submit to DERM a Remedial Action Plan (RAP) prepared in accordance with Rule 17-770.700 F.A.C. and DERM criteria for non-petroleum contaminants for the restoration of the contaminated soils and groundwater in the area of Concourse E.
15. DERM shall review the RAP for Concourse E in a timely manner and approve or disapprove the RAP. Upon receipt of DERM approval, DCAD shall implement the RAP in accordance with the approved time periods.
16. DCAD shall within ninety (90) days of the effective date of this Agreement, submit to DERM a report on the origin and extent of any gases in the area of Concourse E.
17. DERM shall review the report on the origin and extent of any gases in the area of Concourse E and approve or disapprove the report. DCAD shall, if required by DERM, submit a plan for the abatement and/or control of the gases in accordance with the approved time period.
18. DCAD shall, on or before December 31, 1993, submit to DERM a Remedial Action Plan (RAP) prepared in accordance with Rule 17-770.700 F.A.C. and DERM criteria for non-petroleum contaminants for the restoration of the contaminated soils and groundwater in the area of Concourse F.



19. DERM shall review the RAP for Concourse F in a timely manner and approve or disapprove the RAP. Upon receipt of DERM approval, DCAD shall implement the RAP in accordance with the approved time periods.
20. DCAD shall within nine (9) months of the effective date of this Agreement, submit to DERM a Remedial Action Plan Modification (RAPM) for the restoration of any contaminated groundwater in the area of Hangar 22. The RAPM shall include a current round of sampling which identifies the extent of groundwater contamination, and results of the removal of contaminated soils and free floating contaminants as practicable.
21. DERM shall review the RAPM for the area of Hangar 22 in a timely manner and approve or disapprove the RAPM. Upon receipt of DERM approval, DCAD shall implement the RAPM in accordance with the approved time period.
22. DCAD shall within sixty (60) days of the effective date of this Agreement, submit to DERM plans for the proper removal, abandonment or upgrading and permitting of all underground storage systems at the former Eastern Airlines Main Base.



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23. DERM shall review the plans submitted pursuant to paragraph 22 of this Agreement in a timely manner and approve or disapprove the plans. Upon receipt of DERM approval, DCAD shall implement the plans and within sixty (60) days of the approval submit certification that all required removal, abandonment or upgrading is completed. In the event any contamination is found during implementation of the plans, DCAD shall address the contamination in accordance with Rule 17-770 F.A.C. and DERM criteria for non-petroleum contaminants
24. DCAD shall within six (6) months of the effective date of this Agreement, submit to DERM a Contamination Assessment Report (CAR) prepared in accordance with Rule 17-770.630 F.A.C. and DERM criteria for non-petroleum contaminants for the identification of the extent of soil contamination and the free floating and dissolved contamination in the groundwater in the area near Buildings 39, 40 and 42 on the former Eastern Airlines Main Base.
25. DERM shall review the CAR for the area near Buildings 39, 40 and 42 in a timely manner and approve or disapprove said report.



26. DCAD shall within sixty (60) days of receipt of approval of the CAR for the area near Buildings 39, 40 and 42, submit to DERM a Remedial Action Plan (RAP) prepared in accordance with Rule 17-770.700 F.A.C. and DERM criteria for non-petroleum contaminants for the restoration of the contaminated soils and groundwater in the area of the underground storage tank near Buildings 39, 40 and 42.
27. DERM shall review the RAP for the area near Buildings 39, 40 and 42 in a timely manner and approve or disapprove the RAP. Upon receipt of DERM approval, DCAD shall implement the RAP in accordance with the approved time periods.
28. DCAD shall within six (6) months of completion of the plans approved in paragraph 23, submit to DERM a Contamination Assessment Report (CAR) prepared in accordance with Rule 17-770.630 F.A.C. and DERM criteria for non-petroleum contaminants for the identification of the extent of soil contamination and the free floating and dissolved hydrocarbon contamination in the groundwater in the areas near Buildings 2, 3, 6, 7 and 21 on the former Eastern Airlines Main Base.
29. DERM shall review the CAR for the areas near Buildings 2, 3, 6, 7 and 21 in a timely manner and approve or disapprove said report.



DATE OF REVISION: 11/18/01

30. DCAD shall within ninety (90) days of receipt of approval of the CAR for the areas near Buildings 2, 3, 6, 7 and 21, submit to DERM a Remedial Action Plan (RAP) prepared in accordance with Rule 17-770.700 F.A.C. and DERM criteria for non-petroleum contaminants for the restoration of the contaminated soils and groundwater in the areas of the underground storage tank near Buildings 2, 3, 6, 7 and 21.
31. DERM shall review the RAP for the areas near Building 2, 3, 6, 7 and 21 in a timely manner and approve or disapprove the RAP. Upon receipt of DERM approval, DCAD shall implement the RAP in accordance with the approved time periods.
32. DCAD shall within six (6) months of the effective date of this Agreement, submit to DERM a Contamination Assessment Report (CAR) prepared in accordance with Rule 17-770.630 F.A.C. and DERM criteria for non-petroleum contaminants, for the identification of the extent of soil contamination and the free floating and dissolved contamination in the groundwater in the area of the underground storage tanks, which have been removed, located near Building 13 on the former Eastern Airlines Main Base.
33. The DERM shall review the CAR for the underground storage tanks, which have been removed, near Building 13 in a timely manner and approve or disapprove said report.



34. DCAD shall within sixty (60) days of receipt of approval of the CAR for the underground storage tanks, which have been removed, near Building 13, submit to DERM a Remedial Action Plan (RAP) prepared in accordance with Rule 17-770.700 F.A.C. and DERM criteria for non-petroleum contaminants for the restoration of the contaminated soils and groundwater in the area of the underground storage tanks, which have been removed near Building 13.
35. DERM shall review the RAP for the underground storage tanks, which have been removed, near Building 13 in a timely manner and approve or disapprove the RAP. Upon receipt of DERM approval, DCAD shall implement the RAP in accordance with the approved time periods.
36. DCAD shall within sixty (60) days of the effective date of the Agreement, submit to DERM a plan to determine if any contamination remains at or near the parking area directly east of Building 17-A of the former Eastern Airlines Main Base.
37. DERM shall review the plan submitted pursuant to paragraph 36 of this Agreement and approve or disapprove the plan. Upon receipt of DERM approval, DCAD shall implement the plan and within sixty (60) days of the approval submit to DERM a report of the findings.
38. In the event contamination is confirmed at or near the parking area directly east of Building 17-A, DCAD shall address the contamination in accordance Rule 17-770 F.A.C. and DERM criteria for non-petroleum contaminants



39. DCAD shall within sixty (60) days of the effective date of this Agreement submit to DERM a Contamination Assessment Plan (CAP) for the identification of the types and extent of groundwater contamination in the area of Firewell 481 located on the former Eastern Airlines Main Base.
40. DERM shall review the CAP for Firewell 481 in a timely manner and approve or disapprove the CAP.
41. DCAD shall within sixty (60) days of receipt of DERM approval for the Firewell 481 CAP, implement the CAP and submit the required analytical results and a Remedial Action Plan (RAP) for the restoration of any contaminated soil and groundwater.
42. DERM shall review the RAP for Firewell 481 in a timely manner and approved or disapprove the RAP. Upon receipt of DERM's approval, DCAD shall implement the RAP in accordance with the approved time period.
43. DCAD shall within forty five (45) days of receipt of DERM approval of the plan to determine the current extent of contamination at or near Building 39, submit the required analytical results and an evaluation whether the existing system for the restoration of contaminated soils and groundwater at or near Building 39 may be re-activated.



44. DERM shall review the report submitted pursuant to paragraph 43 of this Agreement in a timely manner and approve or disapprove the report. Upon receipt of DERM approval, DCAD shall implement the recommendations in accordance with the approved time period.
45. DCAD shall within sixty (60) days of the effective date of this Agreement, submit to DERM a Contamination Assessment Plan (CAP) for the identification of the types and extent of and groundwater contamination at the former Eastern Airlines underground industrial wastewater line located along the east border of the former Eastern Airlines Main Base.
46. DERM shall review the CAP submitted pursuant to paragraph 45 of this Agreement in a timely manner and approve or disapprove the CAP.
47. DCAD shall within six (6) months of the receipt of approval for the Eastern Airlines underground industrial wastewater line CAP, submit to DERM a Contamination Assessment Report/ Remedial Action Plan (CAR/RAP) for the restoration of any contaminated soils and groundwater.
48. DERM shall review the CAR/RAP for the industrial wastewater line in a timely manner and approve or disapprove the CAR/RAP. Upon receipt of DERM approval, DCAD shall implement the CAR/RAP in accordance with the approved time period.



49. DCAD shall within sixty (60) days of the effective date of this Agreement, submit a Contamination Assessment Plan (CAP) for the determination of the types and extent of sediment contamination in the canal south of Hangar 22.
50. DERM shall review the CAP for the canal sediments in a timely manner and approve or disapprove the CAP.
51. DCAD shall within six (6) months of receipt of DERM approval of the canal sediments CAP, submit to DERM a Contamination Assessment Report/Remedial Action Plan (CAR/RAP) for the removal of any contaminated sediments.
52. DERM shall review the canal sediments CAR/RAP in a timely manner and approve or disapprove the CAR/RAP. Upon receipt of DERM approval, DCAD shall implement the CAR/RAP in accordance with the approved timeperiod.
53. DCAD shall, on or before January 15, 1994, submit to DERM a schedule for the restoration of all contaminated soils and groundwater on the former Pan American Airlines Main Base.



