

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
IN AND FOR ALACHUA COUNTY, FLORIDA

**STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION,**

Plaintiff,

v.

CASE NO.: 01-2007-CA-2547
J

ELAINE L. CHAO, in her official capacity as
Secretary of the Department of Labor,
RICHARD G. TRIGG, in his official capacity as
National Director of the Office of Job Corps,
and **THE UNITED STATES OF AMERICA**,

Defendants.

RECEIVED BY ALACHUA
COUNTY CLERK OF COURT
DATE: 2007 June 18 AM 9:51

COMPLAINT

JURISDICTION AND VENUE

1. This civil action brought by the Florida Department of Environmental Protection ("Department") seeks relief in excess of \$15,000 exclusive of interest and costs pursuant to sections 403.141, 403.161, 376.308 and 403.727, Florida Statutes ("F.S."); injunctive relief pursuant to section 403.131, F.S. and the recovery of the Department's investigative costs pursuant to sections 403.141 and 376.307, F.S.

2. This Court has jurisdiction over this action pursuant to Article V, Section 5, Florida Constitution, and sections 26.012, 120.69, 403.131, 403.141, 403.161, and 376.303(1)(j), F.S.

3. Venue is proper in this circuit as the contamination by hazardous substances and other violations of environmental laws and regulations took place in Alachua County, Florida.

PARTIES

4. The Plaintiff, the Department, is the administrative agency of the State of Florida charged with the duty to enforce the provisions of Chapters 376 and 403, F.S.

5. The Defendants, Elaine L. Chao, in her official capacity as the Secretary of the Department of Labor, Richard G. Trigg, in his official capacity as National Director of the Office of Job Corps, and the United States of America (collectively referred to as "Defendants") are persons within the meaning of subsections 376.301(28), 403.031(5), and 403.703(4), F.S, and are subject to the provisions of Chapters 376 and 403, F.S., and the rules promulgated thereunder, including Chapter 62-780, F.A.C.

GENERAL ALLEGATIONS

6. From approximately 1955 to 1978, Sperry Rand Corporation ("Sperry Rand") operated an electronic tube factory on property located at 5301 Waldo Road, Gainesville in Alachua County, Florida ("Property").

7. During Sperry Rand's operations at the Property, trichloroethene ("TCE") was used as a degreaser for various parts and equipment.

8. Defendant, the United States of America ("US"), acquired title to the property from Sperry Rand in 1978. A true and correct copy of the warranty deed is attached hereto as **Exhibit "1"** and incorporated herein by reference.

9. The US has owned the facility known as the Gainesville Job Corps Center ("GJCC" or "facility"), which is located on the property, from 1978 through the current date.

10. The GJCC is and has been operated through the United States Department of Labor ("DOL") and its Office of Job Corps.

11. As part of the functions of the GJCC, Defendants have operated a job training facility on the Property to conduct job-training activities such as auto paint and body, which involved the use of solvents.

12. In 1993 there was an aboveground heating oil tank release via a pipeline on the Property.

13. The petroleum contamination underwent remediation and was overseen by the Alachua County Environmental Protection Department and is distinct from the issues in this action.

14. During the petroleum contamination remediation, Polychlorinated Biphenyls ("PCBs") were discovered.

15. The discovery of PCBs triggered a request by the Department for Defendants to complete a Preliminary Contamination Assessment Plan ("PCAP") and Preliminary Contamination Assessment Report ("PCAR") in the filter basin area on the southern end of the Property.

16. The PCAR submitted on February 16, 1996 and dated January 1996, revealed PCB contamination in soil at the northern end of the Property and offsite.

17. Soil and groundwater contamination by Nickel and chlorinated solvents, including TCE, were documented in the filter basin area at the southern end of the Property and also offsite.

18. Defendants performed additional testing to determine the scope of the TCE groundwater contamination.

19. A March 1998 Contamination Assessment Report ("CAR") and an Interim Remedial Action ("IRA") were prepared on behalf of Defendants and submitted to the

Department. The Department determined that neither the CAR nor the IRA sufficiently addressed the assessment and remediation needs at the Property.

20. In June 1999, a Draft Contamination Assessment Report Addendum ("CARA") prepared on behalf of Defendants, revealed greater levels of TCE in the groundwater at the Property and offsite.

