



# City of Jacksonville, Florida

*Donna Deegan, Mayor*

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

**E-Mail: Zach.Stubna@CEMEX.com**  
Zach Stubna, Facility Manager  
Cemex Construction Materials Florida, LLC  
13008 Telecom Drive, Ste 300  
Temple Terrace, FL 33637

**RE: Cease and Desist Citation AP-23-05**  
**Concrete batch plant located at 7460 Philips Hwy, Jacksonville, FL (FDEP Permit 0310276-009 AG) [the "Facility"]**

## Consent Order

The purpose of this letter is to complete the resolution of violations of the City of Jacksonville Environmental Protection Board (JEPB) Rule 2 as identified by the City of Jacksonville, Neighborhoods Department in Cease and Desist Citation AP-23-05 (the "Citation"). The required corrective actions have been completed. To complete the resolution of this case, the payment of a civil penalty of **\$9,200.00** is required. The check shall be made payable to the City of Jacksonville **Environmental Protection Trust Fund** and shall be mailed to the Department's Environmental Quality Division at **214 N. Hogan Street, Fifth Floor, Jacksonville, FL 32202** to the **attention of Ronda Wheeler** within 30 days after approval of this agreement by the JEPB. *EQD cannot accept this payment until after JEPB approval. Do not submit payment until receipt of a fully executed Consent Order with the JEPB Chair signature.*

Payment of such amount does not constitute, nor shall it be construed as, an admission of liability or wrongdoing for any allegations in the Citation.


Your signing of this letter constitutes your agreement to the terms of the letter. After this letter has been countersigned by the Department and approved by the JEPB, this letter shall constitute a consent order and final action on behalf of the Department and full satisfaction of the Citation and the matters alleged in the Citation. The terms of the consent order may be enforced in a court of competent jurisdiction, pursuant to Jacksonville Ordinance Code Chapter 360. Failure to comply with the terms of this consent order may constitute a violation of Jacksonville Ordinance Code Section 362.110.

The Department for, and in consideration of, the timely performance by the Respondent of the obligation agreed to in this consent order, hereby waives any rights to seek administrative or judicial imposition of civil and administrative action, complaints, citations, causes of action, and claims arising from the Citation. The Respondent waives its right to an administrative hearing on, or judicial review of, the terms of this consent order.

Failure to sign and return this document to the Department on or before August 16, 2023, will be assumed to be a rejection of the settlement agreement contained herein. This matter will then be referred to the City's Office of General Counsel for further action.

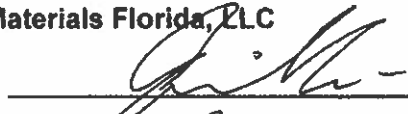
**CITY OF JACKSONVILLE  
NEIGHBORHOODS DEPARTMENT**

AUGUST 16, 2023  
Date

  
Albert Ferraro, Acting Director

**Cemex Construction Materials Florida, LLC**

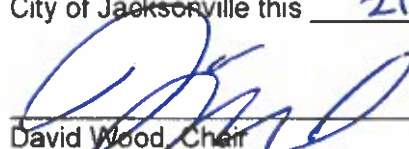
8/15/2023  
Date

  
Print Name: GILBERTO GONZALEZ  
Print Title: VICEPRESIDENT

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**ORDER**

I hereby certify that the foregoing document was adopted by order of the Environmental Protection Board of the City of Jacksonville this 21 day of AUGUST, 2023.

  
David Wood, Chair  
Environmental Protection Board

Environmental Quality Division  
Penalty Calculation Sheet

Facility Source: CEMEX

Citation No:

Violation: PM leaving the property from exiting vehicles 9/26/2022 to 4/6/2023

Potential for Harm: Major: Moderate: X Minor: \$ 2,300.00 x2

Extent of Deviation: Major: Moderate: X Minor:

Violation: Baghouse not maintained allowing PM to leave property on 9/22/2022 and 6/2/2023.

Potential for Harm: Major: Moderate: X Minor: \$ 2,300.00 x2

Extent of Deviation: Major: Moderate: X Minor:

Violation:

Potential for Harm: Major: Moderate: Minor:

Extent of Deviation: Major: Moderate: Minor:

Violation:

Potential for Harm: Major: Moderate: Minor:

Extent of Deviation: Major: Moderate: Minor:

NonAdjusted Penalty Amount \$ 9,200.00

Degree of Willfulness/Negligence: (+25% Max)

Degree of Cooperation/Noncooperation: (+/- 20% Max)

History of Noncompliance: (+/- 20% Max)

Other Unique Factors: (+/- 20% Max)

Total Per Cent Adjustment: +%

Adjusted Up Front Penalty: \$

Daily Penalty Per Cent Up Front: 5%

Number of Days of Violation:

Total Daily Penalty: x .05 Total: \$ -

Economic Benefit of Noncompliance: \$

Comments on Economic Benefit:

Up Front Amount: \$ 9,200.00

Daily Penalty Amount: \$ -

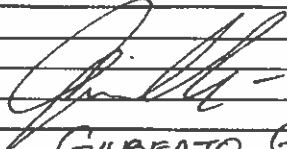
Economic Benefit: \$

Subtotal Penalty Settlement: \$ 9,200.00

Ability to Pay Adjustment: - \$

Comments on Ability to Pay

**TOTAL PENALTY: \$ 9,200.00**

  
GILBERTO GONZALEZ  
VICEPRESIDENT

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

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

**DFC Owen's Road, LLC**  
Respondent

**Re: Cease and Desist Citation WP-23-36  
Construction Project located at Real Estate I.D. Number (RE) 106260-0020, addressed as 0  
Owens Road, Jacksonville, Florida (the "Project")  
Discharge of non-stormwater to City Municipal Separate Storm Sewer System ("MS4");  
Turbidity discharge to surface water in exceedance of surface water quality standards**