54. DERM shall review the schedule submitted pursuant to paragraph 53 of this Agreement. The schedule for restoration, as approved by DERM, shall be incorporated as part of this document. Upon receipt of DERM approval, DCAD shall implement the schedule for restoration in accordance with the approved timeperiods.
55. DCAD shall within sixty (60) days of the effective date of this Agreement submit to DERM plans for the proper removal, abandonment or upgrading and permitting of all underground storage systems at the former Pan American Airlines Main Base.
56. DERM shall review the plans submitted pursuant to paragraph 55 of this Agreement in a timely manner and approve or disapprove the plans. Upon receipt of DERM approval, DCAD shall implement the plans and within sixty (60) days of the approval submit certification that all required removal, abandonment or upgrading is completed. In the event any contamination is found during implementation of the plans, DCAD shall address the contamination in accordance with Rule 17-770 F.A.C. and DERM criteria for non-petroleum contaminants
57. DCAD shall within sixty (60) days of the effective date of this Agreement, submit to DERM a plan for the proper closure of the former Pan American Airlines Industrial Wastewater Treatment Plant and the former Eastern Airlines Industrial Wastewater Treatment Plant.



58. DERM shall review the Industrial Wastewater Treatment Plant closure plans in a timely manner and approve or disapprove the plans. Upon receipt of DERM approval, DCAD shall implement the plans in accordance with the approved timeperiod.
59. The Former Aerodex Site is eligible under the US DERP-FUDS Program and is currently under the Federal Jurisdiction to determine PRPs. Upon completion of the RI/FS and ROD, DCAD shall implement the appropriate actions. In the event that monitoring of the contamination in the area demonstrates excessive movement of any contaminants, or the US DERP-FUDS Program defers cleanup activities beyond fiscal year 1995, DERM shall require that DCAD take appropriate actions as necessary.
60. DCAD shall on or before March 1, 1994, submit to DERM a Contamination Assessment Report Addendum (CARA) which identifies the extent of soil and groundwater contamination in the area of Building 2120.
61. The DERM shall review the CARA for Building 2120 in a timely manner and approve or disapprove said report.



62. DCAD shall within sixty (60) days of receipt of approval of the CARA for Building 2120, submit to DERM a Remedial Action Plan (RAP) prepared in accordance with Rule 17-770.700 F.A.C. and DERM criteria for non-petroleum contaminants for the restoration of the contaminated soils and groundwater in the area of Building 2120.
63. DERM shall review the RAP for Building 2120 in a timely manner and approve or disapprove the RAP. Upon receipt of DERM approval, DCAD shall implement the RAP in accordance with the approved timeperiod.
64. DCAD shall within sixty (60) days of the effective date of this Agreement, submit to DERM plans for the proper removal, abandonment or upgrading and permitting of all underground storage systems at Building 2120.
65. DERM shall review the plans submitted pursuant to paragraph 64 of this Agreement in a timely manner and approve or disapprove the plans. Upon receipt of DERM approval, DCAD shall implement the plans and within sixty (60) days of the approval submit certification that all required removal, abandonment or upgrading is completed.

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66. DCAD shall within sixty (60) days of the effective date of this Agreement, submit to DERM final plans for the treatment of all wastewater generated at Building 2120 and connection to the public sanitary sewer system. The plan shall include completed industrial waste operating permit applications from all tenants operating at Building 2120.
67. DERM shall review the plans submitted pursuant to paragraph 66 of this Agreement in a timely manner and approve or disapprove the plans.
68. DCAD shall within one hundred eighty (180) days of receipt of approval of the plans submitted pursuant to paragraph 66 of this Agreement, submit to DERM construction as-builts and all required certifications.
69. DCAD shall within six (6) months of the effective date of this Agreement, submit to DERM certification that Phase I of the approved remedial action system for the Northwest Corner of MIA has been installed, tested, and is operational as approved. DCAD shall within twelve (12) months of the effective date of this Agreement, submit to DERM that all components of the approved remedial action system are operational. DCAD shall within nine (9) months of the effective date of this Agreement, begin submitting the required quarterly reports.



70. DCAD shall within one-hundred and twenty (120) days of the effective date of this Agreement, submit to DERM a Contamination Assessment Report (CAR) prepared in accordance with Rule 17-770.630, F.A.C. and DERM criteria for non-petroleum contaminants), for the identification of the extent of soil contamination and the free floating and dissolved contamination in the groundwater at the former Pan American Airlines site known as Tract 1.
71. The DERM shall review the CAR for Tract 1 in a timely manner and approve or disapprove said report.
72. DCAD shall within sixty (60) days of receipt of approval of the CAR for Tract 1, submit to DERM a Remedial Action Plan (RAP) prepared in accordance with Rule 17-770.700 F.A.C. and DERM criteria for non-petroleum contaminants for the restoration of the contaminated soils and groundwater in the area of Tract 1.
73. DERM shall review the RAP for Tract 1 in a timely manner and approve or disapprove the RAP. Upon receipt of DERM approval, DCAD shall implement the RAP in accordance with the approved time periods.



74. DCAD shall within sixty (60) days of the effective date of this Agreement, submit to DERM a plan to bring all underground storage tanks at MIA, under DCAD control, into compliance with the provisions of Chapter 24 Metropolitan Dade County Environmental Protection Ordinance.
75. DERM shall review the plans submitted pursuant to paragraph 74 of this Agreement in a timely manner and approve or disapprove the plan.
76. DCAD shall, upon DERM approval of the plans submitted pursuant to paragraph 74 of this Agreement, submit in accordance with the approved timeframes, the required certification indicating that all underground storage tanks are in compliance with Chapter 24.
77. DCAD shall within sixty (60) days of the effective date of this Agreement, submit to DERM a report on the effectiveness of the remedial action system operating at the former Eastern Airlines Tank Farm.
78. DCAD shall within six (6) months of the effective date of this Agreement, submit to DERM a Contamination Assessment Report (CAR) prepared in accordance with Rule 17-770.630, of F.A.C. and DERM criteria for non-petroleum contaminants for the identification of the extent of soil contamination and the free floating and dissolved contamination in the groundwater in the area of the former Pan American Airlines Tank Farm.



79. The DERM shall review the CAR for the former Pan American Airlines Tank Farm in a timely manner and approve or disapprove said report.
80. DCAD shall within sixty (60) days of receipt of approval of the CAR for the former Pan American Airlines Tank Farm, submit to DERM a Remedial Action Plan (RAP) prepared in accordance with Rule 17-770.700 F.A.C. and DERM criteria for non-petroleum contaminants for the restoration of the contaminated soils and groundwater in the area of the former Pan American Airlines Tank Farm.
81. DERM shall review the RAP for the former Pan American Airlines Tank Farm in a timely manner and approve or disapprove the RAP. Upon receipt of DERM approval, DCAD shall implement the RAP in accordance with the approved time periods.
82. DCAD shall within six (6) months of the effective date of this Agreement, submit to DERM a Contamination Assessment Report (CAR) prepared in accordance with Rule 17-770.630, of the Florida Administrative Code F.A.C. and DERM criteria for non-petroleum contaminants for the identification of the extent of soil contamination and the free floating and dissolved hydrocarbon contamination in the groundwater in the area of Building 3047.
83. The DERM shall review the CAR for Building 3047 in a timely manner and approve or disapprove said report.



84. DCAD shall within sixty (60) days of receipt of approval of the CAR for Building 3047, submit to DERM a Remedial Action Plan (RAP) prepared in accordance with Rule 17-770.700 F.A.C. and DERM criteria for non-petroleum contaminants for the restoration of the contaminated soils and groundwater in the area of Building 3047.
85. DERM shall review the RAP for Building 3047 in a timely manner and approve or disapprove the RAP. Upon receipt of DERM approval, DCAD shall implement the RAP in accordance with the approved time periods.
86. DCAD shall within sixty (60) days of the effective date of this Agreement, submit to DERM a report indicating the source(s) of contamination at the Benton Brothers facility. The report shall include certification that all underground fuel lines have been tested and are not discharging petroleum products to the ground or groundwater.
87. DCAD shall within six (6) months of the effective date of this Agreement, submit to DERM a Contamination Assessment Report (CAR) prepared in accordance with Rule 17-770.630, F.A.C. and DERM criteria for non-petroleum contaminants, for the identification of the extent of soil contamination and the free floating and dissolved hydrocarbon contamination in the groundwater in the area of the Benton Brothers facilities.



88. The DERM shall review the CAR for the Benton Brothers facility in a timely manner and approve or disapprove said report.
89. DCAD shall within sixty (60) days of receipt of approval of the CAR for the Benton Brothers facility, submit to DERM a Remedial Action Plan (RAP) prepared in accordance with Rule 17-770.700 F.A.C. and DERM criteria for non-petroleum contaminants for the restoration of the contaminated soils and groundwater in the area of the Benton Brothers facility.
90. DERM shall review the RAP for the Benton Brothers facility in a timely manner and approve or disapprove the RAP. Upon receipt of DERM approval, DCAD shall implement the RAP in accordance with the approved time periods.
91. DCAD shall within six (6) months of the effective date of this Agreement, submit to DERM a Contamination Assessment Report (CAR) prepared in accordance with Rule 17-770.630, F.A.C. and DERM criteria for non-petroleum contaminants, for the identification of the extent of soil contamination and the free floating and dissolved contamination in the groundwater in the area of Building 2072.
92. The DERM shall review the CAR for Building 2072 in a timely manner and approve or disapprove said report.