21. As a result of operations and activities on the Property, groundwater in the surficial aquifer has become contaminated with the metal nickel and several chlorinated solvents at levels above guidance concentrations and in violation of Chapters 376 and 403, F.S., and Florida Administrative Code, ("F.A.C.") Rules 62-4, 62-520.400, 62-520.420(1), 62-550.310 and 62-550.320. The groundwater contaminants of concern ("COC") above guidance concentrations are listed in the Defendants' Contamination Assessment Report and Addendum as follows:

- a. trichloroethene 24,100 μ l (groundwater)
- b. Cis-1, 2-DCE 5,120 μ g/l (groundwater)
- c. 1, 1-DCE 470 μ g/l (groundwater)
- d. vinyl chloride 28.7 μ g/l (groundwater)
- e. nickel 140.0 μ g/l (groundwater)

22. All of the listed constituents above are contaminants as defined in subsection 403.031(1), F.S., and with the exception of nickel, are hazardous substances as defined in subsections 403.703(29) F.S. and 376.301(21), F.S.

23. In July 2000, a warning letter was issued to Defendants with a request for a Contamination Assessment Plan ("CAP"). A true and correct copy of the warning letter is attached hereto and incorporated herein by reference as **Exhibit "2"**.

24. In response to the Department's warning letter, Defendants acknowledged their commitment to complete the investigation and bring the matter to closure. A true and correct copy of Defendants' response dated August 31, 2000, is attached hereto and incorporated herein by reference as **Exhibit "3"**.

25. Additional assessment work was performed on behalf of Defendants and a CAR Addendum dated April 2001 was submitted to the Department in May 2001 ("2001 CARA").

26. The Department reviewed the 2001 CARA and determined that the assessment was incomplete.

27. On July 20, 2001, Defendants stated in writing that they advised their contractor, Tidewater, Inc. to take no further action on the area south of the Property and down gradient in the City of Gainesville. Defendants further discontinued operation of the testing wells set up on property belonging to the City of Gainesville. A true and correct copy of Defendants' July 20, 2001, letter is attached hereto and incorporated herein by reference as **Exhibit "4"**.

28. The 2001 CARA confirmed that the presence of a significant plume of chlorinated solvent, TCE, had contaminated the groundwater on the southern boundary of the Property and which had migrated some distance onto several of the adjacent Airport Industrial Park lots.

29. The Defendants' consultant specifically acknowledged that the source of the TCE groundwater contamination was migrating from the Property.

30. The extent of the plume, however, is still undetermined.

31. The COC on both the Property and down gradient property owned by the City of Gainesville originated from a source area on the Property. A true and correct copy of the groundwater flow direction map and the TCE contamination isopleths is attached hereto and incorporated herein by reference as **Exhibit "5"**.

32. TCE contamination in the groundwater originates from the Property and extends continuously down gradient over 1200 feet. The COC has preferentially migrated horizontally in the lower surficial aquifer long distances and has migrated vertically to a lesser extent due to the deeper clayey aquitard.

33. The Department has consistently requested the Defendants to conduct full assessment work and for remedial action to be undertaken in the groundwater plume area to address these continuing violations.

34. The City of Gainesville's wellfield, the Murphree Wellfield, is located less than 1.0 mile from the Property and the shallowest potable well at that location pumps from approximately 180 feet below ground surface ("bgs"). The Property is located within the one-foot draw down contour of the Murphree Wellfield.

35. As of 1994, there were at least 200 water supply wells located within 1.0 mile of the Property.

36. Notwithstanding numerous demands from the Department, the Defendants have failed and refused to take any further assessment activities or remedial action relating to the contamination.

COUNT I – STRICT LIABILITY PURSUANT TO SEC. 376.308, F.S.

37. Paragraphs 1- 36 are realleged and incorporated herein.

38. Defendant, DOL, is the owner of a facility within the meaning of subsection 403.727(4)(a), F.S.

39. A polluting condition has existed on the Property since at least 1996 and constitutes a continuing violation.

40. Pursuant to subsections 376.308(1)(a) and (b), F.S., Defendants are strictly liable to the Department for the polluting condition that has occurred on the Property.

41. Plaintiff has no adequate remedy at law because only actual assessment of the extent, and remediation of the groundwater contamination will provide the relief to which the Department and the general public are entitled.

WHEREFORE, the Florida Department of Environmental Protection demands a judgment in its favor against Defendants, Elaine L. Chao, in her official capacity as the Secretary of the Department of Labor, Richard G. Trigg, in his official capacity as National Director of the Office of Job Corps, and the United States of America as the owner of the Property for the following:

- A. Grant a temporary and permanent injunction requiring Defendants to complete the contamination assessment of the polluting condition and to take appropriate measures to perform remediation pursuant to the requirements of Chapter 62-780, F.A.C.;
- B. Provide all necessary access to the Department to monitor assessment and remedial measures;
- C. Award the Department its investigative costs; and
- D. Award such other relief as the Court deems just and appropriate.