**CONSENT ORDER**

This Consent Order is made and entered into between the City of Jacksonville, Neighborhoods Department ("Department"), and **DFC Owen's Road, LLC**, ("Respondent") to settle certain issues between the parties 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. **DFC Owen's Road, LLC**, a Florida limited liability company, according to the Warranty Deed dated June 2, 2022, in the Official Records of Duval County, Florida at Book 20308 and Page 263.
3. On April 25, 2023, Environmental Quality Division ("EQD") staff conducted a complaint investigation at the Project and documented
  - a. Discharge of non-stormwater including, but not limited to, sediment and turbid water, to the MS4:
    - i. a water sample collected in MS4 at the point of discharge from the Project had a laboratory analytical result of 400 Nephelometric Turbidity Units (NTUs).
    - ii. a water sample collected downstream of the point of discharge had a laboratory analytical result of 370 Nephelometric Turbidity Units (NTUs)
    - iii. a water sample collected upstream of the discharge had a laboratory analytical result of 23 Nephelometric Turbidity Units (NTUs)
  - b. The state surface water quality standard for turbidity is to not exceed 29 NTUs above natural background conditions.
4. As a result of the conditions documented in paragraph 3 above, EQD issued Cease and Desist Citation **WP-23-36** to the 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 penalty not to exceed \$10,000, per offense per day, for violations of Chapter 360 and 362 and JEPB Rule 3.

The Respondent agrees to complete the following corrective actions within the established timeframes:

6. **IMMEDIATE CORRECTIVE ACTION:** Immediately upon the effective date of this Consent Order, the Respondent, and any of their contracted professionals, shall implement corrective actions necessary to stop all off-site, unlawful discharges of non-stormwater discharges, including sediment and turbid water, and exceedance of water quality standards. Areas of highest environmental concern are surface waters, wetlands, public streets or public storm sewer system.

9. **BMP ASSESSMENT AND SWPPP REVISIONS:** Within 14 calendar days of the effective date of this Consent Order, the Respondent, and any of their contracted professionals, shall perform an assessment of the best management practices ("BMPs") for erosion and sediment control currently being used at the Project ("BMP Assessment"), using guidance in the *Florida Department of Environmental Protection Florida Stormwater and Erosion Control Inspector's Manual* ("FDEP Manual") as a reference.

a. The BMP Assessment shall identify all areas of potential discharge/drainage from the Project, including, but not limited to, all areas of stormwater drainage and stormwater and sediment runoff, and all areas of where soil is not stabilized, especially along boundaries abutting public storm sewer system, surface water and wetlands and include a drawing of the Project.

b. The BMP Assessment shall identify all potential sources of existing sediment or turbid discharges to public storm sewer system, surface waters or wetlands.

c. The BMP Assessment shall also identify any areas in which BMPs need to be improved, installed, and maintained to eliminate all unauthorized discharges and prevent water quality violations for turbidity.

d. If a BMP Assessment was submitted in response to Cease and Desist Citation WP-22-15, a review of that evaluation is required for current conditions at the Project.

e. The BMP Assessment shall supplement the Project Stormwater Pollution Prevention Plan (SWPPP) and be specific to discussion and evaluation of the physical BMPs deployed for the Project.

f. The BMP Assessment shall consider alternate and/or additional BMP options which are available to the Respondent, and any of their contracted professionals, and which may provide enhanced protection to the public storm sewer system, wetlands, or other surface waters.

g. The SWPPP drawings shall be revised to incorporate the revised BMP selection and placement.

10. **SUBMIT DOCUMENTS TO EQD:** Within 21 calendar days from the effective date of this Consent Order, the Respondent, and any of their contracted professionals, shall submit the completed BMP Assessment, or the updated BMP Assessment, and the revised SWPPP documents by email to [Enforcement@coj.net](mailto:Enforcement@coj.net) and [ESC@coj.net](mailto:ESC@coj.net).

a. EQD staff will review the BMP Assessment and revised SWPPP documents and may conduct an inspection of the revised BMPs.

b. EQD may potentially request follow-up information at that time but EQD does not approve the BMP Assessment or revised SWPPP documents.

11. **IMPLEMENT BMP REVISIONS:** Within 28 calendar days from the effective date of this Consent Order, the Respondent, and any of their contracted professionals, shall implement and maintain all BMP measures as required by the consultant or Engineer, the revised SWPPP documents, and as required by the FDEP Manual and JEPB Rule 3. The Respondent, and any of their contracted professionals, are advised that this requirement does not take the place of any required SWPPP inspections.

12. **SAMPLING:** Immediately upon the effective date of this Consent Order, Respondent, and any of their contracted professionals, shall take turbidity samples within 24 hours of the end of rain events of 0.5 inches or greater and/or upon the discharge from the Project of water which is turbid in appearance due to rainfall, dewatering, or any other site operations or otherwise indicating non-stormwater discharge into public storm sewer system, surfacewater, or wetlands.

a. Samples shall be taken at the point of discharge from the Project to the public storm sewer system, surface water or wetland body and upstream in the impacted storm sewer system, surface water or wetland body to determine the background level of Nephelometric Turbidity Units (NTUs).

13. **NOTIFICATION OF DISCHARGE:** Immediately upon the effective date of this Consent Order, the Respondent, and any of their contracted professionals, shall notify EQD at [Enforcement@coj.net](mailto:Enforcement@coj.net) and [ESC@coj.net](mailto:ESC@coj.net) within 24 hours of any discharge of water from the Project which is greater than 29 NTUs above background as well as what corrective measures were taken.

14. **SUBMIT REVISED BMP ASSESSMENT:** Within 7 calendar days of reporting a discharge to EQD, the Respondent, and any of their contracted professionals, shall provide to EQD at [Enforcement@coj.net](mailto:Enforcement@coj.net) and [ESC@coj.net](mailto:ESC@coj.net) and the Project engineer the revised BMP Assessment for adjustments to BMPs made in response to changes in site conditions or discharges and the SWPPP shall be revised accordingly.

