

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

City of Jacksonville, Neighborhoods Department,
Petitioner

and

Blanchard Apartments LLC,
Respondent

**Re: Cease and Desist Citation WP-22-55
Wastewater Collection/Transmission System with Pump Station located at
Real Estate ID Number (RE) 136151-0000, addressed at 1515 Pullen Road,
Jacksonville, FL 32216 (the "System" at the "Property")
Unpermitted Discharge of untreated wastewater to the ground and
surrounding environment; Failure to operate and maintain the System to
remain operational; Failure to comply with Wastewater
Collection/Transmission System design standards; Failure to notify EQD of
Discharge from the System**

CONSENT ORDER

This Consent Order is made and entered into between the City of Jacksonville, Neighborhoods Department (the Department) and **Blanchard Apartments LLC**, 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. Blanchard Apartments LLC, a Florida corporation, is the owner of the System at the Property pursuant to the Warranty Deed dated March 1, 2011 and recorded in the Official Records of Duval County, Florida at Book 15547 and Page 1614.
3. On October 7, 2022, and October 13, 2022, EQD staff conducted complaint investigations and documented:
 - a. an unpermitted Discharge of untreated wastewater to the ground and surrounding environment;
 - (1) the wastewater samples collected October 13, 2022, by EQD staff at the points of discharge to the environment had laboratory analytical results 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 failed to comply with Wastewater Collection/Transmission

System design standards as observed:

- (1) the System did not have a compliant sign with the required information; and
 - (2) the System may not comply with other Wastewater Collection/Transmission System design standards; and
- d. the System owner failed to notify EQD that a release or discharge of wastewater from the System to the ground and surrounding environment.
4. As a result of the conditions documented in paragraph 3 above, EQD issued Cease and Desist Citation WP-22-55 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. **COMPLIANCE WITH OPERATION, MAINTENANCE AND RECORDKEEPING REQUIREMENTS:** Respondent shall **immediately** 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.
 8. **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 **January 31, 2023** and continuing through December 31, 2023.
 9. **EDUCATION CAMPAIGN:** No later than **March 1, 2023**, Respondent shall submit for review and approval, a campaign to educate tenants on what can go to the collection system. The campaign shall include:
 - a. a list of items suitable to allow down the drain
 - b. how the campaign will be administered
 - c. frequency of education to the tenants
- Within 30 days of approval of the campaign, the Respondent shall initiate the campaign and continue updates as approved by EQD.
10. **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, attention Melissa Long.
 - 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.
11. **CIVIL PENALTY:** Respondent agrees to pay a civil penalty of **\$8,000** within 30 days after the effective date of this Consent Order.
- a. Respondent shall deliver to the City a cashier's check or money order in the amount of **\$8,000** made payable to the City of Jacksonville Environmental Protection Trust Fund, mailing address, Environmental Quality Division, 214 N. Hogan Street, Fifth Floor, Jacksonville, FL 32202, attention Ronda Wheeler.
 - b. Any sums unpaid within the time frame provided shall bear interest at the rate of 1.5 percent per month until paid.
12. 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.
13. In consideration of the complete and timely performance of all the obligations set forth in this Consent Order by Respondent, the City agrees that entry of this Consent Order disposes of the violations described in it, and the City waives its rights to seek judicial imposition of criminal penalties for the violations. The City reserves the rights to imposition of civil penalties pursuant to paragraph 14.
14. By executing this Consent Order, Respondent waives its right to judicial review or an administrative hearing on the terms of this Consent Order.
15. 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.
16. The provisions of this Consent Order shall apply to and be binding upon the parties, their officers, directors, agents, servants, employees, successors, and assigns.
17. The monitoring and reporting requirements of this Consent Order shall remain in effect until Final Engineer Report or DEP Notice of Completion of Construction is accepted and approved by EQD.

18. 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.
19. 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.
20. 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.


**CITY OF JACKSONVILLE
NEIGHBORHOODS DEPARTMENT**

JULY 6, 2023
Date


Chiquita Moore, Director
ALBERT FERRARO

Blanchard Apartments LLC

7/6/23
Date


Print Name: Brun Lario
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 JULY, 2023.



