

**BEFORE THE ENVIRONMENTAL PROTECTION BOARD  
CITY OF JACKSONVILLE**

**City of Jacksonville, Neighborhoods Department,**  
Petitioner  
and

**Antoinette Properties of Jax LLC,**  
Respondent

**Re: Cease and Desist Citation WP-23-02  
Wastewater Collection/Transmission System with Pump Station located at  
Real Estate ID Number (RE) 011372-0000, addressed at 1501 Lane Avenue  
South, Jacksonville, FL 32210 (the "System" at the "Property")  
Unpermitted Discharge of untreated wastewater to the ground and  
surrounding environment; Failure to operate and maintain the System to  
remain operational; Failure to comply with Wastewater  
Collection/Transmission System design standards; Failure to notify EQD of  
Discharge from the System**

**CONSENT ORDER**

This Consent Order is made and entered into between the City of Jacksonville, Neighborhoods Department (the Department) and **Antoinette Properties of Jax LLC**, the property owner ("Respondent"), to settle certain issues between them under Chapter 360 and 362 of the Jacksonville Ordinance Code ("Ordinance Code") and Rule 3 of the Jacksonville Environmental Protection Board ("JEPB").

1. The Department, through its Environmental Quality Division ("EQD"), is charged with the administration and enforcement of Chapter 360 and 362, Ordinance Code, and the rules promulgated thereunder.
2. Antoinette Properties of Jax LLC, a Florida corporation, is the owner of the System at the Property pursuant to the Quit Claim Deed dated October 2, 2017 and recorded in the Official Records of Duval County, Florida at Book 18146 and Page 01629.
3. On December 27, 2022, and December 28, 2022, EQD staff conducted complaint investigations and documented:
  - a. an unpermitted Discharge of untreated wastewater to the ground, MS4, and surrounding environment;
  - i. the wastewater samples collected December 27, 2022, by EQD staff at the points of discharge to the environment had laboratory analytical results of greater than or equal to 241,960 MPN/100 ml for E. coli, and
  - ii. the water quality standard for a single sample for E. coli is less than 410 MPN/100ml;
  - b. the failure to operate and maintain the System to remain operational, to function as intended, and to provide uninterrupted transmission of wastewater;
  - c. the System failed to comply with Wastewater

- Collection/Transmission System design standards as observed:
- i. the System did not have a compliant sign with the required information; and
  - ii. the System may not comply with other Wastewater Collection/Transmission System design standards; and
  - d. the System owner failed to notify EQD that a release or discharge of wastewater from the System to the ground and surrounding environment.
4. As a result of the conditions documented in paragraph 3 above, EQD issued Cease and Desist Citation WP-23-02 to Respondent, a copy of which is attached hereto and incorporated herein as Exhibit A.
  5. The Department is authorized under Sections 360.407, 362.110 and 362.111, Ordinance Code, to seek injunctive relief and civil penalties, and the potential maximum daily penalty for violations of JEPB Rule 3 is \$10,000.
  6. Respondent agrees to complete the corrective actions outlined within this Consent Order within the established timeframes.
  7. **COMPLETE ENGINEER REPORT or DEP PERMIT APPLICATION:** No later than April 1, 2023, Respondent shall submit for review and approval, an Engineer Report signed and sealed by a Florida licensed, professional engineer. Alternatively, if the engineer is certain at the time of the review that a DEP Notification/Application for Constructing a Domestic Wastewater Collection/ Transmissions System ("DEP Permit Application"), the engineer may proceed directly with submitted of the DEP Permit Application by April 1, 2023.
    - a. The Engineer Report shall include, at a minimum:
      - i. findings of the camera investigation of the collection lines, dye test results to confirm connections to the System, and inspection of manholes,
      - ii. utility force main pressure,
      - iii. drawings,
      - iv. calculations and methodologies used, and
      - v. manufacturer pump specifications and pump curves to verify the System meets current sewerage design and performance standards and requirements.
    - b. If the System does not comply with wastewater design standards, the Engineer Report shall identify repairs and/or modifications necessary to bring the System into compliance with current wastewater design standards and finalize abandonment of any noncompliant components.
    - c. The Engineer Report shall include a project schedule for all recommended repairs and modifications to be completed expeditiously.
    - d. Respondent shall submit the Engineer Report by electronic mail to [enforcement@coj.net](mailto:enforcement@coj.net). Large attachments may need to be hand delivered or mailed to EQD at 214 N. Hogan Street, Fifth Floor, Jacksonville, Florida 32202 to the attention of Melissa Long.

