

From: **Jeanne Zokovitch Paben** <jeanne.pabenlaw@gmail.com>

Date: Thu, Aug 1, 2024 at 10:23 AM

Subject: Lockheed Contamination in Tallevast: Comments from RES on SWFWMD's RAI on Lockheed's 2022 Wetlands Monitoring Report and Lockheed's Response

To: Bland, Mike <Mike.Bland@floridadep.gov>, <philip.wilkerson@floridadep.gov>, Sellers, Robert <Robert.Sellers@floridadep.gov>, Smith, Leah J. <Leah.J.Smith@floridadep.gov>, Bahr, Tim <Tim.Bahr@floridadep.gov>

Mike and Bob,

On behalf of Laura Ward and Wanda Washington as Co-Executive Directors of FOCUS and the Tallevast community attached are comments from RES, FOCUS' independent scientific consulting firm addressing the Southwest Florida Water Management District's (SWFWMD's or District's) Requests for Additional Information (RAI) on Lockheed's 2022 Wetlands Monitoring Report (WMR) and Lockheed's response. In this letter, it is clear that there are continued concerns about how much water Lockheed Martin is withdrawing for its 200+ acre groundwater plume remediation and its impact on area wetlands, as well as Lockheed's failures to follow appropriate steps at the intersection of its cleanup obligations and its obligations to SWFWMD as it relates to these issues. Lockheed must be held accountable for its obligations both to cleanup and to properly manage its impact on groundwater and wetlands. We look forward to a response from FDEP on these issues and for FDEP to direct Lockheed to properly address its obligations.

Sincerely, Jeanne



34 East Pine Street
Orlando, FL 32801

Corporate Headquarters
6575 West Loop South, Suite 300
Bellaire, TX 77401
Main: 713.520.5400

July 30, 2024

Mrs. Laura Ward, Executive Director
Mrs. Wanda Washington, Executive Director
FOCUS
PO Box 28
Tallevast, FL 34270-0038
la1law@aol.com
washingtonwd@aol.com

**Subject: Review of SWFWMD Request for Additional Information Response
Lockheed Martin Tallevast Site, Manatee County, FL
RES PRJ Number: 108482**

Dear Mrs. Ward and Mrs. Washington:

RES Florida Consulting, LLC (RES) is pleased to submit this review of the Response to Request for Additional Information from the Southwest Florida Water Management District prepared for the Lockheed Martin Tallevast Site by AECOM, dated April 26, 2024.

SWFWMD COMMENTS

- 1. The 2022 Annual Wetlands Monitoring Report indicated that monitoring ceased for Reference Wetland 3 (RW-3) following the sale of the property. There are currently no monitored reference wetlands in the monitoring network. The permitted wetland network was part of the reasonable assurance that activities would not impact environmental features presented in the original water use permit application. A Request for Additional Information (RAI) Letter was sent out on December 9, 2022, notifying the permittee that an application to modify the Water Use Permit is required to amend the Environmental Monitoring Plan (EMP). A paper application was also delivered during the November 29, 2023 site visit to the property. Please apply to modify the Water User Permit to update the EMP to reflect the changes and provide reasonable assurance that permitted activities have and will not impact environmental features. The application to modify the Water Use Permit should include analysis of potential replacement wetlands outside of the project area. The online application portal is linked here for your convenience. Refer to WUP Applicant's Handbook Section 3.3.1.1.4 40D-2.091, F.A.C. and Rule 40D-2.301(1), F.A.C.**

Lockheed Martin Response:

A completed Water Use Permit Letter Modification Short Form Application and an updated Wetlands Monitoring Plan (WMP) are provided in Attachment A for continued protection of environmental features during active remediation. The updated WMP provides a summary of historical changes that have occurred in the wetland monitoring program, provides details of the current monitoring program, and recommends an alternate reference wetland to replace former RW-3.