**COUNT II – ALLOWING AN IMMINENT HAZARD IN VIOLATION OF
SEC. 403.727(1)(d), F.S.**

42. Paragraphs 1 through 36 and 41 are realleged and incorporated herein.
43. The groundwater contamination has created an imminent hazard to the environment and to the City of Gainesville's public supply wellfield.

44. The Property is a hazardous waste facility within the meaning of subsection 403.703(22), F.S.

45. The TCE is a hazardous waste as defined in subsection 403.703(21), F.S.

46. Defendants have been aware of the groundwater contamination since January of 1996 yet have allowed the imminent hazard to continue in violation of subsection 403.727(1)(d), F.S.

47. Defendants have known since at least 1996 that the plume of TCE contamination is within the Murphree Wellfield capture zone.

48. Plaintiff is authorized by subsection 403.131(1), F.S. to obtain injunctive relief and the Department is entitled to an order of this Court requiring Defendants to abate their violations of section 403.727, F.S.

WHEREFORE, the Florida Department of Environmental Protection demands a judgment in its favor against Defendants, Elaine L. Chao, in her official capacity as the Secretary of the Department of Labor, Richard G. Trigg, in his official capacity as National Director of the Office of Job Corps, and the United States of America as the owner of the Property for the following:

- A. Grant a temporary and permanent injunction requiring Defendants to complete the contamination assessment associated with the polluting condition and to take appropriate measures to perform remediation pursuant to the requirements of Chapter 62-780, F.A.C.;
- B. Provide all necessary access to the Department to monitor assessment and remedial measures;
- C. Award the Department its investigative costs; and

D. Award such other relief, as the court deems just and appropriate.

COUNT III – FAILURE TO ABATE AN IMMINENT HAZARD IN VIOLATION OF SEC. 403.726, F.S.

49. Paragraphs 1 through 36 and 41 are realleged and incorporated herein.

50. Defendants have failed to take action to abate or substantially reduce the contamination hazard in violation of section 403.726, F.S.

WHEREFORE, the Florida Department of Environmental Protection demands a judgment in its favor against Defendants, Elaine L. Chao, in her official capacity as the Secretary of the Department of Labor, Richard G. Trigg, in his official capacity as National Director of the Office of Job Corps, and the United States of America as the owner of the Property for the following:

- A. Grant a temporary and permanent injunction requiring Defendants to complete the contamination assessment associated with the polluting condition and to take appropriate measures to perform remediation pursuant to the requirements of Chapter 62-780, F.A.C.;
- B. Provide all necessary access to the Department to monitor assessment and remedial measures;
- C. Award the Department its investigative costs; and
- D. Award such other relief as the Court deems just and appropriate.

COUNT IV – COST RECOVERY PURSUANT TO SEC. 403.726(6) and 376.307(5), F.S.

51. Paragraphs 1 through 36 are realleged and incorporated herein.

52. Subsection 403.726(6), F.S. authorizes the Department to remove or dispose of any hazardous substance, which has become an imminent hazard, when the owner of a hazardous waste facility does not take appropriate action to abate or neutralize the hazard.

53. Defendants at all times material hereto were an owner of a hazardous waste facility within the meaning of subsection 403.726(6), F.S.

54. The Defendants at all times material hereto, were an owner of a facility within the meaning of subsection 403.727(4)(a), F.S.

55. Because the contaminated groundwater posed a serious danger to the public health, safety and welfare, the Department used money from the Florida Water Quality Assurance Trust Fund, section 376.307, F.S. to conduct assessment activities.

56. Subsection 376.307(5), F.S. mandates the Department to recover all monies spent or owed pursuant to section 376.308, F.S.

57. The Department's costs for remediation of the contaminated groundwater to date exceeds Ninety thousand dollars (\$90,000.00), not including additional costs incurred or to be incurred.

58. Defendants are liable to the Department for all costs of removal and remedial action incurred by the Department associated with but not limited to the groundwater contamination identified at the Property and offsite.

WHEREFORE, the Florida Department of Environmental Protection demands a judgment in its favor against Defendants, Elaine L. Chao, in her official capacity as the Secretary of the Department of Labor, Richard G. Trigg, in his official capacity as National Director of the Office of Job Corps, and the United States of America as the owner of the Property for the following:

A. Payment of the Department's costs to assess the Property and offsite properties containing the contaminated groundwater; and

B. Award such other relief as the Court deems just and appropriate.

COUNT V – VIOLATION OF SEC. 403.161, F.S. FOR FAILURE TO COMPLY WITH DEPARTMENT RULES

59. Paragraphs 1 through 36 and 41 are realleged and incorporated herein.

60. On April 17, 2005 the Department adopted Chapter 62-780, F.A.C. The purpose of Chapter 62-780, F.A.C. is to prevent adverse effects on human health, public safety, and the environment that may be caused by contaminants that have been released or discharged into the environment.