- i. Should EQD request additional information for the Engineer Report, Respondent shall timely and fully respond to any request for additional information within 15 days of the request or, if additional time is needed, within 15 days, submit a written request for an extension of time. The written request for an extension shall demonstrate that Respondent is diligently acquiring the requested information. The written request for an extension shall include, as a minimum, a copy of all work done at the time the extension is requested that partially responds to the request for additional information.
  - ii. EQD will notify Respondent within 30 days of receipt of all information for the Engineer Report of the accepted engineer recommendations and whether a DEP Permit Application will be required for the accepted recommendations for corrective actions. In its notification, EQD will also advise of the deadlines required for the project schedule submitted with the Engineer Report.
8. DEP PERMIT APPLICATION AFTER ENGINEER REPORT: If a DEP Permit is required for recommended modifications to the System in the EQD accepted Engineer Report, Respondent agrees to submit a DEP Permit Application with all required calculations, specifications, drawings, signatures, professional seals and permitting fees to EQD within 60 days of notification by EQD.
9. FINAL ENGINEER REPORT/DEP NOTIFICATION OF COMPLETION OF CONSTRUCTION: Respondent shall complete all engineer recommended repairs and modifications at the System, as accepted and agreed to by EQD, and pursuant to any issued DEP Permit, and submit a Final Engineer Report (if no permit required) or DEP Notification of Completion of Construction Domestic Wastewater Collection/Transmission System ("DEP Notice of Completion of Construction") package to [enforcement@coj.net](mailto:enforcement@coj.net) with all required documents, certifications, drawings, professional signatures and seals upon completion of all work by August 1, 2023 or by the deadline established and based upon the review of the Engineer Report and notification in paragraph 7.d.(2).
  - a. EQD will accept the Final Engineer Report or DEP Notice of Completion of Construction within 30 days of submittal or will request in writing additional information to be submitted.
  - b. Should EQD request additional information for the Final Engineer Report or DEP Notice of Completion of Construction, Respondent shall timely and fully respond to any request for additional information within 15 days of the request or, if additional time is needed, within 15 days, submit a written request for an extension of time. The written request for an extension shall demonstrate that Respondent is diligently acquiring the requested information. The written request for an extension shall include, as a minimum, a copy of all work done at the time the extension is requested that partially responds to the request for additional information.

10. MONTHLY STATUS REPORT: Respondent shall submit a monthly status report regarding the engineer's review, Engineer Report, permitting and construction work for all repairs and modifications to the System by the last day of each month beginning on February 28, 2023 and continuing until the Final Engineer Report or DEP Notice of Completion of Construction is submitted to and accepted by EQD. Monthly status reports shall be provided by electronic mail to [enforcement@coj.net](mailto:enforcement@coj.net).
11. COMPLIANCE WITH OPERATION, MAINTENANCE AND RECORDKEEPING REQUIREMENTS: Respondent shall ensure that the System is operated and maintained in accordance with all applicable local, state, and federal rules and regulations and that all items of required maintenance are performed and records of all maintenance and repairs be kept with the level of specificity required in JEPB Rule 3.405A.
12. MONTHLY MAINTENANCE RECORDS: Respondent shall submit the System monthly maintenance records to EQD by electronic mail to [enforcement@coj.net](mailto:enforcement@coj.net) no later than the last day of each calendar month beginning February 28, 2023 until all repairs and modifications to the System, as recommended by the engineer and accepted by EQD, have been completed and approved.
13. STIPULATED PENALTIES: Respondent agrees to pay the City stipulated penalties in the amount of One Hundred Dollars (\$100.00) per day for each and every day Respondent fails to timely perform any of the corrective actions contained in this Consent Order.
  - a. The Department shall assess a separate stipulated penalty for each failure to timely perform a corrective action contained in this Consent Order.
  - b. Within 30 days of written demand from the Department, Respondent shall make payment of the appropriate stipulated penalties to the Department.
  - c. Respondent shall pay with a cashier's check or money order made payable to the City of Jacksonville *Environmental Protection Trust Fund*, mailing address, EQD 214 N. Hogan Street, Fifth Floor, Jacksonville, FL 32202, attention Ronda Wheeler.
  - d. The Department may make demands for payment at any time after Respondent fail to timely perform each corrective action.
  - e. If the Department is required to file a lawsuit to recover stipulated penalties under this paragraph, the Department is not foreclosed from seeking civil penalties for violations of this Consent Order in an amount greater than the stipulated penalties due under this paragraph.
14. CIVIL PENALTY: A civil penalty of \$8,000 is assessed for the violations of JEPB Rule 3. EQD reserves the right to assess penalty mitigation for good faith efforts to cooperatoor based on results of System review and costs of documented and confirmed repairs or modifications to the System in accordance with its settlement guidelines.

- a. Respondent shall deliver to the City a cashier's check or money order as directed by EQD within 30 days of electronic mail notification of the final assessed civil penalty following completion of the System Review and confirmation of completion of all required repairs or modifications to the System.
  - b. Respondent shall deliver to the City a cashier's check or money order payable to the City of Jacksonville Environmental Protection Trust Fund, mailing address, Environmental Quality Division, 214 N. Hogan Street, Fifth Floor, Jacksonville, FL 32202, attention Ronda Wheeler.
  - c. Any sums unpaid within the time frame provided shall bear interest at the rate of 1.5 percent per month until paid.collected.
15. Pursuant to Section 362.110, a violation of the terms of this Consent Order may subject the Respondent to judicial imposition of civil penalties of up to \$10,000 per violation per day.
  16. In consideration of the complete and timely performance of all the obligations set forth in this Consent Order by Respondent, the City agrees that entry of this Consent Order disposes of the violations described in it, and the City waives its rights to seek judicial imposition of criminal penalties for the violations. The City reserves the rights to imposition of civil penalties pursuant to paragraph 14.
  17. By executing this Consent Order, Respondent waives its right to judicial review or an administrative hearing on the terms of this Consent Order.
  18. The City expressly reserves the right to initiate appropriate legal action to prohibit any future violations of the Jacksonville Ordinance Code or the rules of the JEPB.
  19. The provisions of this Consent Order shall apply to and be binding upon the parties, their officers, directors, agents, servants, employees, successors, and assigns.
  20. The monitoring and reporting requirements of this Consent Order shall remain in effect until Final Engineer Report or DEP Notice of Completion of Construction is accepted and approved by EQD.
  21. Respondent shall allow all authorized representatives of EQD access to the System at reasonable times for the purpose of determining compliance with the terms of this Consent Order and the statutes, ordinances and rules administered by EQD.
  22. The Consent Order shall become effective upon execution by the Chairperson of the JEPB, which will occur after its execution by the Respondent and the Director of the Department.
  23. Performance of the terms and conditions of this Consent Order does not relieve the Respondent of the need to comply with applicable federal, state, or local laws, regulations, or ordinances.
  24. Respondent is advised to ensure compliance during all construction activities for corrective actions at the Property with site appropriate performance measures to

