



ONE CITY. ONE JACKSONVILLE

City of Jacksonville, Florida

Lenny Curry, Mayor

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

By Electronic Mail

Tina Swisher
Scannell Properties #458, LLC
8801 River Crossing Blvd., Suite 300
Indianapolis, IN 46240

Cameron Waddle,
Jim Cooper Construction Company, Inc.
5004 5th Avenue South
Birmingham, AL 35212

**Re: Cease and Desist Citation WP-22-18
Construction project located at Real Estate I.D. Number (RE) 147827-0000, 2700 Powers Ave.,
Jacksonville, Florida (the "Project")
Unlawful discharge of non-stormwater 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 City of Jacksonville, Neighborhoods Department in Cease and Desist Citation **WP-22-18** (the "Citation"), a copy of which is attached as Exhibit A and incorporated herein. Corrective actions were completed and the Project has reached Final Stabilization. To complete the resolution of this case, the payment of a civil penalty of **\$4,900** 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** 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 Jacksonville Environmental Protection Board (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 §362.110(a)(2).

The Department for, and in consideration of, the timely performance by the Respondents 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 Respondents waive their 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 November 30, 2022 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.

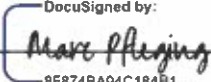
CITY OF JACKSONVILLE
NEIGHBORHOODS DEPARTMENT

12/14/2022
Date


Bryan Mosier, Director
Chiquita Moore, Operations Director


Scannell Properties #458, LLC

11/30/2022
Date

DocuSigned by:

8F874BA94C184B1
Print Name: Marc Pfleging
Print Title: Manager

Jim Cooper Construction Company, Inc.

11/22/2022
Date


Print Name: ANDREW BYRD
Print Title: DIVISION MANAGER

ORDER

I hereby certify that the foregoing document was adopted by order of the Environmental Protection Board of the City of Jacksonville this 17 day of JANUARY, 2023.


David Wood, Chair
Environmental Protection Board



ONE CITY. ONE JACKSONVILLE

City of Jacksonville, Florida

Lenny Curry, Mayor

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

Exhibit A

CORRECTED CEASE AND DESIST CITATION WP-22-18

By Electronic Mail

Robert J. Scannell, Manager
Scannell Properties #458, LLC
8801 River Crossing Blvd., Suite 300
Indianapolis, IN 46240

Jim Cooper Construction Company, Inc.
5004 5th Avenue South
Birmingham, AL 35212

RE: Duval County – Water Pollution, Citation corrected as to contractor entity Jim Cooper Construction Company, Inc.

**Construction project located at Real Estate I.D. Number (RE) 147827-0000, 2700 Powers Ave., Jacksonville, Florida (the "Project")
Unlawful 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 March 25, 2022, Environmental Quality Division ("EQD") staff observed construction activity at the Project which activity resulted in the unlawful discharge of non-stormwater including, but not limited to, sediment and turbid water from the Project to MS4.

- a. Water samples taken in MS4 at the point of discharge from the Project had a turbidity reading of 170 Nephelometric Turbidity Units (NTUs).
- b. Water samples taken further downstream in the MS4 along the Project boundary adjacent to the MS4 had readings of 200 and 1200 NTUs.
- c. The sample taken upstream in the MS4 from the point of discharge from the Project had a background turbidity reading of 110 NTUs.
- d. The state surface water quality standard for turbidity is <29 NTUs above natural background conditions.

On or before March 25, 2022, the use of insufficient erosion and sediment control performance measures at the Project failed to ensure all non-stormwater including, but not limited to, sediment and turbid water remained within the Project boundaries and did not discharge to public streets, MS4, surface water or wetlands.

During this time, the Project owner and associated contractors included, but were not limited to:

Scannell Properties #458, LLC is a foreign limited liability company and owner of the identified real estate parcel for the Project in Jacksonville, Florida according to;

- a. the Special Warranty Deed dated September 15, 2020 and recorded September 18, 2020 in the Official Records ("Official Records") of Duval County, Florida in Book 19376 and Page 1453, and

b. the Quit Claim Deed dated September 15, 2020 and recorded September 18, 2020 in the Official Records in Book 19376 and Page 1458.