61. As of the effective date of Chapter 62-780, F.A.C., Defendants are subject to its requirements, which govern the procedure for assessment and remediation of the Property.

62. Including, but not limited to, Defendants are subject to specific requirements for assessment and remediation pursuant to Chapter 62-780, F.A.C as follows:

- a. Pursuant to Rule 62-780.600, F.A.C. a Site Assessment must be commenced within 60 days after the discharge is discovered;
- b. Pursuant to Rule 62-780.600, F.A.C. a Site Assessment Report ("SAR") must be submitted within 270 days of the discovery of the discharge; and
- c. Pursuant to Rule 62-780.650, F.A.C. a Risk Assessment Report ("RAR") must be completed in within 270 days of the discovery of the discharge.

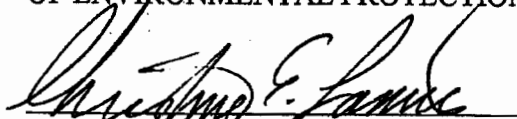
63. Defendants are in violation of subsection 403.161(1)(b), F.S. due to their failure to comply with the above-mentioned requirements. It will also be necessary to determine the scope of remediation.

64. As a result of Defendants failure to comply with the assessment and remediation requirements of Chapter 62-780, F.A.C., the TCE groundwater plume continues to seep and migrate and the Department continues to incur costs in addressing Defendants' violations.

WHEREFORE, the Florida Department of Environmental Protection demands a judgment in its favor against Defendants, Elaine L. Chao, in her official capacity as the Secretary of the Department of Labor, Richard G. Trigg, in his official capacity as National Director of the Office of Job Corps, and the United States of America as the owner of the Property for the following:

- A. Grant a temporary and permanent injunction requiring Defendants to complete the contamination assessment associated with the polluting condition and to take appropriate measures to perform remediation pursuant to the requirements of Chapter 62-780, F.A.C.;
- B. Provide all necessary access to the Department to monitor assessment and remedial measures;
- C. Award the Department its investigative costs; and
- D. Award such other relief as the Court deems just and appropriate.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



CHRISTINE E. LAMIA
Sr. Assistant General Counsel
3900 Commonwealth Blvd., MS 35
Tallahassee, FL 32399-3000
Telephone (850) 245-2229
FBN: 0745103

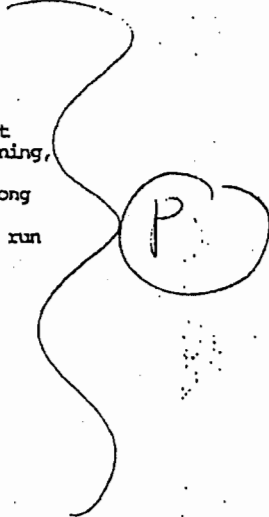
DATED: June 15, 2007

N87°04'45"E along said centerline 100 feet, thence run N82°39'45"E along said centerline 443.43 feet, thence run N81°17'15"E along said centerline 400 feet, thence run N86°08'45"E along said centerline 336.31 feet, thence run S0°13'45"W, 40 feet, thence run S89°42'15"E, 136 feet, thence run S87°37'15"E, 142.60 feet to the west right of way of a paved road, thence run S28°54'08"W along said right of way 457.48 feet, thence run S21°09'08"W along said right of way 425.35 feet, thence run S15°58'38"W along said right of way 86.97 feet to the south line of section 13, thence run N89°52'38"W along said south line 1984.91 feet to the SW corner of section 13 and the point of beginning, being and lying in section 13 and 14-T9S-R20E, Gainesville, Alachua County, Florida.

together with the tenements, hereditaments, and appurtenances thereto belonging, or in anyway appertaining; and together with all other property on the premises including the kitchen equipment, AS IS; and also

Together with and subject to the area extending 15 feet on each side of the line described as:

Commence at the SE corner of section 14-T9S-R20E and run S89°49'W along the south line of said section 371.61 feet, thence run N23°37'E, 233.84 feet, thence run N9°40'E, 158.73 feet, thence run N24°05'W, 83.15 feet, thence run N57°50'09"W, 127.25 feet, thence run S78°01'01"W, 50 feet, thence run S86°58'01"W, 50 feet, thence run S89°00'01"W, 47.7 feet to a point which is the commencement of the centerline of the "Road Easement Area", and the Point of Beginning, thence run N41°18'53"E along said centerline 393.99 feet, thence run N54°26'53"E along said centerline 50 feet, thence run N84°36'53"E along said centerline 50 feet, thence run S84°41'07"E along said centerline 50 feet, thence run S81°51'07"E along said centerline 50 feet, thence run S79°23'07"E along said centerline 50 feet, thence run S76°40'07"E along said centerline 50 feet, thence run S73°31'07"E along said centerline 50 feet, thence run S59°42'07"E along said centerline 60.29 feet, thence run N75°13'38"E along said centerline 50 feet, thence run N79°11'23"E along said centerline 50 feet, thence run N84°00'38"E along said centerline 50 feet, thence run N88°15'38"E along said centerline 50 feet, thence run S89°28'E along said centerline 429.2 feet, thence run N89°14'15"E along said centerline 100 feet, thence run N87°04'45"E along said centerline 100 feet, thence run N82°39'45"E along said centerline 443.43 feet, thence run N81°17'15"E along said centerline 400 feet, thence run N86°08'45"E along said centerline 336.31 feet, to the end of the "Road Easement Area".



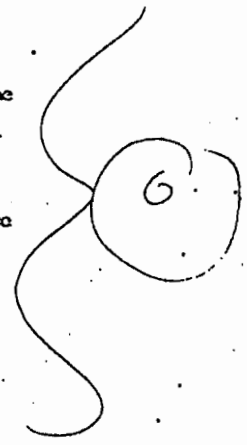
16.00
2008.08 Del
1100-0051

WARRANTY DEED

FILED
191001-3
CLERK COUNTY
REC-55

KNOW ALL MEN BY THESE PRESENTS that SPERRY RAND CORPORATION, a corporation existing under the laws of Delaware and having its principal place of business at 1290 Avenue Americas, New York, New York 10019, hereinafter called GRANTOR for and in consideration of the sum of ONE MILLION DOLLARS (\$1,000,000) and other good and valuable consideration to it in hand paid, the receipt of which is hereby acknowledged, has granted, bargained, sold, aliened, and conveyed, and by these presents does grant, bargain, alien and convey unto the UNITED STATES OF AMERICA, and to its assigns, as GRANTEE, in fee simple forever, all of the following described lots, tracts, pieces, and parcels of land, situate, lying and being in ALACHUA COUNTY, FLORIDA, more particularly described as follows:

Commence at the SE corner of Section 14-T96-R20E as the point of beginning and run S89°49'W along the south line of said section 371.61 feet, thence run N23°37'E, 233.84 feet, thence run N9°40'E, 158.73 feet, thence run N24°05'W, 83.15 feet, thence run N57°50'09"W, 127.25 feet, thence run S78°01'01"W, 50 feet, thence run S86°58'01"W, 50 feet, thence run S89°06'01"W, 47.7 feet to the centerline of a paved road, thence run N41°18'53"E along said centerline 393.99 feet, thence run N54°26'53"E along said centerline 50 feet, thence run N84°36'53"E along said centerline 50 feet, thence run S84°41'07"E along said centerline 50 feet, thence run S81°51'07"E along said centerline 50 feet, thence run S79°23'07"E along said centerline 50 feet, thence run S76°40'07"E along said centerline 50 feet, thence run S73°31'07"E along said centerline 50 feet, thence run S59°42'07"E along said centerline 60.29 feet, thence run N75°13'78"E along said centerline 50 feet, thence run N79°11'23"E along said centerline 50 feet, thence run N84°00'38"E along said centerline 50 feet, thence run N88°15'38"E along said centerline 50 feet, thence run S89°28'E along said centerline 429.2 feet, thence run N89°14'15"E along said centerline 100 feet thence run
(continued)



442725

~~Shown for information only.~~

1165 PAGE 462

"Abstracter"

This Instrument Was Prepared By James E. Clayton
226 South Main St., Gainesville, Florida
P. O. Box 1030

123

EXHIBIT 1

being called the "Road Easement Area", together with the perpetual right in common with others to use the entire northerly half of the said "Road Easement Area" for ingress and egress to and from the public road as per Deed Book 324, page 245 leading to Route 24 (Waldo Road) and for the installation, use and maintenance of utility facilities, sewerage and drainage systems, in, on and under the "Road Easement Area", and

SUBJECT to a similar perpetual right on the part of PCR, INCORPORATED, a Florida corporation, having its principal place of business at Airport Industrial Park, Waldo Road, Gainesville, Florida, 32601, its successors and assigns, in common with others to use the entire southerly half of the "Road Easement Area" for ingress and egress to and from the public road as per Deed Book 324, page 245 leading to Route 24 (Waldo Road) and for the installation, use and maintenance of utility facilities, sewerage and drainage systems, in, on and under the "Road Easement Area".