ensure there is no unlawful discharge of sediment or turbid water to stormwater or surface water, utilizing in part the *Florida Stormwater Erosion and Sedimentation Control Inspector's Manual*, published by the Florida Department of Environmental Protection's Nonpoint Source Management Section and adopted by the JEPB in its Rule 3.

CITY OF JACKSONVILLE  
NEIGHBORHOODS DEPARTMENT

03/01/2023  
Date

Chiquita S. Moore  
Chiquita Moore, Director

Antoinette Properties of Jax LLC

2/28/23  
Date

Mary Albert  
Print Name: Mary Albert  
Print Title: manager

---

ORDER

I hereby certify that the foregoing document was adopted by order of the Environmental Protection Board of the City of Jacksonville this 20th day of MARCH, 2023.

David Wood  
David Wood, Chair  
Jacksonville Environmental Protection Board



# City of Jacksonville, Florida

EXHIBIT "A"  
for Consent Order WP-23-02

*Lenny Curry, Mayor*

Environmental Quality Division  
214 N. Hogan St., 5<sup>th</sup> Floor  
Jacksonville, FL 32202  
(904) 255-7100

ONE CITY. ONE JACKSONVILLE

## CEASE AND DESIST CITATION WP-23-02

### By Certified Mail – Return Receipt

Certified Mail #9489 0090 0027 6470 1653 51

Mary Antoinette Albert, Manager and Registered  
Agent for Antoinette Properties of Jax LLC  
5365 Oak Bay Drive North  
Jacksonville, Florida 32277-1010

Certified Mail #9489 0090 0027 6470 1653 68

Antoinette Properties of Jax LLC  
1501 Lane Avenue South  
Jacksonville, Florida 32210

**RE: Duval County – Water Pollution  
Wastewater Collection/Transmission System with Pump Station located at Real Estate ID Number (RE) 011372-0000, addressed at 1501 Lane Avenue South, Jacksonville, FL 32210 (the "System" at the "Property")  
Unpermitted Discharge of untreated wastewater to the ground, MS4, and surrounding environment; Failure to operate and maintain the System to remain operational; failure to comply with Wastewater Collection/Transmission System design standards; failure to notify EQD of Discharge from the System**

### PLEASE TAKE NOTICE that

On December 27, 2022, and December 28, 2022, City of Jacksonville – Neighborhoods Department – Environmental Quality Division (EQD) staff conducted complaint investigations regarding a Discharge of wastewater from the System at the Property and documented:

- a. an unpermitted Discharge of untreated wastewater to the ground, municipal separate storm sewer system, and surrounding environment;
  - (1) the wastewater samples collected December 27, 2022, by EQD staff at the points of discharge to the environment had laboratory analytical result of greater than or equal to 241,960 MPN /100 ml for E. coli, and
  - (2) the water quality standard for a single sample for E. coli is less than 410 MPN/100ml;
- b. the failure to operate and maintain the System to remain operational, to function as intended, and to provide uninterrupted transmission of wastewater;
- c. the System failed to comply with Wastewater Collection/Transmission System design standards as observed:
  - (1) the System did not have a compliant sign with required information;
  - (2) the System may not comply with other Wastewater Collection/Transmission System design standards; and
- d. the System owner failed to notify EQD that a release or discharge of wastewater from the System to the ground and surrounding environment had occurred and provide the required records.

At the time of the December 27, 2022 and December 28, 2022, complaint investigations, the owner of the System and Property was:

**Antoinette Properties of Jax LLC**, a Florida limited liability company, pursuant to the Quit Claim Deed dated October 2, 2017, and recorded in the Official Records of Duval County, Florida in Book 18146 and Page 1629.

Accordingly, the owner of the System and Property is hereby notified of the continued violations of the following provisions of Jacksonville Environmental Protection Board (JEPB) Rule 3:

- a. To cause or allow to be discharged, unpermitted Discharges of untreated domestic wastewater, industrial wastewater, or other untreated waste or wastewater, sediment, turbid water, or other material to MS4 or Waters within Duval County, by direct or indirect flow, or to the ground or surrounding environment, in violation of the requirements, conditions, and standards of the rules of the Board, is a violation of JEPB Rule 3.103B;
- b. The failure to operate and maintain all Wastewater Collection/Transmission Systems to remain operational, to function as intended, and to provide uninterrupted transmission of wastewater to the Regional Sewer Utility point of connection, is a violation of JEPB Rule 3.103.H;
- c. The failure to comply with Wastewater Collection/Transmission System design standards established or adopted in JEPB Rules 3.403 and 3.404;
- d. The failure of an owner or operator of a Wastewater Collection/Transmission System that discovers a release or discharge of wastewater from the system to the ground or surrounding environment has occurred, including direct discharge by overland flow or through conveyances to MS4 or Waters, to notify the Division immediately upon discovery of such release or discharge by calling (904) 255-7100 or by e-mail at SSO@coj.net, is a violation of JEPB Rule 3.103G as well as Rule 3.405.A.8 which also requires specific records be submitted to EQD.