Jim Cooper Construction Company, Inc. is a foreign corporation and contractor on the Project.

Accordingly, **Scannell Properties #458, LLC** and **Jim Cooper Construction Company, Inc.** are hereby notified that they are in violation of the following provisions of Jacksonville Environmental Protection Board (JEPB) Rule 3:

To cause or allow to be discharged unpermitted discharges of sewage, industrial wastewater, or other untreated waste or wastewater or other material to surface or groundwaters within Duval County, by direct or indirect flow, or to the ground or surrounding environment, and City MS4, is violation of JEPB Rule 3.103B and D.

Failure to comply with erosion and sediment control requirements of Jacksonville Environmental Protection Board Rule 3 that prohibit unlawful discharges from construction activity and require use of erosion and sediment control performance measures sufficient to prevent off-site impacts to wetlands, surface waters, public streets, public stormwater and adjoining properties, as outlined in the City of Jacksonville *Land Development Procedures Manual* [11/9/90] and the *Florida Stormwater Erosion and Sedimentation Control Inspector's Manual* published by the Florida Department of Environmental Protection [July 2008 and updated 2018] ("DEP Manual"), is a violation of JEPB Rule 3.604 [which adopts and incorporates by reference both manuals].

The violations were determined by Neighborhood Department's EQD staff during site investigations 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 unlawful 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 which are allowing unlawful discharges to public streets, MS4, surface water or wetlands.
2. Comply with erosion and sediment control requirements.

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.

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 streets, stormwater, surface water and wetlands.

b. The BMP Assessment shall also identify any areas in which BMPs need to be improved, installed, and maintained to eliminate all unauthorized discharges of non-stormwater, sediment and turbid water to public streets, stormwater, surface water and wetlands and prevent water quality violations for turbidity.

c. A revised Stormwater Pollution Prevention Plan (SWPPP) drawing or similar mapping of location of BMPs shall be provided with the BMP Assessment.

3. Acknowledge this citation **within two days of receipt** by contacting Ms. Tree Kilbourn and EQD staff, at tkilbour@coj.net and ESC@coj.net. Ms. Kilbourn will then provide the investigation documents by response email.

Corrected Citation WP-22-18
Page 3 of 3

4. 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 29th day of April, 2022

City of Jacksonville
NEIGHBORHOODS DEPARTMENT

By: 
Bryan Mosler, Director

- c: DEP staff
EQD staff



ONE CITY. ONE JACKSONVILLE

City of Jacksonville, Florida

Lenny Curry, Mayor

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

Robert Hidenrick, Registered Agent and President for
K T Carter Contracting, Inc.
1909 Beaver Street E.
Jacksonville, FL 32202

**Re: Cease and Desist Citation WP-22-46
Gentle Woods Villas construction project located at Real Estate I.D. Number (RE) 015825-1300 at
0 120th Street, 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

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 City of Jacksonville, Neighborhoods Department in Cease and Desist Citation **WP-22-46** (the "Citation"), a copy of which is attached as Exhibit A and incorporated herein. The corrective action was completed by the contractor with final stabilization criteria met in the common areas. To complete the resolution of this case, the payment of a civil penalty of **\$2,800** 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** 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 January 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**

12/20/2022
Date

Chiquita J. Moore
Chiquita Moore, Director

K T Carter Contracting, Inc.,

December 20, 2022
Date

Rob Hidenrick
Print Name: Rob Hidenrick
Print Title: President

ORDER

I hereby certify that the foregoing document was adopted by order of the Environmental Protection Board of the City of Jacksonville this 17 day of JANUARY, 2023.

