



A NEW DAY.

City of Jacksonville, Florida

Donna Deegan, Mayor

Neighborhoods Department
Environmental Quality Division
214 N. Hogan Street, 5th Floor
Jacksonville, Florida 32202
(904) 255-7100
www.coj.net

U.S. Mail & E-mail:

iestrada@winggroup.com

AG-RC Busch Drive Property Owner, L.L.C.
201 E. Busch Dr.
Jacksonville, FL 32218

RE: Duval County – Air Pollution

Hazardous waste and improper disposal of hazardous adhesive waste generated on-site from a large quality generator at 201 E Busch Drive, Jacksonville, FL (the Property)
Failure to make a hazardous waste determination; failure to store and label hazardous waste;
Failure to maintain adequate aisle space storage of containers of hazardous waste; and Failure to minimize a non-sudden release of hazardous waste.

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 HW-24-02 (the "Citation"). To complete the resolution of this case, the payment of a civil penalty of **\$2800.00** 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** and **reference HW-24-02** 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 8, 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
NEIGHBORHOODS DEPARTMENT**

Date

1/6/24


Thomas B. Waters, Director

WING GROUP
AG-RC Busch Drive Property Owner, L.L.C.

Date

12/23/2024

Print Name:

Print Title:

Wing Group - 

Luellisse Estrada

Quality Director Jacksonville

ORDER

I hereby certify that the foregoing document was adopted by order of the Environmental Protection Board of the City of Jacksonville this 21ST day of JANUARY, 20 25.


Thomas Deck, Chair
Environmental Protection Board

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

City of Jacksonville, Neighborhoods Department,
Petitioner
and

DB Argyle Forest Blvd, LLC
Respondent

**Re: Voluntary Compliance Plan WP-25-03-VCO
Dutch Bros Coffee at Argyle Wastewater Collection/Transmission System
with shared Pump Station located at 7720 Argyle Forest Boulevard (RE
016464-0505) (the "System" at the "Property")
Failure to Comply with Design Standards**

Voluntary Compliance Plan

This Voluntary Compliance Plan is made and entered into between the City of Jacksonville, Neighborhoods Department (the Department) and **DB Argyle Forest Blvd, LLC**, the permittee ("Respondent"), to settle certain issues between them under Chapter 360 and 362 of the Jacksonville Ordinance Code ("Ordinance Code") and Rule 3 of the Jacksonville Environmental Protection Board ("JEPB").

1. The Department, through its Environmental Quality Division ("EQD"), is charged with the administration and enforcement of Chapter 360 and 362, Ordinance Code, and the rules promulgated thereunder.
2. On January 8, 2025, EQD staff determined that the System constructed at the Property failed to comply with design standards under JEPB Rule 3.403. The System does not have a recorded Operation, Maintenance, and Repair (OMR) agreement with Popeye's who owns the pump station and any other entities that share that station.
3. 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.
4. Respondent agrees to complete the corrective actions outlined within this Compliance Plan within the established timeframes.
5. **CORRECTIVE ACTION:** Respondent shall have a signed OMR agreement between all parties sharing the Pump Station located at 7762 Argyle Forest Blvd (RE# 016464-0530) which meets the minimum requirements outlined in JEPB Rule 3.403.E no later than **March 7, 2025**. The OMR agreement shall be recorded in the Official Records of Duval County by **March 21, 2025**. Weekly updates shall be sent to enforcement@coj.net to outline what progress has been made.

6. **STIPULATED PENALTIES:** Respondents agree to pay the City (Neighborhoods Department) stipulated penalties in the amount of One Hundred Dollars (\$100.00) per day for each and every day Respondents fail to timely perform any of the corrective actions contained in this Compliance Plan.
- The Department shall assess a separate stipulated penalty for each failure to timely perform a corrective action contained in this Compliance Plan.
 - Within 30 days of written demand from the Department, Respondents shall make payment of the appropriate stipulated penalties to the Department.
 - 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.**
 - The Department may make demands for payment at any time after Respondents fail to timely perform each corrective action.
 - If the Department is required to file a lawsuit to recover stipulated penalties under this paragraph, the Department is not foreclosed from seeking civil penalties for violations of this Compliance Plan in an amount greater than the stipulated penalties due under this paragraph.
7. **CIVIL PENALTY:** Respondent agrees to pay a civil penalty of \$300 **within 30 days after the effective date of this Compliance Plan.** Respondent shall deliver to the City a cashier's check or money order in the amount of \$300 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-25-03-VCO.** Any sums unpaid within the time frame provided shall bear interest at the rate of 1.5 percent per month until paid.
8. Pursuant to Section 362.110, a violation of the terms of this Voluntary Compliance Plan may subject the Respondent to judicial imposition of civil penalties of up to \$10,000 per violation per day.
9. In consideration of the complete and timely performance of the obligations set forth in this Plan by Respondents, the City agrees that entry of this Plan disposes of the violations described in it, and the City waives its rights to seek judicial imposition of damages or civil or criminal penalties for the violations.
10. By executing this Compliance Plan, Respondents waive their right to judicial review or an administrative hearing on the terms of this Compliance Plan.
11. 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.
12. The provisions of this Compliance Plan shall apply to and be binding upon the parties, their officers, directors, agents, servants, employees, successors, and assigns.
13. The reporting requirements of this Compliance Plan shall remain in effect until all corrective actions are accepted by EQD.