The violations were determined by EQD staff during site investigation and records review. The enforcement investigation documentation is available for review and will be provided electronically as detailed below.

### **CORRECTIVE ACTION REQUIRED**

1. Cease:
  - a. the unpermitted Discharge of untreated wastewater to the ground and surrounding environment;
  - b. the failure to operate and maintain the System to remain operational, to function as intended, and to provide uninterrupted transmission of wastewater;
  - c. the failure to comply with Wastewater Collection/Transmission System design standards; and
  - d. the failure to notify EQD of Discharge from the System and provide required records.
2. Acknowledge this Cease and Desist Citation within **two days** of receipt by emailing at [enforcement@coj.net](mailto:enforcement@coj.net). EQD will then provide, by response email, the investigation documents and JEPB Rule 3 compliance education on operation, maintenance, and recordkeeping requirements.
3. Provide to EQD the signed Consent Order and a written response to this Cease and Desist Citation no later than **February 6, 2023**. Do not send penalty payment at this time.
  - a. The written response must:
    - i. include the documentation for the corrective actions taken as of that date; and
    - ii. must include the detailed pump station maintenance records from December 2020 through December 2022.
  - b. The Consent Order requires the System Owner to:



- i. hire a licensed wastewater engineer to review the wastewater collection and transmission system; and
- ii. provide monthly pump station maintenance records

The potential maximum daily penalty for violations is \$10,000 per day, per violation under Jacksonville Ordinance Code (JOC) Title X, Chapter 362. If litigation or an administrative hearing is required to achieve compliance, full penalties will be sought in addition to associated costs and legal fees.

DATED this 13<sup>th</sup> day of January, 2023  
City of Jacksonville  
NEIGHBORHOODS DEPARTMENT

By: Chiquita L Moore  
Chiquita Moore, Director

Copy: Helen Gainey, EQD  
DEP staff

**BEFORE THE ENVIRONMENTAL PROTECTION BOARD  
CITY OF JACKSONVILLE**

**City of Jacksonville, Neighborhoods Department,**  
Petitioner  
and

**Blue Hills Prtnrs LLC**  
Respondent

**Re: Cease and Desist Citation WP-22-64  
Wastewater Collection/Transmission System with Pump Station located at Real Estate ID Number (RE) 005179-0000, addressed at 5971 Ramona Boulevard, Jacksonville, FL 32205 (the "System" at the "Property")  
Unpermitted Discharge of untreated wastewater to the ground and surrounding environment; Failure to operate and maintain the System to remain operational; Failure to comply with Wastewater Collection/Transmission System design standards; Failure to notify EQD of Discharge from the System**

**CONSENT ORDER**

This Consent Order is made and entered into between the City of Jacksonville, Neighborhoods Department (the Department) and Blue Hills Prtnrs LLC ("Respondent"), to settle certain issues between them under Chapter 360 and 362 of the Jacksonville Ordinance Code ("Ordinance Code") and Rule 3 of the Jacksonville Environmental Protection Board ("JEPB").

1. The Department, through its Environmental Quality Division ("EQD"), is charged with the administration and enforcement of Chapter 360 and 362, Ordinance Code, and the rules promulgated thereunder.
2. Blue Hills Prtnrs LLC is a Foreign limited liability company, pursuant to the Special Warranty Deed dated April 15, 2021 and recorded in the Official Records of Duval County, Florida in Book 19686 and Page 893.
3. On November 17, 2022, EQD staff conducted a complaint investigation at the System and documented:
  - a. an unpermitted Discharge of untreated wastewater to the ground and surrounding environment;
    - (1) the wastewater sample collected November 17, 2022 by EQD staff at the points of discharge to the environment had laboratory analytical results of greater than 68,670 MPN/100 ml for E. coli, and
    - (2) the water quality standard for a single sample for E coli is less than 410 MPN/100ml;
  - b. the failure to operate and maintain the System to remain operational, to function as intended, and to provide uninterrupted transmission of wastewater;
  - c. the System failed to comply with Wastewater Collection/Transmission System design standards as observed:
    - (1) the System did not have a compliant sign with required information;
    - (2) the System may not comply with other Wastewater Collection/Transmission System design standards; and
  - d. the System owner failed to notify EQD that a release or discharge of wastewater from the System to the ground and surrounding environment had occurred and provide the required records.

4. As a result of the conditions documented in paragraph 3, EQD issued Cease and Desist Citation WP-22-64 to Respondent, a copy of which is attached hereto and incorporated herein as Exhibit A.

5. The Department is authorized under Sections 360.407, 362.110 and 362.111, Ordinance Code, to seek injunctive relief and civil penalties, and the potential maximum daily penalty for violations of JEPB Rule 3 is \$10,000.

