



A NEW DAY.

City of Jacksonville, Florida

Donna Deegan, Mayor

Office of Administrative Services
Environmental Quality Division
214 N. Hogan Street, 5th Floor
Jacksonville, Florida 32202
(904) 255-7100
www.jacksonville.gov

Email:

Bforrest@cwmatthews.com

C.W. Matthews Contracting Co., Inc.
1275 County Road 210 W
St Johns, FL 32259

RE: Cease and Desist Citation ESC-25-04

VTRE Development, LLC construction project located at Real Estate I.D. Number (RE) 003322-0037, addressed at 4125 Cisco Drive West Jacksonville, Florida (the "Project")
Discharge of non-stormwater or turbid water to City municipal separate storm sewer system ("MS4");
Failure to comply with erosion and sediment control requirements.

Consent Order

The purpose of this letter is to complete the resolution of violations of the City of Jacksonville Environmental Protection Board (JEPB) Rule 3 as identified by the Office of Administrative Services in Cease-and-Desist Citation **ESC-25-04** (the "Citation"), a copy of which is attached as Exhibit A and incorporated herein. The corrective action was completed by establishing the best management practices to control erosion and sediment. To complete the resolution of this case, the payment of a civil penalty of **\$3,500** 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 ("EQD") at **214 N. Hogan Street, Fifth Floor, Jacksonville, FL 32202** and **Reference ESC-25-04** 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 **June 6, 2025**, 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
OFFICE OF ADMINISTRATIVE SERVICES**

<u>5/27/2025</u>	
Date	Richard A. Reichard
	Office of Administrative Services

<u>5/27/2025</u>	C.W. Matthews Contracting Co., Inc.
	
Date	Print Name: Brandon Forrest
	Print Title: Division Vice President

ORDER

I hereby certify that the foregoing document was adopted by order of the Environmental Protection Board of the City of Jacksonville this 16 day of June, 2025.


Thomas Deck, Chair
Jacksonville Environmental Protection Board



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Environmental Quality Division
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CEASE AND DESIST CITATION ESC-25-04

U.S. Mail & E-mail:

cthomasson@evans-gc.com

JI Westlake 160, LLC
14747 N Northsight Blvd, Ste 111-431
Scottsdale, AZ 85260

U.S. Mail:

VTRE Development, LLC
14747 N Northsight Blvd, Ste 111-431
Scottsdale, AZ 85260

U.S. Mail:

Evans General Contractors, LLC
3050 Northwinds Parkway Suite 200
Alpharetta, GA 30009

U.S. Mail:

C.W. Matthews Contracting Co., Inc.
1275 County Road 210 W
St Johns, FL 32259

U.S. Mail:

Baker Constructors, Inc.
102 Morgan Lakes Industrial Blvd.
Pooler, GA 31322

RE: Duval County – Water Pollution
VTRE Development, LLC construction project located at Real Estate I.D. Number (RE) 003322-0037,
addressed at 4125 Cisco Drive West Jacksonville, Florida (the "Project")
Discharge of non-stormwater or turbid water to City municipal separate storm sewer system ("MS4");

9489 0090 0027 6495 2746 32

Certified Number:

JI Westlake 160, LLC
c/o C T Corporation System
1200 South Pine Island Road
Plantation, FL 33324
ATTN: Registered Agent

9489 0090 0027 6495 2746 25

Certified Number:

VTRE Development, LLC
c/o C T Corporation System
1200 South Pine Island Road
Plantation, FL 33324
ATTN: Registered Agent

9489 0090 0027 6495 2746 18

Certified Number:

Evans General Contractors, LLC
c/o NRAI Services, Inc
1200 South Pine Island Road
Plantation, FL 33324
ATTN: Registered Agent

9489 0090 0027 6495 2746 01

Certified Number:

C.W. Matthews Contracting Co., Inc.
c/o Corporation Service Company
1201 Hays Street
Tallahassee, FL 32301
ATTN: Registered Agent

9489 0090 0027 6495 2745 95

Certified Number:

Baker Constructors, Inc.
c/o Corporation Service Company
1201 Hays Street; Tallahassee, FL 32301
ATTN: Registered Agent

Failure to comply with erosion and sediment control requirements.

PLEASE TAKE NOTICE that pursuant to Florida Statutes (FS) Chapter 403 and Jacksonville Ordinance Code (JOC) Title X, Chapters 360 and 362, property owner, developer and contractor are hereby notified that they are in violation of FS Chapter 403 and Jacksonville Environmental Protection Board (JEPB) Rule 3.

On March 18, 2025, Environmental Quality Division ("EQD") staff inspected at the Project and documented:

- a. a violation of Rule 3.103.B for the discharge of non-stormwater including, but not limited to, sediment and turbid water, to the MS4 and the following water quality sampling results are a violation of Rule 3.201:
 - i. a water sample collected in MS4 at the point of discharge from the Project had a laboratory analytical result of 950 Nephelometric Turbidity Units (NTUs).
 - ii. a water sample upstream of the point of discharge had a background laboratory analytical result of 390 NTUs.
 - iii. The state surface water quality standard for turbidity is to not exceed 29 NTUs above natural background conditions.
- b. a violation of Rule 3.604 for 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:

JI Westlake 160, LLC, a Florida Limited Liability Company, pursuant to the Special Warranty Deed dated June 28, 2024, and recorded in the Official Records of Duval County, Florida in Book 21142 and Page 2308.

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

VTRE Development, LLC, a Florida Limited Liability Company.

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

Evans General Contractors, LLC, a Foreign Limited Liability Company,
C.W. Matthews Contracting Co., Inc., a Foreign Profit Corporation, and
Baker Constructors, Inc., a Florida Profit Corporation.

The violations were determined by the Office of Administrative Services' 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 and/or sediment 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 Cease and Desist Citation **within two days of receipt** by contacting EQD Staff by email at enforcement@coj.net and EQD will then provide the investigation documents by response email. You may also call (904) 255-7100 to speak with EQD Staff about this Citation. However, we must receive an email from you to facilitate communication.
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), dates of implementation, BMP inspection reports for the last 6 months or from the start of construction activity, whichever is less, and photographs of the improved site conditions. Because there were off-site impacts, a penalty will be assessed for this incident and for each day that the problem persists.

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 4th day of April, 2025

City of Jacksonville
OFFICE OF ADMINISTRATIVE SERVICES

Signed by:
Richard Reichard
By: Richard A. Reichard,
Office of Administrative Services

ec: ESC Staff
DEP Staff

DATE MAILED: 4.9.2025