14. Respondents shall allow all authorized representatives of EQD access to the System at reasonable times for the purpose of determining compliance with the terms of this Compliance Plan and the statutes, ordinances and rules administered by EQD.
15. The Compliance Plan shall become effective upon execution by the Chairperson of the JEPB, which will occur after its execution by the Respondents and the Director of the Department.
16. Performance of the terms and conditions of this Compliance Plan does not relieve the Respondents of the need to comply with applicable federal, state, or local laws, regulations, or ordinances.

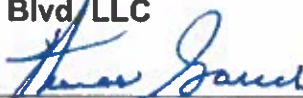
**CITY OF JACKSONVILLE
NEIGHBORHOODS DEPARTMENT**

1/10/25
Date


Thomas B. Waters, Director

DB Argyle Forest Blvd LLC

1/9/25
Date


Print Name: Thomas Gauch
Print Title: 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 21ST day of JANUARY, 2025.


Thomas Deck, Chair
Jacksonville Environmental Protection Board



A NEW DAY.

City of Jacksonville, Florida

Donna Deegan, Mayor

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

jon.hart@geigerlogging.com

Geiger Logging, Inc.
28714 Yellow Rose Lane
Hilliard, FL 32046

RE: Cease and Desist Citation AP-24-06
City of Jacksonville (Park and Recreation) project located at Real Estate ID Number (RE) 002254-0010, addressed at 13611 Normandy Blvd, Jacksonville, Florida (the "System" at the "Property")
Open burning is Ignited after 9:00 a.m. and is extinguished one hour before sunset, and the open burning is attended at all times.

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-24-06 (the "Citation"), a copy of which is attached as Exhibit A and incorporated herein. The corrective action was completed by establishing best management practices to control and extinguish all burn piles. To complete the resolution of this case, the payment of a civil penalty of **\$2300.00** 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 ("EQD") at **214 N. Hogan Street, Fifth Floor, Jacksonville, FL 32202** and **Reference AP-24-06** 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 8, 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
NEIGHBORHOODS DEPARTMENT**

1/13/25
Date

(3)
Thomas B. Waters, Director

12-23-24
Date

Geiger Logging, Inc.

John Hark
Print Name: John Hark
Print Title: Supervisor

ORDER

I hereby certify that the foregoing document was adopted by order of the Environmental Protection Board of the City of Jacksonville this 21st day of JANUARY, 20 25.

Thomas Deck
Thomas Deck, Chair
Environmental Protection Board

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

City of Jacksonville, Neighborhoods Department,
Petitioner
and

Hyde Center, LLC dba Hyde Park Center, LLC
305-A Equipment Court
Lawrenceville, GA 30046
Respondent

Re: Cease and Desist Citation WP-24-30
Wastewater Collection/Transmission System with Pump Station located at Real Estate ID Number (RE) 068849-0500, addressed at 5875 San Juan Avenue, Jacksonville, Florida (the "System" at the "Property")
Discharge of untreated wastewater to the ground, surrounding environment and stormwater system; Allowing untreated wastewater into the storm sewer system; Failure to comply with Wastewater Collection/Transmission System design standards; 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 **Hyde Center, LLC dba Hyde Park Center, LLC**, ("Respondent"), to settle certain issues between them under Chapter 360 and 362 of the Jacksonville Ordinance Code ("Ordinance Code") and Rule 3 of the Jacksonville Environmental Protection Board ("JEPB").

1. The Department, through its Environmental Quality Division ("EQD"), is charged with the administration and enforcement of Chapter 360 and 362, Ordinance Code, and the rules promulgated thereunder.
2. **Hyde Center, LLC dba Hyde Park Center, LLC**, a Foreign limited liability company, pursuant to the General Warranty Deed dated 12/21/2017 and recorded in the Official Records of Duval County, Florida in Book 14350, and Page 1661.