6. Respondent agrees to complete the corrective actions outlined within this Consent Order within the established timeframes

7. COMPLETE ENGINEER REPORT: No later than April 28, 2023, Respondent shall submit for review and approval, an Engineer Report signed by a Florida licensed, professional engineer.

a. The Engineer Report shall, at a minimum:

- (1) findings of the camera investigation of the collection lines, dye test results to confirm connections to the System, and inspection of manholes,
- (2) utility force main pressure,
- (3) drawings,
- (4) calculations and methodologies used, and
- (5) manufacturer pump specifications and pump curves

to verify the System meets current sewerage design and performance standards and requirements

b. If the System does not comply with wastewater design standards, the Engineer Report shall identify repairs and/or modifications necessary to bring the System into compliance with current wastewater design standards and finalize abandonment of any noncompliant components

c. The Engineer Report shall include a project schedule for all recommended repairs and modifications to be completed expeditiously.

d. Respondent shall submit the Engineer Report by email to [Enforcement@coj.net](mailto:Enforcement@coj.net). Large attachments may need to be hand delivered or mailed to EQD at 214 N. Hogan Street, Fifth Floor, Jacksonville, Florida 32202 to the attention of Joe Emery.

(1) Should EQD request additional information for the Engineer Report, Respondent shall timely and fully respond to any request for additional information within 15 days of the request or, if additional time is needed, within 15 days, submit a written request for an extension of time. The written request for an extension shall demonstrate that Respondent is diligently acquiring the requested information. The written request for an extension shall include, at a minimum, a copy of all work done at the time the extension is requested that partially responds to the request for additional information.

(2) EQD will notify Respondent within 30 days of receipt of all information for the Engineer Report of the accepted engineer or plumber recommendations and whether a Department of Environmental Protection ("DEP") Permit Application will be required for the accepted recommendations for corrective actions. In its notification, EQD will also advise of the deadlines required for the project schedule submitted with the Engineer Report.

8. DEP PERMIT APPLICATION AFTER ENGINEER REPORT: If a DEP Permit is required for recommended modifications to the System in the EQD accepted Engineer Report, Respondent agrees to submit a DEP Permit Application with all required calculations, specifications, drawings, signatures, professional seals and permitting fees to EQD within 60 days of notification by EQD.

9. FINAL ENGINEER REPORT/DEP NOTIFICATION OF COMPLETION OF CONSTRUCTION: Respondent shall complete all recommended repairs and modifications at the

System, as accepted and agreed to by EQD, and pursuant to any issued DEP Permit, and submit a Final Engineer Report (if no permit required) or DEP Notification of Completion of Construction Domestic Wastewater Collection/ Transmission System ("DEP Notice of Completion of Construction") package by email to [Enforcement@coj.net](mailto:Enforcement@coj.net) with all required documents, certifications, drawings, professional signatures and seals upon completion of all work by August 28, 2023 or by the deadline established and based upon the review of the Engineer Report and notification in paragraph 7.d.(2).

a. EQD will accept the Final Engineer Report or DEP Notice of Completion of Construction within 30 days of submittal or will request in writing additional information to be submitted.

b. Should EQD request additional information for the Final Engineer Report or DEP Notice of Completion of Construction, Respondent shall timely and fully respond to any request for additional information within 15 days of the request or, if additional time is needed, within 15 days, submit a written request for an extension of time. The written request for an extension shall demonstrate that Respondent is diligently acquiring the requested information. The written request for an extension shall include, as a minimum, a copy of all work done at the time the extension is requested that partially responds to the request for additional information.

10. MONTHLY STATUS REPORT: Respondent shall submit a monthly status report regarding the *engineer's review and Engineer Report, permitting and construction work* for all repairs and modifications to the System by the last day of each month beginning on February 28, 2023, and continuing until the Final Engineer Report or DEP Notice of Completion of Construction is submitted to and accepted by EQD. Monthly status reports shall be provided by email to [Enforcement@coj.net](mailto:Enforcement@coj.net).

11. COMPLIANCE WITH OPERATION, MAINTENANCE AND RECORDKEEPING REQUIREMENTS: Respondent shall ensure that the System is operated and maintained in accordance with all applicable local, state, and federal rules and regulations and that all items of required maintenance are performed and records of all maintenance and repairs be kept with the level of specificity required in JEPB Rule 3.

12. STIPULATED PENALTIES: Respondent agrees to pay the City stipulated penalties in the amount of One Hundred Dollars (\$100.00) per day for each and every day Respondent fails to timely perform any of the corrective actions contained in this Consent Order.

a. The Department shall assess a separate stipulated penalty for each failure to timely perform a corrective action contained in this Consent Order.

b. Within 30 days of written demand from the Department, Respondent shall make payment of the appropriate stipulated penalties to the Department.

c. Respondent shall pay with a cashier's check or money order made payable to the City of Jacksonville Environmental Protection Trust Fund, mailing address: EQD 214 N. Hogan Street, Fifth Floor, Jacksonville, FL 32202, attention Ronda Wheeler.

d. The Department may make demands for payment at any time after Respondent fails to timely perform each corrective action.

e. If the Department is required to file a lawsuit to recover stipulated penalties under this paragraph, the Department is not foreclosed from seeking civil penalties for violations of this Consent Order in an amount greater than the stipulated penalties due under this paragraph.