GRANTEE herein for itself, and its assigns, agrees that it will at the request of said PCR, INC., its successors or assigns, join in a dedication of the "Road Easement Area" to the appropriate governmental authority as a public road.

This conveyance does not include any right on the part of the GRANTEE herein, or its assigns to the use of any part of the land heretofore conveyed by the Trustees of the CITY EMPLOYEES PENSION FUND OF THE CITY OF GAINESVILLE, FLORIDA, to PCR, INC., which lies immediately adjacent to and north of the land herein conveyed as a cesspool leeching field and such use, if any, shall be discontinued by GRANTEE herein, or its assigns, not later than nine (9) months after written request by PCR, INC., its successors or assigns, has been made to GRANTEE, or its assigns, to terminate such use.

SUBJECT also to the following:

i. Easements, covenants, restrictions, reservations, and agreements of record.

ii. Any state of facts an accurate survey and inspection of the premises shall disclose.

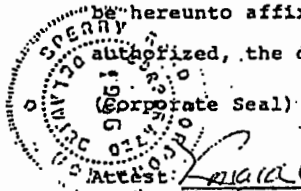
iii. Electric lines, sewer lines, and other public utility easements and agreements and drainage ditches and easements.

The GRANTOR herein quit-claims to the GRANTEE, or its assigns, all right, title or interest which the GRANTOR may have in the banks, beds, and waters of any streams opposite to or fronting upon said property, and in any alleys, roads, streets, ways, strips, gores, or railroad rights-of-way abutting or adjoining said property, and in any means of ingress and egress appurtenant thereto, except as to the "Road Easement Area" as provided above and as herein otherwise provided.

TO HAVE AND TO HOLD the same unto the said GRANTEE, or its assigns forever.

And the said GRANTOR does hereby fully warrant the title to said lands and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the said GRANTOR has caused these presents to be executed in its name, and its corporate seal to be hereunto affixed, by its proper officers thereunto duly authorized, the day and year first above written.



SPERRY RAND CORPORATION

Attest: Laura C. Anderson Assistant Secretary By [Signature] Senior Vice President and Chief Financial Officer

Signed, sealed and delivered in the presence of:

[Signature]
[Signature]

STATE OF NEW YORK
COUNTY OF NEW YORK

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared A.J. MOCCIA and RONALD C. ANDERSON, well known to me to be the Senior Vice President and Chief Financial Officer; and Assistant Secretary, respectively of the corporation named as GRANTOR in the foregoing Warranty Deed, and that they severally acknowledged executing the same in the presence of two subscribing witnesses freely and voluntarily under authority duly vested in them by said corporation and that the seal affixed thereto is the true corporate seal of said corporation.

WITNESS my hand and official seal in the County and State last aforesaid this 24 day of October, A.D., 1978.

Barbara P. Bellio
NOTARY PUBLIC
MY COMMISSION EXPIRES:
BARBARA P. BELLIO
Notary Public, State of New York
No. 11-0114173
Qualified in Nassau County
Cert. Filed in New York County
Commission Expires March 30, 1979

STATE OF FLORIDA
DOCUMENTARY STAMP TAX
DEPT. OF REVENUE
OCT-3-78 \$900.00

STATE OF FLORIDA
DOCUMENTARY STAMP TAX
DEPT. OF REVENUE
OCT-3-78 \$300.00

STATE OF FLORIDA
DOCUMENTARY STAMP TAX
DEPT. OF REVENUE
OCT-3-78 \$900.00

STATE OF FLORIDA
DOCUMENTARY STAMP TAX
DEPT. OF REVENUE
OCT-3-78 \$900.00

ALSCHE COUNTY
061510
FLORIDA
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OCT-3-78
\$200.00
RE. 11013

ALSCHE COUNTY
061513
FLORIDA
DEPT. OF REVENUE
OCT-3-78
\$900.00
RE. 11013



Jeb Bush
Governor

Department of Environmental Protection

Northeast District
7825 Baymeadows Way, Suite B200
Jacksonville, Florida 32256-7590

David B. Struhs
Secretary

July 17, 2000

CERTIFIED-RETURN RECEIPT

Mr. Douglas Small
Chief, Division of National Program Development
United States Department of Labor
E.T.A./Officer of Job Corps
2000 Constitution Avenue N.W., Room N5407
Washington, DC 20210

Dear Mr. Small:

Warning Letter No. WL00-0002CU16
Contamination Assessment
Gainesville Job Corps Center
Alachua County – Waste Cleanup

The purpose of this letter is to advise you of possible violations of law for which the United States Department of Labor may be responsible and to seek your cooperation in resolving the matter.