93. DCAD shall within sixty (60) days of receipt of approval of the CAR for Building 2072, submit to DERM a Remedial Action Plan (RAP) prepared in accordance with Rule 17-770.700 F.A.C. and DERM criteria for non-petroleum contaminants for the restoration of the contaminated soils and groundwater in the area of Building 2072.

94. DERM shall review the RAP for Building 2072 in a timely manner and approve or disapprove the RAP. Upon receipt of DERM approval, DCAD shall implement the RAP in accordance with the approved time periods.

95. DCAD has submitted a Remedial Action Plan (RAP) for Building 3012. DERM shall review the RAP for Building 3012 in a timely manner and approve or disapprove the RAP. Upon receipt of DERM approval, DCAD shall implement the RAP in accordance with the approved time periods.

96. DCAD shall within six (6) months of the effective date of this Agreement, submit to DERM a Contamination Assessment Report (CAR) prepared in accordance with Rule 17-770.630, F.A.C. and DERM criteria for non-petroleum contaminants for the identification of the extent of soil contamination and the free floating and dissolved contamination in the groundwater in the area of Building 3050.



97. The DERM shall review the CAR for Building 3050 in a timely manner and approve or disapprove said report.
98. DCAD shall within sixty (60) days of receipt of approval of the CAR for Building 3050, submit to DERM a Remedial Action Plan (RAP) prepared in accordance with Rule 17-770.700 F.A.C. and DERM criteria for non-petroleum contaminants for the restoration of the contaminated soils and groundwater in the area of Building 3050.
99. DERM shall review the RAP for Building 3050 in a timely manner and approve or disapprove the RAP. Upon receipt of DERM approval, DCAD shall implement the RAP in accordance with the approved time periods.
100. DCAD shall within six (6) months of the effective date of this Agreement, submit to DERM a Contamination Assessment Report (CAR) prepared in accordance with Rule 17-770.630, F.A.C. and DERM criteria for non-petroleum contaminants for the identification of the extent of soil contamination and the free floating and dissolved contamination in the groundwater in the East Gate area.
101. The DERM shall review the CAR for the East Gate area in a timely manner and approve or disapprove said report.



102. DCAD shall within sixty (60) days of receipt of approval of the CAR for the East Gate area, submit to DERM a Remedial Action Plan (RAP) prepared in accordance with Rule 17-770.700 F.A.C. and DERM criteria for non-petroleum contaminants for the restoration of the contaminated soils and groundwater in the area of the East Gate area.

103. DERM shall review the RAP for the East Gate area in a timely manner and approve or disapprove the RAP. Upon receipt of DERM approval, DCAD shall implement the RAP in accordance with the approved time periods.

104. DCAD shall within one-hundred and twenty (120) days of the effective date of this Agreement, submit to DERM a plan for the proper disposal of all contaminated soils that are currently being stored by DCAD. The plan shall include a proposal for soil and groundwater testing as necessary.

105. DERM shall review the soil disposal plan in a timely manner and approve or disapprove the plan. Upon receipt of DERM approval, DCAD shall implement the plan and submit any required analytical results and disposal receipts in accordance with the approved timeperiod.



106. DERM may request DCAD to install monitoring wells for the MIA Groundwater Monitoring Program. In the event DCAD receives such a request, DCAD shall within ninety (90) days of the request, install the required monitoring wells at the agreed upon locations. DERM shall assist DCAD in obtaining the required permits and access for well installation.

107. DERM acknowledges that DCAD has worked closely with DERM in completing a major portion of the Stormwater Management Master Plan (SMMP) to date. DCAD shall on or before October 31, 1993, submit to DERM the balance of the Stormwater Management Master Plan.

108. DERM shall review the SMMP in a timely manner and approve or disapprove the plan. Upon receipt of DERM approval DCAD shall implement the plan in accordance with the approved timeperiod.

109. DCAD shall prepare and submit an Emergency Response Plan for catastrophic environmental events at the MIA Tank Farm to DERM within 90 days of the effective date of this agreement. The plan must address immediate short term remediation measures; the placement of absorbent booms across the Tamiami canal and positive gate valves on swale area drain pipes draining directly to the canal, and long term remedial measures (including the placement of a skimmer on the canal).



110. DCAD shall insure that all tenants have obtained certificates of occupancy and operating permits from DERM prior to allowing the commencement of the tenants operation.

111. DCAD shall within six (6) months of the effective date of this Agreement, submit to DERM a certification of closure for the Former Ash Landfill. The groundwater monitoring program shall be continued in accordance with the approved plan.

112. A waste assessment survey is currently being conducted jointly by DCAD and DERM for DCAD operated non-leased facilities. Within ninety (90) days of receipt of the final assessment survey, DCAD shall review said survey, determine which waste reduction recommendations are economically feasible and shall submit a plan in writing to DERM outlining this. Plan implementation can be done in a phased approach. This plan must include a timetable for implementation. Said plan shall be submitted to DERM for review and approval, approval with modifications or disapproval within sixty (60) days of receipt.

113. DCAD shall submit a progress report, on an annual basis, detailing the success and/or problems with plan submitted pursuant to paragraph 112. DERM and DCAD shall continue to work together to implement waste reduction as needed.



114. If DERM disapproves DCAD's CAP, CAR, CARA, RAP, RAPM or plans pursuant to this Agreement, DCAD shall, within seven (7) days of receipt of the disapproval letter, meet with the DERM to discuss those items which resulted in the disapproval and modify the CAP, CARA CAR, RAP, RAPM or plans to satisfy the requirements of Chapter 17-770, F.A.C. and DERM. DCAD shall submit an acceptable CAP, CAR, CARA, RAP, RAPM or plans within fourteen (14) days of the meeting or within the time period agreed upon at said meeting. DCAD's failure to submit an acceptable CAP, CAR, CARA, RAP, RAPM or plans within the prescribed time period may result in additional enforcement action by DERM and subject DCAD to penalties, as set forth in paragraph 117 of this Agreement.

115. DCAD shall continue the approved recovery efforts until such time as the clean-up endpoints described in Rules 17-770, F.A.C. and DERM requirements are achieved.

SAFETY PRECAUTIONS

116. DCAD shall maintain the subject sites, during the pendency of this Agreement, in a manner which shall not pose a hazard or threat to the public at large or the environment and shall not cause a nuisance or sanitary nuisance as set forth in Chapter 24, Metropolitan Dade County Environmental Protection Ordinance.



(

This image shows a vertical strip of a dark, textured surface. The texture is grainy and uneven, with many small, light-colored specks and fibers visible against the dark background. The strip is narrow and appears to be a detail from a larger surface, possibly a book cover or endpaper. The lighting is somewhat uneven, with a slightly brighter area towards the top and a darker area towards the bottom. There is a thin, light-colored horizontal line near the bottom edge of the strip.

121. DERM acknowledges that some of the proposed improvements and plans set forth herein are contingent upon County procurement procedures as well as on obtaining permits from regulatory agencies, and understands that DCAD will pursue the procurement of said permits with due diligence, realizing that if the procurement/permitting/contracting process becomes protracted through no fault of DCAD, the proposed schedules may need to be revised.

122. Where timetables or conditions cannot be met by DCAD due to circumstances beyond DCAD's control, DCAD shall provide written documentation to DERM, which shall substantiate that the cause(s) for the delay or non-compliance was not reasonably in the control of the DCAD. A determination of the reasonableness of the delay shall be made by DERM for the purpose of imposition of penalties pursuant to paragraph 117.

123. This Consent Agreement shall be in effect until such time as DCAD have complied with Rule 17-770.760 F.A.C., and DERM cleanup requirements.

124. This Agreement shall become effective upon the date of execution by the Director, Environmental Resources Management, or his designee.



DATE 8/27/93

Witness _____

Gary J. Dellapa
Gary J. Dellapa, Director
Metro-Dade County Aviation Department

Witness _____

DATE 8/27/93

Witness _____

John W. Renfrow
John W. Renfrow, P.E., Director
Department of Environmental Resources
Management

Witness _____



EXHIBIT "E"

January 1996 Ver

CORRECTIVE ACTIONS FOR CONTAMINATION SITE CASES

[Note: The "Corrective Actions for Contamination Site Cases" is to be used for sites where contamination of the groundwater, surface water, soils or sediments is known or documented by data or where the probability of finding such contamination is so high that implementation of the Preliminary Contamination Assessment Actions is an unnecessary action.]

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Part 1 Quality Assurance Certification

[Note: The purpose of Quality Assurance is to ensure that the data will be reliable, accurate and defensible. It includes confirmation that the selected consultant and lab are capable of doing the work, that appropriate analytical methods with appropriate detection limits are selected, and that sampling equipment/procedures do not alter the sample properties.]

1. Within 30 days of the effective date of the Order, the Respondent shall submit to the Department documents certifying that the organization(s) and laboratory(s) performing the sampling and analysis have a Department-approved Comprehensive Quality Assurance Plan (Comp QAP) in which each is approved for the sampling and analysis activities each will perform as part of the assessment and corrective actions at the site. The documentation shall, at a minimum, contain either the most recent TITLE PAGE (signed by the FDEP QA Officer) and TABLE OF CONTENTS of the Department-approved CompQAP (if the CompQAP is a 15-section document) or the most current CompQAP letter of approval signed by the FDEP QA Officer. All identified organizations and laboratories must follow the protocols outlined in their respective CompQAP(s) in order for the data to be reliable. At this time, the FDEP QA Officer will issue a letter which summarizes the activities each organization is qualified to perform. These activities must be consistent with the activities proposed in the IRAP, CAP, MOP, pilot tests/bench tests and RAP.