13. CIVIL PENALTY: A civil penalty of \$8,000 is assessed for the violations of JEPB Rule 3. EQD reserves the right assess penalty mitigation for good faith efforts to cooperatoor based on results of System review and costs of documented and confirmed repairs or modifications to the System in accordance with its settlement guidelines.

a. Respondent shall deliver to the City a cashier's check or money order as

directed by EQD within 30 days of email notification of the final assessed civil penalty following completion of the System Review and confirmation of completion of all required repairs or modifications to the System.

b Respondent shall deliver to the City a cashier's check or money order payable to the City of Jacksonville *Environmental Protection Trust Fund*, mailing address, Environmental Quality Division, 214 N. Hogan Street, Fifth Floor, Jacksonville, FL 32202, attention Ronda Wheeler.

c Any sums unpaid within the time frame provided shall bear interest at the rate of 1 5 percent per month until paid.

14. Pursuant to Jacksonville Ordinance Code Section 362.110, a violation of the terms of this Consent Order may subject the Respondent to judicial imposition of civil penalties of up to \$10,000 per violation per day.

15 In consideration of the complete and timely performance of the obligations set forth in this Order by Respondent, the City agrees that entry of this Order disposes of the violations described in it, and the City waives its rights to seek judicial imposition of damages or civil or criminal penalties for the violations.

16 By executing this Consent Order, Respondent waives its right to judicial review or an administrative hearing on the terms of this Consent Order.

17. The City expressly reserves the right to initiate appropriate legal action to prohibit any future violations of the Jacksonville Ordinance Code or the rules of the JEPB.

18. The provisions of this Consent Order shall apply to and be binding upon the parties, their officers, directors, agents, servants, employees, successors, and assigns.

19 The reporting requirements of this Consent Order shall remain in effect until the Final Engineer Report or DEP Notice of Completion of Construction is accepted and approved by EQD.

20. Respondent shall allow all authorized representatives of EQD access to the System at reasonable times for the purpose of determining compliance with the terms of this Consent Order and the statutes, ordinances and rules administered by EQD.

21. The Consent Order shall become effective upon execution by the Chairperson of the JEPB, which will occur after its execution by the Respondent and the Director of the Department.

22 Performance of the terms and conditions of this Consent Order does not relieve the Respondent of the need to comply with applicable federal, state, or local laws, regulations, or ordinances

23 Respondent is advised to ensure compliance during all construction activities for corrective actions at the Property with site appropriate performance measures to ensure there is no unlawful discharge of sediment or turbid water to stormwater or surface water, utilizing in part the *Florida Stormwater Erosion and Sedimentation Control Inspector's Manual*, published by the Florida Department of Environmental Protection's Nonpoint Source Management Section and adopted by the JEPB in its Rule 3.

CITY OF JACKSONVILLE  
NEIGHBORHOODS DEPARTMENT

02/23/2023  
Date

Chiquita J. Moore  
Chiquita Moore, Operations Director

Blue Hills Prtnrs LLC

2/22/2023  
Date

[Signature]  
Print Name: DARLENE ROLLAR  
Print Title: MEMBER

**ORDER**

I hereby certify that the foregoing document was adopted by order of the Environmental Protection Board of the City of Jacksonville this 20th day of MARCH, 2023.

[Signature]  
David Wood, Chair  
Jacksonville Environmental Protection Board

[Signature]



# City of Jacksonville, Florida

*Lenny Curry, Mayor*

## EXHIBIT "A" for Consent Order WP-22-64

Environmental Quality Division  
214 N. Hogan St., 5<sup>th</sup> Floor  
Jacksonville, FL 32202  
(904) 255-7100

ONE CITY. ONE JACKSONVILLE

### CEASE AND DESIST CITATION WP-22-64

#### By Certified Mail – Return Receipt

Certified Mail #9489 0090 0027 6470 1655 66

Blue Hills Prtnrs LLC  
32 Fairhaven Glen Trail  
Ponte Vedra, Florida 32081

Certified Mail #9489 0090 0027 6470 1655 73

Blue Hills Prtnrs LLC  
2655 Ulmerton Road, Suite 334  
Clearwater, Florida 33762

Certified Mail #9489 0090 0027 6470 1655 80

Registered Agents Inc. , Registered Agent for  
Blue Hills Prtnrs LLC  
7901 4<sup>th</sup> Street, North, Suite 300  
St. Petersburg, Florida 33702

**RE: Duval County – Water Pollution  
Wastewater Collection/Transmission System with Pump Station located at Real Estate ID Number (RE) 005179-0000, addressed at 5971 Ramona Boulevard, Jacksonville, FL 32205 (the “System” at the “Property”)  
Unpermitted Discharge of untreated wastewater to the ground and surrounding environment;  
Failure to operate and maintain the System to remain operational; Failure to comply with Wastewater Collection/Transmission System design standards; Failure to notify EQD of Discharge from the System**

#### **PLEASE TAKE NOTICE that**

On November 17, 2022, City of Jacksonville – Neighborhoods Department – Environmental Quality Division (EQD) staff conducted a complaint investigation regarding a Discharge of wastewater from the System at the Property and documented:

- a. an unpermitted Discharge of untreated wastewater to the ground and surrounding environment;
  - (1) the wastewater sample collected November 17, 2022 by EQD staff at the points of discharge to the environment had laboratory analytical results of greater than 68,670 MPN/100 ml for E. coli, and
  - (2) the water quality standard for a single sample for E. coli is less than 410 MPN/100ml;
- b. the failure to operate and maintain the System to remain operational, to function as intended, and to provide uninterrupted transmission of wastewater;
- c. the System failed to comply with Wastewater Collection/Transmission System design standards as observed:
  - (1) the System did not have a compliant sign with required information;
  - (2) the System may not comply with other Wastewater Collection/Transmission System design standards; and
- d. the System owner failed to notify EQD that a release or discharge of wastewater from the

System to the ground and surrounding environment had occurred and provide the required records.