In March of 1993, the Department of Environmental Protection (DEP) was informed of a groundwater contamination problem at the referenced facility. Since that time, an environmental assessment identified several major areas of concern. Although considerable efforts to address some of those concerns has progressed through the years, significant groundwater contamination remains undefined and has migrated to adjacent properties. Moreover, no substantial progress to assess and remediate the contamination has been accomplished in over a year.

You are requested to contact Brian Kelley at the above address or at (904) 448-4320, extension 249, within fifteen (15) days upon receipt of this Warning Letter to arrange a meeting to discuss this matter.

The DEP is interested in reviewing any facts you may have that will assist in determining whether any violations have occurred. You may bring anyone with you to the meeting that you feel could help resolve this matter.

"More Protection, Less Process"

Printed on recycled paper.

EXHIBIT 2

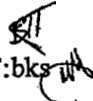
Mr. Douglas Small
Warning Letter No. WL00-0002CU16
July 17, 2000
Page Two

Please be advised that this Warning Letter is part of an agency investigation, preliminary to agency action in accordance with Section 120.57(4), F.S. We look forward to your cooperation in completing the investigation and resolution of this matter.

Sincerely,



Michael J. Fitzsimmons
Waste Program Administrator


MJF:bks

cc: Conchi Ossa, City of Gainesville
Rodney Salimi, D.T.S.
Gus Olmos, ACEPD

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the Article is delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- 1. Addressee's Address
 - 2. Restricted Delivery
- Consult postmaster for fee.

3. Article Addressed to:

Mr. Douglas F. Small
United States Senator
E.T.A. Office
2000 Constitution Avenue NW
Washington, DC 20210

4a. Article Number
248 055 327

4b. Service Type

Registered Certified
 Express Mail Insured
 Return Receipt for Merchandise COD

7. Date of Delivery

5. Received By: (Print Name)
DOUGLAS F. SMALL

8. Addressee's Address (Only if requested and fee is paid)

6. Signature: (Addressee or Agent)
X Douglas F. Small

WCU

PS Form 3811, December 1994

102595-99-B-0229 Domestic Return Receipt

Thank you for using Return Receipt Service.

UNITED STATES POSTAL SERVICE

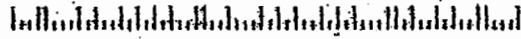


First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Print your name, address, and ZIP Code in this box •

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
NORTHEAST DISTRICT
7825 BAYMEADOWS WAY, SUITE B-200
JACKSONVILLE, FLORIDA 32256-75790

06



PS Form 3800, April 1995 (Reverse)

Stick postage stamps to article to cover First-Class postage, certified mail fee, and charges for any selected optional services (See front).

1. If you want this receipt postmarked, stick the gummed stub to the right of the return address leaving the receipt attached, and present the article at a post office service window or hand it to your rural carrier (no extra charge).
2. If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, date, detach, and retain the receipt, and mail the article.
3. If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article RETURN RECEIPT REQUESTED adjacent to the number.
4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse RESTRICTED DELIVERY on the front of the article.
5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811.
6. Save this receipt and present it if you make an inquiry.

102595-99-M-05-98

Z 418 055 327

US Postal Service
Receipt for Certified Mail
No Insurance Coverage Provided.
Do not use for International Mail (See reverse)

Sent to	
Street & Number	
Post Office, State, & ZIP Code	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	

PS Form 3800, April 1995

U.S. Department of Labor

Employment and Training Administration
200 Constitution Avenue, N.W.
Washington, D.C. 20210



RECEIVED

AUG 31 2000

SEP 05 2000

Mr. Michael J. Fitzsimmons
Waste Program Administrator
Department of Environmental Protection
Northeast District
7825 Baymeadows Way, Suite 8200
Jacksonville, FL 32256-7590

STATE OF FLORIDA
DEPT. OF ENV. PROTECTION
NORTHEAST DISTRICT-JAX

Subject: Warning Letter No. WL00-0002CU16
Gainesville Job Corps Center

Dear Mr. Fitzsimmons:

Thank you for your letter to Mr. Doug Small dated July 17, 2000. We would like to respond by describing some of the problems that have occurred and detail the corrective actions that we will take in the next few weeks. We have already been in contact with Mr. Brian Kelley of your office.

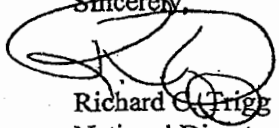
As your letter stated, "considerable efforts have been made to address this situation" but have been stalled for about nine months for various reasons. One major reason is that the Memorandum of Agreement dated February 24, 1999, between the Department of Labor and the State of Florida has not been amended. This was not due to any fault of the State, rather the DOL needed to correct a legal error discovered by our Solicitor's Office. For the last three months, we have been dealing with Ms. Conchi Ossa and Ms. Patricia Carter from the City of Gainesville to try to resolve this issue.