15. **SUBMIT REPORT TO EQD:** Within 7 calendar days of any report of non-stormwater or sediment discharge into *public storm sewer system, surface waters or wetlands*, and any turbidity sampling results of greater than 29 NTUs above background to *public storm sewer system, surface water or wetlands*, the Respondent, and any of their contracted professionals, shall provide a written report to EQD at [Enforcement@coj.net](mailto:Enforcement@coj.net), [ESC@coj.net](mailto:ESC@coj.net) and the Project engineer with the following information:

- a. a description of the location of the exceedance;
- b. the cause of the exceedance;
- c. sampling results;
- d. the length of time the discharge has and is expected to continue;
- e. the location, breadth, and depth of any sedimentation;
- f. corrective actions taken to stop the discharge of sediment or turbid water; and
- g. Revised SWPPP if modified by the Project engineer.

16. **USE OF REPORTS AND NOTIFICATIONS:** The reports or notifications submitted by the Respondent, and any of their contracted professionals, to EQD as required by this Consent Order shall be used by EQD to verify compliance and determine the potential need for a Department inspection. Any violations documented during EQD inspections may warrant additional penalties or additional enforcement activities.

17. **INSPECTIONS:** the Respondent, and any of their contracted professionals, are advised that for any previous or newly discovered off-site impacts to the City's MS4, EQD may conduct additional inspections and follow-up inspections as required by the National Pollution Discharge Elimination System ("NPDES") permit for the City's MS4. Also, for off-site impacts to surface water or wetlands, state agencies may conduct inspections and may request or require EQD to conduct additional inspections. Otherwise, future inspections may be conducted to verify monitoring and reporting data provided by the Respondent, and any of their contracted professionals, to EQD.

18. **FINAL STABILIZATION:** the Respondent, and any of their contracted professionals, shall continue the monitoring and reporting requirements of this Consent Order until the Project has reached Final Stabilization.

a. Final Stabilization means that all soil disturbing activities at the Project under the control of the Respondent, have been completed and that for all unpaved areas and areas not covered by a permanent structure, a uniform (e.g. evenly distributed, without large bare areas) perennial vegetative cover and with a density of at least 70% have been established or equivalent permanent stabilization measures (e.g., geotextiles) have been employed in all areas of the Project that are within the control of the Respondent.

b. Within five business days of the Project reaching Final Stabilization, the Respondent, and their contracted professionals must provide notification by email to [ESC@coj.net](mailto:ESC@coj.net) and [Enforcement@coj.net](mailto:Enforcement@coj.net) and include photos of all common areas of the permitted project, all areas adjacent to wetlands, surface waters, stormwater infrastructures and streets demonstrating Final Stabilization. EQD may schedule an inspection to confirm Final Stabilization in order to close this Consent Order. EQD will notify the parties by reply to the notification email whether additional actions must be taken to protect the areas outlined above, or if this Consent Order may be closed.

19. **CIVIL PENALTY:** the Respondent agree to pay a civil penalty of \$8,000 **within 30 days after the effective date of this Consent Order.**

a. Respondent shall deliver to the City a cashier's check or money order in the amount of \$8,000 made 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.**

b. Any sums unpaid within the time frame provided shall bear interest at the rate of 1.5 percent per month until paid.

c. the Respondent is severally liable for any and all sums due under this Consent Order.

20. **STIPULATED PENALTIES:** the Respondent agree to pay the City stipulated penalties in the amount of One Hundred Dollars (\$100.00) per day for each and every day the Respondent and any of their contracted professionals, fail 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, the 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 the Respondent, and any of their contracted professionals, 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.

f. Respondent is severally liable for any and all sums due under this Consent Order.

21. 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 for their responsibilities under this Consent Order.

22. In consideration of the complete and timely performance of the obligations set forth in this Consent Order by the 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 damages or civil or criminal penalties for the violations.

23. By executing this Consent Order, the Respondent waive their rights to judicial review or an administrative hearing on the terms of this Consent Order.

24. 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 Jacksonville Environmental Protection Board.

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

26. Respondent, and any of their contracted professionals, shall allow all authorized representatives of EQD access to the Project 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.

27. This Consent Order shall become effective upon execution by the Chairperson of the Jacksonville Environmental Protection Board, which will occur after its execution by the Respondent and the Director of the Department.

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

**CITY OF JACKSONVILLE  
NEIGHBORHOODS DEPARTMENT**

Aug 21, 2023  
Date

  
Albert Ferraro, Director

7/31/2023  
Date

**DFC Owen's Road, LLC**  
  
Print Name: Kyle Hudson  
Print Title: VP

**ORDER**

I hereby certify that the foregoing document was adopted by order of the Environmental Protection Board of the City of Jacksonville this 21 day of AUGUST, 2023.

  
David Wood, Chair  
Environmental Protection Board



# ATTACHMENT

## A

# City of Jacksonville, Florida



ONE CITY. ONE JACKSONVILLE

*Lenny Curry, Mayor*

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

### CEASE AND DESIST CITATION WP-23-36

#### By Certified Mail – Return Receipt

Certified Mail # 9489 0090 0027 6470 1615 99

Christopher R. Butler, Manager  
DFC Owen's Road, LLC  
13000 Sawgrass Village Circle  
Building 5, Suite 24  
Ponte Vedra Beach, FL 32082

Certified Mail # 9489 0090 0027 6470 1616 12

Glenn C. Smith, President  
Smith Trucking Company, Inc.  
51 Ellis Street; Suite 101  
St. Augustine, FL 32095

Certified Mail # 9489 0090 0027 6470 1616 36

A.J. Johns, Director  
A.J. Johns, Inc.  
12608 Mandarin Road  
Jacksonville, FL 32223

Certified Mail # 9489 0090 0027 6470 1616 05

Nicholas A. Jangro, Registered Agent for  
DFC Owen's Road, LLC  
13000 Sawgrass Village Circle  
Building 5, Suite 24  
Ponte Vedra Beach, FL 32082