RES Response:

While an updated Water Use Permit Application was provided by the respondent in the April 26, 2024 response, reasonable assurance has not been provided to ensure that permitted activities have not impacted and will not impact wetlands. Reference Wetland RW-3 was abandoned for monitoring, prior to SWFWMD permit modification submittal and approval. Lockheed Martin indicated that they reviewed the possibility of using RW-1 and RW-2 as a reference



wetland and the report indicated that they are not suitable due to them having water levels influenced by stormwater control features. Wetlands TW-1 and TW-18 were also evaluated as a potential replacement for RW-3, but the 2024 Wetland Monitoring Plan states that they are too near recharge gallery RC-7001 and have elevated water levels. Lockheed Martin then evaluated TW-2 as a potential suitable replacement for RW-3. The RAI response package and updated Wetland Monitoring Plan indicated that TW-2 would be an acceptable replacement reference wetland to monitor because their former target wetland TW-2 was outside of the one foot drawdown of system capture as presented in the 2009 RAPA and no discharge from RC-7002 occurred in 2019 to 2023 to supplement water levels at TW-6. We note that the hydrodynamics of the groundwater capture zone have been modified over the years and differ from the model presented in the 2009 RAPA document. SWFWMD evaluated 10 years of water levels and other indicators and conducted a field visit with Lockheed Martin to evaluate if wetland TW-2 would suffice as a replacement reference wetland. Former station TW-2 is now considered to be reference wetland RW-6 and is replacing reference wetland RW-3 to continue monitoring levels per the SWFWMD Water Use Permit Number 20020198.002.

RES reviewed the water pumping volumes from the EW-4010 and EW-4001 which are nearest to the proposed RW-6 (formerly TW-2) reference wetland in the 2023 RASR. The RASR indicates that the actual monthly pumping volumes far exceeds the pumping allowances approved for those extraction wells per SWFWMD permit (No. 200020198.001). Total quantities authorized by the previous permit and the recent SWFWMD permit modification (No.200020198.002) have not changed, 230,200 gpd annual average and 251,400 gpd peak month. Regardless of the 2009 RAPA's one foot drawdown Lockheed's most recent data per the 2023 Remedial Action Status Report indicates that target wetland TW-2 located is within the cone of influence of the groundwater recovery system per the 2023 Remedial Action Status Report and therefore should not be considered a viable reference wetland as it is hydrologically inundated and does not reflect previously established or unaffected wetlands within the community. This pumping is expected to cause significant impact of water elevations in RW-6 (formerly TW-2) due to the large pumping volumes from nearby extraction wells EW-4010 and EW-4001 and the resulting documented groundwater elevation depression in that area. Lockheed Martin has not provided justification that TW-2 should be considered a reference wetland to meet the requirements of the original SWFWMD permit (No. 200020198.001) per these concerns. We request that the SWFWMD require an unaffected wetland be used as a reference wetland in order to meet the permitting requirements of SFWMD permit number 200020198.001. We also request that SWMFMD note that Lockheed Martin has consistently violated the allowable individual well pumping volumes outlined in the permit.

- 2. The 2023 Annual Wetland Monitoring Report indicated the ground cover, shrubs/small trees, and trees strata WAP scores at TW-6 were a 3, 4, and 4, respectively. Please review the WAP Ranking Scale Guidance Sheet (linked below) and the submitted WAP forms and re-score the strata. For example, 35% cover of Eupatorium capilifolium, an adaptive plant in the deep zone, would constitute at most a score of 2, for having moved in two zones in high numbers and distribution (above 25%). The pictures submitted in support of the WAP forms also appear to have more than 10% cover of Urena lobata. This was verified on a recent site visit by District Staff. Please review and resubmit the scoring of all strata and ensure that the explanations provided match the score sheets appropriately. Please visit the following link to reference the WAP Instruction Manual and WAP Ranking Scales. Refer to Rules 40D-2.091, 40D-2.101 and 40D-2.301, FAC.**

Lockheed Martin Response:

After reviewing the WAP field data sheets, a score of 2 is applicable for groundcover due to the increase in cover of Eupatorium capilifolium in two zones. The zonation scoring explanation provided in the WAP field data sheet states this observation, however an incorrect scoring value of 3 was used. A revised WAP scoring sheet for groundcover is provided in Attachment B.

RES Response:

The WAP Form was revised to reflect SWFWMD assessment of WAP scores. Based on the photographs provided in the report, RES agrees with the revised WAP score of vegetation coverage at wetland TW-6. This reduced WAP score shows species have moved in two zones in high numbers and distribution and are species with an upland classification that have moved into the deep zone in enough numbers and distribution to be of concern. The migration of these invasive upland species into the deep zone shows higher degradation in the overall wetland



quality than was previously reported. If the continued migration of these upland species into the deep zone of the wetland occurs, TW-6 will cease to be a functioning wetland. It is RES recommendation that Lockheed Martin be required to provide adequate hydrological measures to ensure TW-6 is a functioning wetland and that invasive species management become a part of the Wetlands Monitoring Plan to confirm TW-6 is meeting the required goals of SWFWMD permits (No. 200020198.001).