A. If at any time sampling and/or analysis activities are anticipated which are not in the Department-approved CompQAP, and the Respondent wishes to maintain the services of the affected organization(s), the organization(s) shall submit amendments to add the capabilities to the CompQAP(s). Such amendments shall be approved before the proposed activity(s) may be conducted. The letter approving such amendments, and signed by the FDEP QA Officer, shall be submitted to the Department.

B. If the organization(s) or laboratory(s) performing the sampling and analysis change at any time during the assessment and corrective actions, documentation of their Department-approved CompQAP (as outlined in 1. above) shall be required.

C. If the approval of the CompQAP for a specified organization expires during the course of the investigation or corrective actions, the Respondent shall discontinue using the organization until 1) the organization obtains CompQAP approval or 2) another organization with a Department approved CompQAP is selected and documentation outlined in 1. above is submitted.

D. The Department reserves the right to reject any results generated by the Respondent if any organization performs an activity that is not specifically approved in its CompQAP, if there is reasonable doubt as to the quality of the data or method used, if the sampling and analysis were not performed in accordance with the approved CompQAPs or if the CompQAP of any organization expires.

Part 2 Interim Remedial Actions

[Note: The Interim Remedial Action can include the removal of grossly contaminated soil, free product, or sources of contamination (drums, impoundments, tanks, etc.). It may also include specific well head treatment such as granulated activated carbon filters placed on affected private wells.]

2. If at any time the Department determines or the Respondent proposes that an Interim Remedial Action (IRA) is appropriate to achieve the objectives set forth below, the Respondent shall submit to the Department a detailed written Interim Remedial Action Plan (IRAP). The IRAP shall be submitted within sixty (60) days following Department determination that an IRA is appropriate. Applicable portions of the IRAP shall be signed and sealed pursuant to Rule 62-103.110(4), F.A.C. The objectives of the IRA shall be to remove specific known contaminant source(s), and/or provide temporary controls to prevent or minimize contaminant migration or protect human health. The IRA shall not spread contaminants into uncontaminated or less contaminated areas through untreated or undertreated discharges or improper treatment. The IRAP may include the following, as appropriate:

A. Rationale for the IRA and the cleanup criteria proposed, incorporating engineering and hydrogeological considerations including, as applicable, technical feasibility, long-term and short-term environmental effects, implementability (including any permits or approvals from federal, state, and local agencies), and reliability;

B. Design and construction details and specifications for IRA;

C. Operational details of the IRA including the disposition of any effluent, expected contaminant concentrations in the effluent, an effluent sampling schedule if treated ground water is being discharged to ground water, surface water, or to the ground; and the expected concentrations and approximate quantities of any contaminants discharged into the air as a result of remedial action;

D. Operation and maintenance plan for the IRA including, but not necessarily limited to daily, weekly, and monthly operations under routine conditions; a contingency plan for nonroutine conditions;

E. Details of the treatment or disposition of any contaminated soils or sediments;

F. Proposed methodology including post-IRA soil, sediment, surface water, and ground water monitoring, as applicable, to confirm the effectiveness of the interim remedial action; and

G. Schedule for the completion of the IRA;

3. The Department shall review the proposed IRAP and provide Respondent with a written response to the proposal. Any action taken by the Respondent with regard to the implementation of the IRAP before the IRAP has been approved shall be at Respondent's risk and Paragraph 44 applies.

4. In the event that additional information is necessary for the Department to evaluate the IRAP, or if the IRAP does not adequately address the objectives set forth in Paragraph 2, the Department will make a written request to Respondent for the information, and Respondent shall provide all requested revisions in writing to the Department within thirty (30) days from receipt of said request. If the requested information requires additional time for a response, the Respondent shall submit in writing to the Department within thirty (30) days of the Department's request, a reasonable schedule for completing the work needed to provide the requested information.

5. If the Department determines upon review of the resubmitted IRAP that the IRAP adequately addresses the objectives set forth in paragraph 2, then the Department shall approve the IRAP. If the Department determines that the IRAP still does not adequately address the objectives of the IRAP, the Department may choose one of the options listed in Paragraph 43.

6. Once an IRAP has been approved by the Department, it shall become effective and made a part of the Order and shall be initiated within thirty (30) days from receipt of the Department's notification to the Respondent that the IRAP has been approved. The approved IRAP shall incorporate all required modifications to the IRAP identified by the Department. All reporting and notification requirements spelled out in Part 6 shall be complied with during the IRAP implementation.

Part 3 Contamination Assessment and Risk Assessment

[Note: A Contamination Assessment Plan (CAP) is required for all sites where contamination of the groundwater, surface water, soils or sediments is known or documented or highly probable. The CAP proposes work to generate the information needed to clean up the contamination. This information includes establishment of the source areas, specific chemicals present, lateral and vertical extent, and contaminant migration. The details of the contamination from completed assessment must be known before cost effective and environmentally safe remediation can be performed. A meeting prior to CAP development is encouraged especially for organizations having no prior experience with Florida rules and statutes to discuss the CAP objectives and Department expectations in detail.]

7. Within sixty (60) days of the effective date of the Order incorporating these contamination assessment actions, Respondent shall submit to the Department a detailed written Contamination Assessment Plan (CAP). Applicable portions of the CAP shall be signed and sealed pursuant to Rule 62-103.110(4), F.A.C. If the Respondent has previously conducted a Preliminary Contamination Assessment, the Respondent shall submit to the Department a detailed written CAP within sixty (60) days

of receipt of notice from the Department that a CAP is required. The purpose of the CAP shall be to propose methods for collection of information necessary to meet the objectives of the Contamination Assessment.

A. The objectives of the Contamination Assessment shall be to:

(1) Establish the horizontal and vertical extent of soil, sediment, surface water and ground water contamination;

(2) Determine or confirm the contaminant source(s); mechanisms of contaminant transport; rate and direction of contaminant movement in the air, soils, surface water and ground water; and rate and direction of ground water flow;

(3) Provide a complete characterization, both onsite and offsite, of any and all contaminated media;

(4) Determine the amount of product lost, and the time period over which it was lost (if applicable);

(5) If leaking storage tanks may be the source of the contamination, determine the structural integrity of all aboveground and underground storage systems (including integral piping) which exist at the site (if applicable);

(6) Establish the vertical and horizontal extent of free product (if applicable);

(7) Describe pertinent geologic and hydrogeologic characteristics of affected and potentially affected hydrogeologic zones;

(8) Describe geologic and hydrogeologic characteristics of the site which influence migration and transport of contaminants; and

(9) Provide a site history as specified in Paragraph 7.C. (1).

B. The CAP shall specify the tasks necessary to achieve the applicable objectives described in Paragraph 7.A. above. The tasks may include, but are not limited to, the following:

(1) Use of piezometers or wells to determine the horizontal and vertical directions of the ground water flow;

(2) Use of Electromagnetic Conductivity (EM) and other geophysical methods or vapor analyzers to trace extent of ground water contamination;

(3) Use of fracture trace analysis to discover linear zones in which discrete flow could take place;

(4) Use of permanent monitoring wells to sample ground water in affected areas and to determine the vertical and horizontal extent of the ground water plume;

(5) Sampling of public and private wells;

(6) Sampling of surface water and sediments;

(7) Sampling of air for airborne contaminants;

(8) Analysis of soils, drum and tank residues, or any other media for hazardous waste determination and contaminant characterization;

(9) Use of organic vapor analyzers or geophysical equipment such as magnetometers, ground penetrating radar, or metal detectors to detect tanks, lines, etc.;

(10) Determination of the horizontal and vertical extent of soil and sediment contamination;

(11) Use of soil and well borings to determine pertinent site-specific geologic and hydrogeologic characteristics of affected and potentially affected hydrogeologic zones such as aquifers, confining beds, and unsaturated zones;

(12) Use of geophysical methods, aquifer pump tests and representative slug tests to determine geologic and hydrogeologic characteristics of affected and potentially affected hydrogeologic zones; and

(13) As a mandatory task, preparation and submittal of a written Contamination Assessment Report ("CAR") to the Department.

C. The CAP shall provide a detailed technical approach and description of proposed methodologies describing how proposed tasks are to be carried out. The CAP shall include, as applicable, the following information:

(1) A detailed site history including: a description of past and present property and/or facility owners; a description of past and present operations including those which involve the storage, use, processing or manufacture of materials which may be potential pollution sources; a description of all products used or manufactured and of all by-products and wastes (including waste constituents) generated during the life of the facility; a summary of current and past environmental permits and enforcement actions; a summary of known spills or releases of materials which may be potential pollution sources; and an inventory of potential pollution sources within 0.25 (one quarter) mile;

(2) Details of any previous site investigations including results of any preliminary ground water flow evaluation and/or stratigraphy investigation. If no reliable information exists, consider following a phased approach or conducting a limited pre-CAP investigation to determine groundwater flow direction and stratigraphy.