At the time of the November 17, 2022, complaint investigation, the owner of the System and Property was:

**BLUE HILLS PRTRNS LLC**, a Foreign limited liability company, pursuant to the Special Warranty Deed dated April 15, 2021, and recorded in the Official Records of Duval County, Florida in Book 19686 and Page 893.

Accordingly, the owner of the System and Property is hereby notified of the continued violations of the following provisions of Jacksonville Environmental Protection Board (JEPB) Rule 3:

- a. To cause or allow to be discharged, unpermitted Discharges of untreated domestic wastewater, industrial wastewater, or other untreated waste or wastewater, sediment, turbid water, or other material to MS4 or Waters within Duval County, by direct or indirect flow, or to the ground or surrounding environment, in violation of the requirements, conditions, and standards of the rules of the Board, is a violation of JEPB Rule 3.103B;
- b. The failure to operate and maintain all Wastewater Collection/Transmission Systems to remain operational, to function as intended, and to provide uninterrupted transmission of wastewater to the Regional Sewer Utility point of connection, is a violation of JEPB Rule 3.103H;
- c. The failure to comply with Wastewater Collection/Transmission System design standards established or adopted in JEPB Rules 3.403 and 3.404;
- d. The failure of an owner or operator of a Wastewater Collection/Transmission System that discovers a release or discharge of wastewater from the system to the ground or surrounding environment has occurred, including direct discharge by overland flow or through conveyances to MS4 or Waters, to notify the Division immediately upon discovery of such release or discharge by calling (904) 255-7100 or by e-mail at [SSO@coj.net](mailto:SSO@coj.net), is a violation of JEPB Rule 3.103G as well as Rule 3.405A.8 which also requires specific records be submitted to EQD.

The violations were determined by EQD staff during site investigation and records review. The enforcement investigation documentation is available for review and will be provided electronically as detailed below.

### **CORRECTIVE ACTION REQUIRED**

1. Cease:
  - a. the unpermitted Discharge of untreated wastewater to the ground and surrounding environment;
  - b. the failure to operate and maintain the System to remain operational, to function as intended, and to provide uninterrupted transmission of wastewater;
  - c. the failure to comply with Wastewater Collection/Transmission System design standards; and
  - d. the failure to notify EQD of Discharge from the System and provide required records.
2. Acknowledge this Cease-and-Desist Citation within two days of receipt by submitting an email to [enforcement@coj.net](mailto:enforcement@coj.net). EQD will then provide, by response email, the investigation documents and JEPB Rule 3 compliance education on operation, maintenance and recordkeeping requirements.
3. Submit a written response by email to [enforcement@coj.net](mailto:enforcement@coj.net) to this Cease and Desist Citation no later than **January 13, 2023**. The written response must include the documentation for the corrective actions taken as of that date and must include the detailed pump station maintenance records from October 2020 through October 2022.



The potential maximum daily penalty for violations is \$10,000 per day, per violation under Jacksonville Ordinance Code (JOC) Title X, Chapter 362. If litigation or an administrative hearing is required to achieve compliance, full penalties will be sought in addition to associated costs and legal fees.

DATED this 21<sup>st</sup> day of DECEMBER, 2022  
City of Jacksonville  
NEIGHBORHOODS DEPARTMENT

By: Chiquita Q. Moore  
Chiquita Moore, Director

Copy: Helen Gainey, EQD  
DEP staff

**BEFORE THE ENVIRONMENTAL PROTECTION BOARD  
CITY OF JACKSONVILLE**

**City of Jacksonville, Neighborhoods Department,**  
Petitioner  
and

**City of Jacksonville, Public Works Department,**  
Respondent

**Re: Permit Number 0011224-966-DWC  
Wastewater Collection/Transmission System with Pump Station located at:  
Real Estate ID Number (RE) 145175-0015, addressed at 7698 Bailey Body  
Road, Jacksonville, FL 32216  
Real Estate ID Number (RE) 145172-0010, addressed at 0 Bailey Body Road,  
Jacksonville, FL 32216  
Real Estate ID Number (RE) 145175-0005, addressed at 0 Bailey Body Road,  
Jacksonville, FL 32216  
(the “System” at the “Property”)  
Failure to Comply with Design Standards**

**Voluntary Compliance Plan**

This Voluntary Compliance Plan is made and entered into between the City of Jacksonville, Neighborhoods Department (the Department) and **the City of Jacksonville, Public Works Department**, the property owner (“Respondent”), to settle certain issues between them under Chapter 360 and 362 of the Jacksonville Ordinance Code (“Ordinance Code”) and Rule 3 of the Jacksonville Environmental Protection Board (“JEPB”).