On October 15, 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. a violation of Rule 3.103B for an unpermitted discharge of untreated wastewater to the ground, surrounding environment and Municipal Separate Storm Sewer System ("MS4"), and the following water quality sampling results are a violation of Rule 3.201;
 - (1) the wastewater sample collected by EQD staff at the point of discharge to the environment had a laboratory analytical result of greater than 241,960 MPN/100 ml for E. coli, and
 - (2) the water quality standard for a single sample for E. coli is less than 410 MPN/100ml;
- b. a violation of Rule 3.103H for the failure to operate and maintain the System to remain operational, to function as intended, and to provide uninterrupted transmission of wastewater;
- c. a violation of Rule 3.103F for the discharge of untreated wastewater to sewer designed to carry stormwater;
- d. a violation of Rules 3.403 and 4.404 for failure to comply with Wastewater Collection/Transmission System design standards as observed:
 - (1) the System does not have a compliant control panel with alarms, lightning and surge protection;
 - (2) the System does not have a compliant sign with the required information; and
- e. a violation of Rule 3.103G for the failure to notify EQD that a release or discharge of wastewater

- from the System to the ground and surrounding environment had occurred; and
- f. a violation of Rule 3.405A.8 for the failure to submit the required report within five days.
3. As a result of the conditions documented in paragraph 3, EQD issued Cease and Desist Citation **WP-24-30** to Respondent, a copy of which is attached hereto and incorporated herein as Exhibit A.
4. The Department is authorized under Sections 360.407, 362.110 and 362.111, Ordinance Code, to seek injunctive relief and civil penalties, and the potential maximum daily penalty for violations of JEPB Rule 3 is \$10,000.
5. Respondent agrees to complete the corrective actions outlined within this Consent Order within the established timeframes.
6. **INITIAL ENGINEER REPORT:** Within 60 calendar days of the effective date of this Consent Order, Respondent shall submit for review and approval, an Engineer Report signed and sealed by a Florida licensed, professional engineer. Alternatively, if the engineer is certain at the time of the review that a DEP Notification/Application for Constructing a Domestic Wastewater Collection/ Transmissions System ("DEP Permit Application"), the engineer may proceed directly with submitted of the DEP Permit Application by this deadline.
- a. The Engineer Report shall include, at a minimum:
- i. to confirm connections to the System, and inspection of manholes,
 - ii. utility force main pressure,
 - iii. drawings,
 - iv. calculations and methodologies used, and
 - v. manufacturer pump specifications and pump curves to verify the System meets current sewerage design and performance standards and requirements.
- b. If the System does not comply with wastewater design standards, the Engineer Report shall identify repairs and/or modifications necessary to bring the System into compliance with current wastewater design standards and finalize abandonment of any noncompliant components.
- c. The Engineer Report shall include a project schedule for all recommended repairs and modifications to be completed expeditiously.
- d. Respondent shall submit the Engineer Report by electronic mail to enforcement@coj.net. Large attachments may need to be hand delivered or mailed to EQD at 214 N. Hogan Street, Fifth Floor, Jacksonville, Florida 32202 to the attention of Melissa Long.
- i. Should EQD request additional information for the Engineer Report, Respondent shall timely and fully respond to any request for additional information within 15 days of the request or, if additional time is needed, within 15 days, submit a written request for an extension of time. The written request for an extension shall demonstrate that Respondent is diligently acquiring the requested information. The written request for an extension shall include, as a minimum, a copy of all work done at the time

the extension is requested that partially responds to the request for additional information.