- 3. Review of the 2023 Remedial Action Plan (RAP) in parallel with the 2023 Wetland Monitoring Report indicated that water quality monitoring occurs on property where wetland monitoring has been deemed inaccessible. Please clarify how the permittee has access to take water level/quality readings at Staff Gage 8 on parcel ID 1985310000; and MW 97 and 162-166 on parcel ID 1986400008, but not at the wetlands located on the same parcels. Please investigate and report the feasibility of establishing vegetation monitoring transects at these locations and include this information in your permit modification application. Refer to Rules 40D-2.091, 40D-2.101 and 40D-2.301, FAC.**

Lockheed Martin Response:

The above referenced monitoring locations MW-97 and MW-162 through 166 are located within the Manatee County public right-of-way of 19th St East. Staff gauge SG-8 and former TW-2 are located on an adjacent property to the east of the right-of-way. Former target wetland TW-18 is located on an adjacent property to the west of the right-of-way. Monitoring of target wetlands TW-2 and TW-18 was discontinued as they were determined to be outside of the groundwater recovery and treatment system influence. The recommendation to remove these wetlands from the monitoring program was acknowledged by FDEP on September 27, 2019, in association with the five-year review of the wetlands monitoring program as allowed in Section 13.6.1 of the 2009 RAPA. As requested by the SWFWMD, an investigation was conducted to locate a suitable replacement for former reference wetland RW-3. The results of this search indicated former TW-2 was the best alternative for a replacement reference wetland. Henceforth, former target wetland TW-2 will be redesignated as reference wetland RW-6. The search process details are included in the updated WMP provided in Attachment A.

RES Response:

This comment does not address why the staff gauges were accessible, but wetland monitoring was not completed in the 2023 Wetlands Monitoring Plan. While the recommendation for these locations to be removed was acknowledged by FDEP, it was not requested in a modification for the existing Water Use Permit 20020198.002. Both agencies should be consulted as their technical purviews are distinctly different. In order for a responsible decision to be made both must weigh in with their expertise. Staff gauge 8 located on former TW-2 is designated to be monitored as RW-6 within the 2024 Wetlands Monitoring Plan.

- 4. Table 9-2 of the 2020-2023 Wetland Monitoring Reports indicate that water levels in TW-6 were below the land surface from September 2020-May 2023. District Staff also observed a dry staff gage in November 2023. The dry period coincided with the decrease in WAP scores and does not appear to have been corrected by turning on adjacent RC-7002, as there has not been an above surface water level reading since restarting utilization of the recharge gallery. Section 13.6.2 of the 2009 Remedial Action Plan Addendum states that DEP must be notified if the water levels are below the p50 for three consecutive monitoring periods within a target wetland. This threshold has been surpassed. Please notify FDEP of this occurrence and provide the District with proof of this report and any subsequent correspondence with FDEP. Refer to Rules 40D-2.091, 40D-2.101 and 40D-2.301, FAC.**

Lockheed Martin Response:

The 2022 and 2023 WMRs submitted to the FDEP and SWFWMD discussed the water level elevation in TW-6 being below the normal pool (NP) threshold during their respective reporting periods. The 2022 WMR stated that the monitoring period of June 2021 through June 2022 was the first monitoring period in which the water level elevation was below the NP threshold throughout the entire monitoring period and that implementation of a mitigation plan



Per the letter provided by RES dated October 19, 2023, there are concerns regarding the 2023 Wetlands Monitoring Report and the newly identified Reference Wetland 6. No field monitoring has occurred at RW-6 (TW-2) since 2019 and Lockheed Martin has yet to provide sufficient scientific justification as to why a previous target wetland will now be an acceptable reference wetland per the revised Wetlands Monitoring Plan.

Sincerely,

RES Florida Consulting, LLC

Megan Reising, M.S.
Scientist IV
mreising@res.us

Nadia Locke, P.E.
Senior Engineer
nlocke@res.us