David Wood, Chair
Jacksonville Environmental Protection Board

Exhibit A

City of Jacksonville, Florida



ONE CITY. ONE JACKSONVILLE

Lenny Curry, Mayor

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

CEASE AND DESIST CITATION WP-22-55

By Certified Mail – Return Receipt

Certified Mail #9489 0090 0027 6470 1654 98

Brian Roy Lozito, Manager and Registered Agent for
Blanchard Apartments LLC
1529 Pullen Road, Unit 4
Jacksonville, Florida 32216

**RE: Duval County – Water Pollution
Wastewater Collection/Transmission System with Pump Station located at Real Estate ID Number (RE) 136151-0000, addressed at 1515 Pullen Road, Jacksonville, FL 32216 (the “System” at the “Property”)
Unpermitted Discharge of untreated wastewater to the ground and surrounding environment;
Failure to operate and maintain the System to remain operational; failure to comply with Wastewater Collection/Transmission System design standards; failure to notify EQD of Discharge from the System**

PLEASE TAKE NOTICE that

On October 7, 2022, and October 13, 2022, City of Jacksonville – Neighborhoods Department – Environmental Quality Division (EQD) staff conducted complaint investigations regarding a Discharge of wastewater from the System at the Property and documented:

- a. an unpermitted Discharge of untreated wastewater to the ground and surrounding environment;
 - (1) the wastewater samples collected October 13, 2022, by EQD staff at the points of discharge to the environment had laboratory analytical results 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 failed to comply with Wastewater Collection/Transmission System design standards as observed:
 - (1) the System did not have a compliant sign with required information;
 - (2) the System may not comply with other Wastewater Collection/Transmission System design standards; and
- d. 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 provide the required records.

At the time of the October 7, 2022, and October 13, 2022, complaint investigations, the owner of the System and Property was:

Blanchard Apartments LLC, a Florida limited liability company, pursuant to the Warranty Deed dated March 1, 2011, and recorded in the Official Records of Duval County, Florida in Book 15547 and Page 1614.

Accordingly, the owner of the System and Property is hereby notified of the continued violations 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;
- b. The failure to operate and maintain all Wastewater Collection/Transmission Systems to remain operational, to function as intended, and to provide uninterrupted transmission of wastewater to the Regional Sewer Utility point of connection, is a violation of JEPB Rule 3.103H;
- c. The failure to comply with Wastewater Collection/Transmission System design standards established or adopted in JEPB Rules 3.403 and 3.404;
- d. The failure of an owner or operator of a Wastewater Collection/Transmission System that discovers a release or discharge of wastewater from the system to the ground or surrounding environment has occurred, including direct discharge by overland flow or through conveyances to MS4 or Waters, to notify the Division immediately upon discovery of such release or discharge by calling (904) 255-7100 or by e-mail at SSO@coj.net, is a violation of JEPB Rule 3.103G as well as Rule 3.405.A.8 which also requires specific records be submitted to EQD.

The violations were determined by EQD staff during site investigation and records review. The enforcement investigation documentation is available for review and will be provided electronically as detailed below.

CORRECTIVE ACTION REQUIRED

1. Cease:
 - a. the unpermitted Discharge of untreated wastewater to the ground and surrounding environment;
 - 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 failure to comply with Wastewater Collection/Transmission System design standards; and
 - d. the failure to notify EQD of Discharge from the System and provide required records.
2. Acknowledge this Cease and Desist Citation within two days of receipt by emailing at enforcement@coj.net. EQD will then provide, by response email, the investigation documents and JEPB Rule 3 compliance education on operation, maintenance, and recordkeeping requirements
3. The signed Consent Order and a written response to this Cease and Desist Citation no later than **January 13, 2023**. Do not send penalty payment at this time.
 - a. The written response must:
 - i. must include the documentation for the corrective actions taken as of that date;
 - ii. must include the detailed pump station maintenance records from October 2020 through October 2022.