- ii. EQD will notify Respondent within 30 days of receipt of all information for the Engineer Report of the accepted engineer recommendations and whether a DEP Permit Application will be required for the accepted recommendations for corrective actions. In its notification, EQD will also advise of the deadlines required for the project schedule submitted with the Engineer Report.
7. **DEP PERMIT APPLICATION** (if required): If a DEP Permit is required for recommended modifications to the System in the EQD accepted Engineer Report, Respondent agrees to submit a DEP Permit Application with all required calculations, specifications, drawings, signatures, professional seals and permitting fees to EQD within 60 days of notification by EQD.
8. **FINAL ENGINEER REPORT/DEP NOTIFICATION OF COMPLETION OF CONSTRUCTION:** Respondent shall complete all engineer recommended repairs and modifications at the System, as accepted and agreed to by EQD, and pursuant to any issued DEP Permit, and submit a Final Engineer Report (if no permit required) or DEP Notification of Completion of Construction Domestic Wastewater Collection/Transmission System ("DEP Notice of Completion of Construction") package to enforcement@coj.net with all required documents, certifications, drawings, professional signatures and seals upon completion of all work **Within 120 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, Respondent shall timely and fully respond to any request for additional information within 15 days of the request or, if additional time is needed, within 15 days, submit a written request for an extension of time. The written request for an extension shall demonstrate that Respondent is diligently acquiring the requested information. The written request for an extension shall include, as a minimum, a copy of all work done at the time the extension is requested that partially responds to the request for additional information.
9. **MONTHLY STATUS REPORT:** Respondent shall submit a monthly status report regarding the engineer's review, Engineer Report, permitting and construction work for all repairs and modifications to the System by the last day of each month beginning **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 with "*Citation WP-24-30, Address of property*" in the Subject line of the email.
10. **COMPLIANCE WITH OPERATION, MAINTENANCE AND RECORDKEEPING REQUIREMENTS:** Respondent shall ensure that the System is operated and maintained in accordance with all applicable local, state, and federal rules and regulations and that all items of required maintenance are performed and records of all maintenance and repairs be kept with the level of specificity required in JEPB Rule 3.405A.

11. **MONTHLY MAINTENANCE RECORDS:** Respondent shall submit the System monthly maintenance records to EQD by electronic mail to 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.
12. **STIPULATED PENALTIES:** Respondent agrees to pay the City stipulated penalties in the amount of One Hundred Dollars (\$100.00) per day for each and every day Respondent fails to timely perform any of the corrective actions contained in this Consent Order.
- a. The Department shall assess a separate stipulated penalty for each failure to timely perform a corrective action contained in this Consent Order.
 - b. Within 30 days of written demand from the Department, Respondent shall make payment of the appropriate stipulated penalties to the Department.
 - c. Respondent shall pay with a cashier's check or money order made payable to the City of Jacksonville Environmental Protection Trust Fund, mailing address, EQD 214 N. Hogan Street, Fifth Floor, Jacksonville, FL 32202, reference **WP-24-30**.
 - d. The Department may make demands for payment at any time after Respondent fail to timely perform each corrective action.
 - e. If the Department is required to file a lawsuit to recover stipulated penalties under this paragraph, the Department is not foreclosed from seeking civil penalties for violations of this Consent Order in an amount greater than the stipulated penalties due under this paragraph.
13. **CIVIL PENALTY:** Respondent agrees to pay a civil penalty of **\$8,000.00 within 30 days after the effective date of this Order**. Respondent shall deliver to the City a cashier's check or money order in the amount of **\$8,000.00** 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-24-30**. Any sums unpaid within the time frame provided shall bear interest at the rate of 1.5 percent per month until paid.
14. Pursuant to Jacksonville Ordinance Code Section 362.110, a violation of the terms of this Consent Order may subject the Respondent to judicial imposition of civil penalties of up to \$10,000 per violation per day.
15. In consideration of the complete and timely performance of the obligations set forth in this Order by Respondent, the City agrees that entry of this Order disposes of the violations described in it, and the City waives its rights to seek judicial imposition of damages or civil or criminal penalties for the violations.
16. By executing this Consent Order, Respondent waives its right to judicial review or an administrative hearing on the terms of this Consent Order.
17. The City expressly reserves the right to initiate appropriate legal action to prohibit any future violations of the Jacksonville Ordinance Code or the rules of the JEPB.
18. The provisions of this Consent Order shall apply to and be binding upon the parties, their officers, directors, agents, servants, employees, successors, and assigns.

19. The reporting requirements of this Consent Order shall remain in effect until the Final Engineer Report or DEP Notice of Completion of Construction is accepted and approved by EQD.
20. Respondent shall allow all authorized representatives of EQD access to the System at reasonable times for the purpose of determining compliance with the terms of this Consent Order and the statutes, ordinances and rules administered by EQD.
21. The Consent Order shall become effective upon execution by the Chairperson of the JEPB, which will occur after its execution by the Respondent and the Director of the Department.
22. Performance of the terms and conditions of this Consent Order does not relieve the Respondent of the need to comply with applicable federal, state, or local laws, regulations, or ordinances.
23. Respondent is advised to ensure compliance during all construction activities for corrective actions at the Property with site appropriate performance measures to ensure there is no unlawful discharge of sediment or turbid water to stormwater or surface water, utilizing in part the *Florida Stormwater Erosion and Sedimentation Control Inspector's Manual*, published by the Florida Department of Environmental Protection's Nonpoint Source Management Section and adopted by the JEPB in its Rule 3.


