

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

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

and

**Riverbank Apts LP and Riverbank Apts II LLC,**  
Respondents

**Re: Cease and Desist Citation WP-24-09**

**Wastewater Collection/Transmission System with Pump Station located at Real Estate ID Number (RE) 011780-0000, addressed at 1591 Lane Avenue South, Jacksonville, Florida (the "System" at the "Property") Discharge of untreated wastewater to the ground, surrounding environment and stormwater system; Failure to operate and maintain the System to remain operational; Allowing untreated wastewater into the storm sewer system; Failure to secure Pump Station components; Failure to notify EQD of Discharge from the System; and Failure to provide required records.**

**CONSENT ORDER**

This Consent Order is made and entered into between the City of Jacksonville, Neighborhoods Department (the Department) and **Riverbank Apts LP and Riverbank Apts II LLC** ("Respondents") 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 owners of the property are Riverbank Apts LP and Riverbank Apts II LLC: - Riverbank Apts LP**, a Foreign Limited Partnership, pursuant to the Special Warranty Deed dated February 28, 2022, and recorded in the Official Records of Duval County, Florida, in Book 20183, Page 2016, owning 90.36 percent. **- Riverbank Apts II LLC**, a Foreign Limited Liability Company, pursuant to the Special Warranty Deed dated February 28, 2022, and recorded in the Official Records of Duval County, Florida, in Book 20183, Page 2016, owning 9.64 percent.
3. On March 4, 5, 6 and 11, 2024, City of Jacksonville – Neighborhoods Department – Environmental Quality Division (EQD) staff investigated a Discharge of wastewater from the System at the Property and documented:
  - a. an unpermitted Discharge of untreated wastewater to the ground, surrounding environment and Municipal Separate Storm Sewer System ("MS4");
    - i. the wastewater sample collected by EQD staff at the point of discharge to the environment had a laboratory analytical result of 27,550 MPN/100 ml for E. coli;
    - 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 Discharge of untreated wastewater to sewer designed to carry stormwater;
  - d. the System was not secured by locking mechanism;
  - e. 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

- f. the System owner failed to submit the required report within five days.
4. As a result of the conditions documented in paragraph 3, EQD issued Cease and Desist Citation **WP-24-09** to Respondents, 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. Respondents agree to complete the corrective actions outlined within this Consent Order within the established timeframes.
7. **EDUCATION CAMPAIGN: Within 30 days of the effective date of this Consent Order**, Respondents shall submit for review and approval, a campaign to educate tenants on what can go to the collection system. The campaign shall include at a minimum:
- a. a list of items suitable to allow down the drain,
  - b. how the campaign will be administered, and
  - c. frequency of education to the tenants.
- Within 30 days of approval of the campaign by EQD, the Respondents shall initiate the campaign and continue updates on a quarterly basis.
8. **INITIAL ENGINEER REPORT: Within 60 calendar days of the effective date of this Consent Order**, Respondents 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") will be needed, the engineer may proceed directly with submitted of the DEP Permit Application by this deadline.
- a. The Engineer Report shall include, at a minimum:
    - i. To the extent a camera investigation is warranted as determined by a licensed engineer, 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. To the extent drawings are warranted as determined by a licensed engineer, 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 recommended project schedule for all recommended repairs and modifications to be completed expeditiously.

- d. Respondents 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, Respondents 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 Respondents are 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.
    - ii. EQD will notify Respondents 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. Once EQD notification is received, Respondents will have 90 days to identify a vendor for repairs and will then submit vendors schedule to EQD.
9. DEP PERMIT APPLICATION (if required): If a DEP Permit is required for recommended modifications to the System in the EQD accepted Engineer Report, Respondents agree 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.
10. FINAL ENGINEER REPORT/DEP NOTIFICATION OF COMPLETION OF CONSTRUCTION: Respondents 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 **Within 180 calendar days of the effective date of this Consent Order** or by the deadline established and based upon the review of the Engineer Report and notification in paragraph 7.d.ii.
  - 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, Respondents shall timely and fully respond to any request for additional information within 30 days of the request or, if additional time is needed, within 30 days, submit a written request for an extension of time. The written request for an extension shall demonstrate that Respondents are 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. EQD will grant any extension requests that are made, provided that Respondents warrant they are diligently acquiring the requested information.
11. MONTHLY STATUS REPORT: Respondents 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 **upon the effective date of this Consent Order** 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) with "*Citation WP-24-09, Address of property*" in the Subject line of the email.

12. 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 3.405A.
13. MONTHLY MAINTENANCE RECORDS: Respondents 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 **upon the effective date of this Consent Order** until all repairs and modifications to the System, as recommended by the engineer and accepted by EQD, have been completed and approved.
14. 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 Respondents 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. 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, reference **WP-24-09**.
  - 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 Consent Order in an amount greater than the stipulated penalties due under this paragraph.
15. CIVIL PENALTY: A civil penalty of **\$14,000** is assessed for the violations noted in paragraph 3. The Respondents may elect within 90 days after the effective date of this Order to install telemetry at both pump stations to mitigate a portion of the assessed penalty. If this election is made, the Respondents shall submit an email to [enforcement@coj.net](mailto:enforcement@coj.net) stating their request and include detailed specifications of the telemetry system. The contract must provide for a minimum of one year of service, with a written statement of intent to maintain service for at least five years. The monitoring service may be provided by different companies over the five-year period. Upon EQD approval, the Respondents shall install the proposed telemetry system and pay the mitigated civil penalty within 30 days of notification. The assessed penalty will be reduced by the cost of the telemetry. If the Respondents do not elect to install telemetry, they shall pay a civil penalty of \$14,000 **within 90 days after the effective date of this Order**. Respondents shall deliver to the City a cashier's check or money order in the amount of \$14,000 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, reference WP-24-09.** Any sums unpaid within the time frame provided shall bear interest at the rate of 1.5 percent per month until paid.

16. Pursuant to Jacksonville Ordinance Code Section 362.110, a violation of the terms of this Consent Order may subject the Respondents to judicial imposition of civil penalties of up to \$10,000 per violation per day.
17. In consideration of the complete and timely performance of the obligations set forth in this Order by Respondents, 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.
18. By executing this Consent Order, Respondents waive its right to judicial review or an administrative hearing on the terms of this Consent Order.
19. 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.
20. The provisions of this Consent Order shall apply to and be binding upon the parties, their officers, directors, agents, servants, employees, successors, and assigns.
21. The 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.
22. Respondents shall allow all authorized representatives of EQD access to the System until the Final Engineer Report or DEP Notice of Completion of Construction is accepted and approved by EQD..
23. The Consent Order 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.
24. Performance of the terms and conditions of this Consent Order does not relieve the Respondents of the need to comply with applicable federal, state, or local laws, regulations, or ordinances.

**THIS SECTION INTENTIONALLY LEFT BLANK**

25. Respondents are 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**

5/13/2025

Date

Signed by:



Richard A. Reichard

Office of Administrative Services

**Riverbank Apts LP**

5/13/2025

Date

Signed by:



Print Name: Abe Weber

Print Title: Member

**Riverbank Apts II LLC**

5/13/2025

Date

Signed by:



Print Name: Abe Weber

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 19 day of May, 20 25.

Signed by:



Thomas Deck, Chair

Jacksonville Environmental Protection Board