Certified Mail # 9489 0090 0027 6470 1616 29

Blackburn & Company, L.C., Registered Agent for  
DFC Owen's Road, LLC  
5150 Belfort Rd. S, Bldg. 500  
Jacksonville, FL 32256

Certified Mail # 9489 0090 0027 6470 1616 43

A.J. Johns, Registered Agent for  
A.J. Johns, Inc.  
3225 Anniston Road  
Jacksonville, FL 32246

**RE: Duval County – Water Pollution  
Construction Project located at Real Estate I.D. Number (RE) 106260-0020, addressed as 0 Owens  
Road, Jacksonville, Florida (the "Project")  
Discharge of non-stormwater to City Municipal Separate Storm Sewer System ("MS4"); Turbidity  
discharge to surface water in exceedance of surface water quality standards**

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

On April 25, 2023, Environmental Quality Division ("EQD") staff conducted a complaint investigation at the Project and documented

- a. Discharge of non-stormwater including, but not limited to, sediment and turbid water, to the MS4:
  - i. a water sample collected in MS4 at the point of discharge from the Project had a laboratory analytical result of 400 Nephelometric Turbidity Units (NTUs).
  - ii. a water sample collected downstream of the point of discharge had a laboratory analytical result of 370 Nephelometric Turbidity Units (NTUs)
  - iii. a water sample collected upstream of the discharge had a laboratory analytical result of 23 Nephelometric Turbidity Units (NTUs)
- b. The state surface water quality standard for turbidity is to not exceed 29 NTUs above natural background conditions.

At the time of EQD's investigation, the Project owner was:

**DFC Owen's Road, LLC**, a Florida limited liability company, according to the Warranty Deed dated June 2, 2022, in the Official Records of Duval County, Florida at Book 20308 and Page 263.

Accordingly, **DFC Owen's Road, LLC**, are hereby notified that they are in violation 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; and
- b. To cause or allow an ambient water quality standard exceedance in violation of JEPB Rule 3.201.

The violations were determined by Neighborhood Department's EQD staff during site investigation and records review. The enforcement investigation documentation is available for review and will be provided electronically to each party as detailed below.

**CORRECTIVE ACTION REQUIRED**

- 1. Cease the Discharge of non-stormwater including, but not limited to, sediment and turbid water from the Project and remove or abate the cause of the violations by selecting, installing, and maintaining BMPs in accordance with the DEP Manual to ensure no unpermitted Discharge from the Project to public streets, MS4, surface water or wetlands.
- 2. **DFC Owen's Road, LLC** must acknowledge this Citation within two days of receipt by e-mail to Patricia Gee-Jones at [enforcement@coj.net](mailto:enforcement@coj.net). The investigation documents with then be sent by response email.
- 3. A written response to this Citation is required within fourteen (14) calendar days from the date of receipt of this Citation and must include the BMP Assessment (if Project is still active).

The potential maximum daily penalty for violations is \$10,000 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 18<sup>th</sup> day of May, 2022

City of Jacksonville  
NEIGHBORHOODS DEPARTMENT

By: Chiquita D. Moore  
Chiquita Moore, Director

- c: DEP staff  
Helen Gainey, EQD

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

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

And

**Homestead San Jose MF Owner LLC, Rangewater Development, LLC, Summit Contracting Group, Inc., Pipeline Constructors, Inc. and Universal Engineering Sciences, LLC,**  
Respondents

**Re: Cease and Desist Citation WP-23-39  
Homestead San Jose MF Owner LLC construction project located at Real Estate I.D. Number (RE) 154066-0030, addressed at 6765 St. Augustine Rd, Jacksonville, Florida (the "Project")  
Discharge of non-stormwater to City municipal separate storm sewer system ("MS4");  
Failure to comply with erosion and sediment control requirements.**

**CONSENT ORDER**

This Consent Order is made and entered into between the City of Jacksonville, Neighborhoods Department ("Department"), Homestead San Jose MF Owner LLC, project owner and Rangewater Development, LLC, developer, and Summit Contracting Group, Inc., Pipeline Constructors, Inc., Universal Engineering Sciences, LLC, the contractors, (collectively "Respondents") to settle certain issues between the parties 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. Homestead San Jose MF Owner LLC, a Foreign limited liability company, pursuant to the Special Warranty Deed dated 2/3/2022, and recorded in the Official Records of Duval County, Florida in Book 20149 and Page 1529.
3. Rangewater Development, LLC, a Foreign Limited Liability Company, is the contractor on the Project.
4. Summit Contracting Group, Inc. a Florida corporation, and Pipeline Constructors, Inc. a Florida corporation, and, Universal Engineering Sciences, LLC a Florida Limited Liability Company, the project contractors, was performing construction activity at the Project at the time of the EQD investigation.
5. On June 22, 2023, EQD staff conducted an inspection at the Project and documented their allegations that the Respondents, failed to utilize sufficient erosion and sediment control performance measures, or failed to maintain installed measures, at the Project, resulting in unlawful discharge of non-stormwater and turbid water from the Project to MS4:
  - a. a water sample collected in MS4 at the point of discharge from the Project had a laboratory analytical result of 800 Nephelometric Turbidity Units (NTUs).
  - b. a water sample upstream of the point of discharge had a downstream laboratory analytical result of 750 NTUs.
6. As a result of the allegations documented in paragraph 5 above, on June 22, 2023, EQD issued Cease and Desist Citation WP-23-39 (the "Citation") to Respondents, and a copy of which is attached hereto and incorporated herein as Exhibit A.



7. The Department is authorized under Sections 360.407, 362.110 and 362.111, Ordinance Code, to seek injunctive relief and civil penalty not to exceed \$10,000, per offense per day, for violations of Chapter 360 and 362 and JEPB Rule 3.

Respondents, as identified, have begun and agree to complete the following actions to address the allegations within the established timeframes:

8. **IMMEDIATE CORRECTIVE ACTION:** Immediately upon the effective date of this Consent Order, the Respondents, and any of their contracted professionals, shall implement corrective actions necessary to stop all off-site, unlawful discharges of non-stormwater discharges, including sediment and turbid water, and exceedance of water quality standards. Areas of highest environmental concern are surface waters, wetlands, public streets or public storm sewer system.