**CITY OF JACKSONVILLE
NEIGHBORHOODS DEPARTMENT**

12/16/24
Date


Thomas B. Waters, Director

12.13.24
Date

Hyde Center, LLC dba Hyde Park Center, LLC


Print Name: Scott Man
Print Title: Manager

ORDER

I hereby certify that the foregoing document was adopted by order of the Environmental Protection Board of the City of Jacksonville this 21ST day of JANUARY, 2026.


Thomas Deck, Chair
Jacksonville Environmental Protection Board

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

City of Jacksonville, Neighborhoods Department,
Petitioner
and

**Miramar Residences TIC I, LLC and Miramar Residences TIC II, LLC and Miramar Residences
TIC III, LLC all joint deeded owners,**
Respondent

Re: Cease and Desist Citation WP-24-12
Gravity Wastewater Collection/Transmission System located at Real Estate ID Number
(RE) 113404-0000, addressed at 3016 Justina Rd, Jacksonville, Florida (the "System" at
the "Property")
Discharge of untreated wastewater to the ground, surrounding environment; Failure to
operate and maintain the System to remain operational and 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 **Miramar Residences TIC I, LLC and Miramar Residences TIC II, LLC and Miramar Residences TIC III, LLC all joint deeded owners**, the property owner ("Respondent"), to settle certain issues between them under Chapter 360 and 362 of the Jacksonville Ordinance Code ("Ordinance Code") and Rule 3 of the Jacksonville Environmental Protection Board ("JEPB").

1. The Department, through its Environmental Quality Division ("EQD"), is charged with the administration and enforcement of Chapter 360 and 362, Ordinance Code, and the rules promulgated thereunder.
2. **Miramar Residences TIC I, LLC**, a Foreign limited liability company, pursuant to the Special Warranty Deed dated January 14, 2022 , and recorded in the Official Records of Duval County, Florida in Book 20111 and Page 2074, owning 30.37 percent; and
Miramar Residences TIC II, LLC a Foreign limited liability company, pursuant to the Special Warranty Deed dated January 14, 2022 , and recorded in the Official Records of Duval County, Florida in Book 20111 and Page 2074, owning 28.74 percent; and
Miramar Residences TIC III, LLC a Foreign limited liability company, pursuant to the Special Warranty Deed dated January 14, 2022 , and recorded in the Official Records of Duval County, Florida in Book 20111 and Page 2074, owning 40.89 percent.
3. On March 14, 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 ;
 - (1) the wastewater sample collected by EQD staff at the point of discharge to the environment had a laboratory analytical result of greater than 241,960 MPN/100 ml for E. coli, and

- (2) the water quality standard for a single sample for E. coli is less than 410 MPN/100ml;
 - b. the failure to operate and maintain the System to remain operational, to function as intended, and to provide uninterrupted transmission of wastewater;
 - c. the System owner failed to notify EQD that a release or discharge of wastewater from the System to the ground and surrounding environment had occurred; and
 - d. the System owner failed to submit the required report within five days.
4. As a result of the conditions documented in paragraph 3 above, EQD issued Cease and Desist Citation WP-24-12 to Respondent, a copy of which is attached hereto and incorporated herein as Exhibit A.
5. The Department is authorized under Sections 360.407, 362.110 and 362.111, Ordinance Code, to seek injunctive relief and civil penalties, and the potential maximum daily penalty for violations of JEPB Rule 3 is \$10,000.
6. Respondent agrees to complete the corrective actions outlined within this Consent Order within the established timeframes.
7. **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 schedule approved by EQD.
8. **COMPLETE REPORT:** Within 60 calendar days of the effective date of this Consent Order, Respondent shall submit for review and approval, a Report signed by a Florida licensed, professional engineer or licensed plumber.
- a. The Report shall include, shall at a minimum:
 - i. documentation of jetting of Gravity System lines throughout the private property to the last manhole prior to the Regional Sewer Utility point of connection shall be conducted as needed to clear grease and sediment from collection lines. A pump truck must remove all trash, grease and debris jetted through the lines to the last manhole prior to the Regional Sewer Utility point of connection to be hauled to a Wastewater Treatment Facility and must not allow the trash, grease and debris to be jetted into the Regional Sewer Utility mains as required by JEPB Rule 3.406.E.
 - ii. inspection via televising of all plumbing lines and clean outs for the entire System;
 - iii. identify all deficiencies including but not limited noncompliance with Plumbing Code design for lines and clean outs, any broken lines or clean outs, and any areas of infiltration and intrusion into the System;
 - iv. include a drawing of the Gravity System with areas of deficiencies noted; and
 - v. specify the corrective actions required (method and materials) to return the System to compliance with current design standards and whether a Florida

Plumbing Code permit is required for any repairs or modifications. Respondents shall submit the Report by electronic mail to 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.