The legal issues have been resolved with new language inserted into the amendment and it is my understanding the documents are being cleared by the proper authorities within the Department of Labor. This action does two things: 1) it allows our current contractor, DTS, to begin work on the most recently submitted Scope of Work for the contaminated areas on the City's property; 2) and allows us to correct a contractual obligation that originated when this project first began. To avoid any problems, correspondence, reports, and Scopes of Work will be reviewed by the National Office of Job Corps.

-2-

Mr. Kelley suggested that we write a letter explaining our situation and the steps that we are taking to correct them, and that we should also include a letter from our environmental health and safety support contractor addressing time frames for addressing the site (copy attached). If a meeting is necessary, we will be available to discuss these issues with you. We are fully aware of our fiscal and environmental obligations concerning this contamination issue and will take all necessary actions to remedy them. I assure you that you have our full attention and commitment in completing this investigation and bringing this matter to closure. If any further attention is necessary to this matter, please contact Mr. Michael O'Malley at (202) 693-3108 in the National Office of Job Corps.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard C. Frigg", is written over the word "Sincerely,". The signature is somewhat stylized and loops around the text.

Richard C. Frigg
National Director
Job Corps

U.S. Department of Labor

Employment and Training Administration
200 Constitution Avenue, N.W.
Washington, D.C. 20210



JUL 20 2001

'01 JUL 26 PM 1 59

STATE OF FLORIDA
DEP - NE DISTRICT
JACKSONVILLE

Mr. B. Treadwell Kissam, P.G.
Department of Environmental Protection
Northeast District
7825 Baymeadows Way, Suite B200
Jacksonville, Florida 3225-7590

Dear Mr. Kissam:

I am in receipt of your June 27, 2001 letter regarding the environmental clean-up efforts at the Gainesville Job Corps Center, and your request for our participation in a meeting on or about the 27th of July as a follow-up to the June 18th meeting that was conducted at the center.

The National Office of Job Corps has contracted with Tidewater, Inc. as our new Environmental Safety and Health support contractor. Tidewater replaced Dynamic Technology Systems (DTS) as of May 9, 2001. Prior to the change in contractors, DTS had begun assisting the national office in a continued cleanup of a petroleum contamination site on the north side of the Gainesville Job Corps center. A Warning Letter, No. WL00-0002CU16, from Michael Fitzsimmons on July 17, 2000 precipitated our response to have DTS work with the City of Gainesville and the DEP in Florida to resolve issues surrounding an existing petroleum spill.

Our office was briefed by Tidewater, Inc. on the 10th of July regarding the June 18th meeting, the above referenced request for the proposed meeting, as well as the overall status of the cleanup efforts, and were advised that two areas of concern exist:

- the petroleum spill on the north side of DOL's property which continues to undergo cleanup; and
- chlorinated solvent contamination on property south of the Gainesville JCC owned by the City of Gainesville and determining the source of that contamination.

Information from their preliminary studies provided by Tidewater, Inc. on July 10, 2001 suggests that the two major areas of concern are unrelated; i.e., neither the petroleum spill on DOL property, nor any other problem on DOL property has caused the chlorinated solvent contamination on property owned by the City of Gainesville.

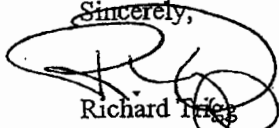
As part of a site characterization project, DTS installed monitoring wells on the City's contaminated property south of the Gainesville JCC. All monitoring ceased with the end of DTS's contract in May and Tidewater, Inc. has taken no action regarding the monitoring wells on the City's property.

Therefore, we have advised Tidewater Inc. to take no further action on the area south of the center and in the City of Gainesville. Cleanup efforts on the north side where the petroleum contaminants exist will continue. In the meantime, we have asked Tidewater Inc. to conduct further studies to determine if Tidewater's preliminary findings are accurate as to there being no relationship between the contaminants in the City of Gainesville and the petroleum spill on the center. We are discontinuing operation of the testing wells set up on property belonging to the City of Gainesville by DTS, as we never authorized DTS, the Gainesville Job Corps Center or its subcontractor to establish these wells.

Accordingly, we would prefer not to meet until further analyses have been concluded to determine Job Corps' responsibility for the property south of the center.

Any further inquiries regarding this matter should be directed to Douglas Small, Division Chief, National Program Management and Accountability, on (202) 693-3095.

Sincerely,



Richard Trigg
National Director
Office of Job Corps