9. **BMP ASSESSMENT:** Respondents, and any of their contracted professionals, have performed an assessment of the best management practices ("BMPs") for erosion and sediment control currently being used at the Project ("BMP Assessment"), using guidance in the Florida Department of Environmental Protection Florida Stormwater and Erosion Control Inspector's Manual ("FDEP Manual") as a reference. A Copy of which is attached hereto as Exhibit B

a. The BMP Assessment supplements the Project Stormwater Pollution Prevention Plan (SWPPP) and is specific to discussion and evaluation of the physical BMPs deployed for the Project.

b. The BMP Assessment considered alternate and/or additional BMP options which are available to the Respondents, and any of their contracted professionals, and which may provide enhanced protection to the public storm sewer system, wetlands, or other surface waters.

c. Accumulated sediments were removed from the culvert on the inside as well as the exterior opening. If any sediments are accumulated in the culvert in the future, the Respondents shall remove all impact immediately.

10. **SWPPP REVISIONS:** Within 14 calendar days of the effective date of this Consent Order and based on the results of the BMP Assessment above, Respondents, and any of their contracted professionals, shall address the following items identified within the BMP Assessment by revising the SWPPP drawings.

a. to include remediation for all BMP Assessment identified areas of potential discharge/drainage from the Project, including, but not limited to, all areas of stormwater drainage and stormwater and sediment runoff, and all areas of where soil is not stabilized, especially along boundaries abutting public storm sewer system, surface water and wetlands and include a drawing of the Project.

b. to include remediation for all BMP Assessment identified potential sources of existing sediment or turbid discharges to public storm sewer system, surface waters or wetlands.

c. to include remediation for all BMP Assessment identified areas in which BMPs need to be improved, installed, and maintained to eliminate all unauthorized discharges and prevent water quality violations for turbidity.

11. **SUBMISSION AND REVIEW OF DOCUMENTS BY EQD:** Within 21 calendar days from the effective date of this Consent Order, Respondents and any of their contracted professionals, shall submit any updated BMP Assessment(s), and the revised SWPPP documents identified in part 10 above by email to EQD at Enforcement@coj.net and ESC@coj.net.

a. EQD staff will review the BMP Assessment(s) and revised SWPPP documents and may conduct an inspection of the revised BMPs.

b. EQD may potentially request follow-up information at that time, but EQD does not approve the BMP Assessment or revised SWPPP documents.

12. **IMPLEMENT BMP REVISIONS:** Within 28 calendar days from the effective date of this Consent Order, Respondents, and any of their contracted professionals, shall implement and maintain any current and additional BMP measures as required by the consultant or Engineer, the revised SWPPP documents,

and as required by the FDEP Manual and JEPB Rule 3. Respondents, and any of their contracted professionals, are advised that this requirement does not take the place of any required SWPPP inspections.

13. **SAMPLING**: Immediately upon the effective date of this Consent Order, Respondents, and any of their contracted professionals, shall take turbidity readings within 24 hours of the end of rain events of 0.5 inches or greater and/or upon the discharge from the Project of water which is turbid in appearance due to rainfall, dewatering, or any other site operations or otherwise indicating non-stormwater discharge into public storm sewer system, surface water, or wetlands.

a. Samples shall be taken at the point of discharge from the Project to the public storm sewer system, surface water or wetland body and upstream in the impacted storm sewer system, surface water or wetland body to determine the background level of Nephelometric Turbidity Units (NTUs).

14. **NOTIFICATION OF DISCHARGE**: Immediately upon the effective date of this Consent Order, Respondents, and any of their contracted professionals, shall notify EQD at Enforcement@coj.net and ESC@coj.net within 24 hours of any discharge of water from the Project which is greater than 29 NTUs above background as well as what corrective measures were taken.

15. **SUBMIT REVISED BMP ASSESSMENT**: Within 7 calendar days of reporting a discharge to EQD, Respondents, and any of their contracted professionals, shall provide to EQD at Enforcement@coj.net and ESC@coj.net and the Project engineer the revised BMP Assessment for adjustments to BMPs made in response to changes in site conditions or discharges and the SWPPP shall be revised accordingly.

16. **SUBMIT REPORT TO EQD**: Within 7 calendar days of any report of non-stormwater or sediment discharge into public storm sewer system, surface waters or wetlands, and any turbidity sampling results of greater than 29 NTUs above background to public storm sewer system, surface water or wetlands, Respondents, and any of their contracted professionals, shall provide a written report to EQD at Enforcement@coj.net, ESC@coj.net and the Project engineer with the following information:

- a. a description of the location of the exceedance;
- b. the cause of the exceedance;
- c. sampling results;
- d. the length of time the discharge has and is expected to continue;
- e. the location, breadth, and depth of any sedimentation;
- f. corrective actions taken to stop the discharge of sediment or turbid water; and
- g. Revised SWPPP if modified by the Project engineer.

17. **USE OF REPORTS AND NOTIFICATIONS**: The reports or notifications submitted by Respondents, and any of their contracted professionals, to EQD as required by this Consent Order shall be used by EQD to verify compliance and determine the potential need for a Department Inspection. Any violations documented during EQD inspections may warrant additional penalties or additional enforcement activities.

18. **INSPECTIONS**: The Respondents, and any of their contracted professionals, are advised that for any previous or newly discovered off-site impacts to the City's MS4, EQD may conduct additional inspections and follow-up inspections as required by the National Pollution Discharge Elimination System ("NPDES") permit for the City's MS4. Also, for off-site impacts to surface water or wetlands, state agencies may conduct inspections and may request or require EQD to conduct additional inspections. Otherwise, future inspections may be conducted to verify monitoring and reporting data provided by the Respondents, and any of their contracted professionals, to EQD.