1. Should EQD request additional information for the 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 Respondent is diligently acquiring the requested information. The written request for an extension shall include, at a minimum, a copy of all work done at the time the extension is requested that partially responds to the request for additional information.
 2. EQD will notify Respondents within 30 days of receipt of all information for the Report of the accepted engineer or plumber recommendations and in its notification, EQD will also advise of the deadlines required for the project schedule submitted with the Report.
9. **MONTHLY STATUS REPORT:** Respondents shall submit a monthly status report regarding the plumber's review, Report, permitting and repairs by the **last day of each month beginning upon the effective date of this Consent Order**, and continuing until all corrective actions are accepted by EQD. Monthly status reports shall be provided by electronic mail to Enforcement@coj.net with "*Citation WP-24-12, Address of property*" in the Subject line of the email.
10. **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.
11. **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-24-12.**
 - 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.
12. **CIVIL PENALTY:** The Respondents agree to pay a civil penalty of **\$1,500** within **30 days** after the effective date of this Consent Order.
- a. Respondents shall deliver to the City a cashier's check or money order payable to the City of Jacksonville **Environmental Protection Trust Fund**, mailing address, **Environmental Quality Division, 214 N. Hogan Street, Fifth Floor, Jacksonville, FL 32202, reference WP-24-12.**
 - b. Any sums unpaid within the time frame provided shall bear interest at the rate of 1.5 percent per month until paid.
13. Pursuant to Section 362.110, a violation of the terms of this Consent Order may subject the Respondent to judicial imposition of civil penalties of up to \$10,000 per violation per day.
14. 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.
15. By executing this Consent Order, Respondents waive their right to judicial review or an administrative hearing on the terms of this Consent Order.
16. 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.
17. The provisions of this Consent Order shall apply to and be binding upon the parties, their officers, directors, agents, servants, employees, successors, and assigns.
18. The reporting requirements of this Consent Order shall remain in effect until all corrective actions are accepted by EQD.
19. Respondents shall allow all authorized representatives of EQD access to the System at reasonable times for the purpose of determining compliance with the terms of this Consent Order and the statutes, ordinances and rules administered by EQD.
20. 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.

21. 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.

**CITY OF JACKSONVILLE
NEIGHBORHOODS DEPARTMENT**

12/13/24
Date

[Signature]
Thomas B. Waters, Director

Miramar Residences TIC I, LLC

December 13, 2024
Date

[Signature]
Print Name: Swapnil Agarwal
Print Title: President

Miramar Residences TIC II, LLC

December 13, 2024
Date

[Signature]
Print Name: Swapnil Agarwal
Print Title: President

Miramar Residences TIC III, LLC

December 13, 2024
Date

[Signature]
Print Name: Swapnil Agarwal
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 21st day of JANUARY 2025 2024.

[Signature]
Thomas Deck, Chair
Jacksonville Environmental Protection Board



A NEW DAY.

City of Jacksonville, Florida

Donna Deegan, Mayor

Neighborhoods Department
Environmental Quality Division
214 N. Hogan Street, 5th Floor
Jacksonville, Florida 32202
(904) 255-7100
www.coj.net

U.S. Mail & E-mail:

jenny@santiclean.net

Santi Clean, LLC

Dwayne Waxer

5930 Camp Trail

Cumming, GA 30040

RE: Duval County – Air Pollution

Ingleside ALF Home project located at Real Estate ID Number 1433 Ingleside Avenue, Jacksonville, Florida (the "System" at the "Property")

Emissions causing air pollution nuisance

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 ASB-24-02 (the "Citation"). To complete the resolution of this case, the payment of a civil penalty of **\$2800.00** 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** and reference **ASB-24-02** 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 17, 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
NEIGHBORHOODS DEPARTMENT**

1/13/25
Date


Thomas B. Waters, Director

1/16/25
Date

Santi Clean


Print Name: Dwayne Waxen
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 21st day of JANUARY, 20 25.


Thomas Deck, Chair
Environmental Protection Board