(3) Proposed sampling locations and rationale for their placement;

(4) A description of methods and equipment to be used to identify and quantify soil or sediment contamination, including dry bulk density, soil porosity, soil moisture and total organic carbon (for site specific leachability cleanup goals);

(5) A description of water and air sampling methods;

(6) Parameters to be analyzed for, analytical methods to be used, and detection limits of these methods with justification for their selection;

(7) Proposed piezometer and well construction details including methods and materials, well installation depths and screened intervals, well development procedures;

(8) A description of methods proposed to determine aquifer properties (e.g., aquifer pump tests, representative slug tests, permeability tests, computer modeling);

(9) A description of geophysical methods proposed for the project,

(10) Details of any other assessment methodology including innovative assessment technologies proposed for the site;

(11) A description of any survey to identify and sample public or private wells which are or may be affected by the contaminant plume; Surveys should include Water Management District, local and county health department files, utility companies and detailed door-to-door reconnaissance for a minimum distance of a quarter mile.

(12) A description of the regional geology and hydrogeology of the area surrounding the site;

(13) A description of site features (both natural and man-made) pertinent to the assessment;

(14) A description of methods and equipment to be used to determine the site specific geology and hydrogeology; and

(15) Details of how drill cuttings, development and purge water from installation of monitoring wells will be collected, managed and disposed of.

(16) Tables which summarize the proposed samples, analyses, and method detection limits for each medium compared to state standards/criteria or generic cleanup goals. Include the appropriate number and type of quality assurance samples.

(17) Provide information regarding state listed endangered and threatened flora and fauna species within and near the site.

(18) Provide a reasonable time schedule for completing each task, preparing the CAP and submitting the CAP.

8. The Department shall review the CAP and provide the Respondent with written responses to the plan and the quality assurance certification status of Part 1. Any action taken by the Respondent with regard to the implementation of the CAP prior to the Respondent receiving written notification from the Department that the CAP has been approved shall be at Respondent's risk and Paragraph 44 applies.

9. In the event that additional information is necessary for the Department to evaluate the CAP, or if the CAP does not adequately address the CAP objectives set forth in Paragraph 7.A, the Department will make a written request to the Respondent for the information. The Respondent shall provide all requested revisions in writing to the Department within thirty (30) days from receipt of said request. If the requested information requires additional time for a response, the Respondent shall submit a written reasonable schedule for completing the work needed to provide the requested information.

10. If the Department determines upon review of the resubmitted CAP that the CAP adequately addresses the objectives set forth in paragraph 7, then the Department shall approve the CAP. If the Department determines that the CAP still does not adequately address the objectives and/or requirements in Paragraph 7.A, the Department may choose one of the options listed in Paragraph 43.

11. Once a CAP has been approved by the Department, it shall become effective and made a part of the Order and shall be initiated within thirty (30) days of the Department's written notification to the Respondent that the CAP has been approved. The approved CAP shall incorporate all required modifications to the proposed CAP identified by the Department. All reporting and notification requirements spelled out in Part 6 shall be complied with during the implementation of the CAP tasks.

[Note: The Contamination Assessment Report (CAR) compiles the results of the assessment, evaluates and draws conclusions from those results, and includes recommendations from the Respondent/Consultant regarding the next appropriate phase of work. A No Further Action (NFA) recommendation is appropriate for sites with no free product, no contaminated soil, and no groundwater contamination above standards or minimum criteria. A Monitoring Only Plan (MOP) applies to sites with minor violations of groundwater standards and criteria that do not extend offsite, will not migrate offsite, and the contaminants of concern are expected to attenuate via natural processes. A Remedial Action Plan (RAP) for contaminated soil may include a MOP for groundwater. The Department provides the target cleanup levels for most sites and requires a Risk Assessment only when toxicity data are not readily available to the Department. In most instances the Department

will not approve the use of a Risk Assessment/Justification (RAJ) to develop alternative Site Rehabilitation levels (SRLs) for water if a standard exists or a numerical interpretation of the minimum criteria has been developed by the Department for the constituent for a particular class of water or in all waters. A Feasibility Study (FS) recommendation would be appropriate if detailed evaluation of cleanup technologies and remedial actions is needed. A RAP recommendation would be appropriate for sites where the remedial alternative(s) are obvious and include large volumes and/or extensive work.]

12. The Respondent shall submit a written Contamination Assessment Report (CAR) to the Department in accordance with the CAP schedule approved by the Department. Applicable portions of the CAR shall be signed and sealed pursuant to Rule 62-103.110(4), F.A.C. The CAR shall:

A. Summarize all tasks which were implemented pursuant to the CAP;

B. Provide the results, discussion and conclusions regarding the Contamination Assessment objectives outlined in Paragraph 7.A;

C. Include, the following tables and figures as appropriate:

(1) A table with well construction details, top of casing elevation, depth to water measurements, and water elevations (The top of casing elevations should be referenced to the National Geodetic Vertical Datum (NGVD) of 1929 if at all possible.);

(2) A site map showing water elevations, water table contours and the groundwater flow direction for each aquifer monitored for each sampling period;

(3) A table with water quality information for all monitor wells and surface water sampling locations;

(4) Site maps showing contaminant concentrations and contours of the contaminants for all contaminated media;

(5) Cross sections depicting the geology of the site at least to the top of the first confining unit. In general there should be at least one north to south cross section and one east to west cross section;

(6) A table with soil and sediment quality information;

(7) A map showing the locations of all monitor wells, soil, surface water, and sediment samples; and

(8) If applicable, a map showing the locations of all potable wells located within a quarter mile of the site. A table with the names and addresses of private and public potable wells should be included.

D. Include copies of field notes pertaining to field procedures, particularly of data collection procedures; laboratory results to support data summary tables, and soil boring logs, well construction logs, and lithologic logs, and

E. Summarize conclusions regarding the CAP objectives and include a recommendation for either No Further Action (NFA), a Monitoring Only Plan (MOP), a Risk Assessment/Justification proposal (RAJ), a Feasibility Study (FS) or remedial actions requiring a Remedial Action Plan (RAP). If the recommendation is for a MOP (see Paragraphs 20 to 25) or a RAJ (see Paragraphs 17 to 19), the MOP or the RAJ proposal shall be attached to the CAR for review.

Note: The following justification is optional and applies only to those sites with mitigating circumstances such as technology or

engineering limitations, lithology limitations or documented natural attenuation.]

F. Justification for a "monitoring only" or "no further action" proposal if the results of the contamination assessment alone do not support a No Further Action or Monitoring Only Alternative. If the Respondent plans to develop alternative Site Rehabilitation Levels (SRLs) for the site, the proposal for a Risk Assessment/Justification (RAJ) shall be included in the CAR for review. In most instances the Department will not approve alternative SRLs for water if a standard exists or a numerical interpretation of the minimum criteria has been developed by the Department for the constituent for a particular class of water or in all waters. Factors to be evaluated shall be, at a minimum:

- (1) The present and future uses of the affected aquifer and adjacent surface waters with particular consideration of the probability that the contamination is substantially affecting or will migrate to and substantially affect a public or private source of potable water or a viable wildlife habitat;

- (2) Potential for further degradation of the affected aquifer or degradation of other connected aquifers;

- (3) The technical feasibility of achieving the SRLs based on a review of reasonably available technology; and

- (4) Individual site characteristics, including natural rehabilitative processes.

13. The Department shall review the CAR and determine whether it has adequately met the objectives specified in Paragraph 7.A. In the event that additional information is necessary for the Department to evaluate the CAR or if the CAR does not adequately address the CAP objectives set forth in Paragraph 7.A, the Department will make a written request to the Respondent for the information. The Respondent shall provide all requested revisions in writing to the Department within thirty (30) days from receipt of said request, unless the requested information requires additional time for a response, in which case the Respondent shall submit in writing to the Department, within thirty (30) days of the Department's request, a reasonable schedule for completing the work needed to provide the requested information.

14. If the Department determines upon review of the CAR or the CAR Addendum that all of the CAP objectives and tasks have been satisfactorily completed and that the recommended next action proposed is reasonable and justified by the results of the contamination assessment, the Department will provide written approval of the CAR, MOP, or NFA as applicable to the Respondent. If the Department approves a "no further action" proposal, this approval shall terminate Respondent's actions under the Order unless previously unavailable information becomes known and connects other contamination to the site.

15. If the Department determines upon review of the CAR or the CAR Addendum that the CAR still does not adequately address the objectives in Paragraph 7.A, or that the next proposed action is not acceptable, the Department may choose one of the options listed in Paragraph 43.

[Note: The Department has the option to provide the Respondent with the cleanup target levels (SRLs) or to require the Respondent to develop the SRLs via a Risk Assessment. In most cases, the Department provides the cleanup target levels which saves time and eliminates a significant expense for the Respondent. The Department requires the Respondent to

prepare a Risk Assessment only when toxicity data are not readily available to the Department.]