1. The Department, through its Environmental Quality Division (“EQD”), is charged with the administration and enforcement of Chapter 360 and 362, Ordinance Code, and the rules promulgated thereunder.
2. **The City of Jacksonville, Public Works Department** is the owner of the System at the Property pursuant to the Trustee’s Deed dated December 7, 2020, and recorded in the Official Records of Duval County, Florida at Book 19522 and Page 00065.
3. On February 15, 2023, EQD staff determined that the System constructed at the Property failed to comply with design standards under JEPB Rule 3.404. The System was not equipped with telemetry.
4. The Department is authorized under Sections 360.407, 362.110 and 362.111, Ordinance Code, to seek injunctive relief and civil penalties, and the potential maximum daily penalty for violations of JEPB Rule 3 is \$10,000.
5. Respondent agrees to complete the corrective actions outlined within this Compliance Plan within the established timeframes.
6. **CORRECTIVE ACTION:** Respondent shall equip the System with telemetry which meets the minimum requirements outlined in JEPB Rule 3.404.B.8.a.(1-6) no later than 90 days

following execution of this Voluntary Compliance Plan.


7. **MONTHLY STATUS REPORT:** Respondent shall submit a monthly status report regarding the purchasing, shipping, receipt, and installation of the telemetry system, as well as the status of a contract for operating the telemetry system, by the **last day of each month beginning on February 28, 2023**, and continuing until all corrective actions are accepted by EQD. Monthly status reports shall be provided by electronic mail to [Enforcement@coj.net](mailto:Enforcement@coj.net) with *"Permit Number 0011224-966-DWC, 7698 Bailey Body Road"* in the Subject line of the email.
8. **COMPLIANCE WITH OPERATION, MAINTENANCE AND RECORDKEEPING REQUIREMENTS:** Respondents shall ensure that the System is operated and maintained in accordance with all applicable local, state, and federal rules and regulations and that all items of required maintenance are performed and records of all maintenance and repairs be kept with the level of specificity required in JEPB Rule 3.
9. **STIPULATED PENALTIES:** Respondents agree to pay the City (Neighborhoods Department) stipulated penalties in the amount of One Hundred Dollars (\$100.00) per day for each and every day Respondents fail to timely perform any of the corrective actions contained in this Compliance Plan.
  - a. The Department shall assess a separate stipulated penalty for each failure to timely perform a corrective action contained in this Compliance Plan.
  - b. Within 30 days of written demand from the Department, Respondents shall make payment of the appropriate stipulated penalties to the Department.
  - c. Respondents shall pay with a cashier's check or money order made payable to the City of Jacksonville **Environmental Protection Trust Fund**, mailing address, **EQD 214 N. Hogan Street, Fifth Floor, Jacksonville, FL 32202, attention Melissa Long.**
  - d. The Department may make demands for payment at any time after Respondents fail to timely perform each corrective action.
  - e. If the Department is required to file a lawsuit to recover stipulated penalties under this paragraph, the Department is not foreclosed from seeking civil penalties for violations of this Compliance Plan in an amount greater than the stipulated penalties due under this paragraph.
10. Pursuant to Section 362.110, a violation of the terms of this Voluntary Compliance Plan may subject the Respondent to judicial imposition of civil penalties of up to \$10,000 per violation per day.
11. In consideration of the complete and timely performance of the obligations set forth in this Plan by Respondents, the City agrees that entry of this Plan disposes of the violations described in it, and the City waives its rights to seek judicial imposition of damages or civil or criminal penalties for the violations.
12. By executing this Compliance Plan, Respondents waive their right to judicial review or an administrative hearing on the terms of this Compliance Plan.
13. The City expressly reserves the right to initiate appropriate legal action to prohibit any

future violations of the Jacksonville Ordinance Code or the rules of the JEPB.

- 14. The provisions of this Compliance Plan shall apply to and be binding upon the parties, their officers, directors, agents, servants, employees, successors, and assigns.
- 15. The reporting requirements of this Compliance Plan shall remain in effect until all corrective actions are accepted by EQD.
- 16. Respondents shall allow all authorized representatives of EQD access to the System at reasonable times for the purpose of determining compliance with the terms of this Compliance Plan and the statutes, ordinances and rules administered by EQD.
- 17. The Compliance Plan shall become effective upon execution by the Chairperson of the JEPB, which will occur after its execution by the Respondents and the Director of the Department.
- 18. Performance of the terms and conditions of this Compliance Plan does not relieve the Respondents of the need to comply with applicable federal, state, or local laws, regulations, or ordinances.


**CITY OF JACKSONVILLE  
NEIGHBORHOODS DEPARTMENT**

02/21/2023  
Date

  
Chiquita Moore, Director

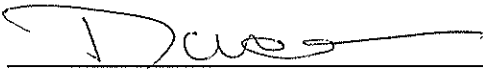
**CITY OF JACKSONVILLE  
PUBLIC WORKS DEPARTMENT**

2/16/2023  
Date

  
Print Name: ROBIN SMITH  
Print Title: CITY ENGINEER

**ORDER**

I hereby certify that the foregoing document was adopted by order of the Environmental Protection Board of the City of Jacksonville this 20th day of MARCH, 2023.

  
David Wood, Chair  
Jacksonville Environmental Protection Board