David Wood
David Wood, Chair
Environmental Protection Board



ONE CITY. ONE JACKSONVILLE

City of Jacksonville, Florida

Lenny Curry, Mayor

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

CEASE AND DESIST CITATION WP-22-46

By Certified Mail – Return Receipt

Certified Mail #9489 0090 0027 6278 4108 37

Chris Funk, Registered Agent for
SI Homes RCL LLC
5711 Richard Street, Suite 1
Jacksonville, FL 32216

Certified Mail #9489 0090 0027 6278 4108 51

Daniel Edward Blanchard, Registered Agent and
Manager
Southern Impression Development LLC
5711 Richard Street, Suite 4
Jacksonville, FL 32216

Certified Mail #9489 0090 0027 6278 4108 44

Robert Hidenrick, Registered Agent and President for
K T Carter Contracting, Inc.
1909 Beaver Street E.
Jacksonville, FL 32202

**RE: Duval County – Water Pollution
Gentle Woods Villas construction project located at Real Estate I.D. Number (RE) 015825-1300 at 0
120th Street, 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 August 8, 2022 Environmental Quality Division (“EQD”) staff conducted a routine inspection at the Project and documented a failure to install or maintain sufficient erosion and sediment control performance measures, or use of noncompliant best management practice performance measures (“BMPs”) at the Project, to ensure all non-stormwater including, but not limited to, sediment and turbid water remained within the Project boundaries and did not discharge to public streets, MS4, surface water or wetlands, and that selected BMPs did not contribute to non-stormwater discharge. As corrective actions were in progress, EQD staff did not issue a Notice to Correct Source of Pollution/Violation (“NTC”) at that time.

On August 18, 2022, EQD staff conducted a re-inspection at the Project and documented the continued insufficient installation or maintenance of BMPs at the Project, or use of noncompliant BMPs in the MS4, to ensure all non-stormwater including, but not limited to, sediment and turbid water remained within the Project boundaries and did not discharge to public streets, MS4, surface water or wetlands. EQD staff issued an NTC to the parties on August 19, 2022.

On August 26, 2022, EQD staff conducted a re-inspection at the Project and documented:

- a. the continued insufficient installation or maintenance of BMPs at the Project, or use of noncompliant BMPs in the MS4, to ensure all non-stormwater including, but not limited to, sediment and turbid water remained within the Project boundaries and did not discharge to public streets, MS4, surface water or wetlands; and

- b. a Discharge of non-stormwater including, but not limited to, sediment and turbid water, to the MS4:
- (1) Water samples taken in MS4 at the point of discharge from the Project had a turbidity reading of 4500 Nephelometric Turbidity Units (NTUs).
 - (2) Sample taken upstream in the MS4 from the point of discharge from the Project had background turbidity readings of 4.4 and 4.7 NTUs.
 - (4) The state surface water quality standard for turbidity is <29 NTUs above natural background conditions.

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

SI Homes RCL LLC, a Florida limited liability company, is the Project and property owner of RE 015825-1300 at 0 120th Street, Jacksonville, Florida according to General Warranty Deed dated March 30, 2022 and recorded April 12, 2022 in the Official Records of Duval County, Florida at Book 20219 and Page 455.

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

Southern Impression Development LLC, a Florida limited liability company.

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

K T Carter Contracting, Inc., a Florida corporation.

Accordingly, **SI Homes RCL LLC**, **Southern Impression Development LLC**, and **K T Carter Contracting, Inc.** 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.

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. Acknowledge this Citation **within two days of receipt** by e-mail to Ms. Tree Kilbourn and EQD staff, at tkilbour@coj.net and ESC@coj.net. Ms. Kilbourn will then provide the investigation documents by response email.

3. Comply with erosion and sediment control requirements by completing a review of the Project engineer's original Stormwater Pollution Prevention Plan ("SWPPP") and selection, installation and maintenance of the BMPs:
 - a. If the Project is still active as of the date of this Citation, the Project engineer must perform an assessment of the BMPs 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 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 including, but not limited to, sediment and turbid water, to public streets, stormwater, surface water and wetlands.
 - d. **A revised engineer prepared SWPPP document and drawing** identifying the selection and location of BMPs shall be provided with the BMP Assessment.

4. A **written response** to this Citation from the **Project Owner** and **the signed Consent Order** is required to be emailed to Tree Kilbourn at tkilbour@coj.net no later than **October 13, 2022** and must include the **BMP Assessment and revised SWPPP** (if Project is still active). **Do not send penalty payment at this time.**

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 23rd day of September, 2022

City of Jacksonville
NEIGHBORHOODS DEPARTMENT

By: Liquita J. Moore/operations director
Bryan Mosier, Director

c: DEP staff
EQD staff