19. **FINAL STABILIZATION**: The Respondents, and any of their contracted professionals, shall continue the monitoring and reporting requirements of this Consent Order until the Project has reached Final Stabilization.

a. Final Stabilization means that all soil disturbing activities at the Project under the control of the Respondents, have been completed and that for all unpaved areas and areas not covered by a permanent structure, a uniform (e.g. evenly distributed, without large bare areas) perennial vegetative cover and with a density of at least 70% have been established or equivalent permanent stabilization measures (e.g., geotextiles) have been employed in all areas of the Project that are within the control of the Respondents. Within five business days of the Project reaching Final Stabilization, the Respondents, and their contracted professionals must provide notification by email to EQD at Enforcement@coj.net and ESC@coj.net and include photos of all common areas of the permitted project, all areas adjacent to wetlands, surface waters, stormwater infrastructures and streets demonstrating Final Stabilization. EQD may schedule an inspection to confirm Final Stabilization in order to close this Consent Order. EQD will notify the parties by reply to the notification email whether additional actions must be taken to protect the areas outlined above, or if this Consent Order may be closed.

20. **CIVIL PENALTY:** The Respondent, for itself and on behalf of all Respondents, agrees to pay a civil penalty of \$4,500 within 30 days after the effective date of this Consent Order. Payment of such amount does not constitute, nor shall it be construed as, an admission of liability or wrongdoing by any Respondent with respect to any of the allegations in the Notice or the Citation.

- a. The Respondents, shall deliver to the City a cashier's check or money order in the amount of \$4,500 made 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.
- b. Any sums unpaid within the time frame provided shall bear interest at the rate of 1.5 percent per month until paid.
- c. Respondents are jointly and severally liable for any and all sums due under this Consent Order.

21. **STIPULATED PENALTIES:** Respondents, agree to pay the City stipulated penalties in the amount of One Hundred Dollars (\$100.00) per day for each and every day, the Respondents, and any of their contracted professionals, fail 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, Respondents shall make payment of the appropriate stipulated penalties to the Department.
- c. The 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: Ronda Wheeler.
- d. The Department may make demands for payment at any time after Respondents, and any of their contracted professionals, 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.
- f. The Respondents, and any of their contracted professionals are jointly and severally liable for any and all sums due under this Consent Order.

22. Pursuant to Jacksonville Ordinance Code Section 362.110, a violation of the terms of this Consent Order may subject the Respondents, and any of their contracted professionals to judicial imposition of civil penalties of up to \$10,000 per violation per day for their responsibilities under this Consent Order.

23. In consideration of the complete and timely performance of the obligations set forth in this Consent Order by Respondents, and any of their contracted professionals, 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 damages or civil or criminal penalties for the violations.

24. By executing this Consent Order, Respondents, and any of their contracted professionals waive their rights to judicial review or an administrative hearing on the terms of this Consent Order.

25. 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 Jacksonville Environmental Protection Board.

26. Performance of the terms of this Consent Order does not relieve the Respondents, and any of their contracted professionals of the need to comply with applicable federal, state, or local laws, regulations, or ordinances.

27. Respondents, and any of their contracted professionals, shall allow all authorized representatives of EQD access to the Project 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.

28. This Consent Order shall become effective upon execution by the Chairperson of the Jacksonville Environmental Protection Board, which will occur after its execution by Respondents, and any of their contracted professionals, and the Director of the Department.

THIS SECTION INTENTIONALLY LEFT BLANK

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

CITY OF JACKSONVILLE  
NEIGHBORHOODS DEPARTMENT

8/11/2023  
Date

[Signature]  
Albert Ferraro, Director

Homestead San Jose MF Owner LLC

\_\_\_\_\_  
Date

[Signature]  
Print Name: Michael Blair  
Print Title: Authorized Signatory

Rangewater Development, LLC

\_\_\_\_\_  
Date

[Signature]  
Print Name: Michael Blair  
Print Title: VP

Summit Contracting Group, Inc.

7-31-23  
Date

[Signature]  
Print Name: Casper H. [Signature]  
Print Title: [Signature]

Pipeline Constructors, Inc.,

7/30/2023  
Date

Marney Best, PM  
Print Name: Marney Best  
Print Title: Sr. Project Manager

Universal Engineering Sciences, LLC

**Thomas M. Borchert**  
Digitally signed by  
Thomas M. Borchert  
Date: 2023.07.31  
09:23:22 -04'00'

ORDER

I hereby certify that the foregoing document was adopted by order of the Environmental Protection Board of the City of Jacksonville this 21 day of AUGUST, 20 23

[Signature]  
David Wood, Chair  
Environmental Protection Board



# ATTACHMENT

"A"



ONE CITY. ONE JACKSONVILLE

## City of Jacksonville, Florida

*Lenny Curry, Mayor*

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

### CEASE AND DESIST CITATION WP-23-39

#### By Certified Mail – Return Receipt

Certified Mail #9489 0090 0027 6470 1612 61  
Homestead San Jose MF Owner LLC  
5605 Glenridge Drive, Suite 775  
Atlanta, Georgia 30342

Certified Mail #9489 0090 0027 6470 1612 85  
Rangewater Development, LLC  
5605 Glenridge Drive, Suite 775  
Atlanta, Georgia 30342

Certified Mail #9489 0090 0027 6470 1613 08  
Michael M. Padgett, President and Registered  
Agent for Summit Contracting Group, Inc.  
7595 Baymeadows Way, Suite 100  
Jacksonville, Florida 32256

Certified Mail #9489 0090 0027 6470 1613 22  
Universal Engineering Sciences, LLC  
3532 Maggie Blvd  
Orlando, Florida 32811

Certified Mail #9489 0090 0027 6470 1612 78  
CT Corporation System, Registered Agent for  
Homestead San Jose MF Owner LLC  
1200 South Pine Island Road  
Plantation, Florida 33324