16. The Department, at its option, may establish from review of the CAR and other relevant information the Site Rehabilitation Levels (SRLs) to which the contamination shall be remediated or may require the Respondent to implement the risk assessment process to develop such SRLs for the site. The SRLs for ground water as determined by the Department shall be the Chapter 62-520, (which references Chapter 62-550) F.A.C. standards and the Department's numerical interpretation of the Rule 62-520.400, F.A.C. minimum criteria. The SRLs for surface waters shall be the standards specified in Chapter 62-302, F.A.C., the minimum criteria and the toxicity criteria per Rule 62-302.530(62) F.A.C. The Department, at its option, may define the SRLs for soils and sediments or may require the Respondent to complete a risk assessment to define SRLs for soils or sediments that are sufficiently contaminated to present a risk to the public health, the environment or the public welfare. The cleanup goals for soils will be risk based and if ground water contamination is present, may also be based on potential leachate generation. If the Department does choose to provide SRLs to the Respondent and does not choose to require a risk assessment and requires the Respondent to remediate the site to those SRLs, the Respondent shall implement the FS, if required by the Department as set forth in Paragraph 26, or submit the RAP as set forth in Paragraph 31. The Respondent may choose to develop site specific soil cleanup goals utilizing site specific parameters such as total organic carbon, soil porosity, soil moisture content, and dry bulk density in combination with Department acceptable exposure assumptions.

17. After Department approval of the CAR and the RAJ proposal, the Respondent shall prepare and submit a RAJ. . . In most instances the Department will not approve the use of a RAJ to develop alternative SRLs for water if a standard exists or a numerical interpretation of the minimum criteria has been developed by the Department for the constituent for a particular class of water or in all waters. The RAJ which includes a risk assessment and a detailed justification of any alternative SRLs or "monitoring only" or "no further action" proposals shall be submitted within ninety (90) days of the Department's written approval of the CAR and notice that a RAJ is required, or within ninety (90) days of the Department's written approval of the CAR and the RAJ recommendation. Unless otherwise approved by the Department, the subject document shall address the following task elements, divided into the following five major headings:

A. Exposure Assessment - The purpose of the Exposure Assessment is to identify routes by which receptors may be exposed to contaminants and to determine contaminant levels to which receptors may be exposed. The Exposure Assessment should:

- (1) Identify the contaminants found at the site and their concentrations as well as their extent and locations;
- (2) Identify possible transport pathways;
- (3) Identify actual and potential exposure routes;
- (4) Identify actual and potential receptors for each exposure route; and
- (5) Calculate expected contaminant levels to which actual or potential receptors may be exposed.

B. Toxicity Assessment - The purpose of the Toxicity Assessment is to define the applicable human health and environmental

criteria for contaminants found at the site. The criteria should be defined for all potential exposure routes identified in the Exposure Assessment. DEP standards shall be the criteria for constituents and exposure routes to which the standards apply. Criteria for constituents and exposure routes for which specific DEP standards are not established shall be based upon criteria such as Carcinogenic Slope Factor (SF), Reference Doses (RfDs), organoleptic threshold levels, Ambient Water Quality Criteria for Protection of Human Health and for Protection of Aquatic Life, and other relevant criteria as applicable in combination with Department approved exposure assumptions. If there are no appropriate criteria available for the contaminants and exposure routes of concern, or the criteria are in an inappropriate format, the Respondent shall develop the criteria using Department approved equations and current scientific literature acceptable to toxicological experts. Criteria for the following exposure routes shall be defined or developed as applicable:

(1) Potable water exposure route - develop criteria for ingestion, dermal contact, and inhalation of vapors and mists, utilizing applicable health criteria such as SF, RfDs, organoleptic threshold levels, and other relevant criteria as applicable.

(2) Non-potable ground water and surface water usage exposure route - develop criteria for incidental ingestion, dermal contact, and inhalation of vapors and mists, such as through the ingestion of food crops irrigated with such water, lawn watering, ingestion by pets and livestock, and other related exposure.

(3) Soil exposure route - develop criteria for ingestion, dermal contact, inhalation, and ingestion by humans or animals of food crops grown in contaminated soils.

(4) Non-potable surface water and sediment exposure - develop criteria for prevention of adverse effects on human health (e.g. incidental ingestion and dermal contact effects on humans utilizing the resource for recreational purposes and ingesting fish, shellfish, etc.) or the environment (e.g. toxic effects of the contaminants on aquatic or marine biota, bio-accumulative effects in the food chain, other adverse effects that may affect the designated use of the resource as well as the associated biota).

(5) Air exposure route - develop criteria for exposure to the contaminants.

C. Risk Characterization - The purpose of the Risk Characterization is to utilize the results of the Exposure Assessment and the Toxicity Assessment to characterize cumulative risks to the affected population and the environment from contaminants found at the site. Based on contaminant levels presently found at the site, a risk and impact evaluation will be performed which considers, but is not limited to:

(1) Risks to human health and safety from the contamination including,

(a) carcinogenic risk (FDEP's acceptable risk level is $10E-6$), and

(b) non-carcinogenic risk (FDEP considers a hazard index of one as acceptable).

(2) Effects on the public welfare of exposure to the contamination which may include but not be limited to soils and to adverse effects on actually and potentially used water resources; and

(3) Environmental risks in areas which are or will be intimately affected by the contamination including,

(a) other aquifers,
(b) surface waters, including wetlands,
(c) sediments,
(d) sensitive wildlife habitats, and
(e) sensitive areas including, but not limited to,
National Parks, National Wildlife Refuges, National Forests, State
Parks, State Recreation Areas, State Preserves.

[Note: The following "justification" is not applicable to a Risk Assessment prepared to develop SRLs for the site where the toxicity data are not readily available to the Department. This justification is required for a Risk Assessment prepared to develop alternative SRLs.]

D. Justification for the alternative Site Rehabilitation Levels (SRLs)____ The purpose of this section is to provide justification on a case-by-case basis for alternative SRLs at which remedial action shall be deemed completed. Factors to be evaluated shall be, at a minimum:

(1) The present and future uses of the affected aquifer and adjacent surface waters with particular consideration of the probability that the contamination is substantially affecting or will migrate to and substantially affect a public or private source of potable water;

(2) Potential for further degradation of the affected aquifer or degradation of other connected aquifers;

(3) The technical feasibility of achieving the SRLs based on a review of reasonably available technology;

(4) Individual site characteristics, including natural rehabilitative processes; and

(5) The results of the risk assessment.

18. The Department shall review the RAJ document and determine whether it has adequately addressed the risk assessment task elements and justification. In the event that additional information is necessary to evaluate any portion of the RAJ document, the Department shall make a written request and Respondent shall provide all requested information within twenty (20) days of receipt of said request.

19. The Department shall approve or disapprove the RAJ. If the Department does not approve the alternative SRLs, the Respondent shall use the SRLs as determined by the Department. The Respondent shall implement the Feasibility Study, if required by the Department as set forth in Paragraph 26, or submit the Remedial Action Plan (RAP) as set forth in Paragraph 31.

Part 4 Remedial Planning and Remedial Actions

[Note: The Monitoring Only Plan applies to sites with minor violations of the groundwater standards and minimum criteria, where groundwater contamination does not extend offsite, will not migrate offsite, and the contaminants of concern are expected to attenuate via natural processes.]

20. If at any time following assessment or ground water remediation, it is determined that a MOP is an acceptable alternative for the site, the Respondent shall submit a MOP to the Department either

with the CAR or within sixty (60) days of receipt of written Department concurrence. Applicable portions of the MOP shall be signed and sealed pursuant to Rule 62-103.110(4), F.A.C. The MOP shall provide a technical approach and description of proposed monitoring methodologies. The MOP shall include, but may not be limited to, the following:

A. Environmental media for which monitoring is proposed, monitoring locations and rationale for the selection of each location, and proposed monitoring frequency;

B. Parameters to be analyzed, analytical methods to be used, and detection limits of these methods;

C. Methodology for evaluating contamination trends based on data obtained through the MOP and a proposed format including a time table for submittal of monitoring data and data analysis to the Department; and

D. A detailed contingency plan describing proposed actions to be taken if trends indicate that contaminant concentrations are increasing, ground water standards or criteria are exceeded for monitoring locations at which exceedances did not occur during the previous monitoring period, or monitoring data appear questionable.

21. The Department shall review the MOP, and provide the Respondent with a written response to the proposal. Any action taken by the Respondent with regard to the implementation of the MOP before the MOP has been approved shall be at the Respondent's risk and Paragraph 44 shall apply.

22. In the event that additional information is necessary for the Department to evaluate the MOP or if the MOP does not adequately address the MOP requirements set forth in Paragraph 20, the Department will make a written request to the Respondent for the information. The Respondent shall provide all requested revisions in writing to the Department within thirty (30) days from receipt of said request, unless the requested information requires additional time for a response, in which case the Respondent shall submit in writing to the Department within 30 days of the Department's request, a reasonable schedule for completing the field work needed to provide the requested information.

23. If the Department determines upon review of the resubmitted MOP that the MOP still does not adequately address the requirements in Paragraph 20, the Department may choose one of the options listed in Paragraph 43.

24. Once a MOP has been approved by the Department, it shall become effective and made a part of the Order, and shall be initiated within thirty (30) days of the Department's written notification to the Respondent that the MOP has been approved. The approved MOP shall incorporate all required modifications to the MOP identified by the Department.

25. The Respondent shall submit the required monitoring data and data analysis products to the Department according to the time table in the approved MOP. If at any time trends are discovered by the Respondent that require any action proposed in the approved contingency plan, the Respondent shall notify the Department and initiate the Contingency Plan in a timely manner. Paragraph 43 applies to any exceptions to this paragraph.

[Note: The Department may require or the Respondent may request the option to prepare a Feasibility Study. It probably is not necessary except for very complex sites where multiple contaminant classes are

present or multiple media are contaminated. It may be necessary where the Respondent recommends a cleanup technology that the Department thinks is unable to achieve an adequate remediation or it may be necessary where a previously implemented technology has failed on the site and a different technology needs to be evaluated for an alternative remedial action.]