Certified Mail #9489 0090 0027 6470 1612 92  
CT Corporation System, Registered Agent for  
Rangewater Development, LLC  
1200 South Pine Island Road  
Plantation, Florida 33324

Certified Mail #9489 0090 0027 6470 1613 15  
Ronald E. Denmark, President and Registered  
Agent for Pipeline Constructors, Inc.  
2117 N. Temple Avenue  
Starke, Florida 32091

Certified Mail #9489 0090 0027 6470 1613 39  
Corporation Service Company, Registered Agent  
for Universal Engineering Sciences, LLC  
1201 Hays Street  
Tallahassee, Florida 32301

**RE: Duval County – Water Pollution  
Homestead San Jose MF Owner LLC construction project located at Real Estate I.D. Number (RE)  
154066-0030, addressed at 6765 St. Augustine Rd, Jacksonville, Florida (the "Project")  
Discharge of non-stormwater to City municipal separate storm sewer system ("MS4"); Failure to  
comply with erosion and sediment control requirements.**

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

On and before June 22, 2023, Environmental Quality Division ("EQD") staff conducted an investigation at the Project and documented:

- a. a Discharge of non-stormwater including, but not limited to, sediment and turbid water, to the MS4:
  - i. a water sample collected in MS4 at the point of discharge from the Project had a laboratory

- analytical result of 800 Nephelometric Turbidity Units (NTUs).
  - ii. a water sample upstream of the point of discharge had a downstream laboratory analytical result of 750 NTUs.
- b. the insufficient installation or maintenance of erosion and sediment control performance measures (referred to as "BMPs") for all areas of disturbed soil at the Project to ensure all non-stormwater including, but not limited to, sediment and turbid water remained within the Project scope and boundaries and did not discharge to public streets, MS4, surface water or wetlands.

During the time of EQD's inspections, the Project owner was:

Homestead San Jose MF Owner LLC, a Foreign limited liability company, pursuant to the Special Warranty Deed dated 2/3/2022, and recorded in the Official Records of Duval County, Florida in Book 20149 and Page 1529.

During the time of EQD's inspection, the Developer was:

Rangewater Development, LLC, a foreign Limited Liability Company

During the time of EQD's inspection, the Project contractors included, but may not be limited to:

Summit Contracting Group, Inc. a Florida corporation,  
Pipeline Constructors, Inc. a Florida corporation, and  
Universal Engineering Sciences, LLC, a Florida Limited Liability Company.

Accordingly, **Homestead San Jose MF Owner LLC, Summit Contracting Group, Inc., Universal Engineering Sciences, LLC, Pipeline Constructors, Inc, and Rangewater Development, LLC** are hereby notified that they are in violation 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; and
- b. In addition to the minimum requirements set forth in the City of Jacksonville *Land Development Procedures Manual*, last revised July 2021, and subsequent revisions thereto, as maintained by the City's Development Services Division, soil erosion and sediment control measures within Duval County, Florida, shall conform to the standards described in the *Florida Stormwater Erosion and Sedimentation Control Inspector's Manual*, published by FDEP, last revised October 2018 ("DEP Manual"), and subsequent revisions thereto. Both documents are adopted and incorporated by reference in JEPB Rule 3.604.
- c. Stormwater from areas of construction activity shall be treated or managed on-site, using best management practices, before being discharged to an MS4 or to surface waters. All stormwater discharges from the site shall be of a quality which will not adversely impact the water quality or the beneficial uses of the receiving water. (JEPB Rule 3.704.B.)

The violations were determined by Neighborhood Department's EQD staff during site investigation and records review. The enforcement investigation documentation is available for review and will be provided electronically to each party as detailed below.

**CORRECTIVE ACTION REQUIRED**

1. Cease the unpermitted Discharge of non-stormwater including, but not limited to, turbid water from the Project and remove or abate the cause of the violations which are allowing unpermitted Discharge to public streets, MS4, surface water or wetlands.
2. Acknowledge this citation within two days of receipt by contacting EQD staff, at [enforcement@coj.net](mailto:enforcement@coj.net). EQD will then provide the investigation documents by response email.
3. Comply with erosion and sediment control requirements by completing a review of the original SWPPP and selection, installation and maintenance of the erosion and sediment control performance measures:
  - a. If the project is still active as of the date of this Citation, perform an assessment of the best management practices (BMPs) for erosion and sediment control currently being used at the Project (BMP Assessment), using guidance in the DEP Manual as a reference.
  - b. The BMP Assessment shall identify all areas of potential discharge/drainage from the Project, including, but not limited to, all areas of stormwater drainage and stormwater and sediment runoff and all areas of where soil is not stabilized, especially along boundaries abutting public streets, stormwater, surface water and wetlands.
  - c. The BMP Assessment shall also identify any areas in which BMPs need to be improved, installed, and maintained to eliminate all unpermitted Discharges of non-stormwater, sediment and turbid water to public streets, stormwater, surface water and wetlands and prevent water quality violations for turbidity.
  - d. A revised Stormwater Pollution Prevention Plan (SWPPP) drawing or similar mapping of location of BMPs shall be provided with the BMP Assessment.
4. A written response to this Citation is required **within ten (10) business days** from the date of receipt of this Citation and must include the **BMP Assessment** (if Project is still active).

Jacksonville Ordinance Code Section 362.110 provides for a continuing maximum potential penalty of \$10,000 per day of violation. If litigation or an administrative hearing is required to achieve compliance, full penalties and recovery of legal fees will be sought.

DATED this 26<sup>th</sup> day of JUNE, 2023

City of Jacksonville  
NEIGHBORHOODS DEPARTMENT

By: Chiquita L Moore  
Chiquita Moore, Director

c: EQD Staff  
DEP Staff



# City of Jacksonville, Florida

*Donna Deegan, Mayor*

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

**E-mail:**

**solsen@titanamerica.com**

Shelby Olsen, Environmental Director

Titan America LLC

455 Fairway Drive

Deerfield Beach, FL 33441

**RE: Cease and Desist Citation AP-23-04**

**Titan America LLC, Jacksonville Cement Terminal located at 7330 Phillips Hwy, Jacksonville, FL (FDEP Permit 0310266-011-AO) [the "Permittee"]**

**Consent Order**

The purpose of this letter is to complete the resolution of violations of the City of Jacksonville Environmental Protection Board (JEPB) Rule 2 as identified by the City of Jacksonville, Neighborhoods Department in Cease and Desist Citation AP-23-04 (the "Citation"). The required corrective actions have been completed. To complete the resolution of this case, the payment of a civil penalty of \$0 [\$7,400.00 less mitigation credit of 100% for the Supplemental Environmental Project (SEP), attached hereto as Exhibit A], is required. If the SEP is not completed within 8 months from the execution of this Consent Order, EQD will submit a subsequent request for payment of the penalty in full. The check shall be made payable to the City of Jacksonville **Environmental Protection Trust Fund** and shall be mailed to the Department's Environmental Quality Division at **214 N. Hogan Street, Fifth Floor, Jacksonville, FL 32202** to the attention of **Ronda Wheeler** within 30 days after approval of this agreement by the JEPB. *EQD cannot accept this payment until after JEPB approval. Do not submit payment until receipt of a fully executed Consent Order with the JEPB Chair signature.*

Payment of such amount does not constitute, nor shall it be construed as, an admission of liability or wrongdoing for any allegations in the Citation.

Your signing of this letter constitutes your agreement to the terms of the letter. After this letter has been countersigned by the Department and approved by the JEPB, this letter shall constitute a consent order and final action on behalf of the Department and full satisfaction of the Citation and the matters alleged in the Citation. The terms of the consent order may be enforced in a court of competent jurisdiction, pursuant to Jacksonville Ordinance Code Chapter 360. Failure to comply with the terms of this consent order may constitute a violation of Jacksonville Ordinance Code Section 362.110.


The Department for, and in consideration of, the timely performance by the Respondent of the obligation agreed to in this consent order, hereby waives any rights to seek administrative or judicial imposition of civil and administrative action, complaints, citations, causes of action, and claims arising from the Citation. The Respondent waives its right to an administrative hearing on, or judicial review of, the terms of this consent order.

Failure to sign and return this document to the Department on or before **August 31, 2023**, will be assumed to be a rejection of the settlement agreement contained herein. This matter will then be referred to the City's Office of General Counsel for further action.

**CITY OF JACKSONVILLE  
NEIGHBORHOODS DEPARTMENT**

8/11/2023

Date

  
Albert Ferraro, Acting Director

**Titan America LLC**

8/10/2023

Date

  
Print Name: KAWAY S. DUNN  
Print Title: President

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**ORDER**

I hereby certify that the foregoing document was adopted by order of the Environmental Protection Board of the City of Jacksonville this 21 day of AUGUST, 2023.

  
David Wood, Chair  
Environmental Protection Board



# City of Jacksonville, Florida

*Donna Deegan, Mayor*

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

**U.S. Mail & E-mail:**  
**raymond@jbcxwell.com**  
Whitehouse Recycling  
10419 General Avenue  
Jacksonville, FL 32220

**RE: Cease and Desist Citation AP-23-09**  
**Whitehouse Recycling. Asphalt concrete plant, concrete batch plant facility located at 10419 General Avenue, Jacksonville, Florida, DEP Airs ID 7775932 [the "Permittee"]**  
**Failure to submit relocation notice at least one (1) business day prior to relocation.**

## Consent Order

The purpose of this letter is to complete the resolution of violations of the City of Jacksonville Environmental Protection Board (JEPB) Rule 2 as identified by the City of Jacksonville, Neighborhoods Department in Cease and Desist Citation AP-23-09 (the "Citation"). The required corrective actions have been completed. To complete the resolution of this case, the payment of a civil penalty of **\$300.00** is required. The check shall be made payable to the City of Jacksonville **Environmental Protection Trust Fund** and shall be mailed to the Department's Environmental Quality Division at **214 N. Hogan Street, Fifth Floor, Jacksonville, FL 32202** to the **attention of Ronda Wheeler** within 30 days after approval of this agreement by the JEPB. *EQD cannot accept this payment until after JEPB approval. Do not submit payment until receipt of a fully executed Consent Order with the JEPB Chair signature.*

Payment of such amount does not constitute, nor shall it be construed as, an admission of liability or wrongdoing for any allegations in the Citation.

Your signing of this letter constitutes your agreement to the terms of the letter. After this letter has been countersigned by the Department and approved by the JEPB, this letter shall constitute a consent order and final action on behalf of the Department and full satisfaction of the Citation and the matters alleged in the Citation. The terms of the consent order may be enforced in a court of competent jurisdiction, pursuant to Jacksonville Ordinance Code Chapter 360. Failure to comply with the terms of this consent order may constitute a violation of Jacksonville Ordinance Code Section 362.110.

The Department for, and in consideration of, the timely performance by the Respondent of the obligation agreed to in this consent order, hereby waives any rights to seek administrative or judicial imposition of civil and administrative action, complaints, citations, causes of action, and claims arising from the Citation. The Respondent waives its right to an administrative hearing on, or judicial review of, the terms of this consent order.

Failure to sign and return this document to the Department on or before August 4, 2023, will be assumed to be a rejection of the settlement agreement contained herein. This matter will then be referred to the City's Office of General Counsel for further action.

**CITY OF JACKSONVILLE  
NEIGHBORHOODS DEPARTMENT**

8/14/2023  
Date

[Signature]  
Albert Ferraro, Director

**Whitehouse Recycling**

August 1, 2023  
Date

[Signature]  
Print Name: Raymond A. Pace  
Print Title: Vice President / GM Whitehouse Recycling

---

**ORDER**

I hereby certify that the foregoing document was adopted by order of the Environmental Protection Board of the City of Jacksonville this 21 day of AUGUST, 2023.

[Signature]  
David Wood, Chair  
Environmental Protection Board