26. The Department, at its option, shall also determine from review of the CAR and other relevant information whether the Respondent should prepare and submit a FS to the Department. The Respondent may request the option to prepare a FS. Applicable portions of the FS shall be signed and sealed pursuant to Rule 62-103.110(4), F.A.C. The FS may be required in complex cases to evaluate technologies and remedial alternatives, particularly if multiple contaminant classes are represented or multiple media are contaminated. The FS evaluates remedial technologies and remedial alternatives with the objective of identifying the most environmentally sound and effective remedial action to achieve clean up of the site to SRLs or alternative SRLs (if approved). The FS shall be completed and a report submitted within sixty (60) days of receipt of written notice that a FS is required or within the time frame approved by the Department, unless the Respondent has approval to submit a RAJ pursuant to Paragraphs 16 or 17. The FS shall include the following tasks:

A. Identify and review pertinent treatment, containment, removal and disposal technologies;

B. Screen technologies to determine the most appropriate technologies;

C. Review and select potential remedial alternatives using the following criteria:

(1) long and short term environmental effects;

(2) implementability;

(3) capital costs;

(4) operation and maintenance costs;

(5) operation and maintenance requirements;

(6) reliability;

(7) feasibility;

(8) time required to achieve clean-up; and

(9) potential legal barriers to implementation of any of the alternatives;

D. Identify the need for and conduct pilot tests or bench tests to evaluate alternatives, if necessary;

E. Select the most appropriate remedial alternative that meets the objective of the FS and the criteria under paragraph C; and

F. (If applicable and not previously addressed) Develop soil cleanup criteria such that any remaining contaminated soils will not cause groundwater contamination in excess of the SRLs or alternative .RLs referenced in paragraphs 16 or 17, 18 and 19 (if approved).

27. The FS Report shall:

- A. Summarize all FS task results; and
- B. Propose a conceptual remedial action plan based on the selection process carried out in the FS.

28. The Department shall review the FS Report for adequacy and shall determine whether the Department agrees with the proposed remedial action based upon the objective and the criteria specified under paragraph 26.C. In the event that additional information is necessary to evaluate the FS report, the Department shall make a written request and Respondent shall provide all requested information within thirty (30) days of receipt of said request.

29. If the Department does not approve of the proposed remedial action, the Department will notify the Respondent in writing of the determination. The Respondent shall then have forty-five (45) days from the Department's notification to resubmit a proposed alternate remedial action.

30. If the Department determines upon review of the resubmitted remedial action proposal that it does not agree with the proposal, the Department may choose one of the options listed in paragraph 43.

[Note: The Remedial Action Plan describes the activities to be performed to clean up media that are contaminated above safe levels for public health and the environment. Leachate generation from contaminated materials also needs to be evaluated to prevent continued groundwater and surface water impacts.]

31. Within sixty (60) days of receipt of written notice from the Department, Respondent shall submit to the Department a detailed RAP. Applicable portions of the RAP shall be signed and sealed pursuant to Rule 62-103.110(4), F.A.C. The objective of the remedial action shall be to achieve the clean up of the contaminated media to the SRLs or the approved alternative SRLs referenced in paragraphs 16 or 17, 18, and 19. The RAP shall summarize the CAR findings and conclusions and state the approved SRLs for all media. The RAP shall include as applicable:

A. Rationale for the remedial action proposed which shall include at a minimum:

- (1) Results from any pilot studies or bench tests;
- (2) Evaluation of results for the proposed remedial alternative based on the following criteria:

- a. long and short term environmental impacts;
- b. implementability, which may include, but not be limited to, ease of construction, site access, and necessity for permits;
- c. operation and maintenance requirements;
- d. estimates of reliability;
- e. feasibility; and
- f. estimates of costs.

(3) (If applicable and not previously addressed) Soil cleanup criteria such that any remaining contaminated soils will not

cause groundwater contamination in excess of the SRLs or alternative SRLs referenced in paragraphs 16 or 17, 18, and 19.

B. Design and construction details and specifications for the remedial alternative selected;

C. Operational details of the remedial action including the disposition of any effluent, expected contaminant concentrations in the effluent, an effluent sampling schedule if treated ground water is being discharged to soils, to ground water or to surface waters, and the expected concentrations and approximate quantities of any contaminants which are reasonably expected to be discharged into the air as a result of remedial action;

D. Tables which summarize the proposed samples and analyses for each pertinent medium and include the appropriate number and type of quality assurance samples consistent with the requirements of Part 1;

E. Details of the treatment or disposition of any contaminated soils or sediments;

F. Proposed methodology including post remedial action soil sampling and ground water monitoring as applicable for evaluation of the site status after the remedial action is complete to verify accomplishment of the objective of the RAP; and

G. Schedule for the completion of the remedial action.

32. The Department shall review the proposed RAP and provide Respondent with a written response to the proposal. Any action taken by the Respondent with regard to the implementation of the RAP before the RAP has been approved shall be at Respondent's risk and Paragraph 44 shall apply.

33. In the event that additional information is necessary for the Department to evaluate the RAP, or if the RAP does not adequately address the objectives and requirements set forth in Paragraph 31, the Department will make a written request to the Respondent for the information. The Respondent shall provide all requested revisions in writing to the Department within forty five (45) days from receipt of said request, unless the requested information requires additional time for a response, in which case the Respondent shall submit in writing to the Department, within forty five (45) days of the Department's request, a reasonable schedule for completing the work needed to provide the requested information.

34. If the Department determines upon review of the resubmitted RAP that the RAP adequately addresses the objectives set forth in paragraph 31, then the Department shall approve the RAP. If the Department determines that the RAP still does not adequately address the requirements of the RAP, the Department may choose one of the options listed in Paragraph 42.

35. Once a RAP has been approved by the Department, it shall become effective and made a part of the Order and shall be initiated within thirty (30) days from receipt of the Department's notification to the Respondent that the RAP has been approved. The approved RAP shall incorporate all required modifications to the RAP identified by the Department. All reporting and notification requirements spelled out in Part 6 below shall be complied with during the implementation of the RAP tasks.

36. If at any time during RAP implementation, it becomes apparent that the selected remedial alternative or treatment technology will be unable to achieve the SRLs, the Respondent may conduct a FS pursuant to Paragraph 26 to evaluate other alternatives and technologies to improve site remediation.

Part 5 Termination of Remedial Actions

37. Following termination of remedial action (clean up of contaminated media to the approved SRLs), designated monitoring wells shall be sampled on a schedule approved by the Department.

38. Following completion of monitoring requirements pursuant to the approved MOP or of the remedial action and post-remedial action monitoring, the Respondent shall submit a Site Rehabilitation Completion Report (SRCR) to the Department for approval. The SRCR shall contain documentation that site cleanup objectives have been achieved. Applicable portions of the SRCR shall be signed and sealed pursuant to Rule 62-103.110(4), F.A.C.

39. Within sixty (60) days of receipt of the SRCR, the Department shall approve the SRCR or make a determination that the SRCR does not contain reasonable assurances that site clean-up objectives have been achieved. If the Department determines that the SRCR is not adequate based upon information provided, the Department will notify the Respondent in writing. Site rehabilitation activities shall not be deemed completed until such time as the Department provides the Respondent with written notice that the SRCR is approved.

Part 6 Progress Reporting and Notifications

40. On the first working day of each month, or on another schedule approved by the Department after initiating an IRAP, CAP or RAP, Respondent shall submit written progress reports to the Department.

These progress reports shall evaluate progress, describe the status of each required IRAP, CAP and RAP task, and discuss any new data. The effectiveness of the IRAP and RAP shall be evaluated. The Progress Reports shall propose modifications and additional work as needed. The reports shall be submitted until planned tasks have been completed in accordance with the approved IRAP, CAP, or RAP. Each final report shall be signed and sealed by the appropriate professional pursuant to Rule 62-103.110(4), F.A.C. The final report shall include all data, manifests, and a detailed summary of the completed work.

41. The Respondent shall notify the Department at least ten days prior to installing monitoring or recovery wells, and shall allow Department personnel the opportunity to observe the location and installation of the wells. All necessary approvals must be obtained from the water management district before the Respondent installs the wells.

42. The Respondent shall notify the Department at least ten (10) days prior to any sampling, and shall allow Department personnel the opportunity to observe sampling or to take split samples. When the Department chooses to split samples, the raw data shall be exchanged between the Respondent and the Department as soon as the data are available.

Part 7 Conflict Resolution and Other Requirements

43. In the event that the Department determines a document to be inadequate or if there are disagreements, the Department, at its option, may choose to do any of the following:

A. Draft specific modifications to the document and notify the Respondent in writing that approval of the document is being granted contingent upon those modifications being incorporated into the document.

B. Resolve the issues through repeated correspondence, telephone discussions, and/or meetings.

C. Notify the Respondent that Respondent has failed to meet the stated objectives for the document, in which case the Department may do any or all of the following: take legal action to enforce compliance with the Order; file suit to recover damages and civil penalties; or complete the corrective actions outlined herein and recover the costs of completion from the Respondent.

44. The Respondent is required to comply with all applicable local, state and federal regulations and to obtain any necessary approvals/permits from local, state and federal authorities in carrying out these corrective actions.

45. The Respondent shall immediately notify the Department of any circumstances encountered by the Respondent which require modification of any task in the approved IRAP, CAP or RAP, and obtain Department approval prior to implementing any such modified tasks.

46. With regard to any agency action or determination made or taken by the Department under any of the provisions of this document "Corrective Actions for Contamination Site Cases", that portion of the Order containing dispute resolution procedures and remedies shall apply.

EXHIBIT "F"

Figure 1-15

Relationship Between Airport RBCA Protocol and RBCA Activities at the Airport for Petroleum Sites Per 62-770

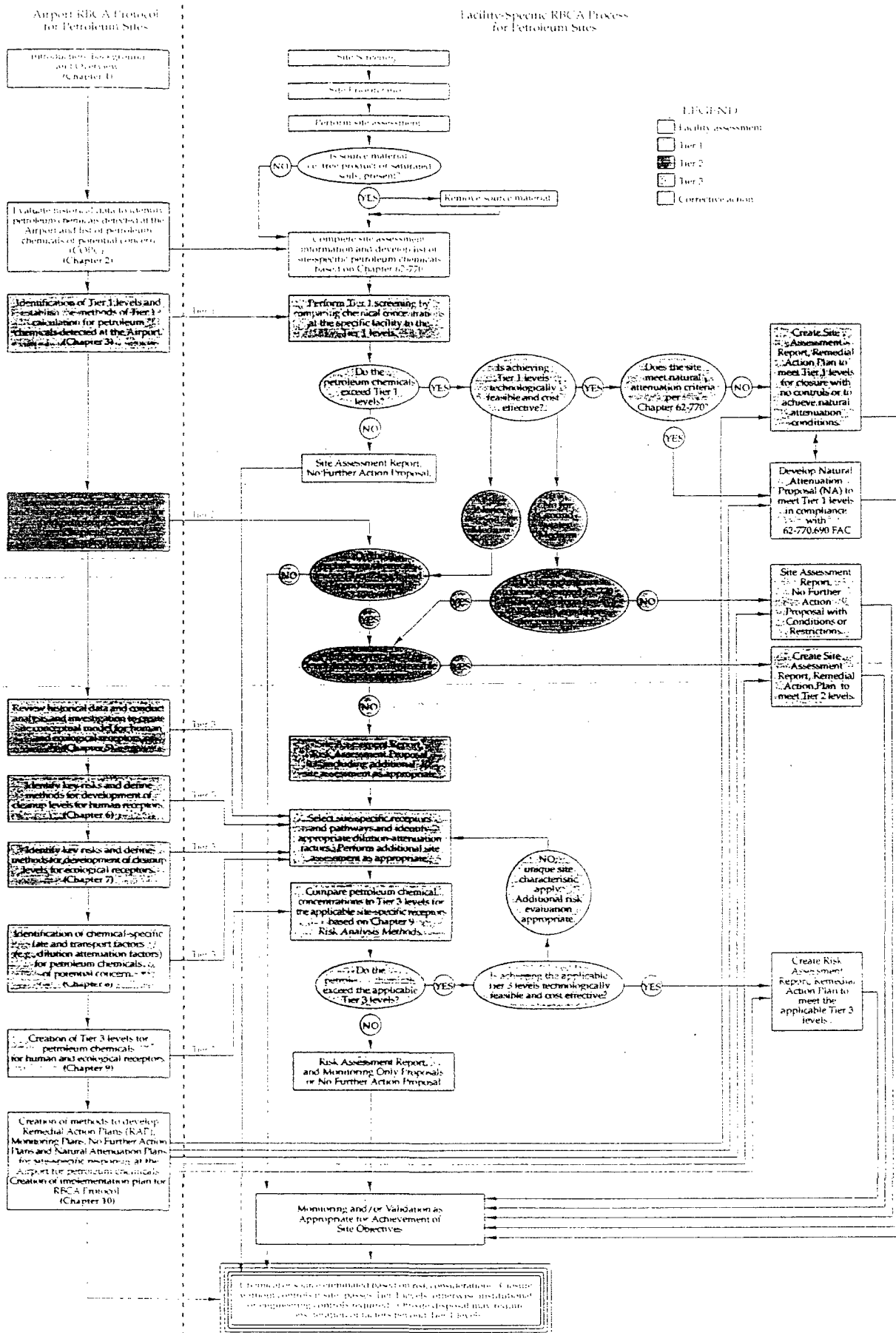


EXHIBIT "G"

Relationship Between Airport Risk Assessment Protocol and Risk Assessment Process at the Airport for Non-Petroleum Sites Per Corrective Actions for Contamination Site Cases

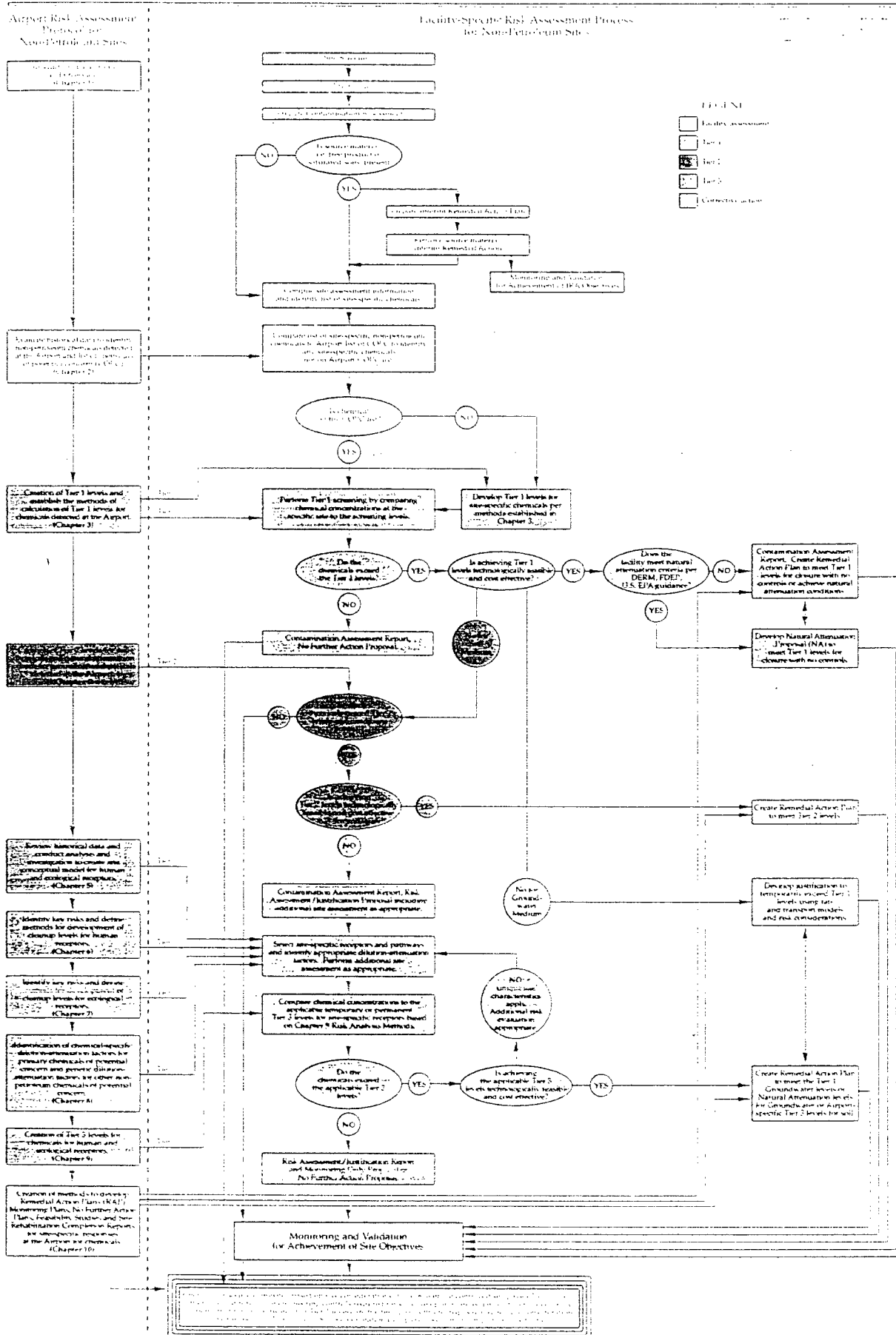


EXHIBIT H
PUBLIC PARTICIPATION PLAN

In addition to the opportunity for public participation in the finalization of the Consent Order, for each confirmed hazardous substance contamination area, DCAD will provide opportunity for public participation, at the point of remedy selection if corrective action is required at the area, or upon making a determination that corrective action is not needed, that includes the following:

- A. Publication of a notice of availability and a brief analysis of the proposed remedy, or notice of the determination that corrective action is not needed, in a major local newspaper of general circulation;
- B. A reasonable opportunity, not less than 30 calendar days, for public comment and, upon timely request, extend the public comment for a period by a minimum of 30 additional days;
- C. If sufficient public interest exists, an opportunity for a public meeting to be held during the public comment period at a location convenient to the population center nearest the area at issue;
- D. A tape or written transcript of the public meeting available to the public;
- E. A written summary of significant comments and information submitted during the public comment period and responses to each significant comment available to the public;
- F. In the written summary required in "E" above, a discussion of significant changes in documentation supporting the final remedy selected or a request for additional comment on a revised remedy selection if, after publication of the proposed remedy and prior to the adoption of the selected remedy, the remedy is changed such that it significantly differs from the original proposal with respect to scope, performance, or cost as a result of new information.