- b. The Consent Order requires the System Owner to:
- i. Maintain Compliance with operation, maintenance, and recordkeeping requirements, effective **immediately**.
 - ii. Submit the mandatory maintenance records for the System to EQD by the last day of each month beginning **January 2023** through December 2023, and
 - iii. Develop an educational campaign for tenants by **March 1, 2023**

The potential maximum daily penalty for violations is \$10,000 per day, per violation 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 21st day of December, 2022
City of Jacksonville
NEIGHBORHOODS DEPARTMENT

By: Chiquita L. Moore
Chiquita Moore, Director

Copy: Helen Gainey, EQD
DEP staff

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

City of Jacksonville, Neighborhoods Department,
Petitioner
and

DRI/CTR JAX Phase I, LLC, Evans General Contractors, LLC, and Vallencourt Construction Co. Inc.,
Respondents

**Re: Cease and Desist Citation WP-23-34
Construction Project located at Real Estate I.D. Number (RE) 003322-0715 at 9909 Pritchard Road, Jacksonville, Florida (the "Project")
Discharge of non-stormwater to City Municipal Separate Storm Sewer System ("MS4");
Failure to comply with erosion and sediment control requirements**

CONSENT ORDER

This Consent Order is made and entered into between the City of Jacksonville, Neighborhoods Department ("Department"), **DRI/CTR JAX Phase I, LLC** the property owner and developer, **Evans General Contractors, LLC**, contractor, and **Vallencourt Construction Co. Inc.**, the subcontractor, (collectively "Respondents") to settle certain issues between the parties under Chapter 360 and 362 of the Jacksonville Ordinance Code ("Ordinance Code") and Rule 3 of the Jacksonville Environmental Protection Board ("JEPB").

1. The Department, through its Environmental Quality Division ("EQD"), is charged with the administration and enforcement of Chapter 360 and 362, Ordinance Code, and the rules promulgated thereunder.

2. **DRI/CTR JAX Phase I, LLC**, a Foreign Limited Liability Company, the deeded property owners/developers of RE 003322-0715 at 9909 Pritchard Road, Jacksonville, Florida according to the Special Warranty Deed dated April 29, 2021, and recorded May 10, 2021, in the Official Records of Duval County, Florida in Book 19714 and Page 1316.

3. **Evans General Contractors, LLC**, contractor, a Foreign Limited Liability Company, is the contractor on the Project.

4. **Vallencourt Construction Co. Inc.**, a Florida profit corporation and subcontractor to Evans General Contractors, LLC, was performing construction activity at the Project at the time of the EQD investigation.

5. On April 19, 2023, EQD staff conducted an inspection at the Project and documented their allegations that the **DRI/CTR JAX Phase I, LLC, Evans General Contractors, LLC, and Vallencourt Construction Co. Inc.**, failed to utilize sufficient erosion and sediment control performance measures, or failed to maintain installed measures, at the Project, resulting in unlawful discharge of non-stormwater and turbid water from the Project to MS4:

- a. Water samples taken at the point of discharge (source) from the Project to the MS4 had a reading of 1000 NTUs.
- b. Water samples taken in Bay Drain downstream of the Site had a reading of 600 NTUs.
- c. The samples taken upstream from the point of discharge from the Project had a background turbidity reading of 3.2 NTUs..

- d. The state water quality standard for turbidity is <29 NTUs above natural background conditions.

6. As a result of the allegations documented in paragraph 5 above, on May 16, 2023, EQD issued Cease and Desist Citation WP-23-34 (the "Citation") to **DRI/CTR JAX Phase I, LLC, Evans General Contractors, LLC, and Vallencourt Construction Co. Inc.**, a copy of which is attached hereto and incorporated herein as Exhibit A.

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

DRI/CTR JAX Phase I, LLC, Evans General Contractors, LLC, and Vallencourt Construction Co. Inc., as identified, have begun and agree to complete the following actions to address the allegations within the established timeframes:

8. **IMMEDIATE AND ONGOING ACTIONS**: Respondents, by and through Vallencourt Construction Co. Inc., and its contracted professionals:

- a. have implemented actions necessary to stop all off-site, unlawful discharges of non-stormwater discharges, including sediment and turbid water, and exceedance of water quality standards; and
- b. shall continue to ensure that no additional unlawful discharges occur with respect to the Project, as further set forth herein. Areas of highest environmental concern are surface waters, wetlands, public streets or public storm sewer system.

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

- a. The BMP Assessment supplements the Project Stormwater Pollution Prevention Plan (SWPPP) and is specific to discussion and evaluation of the physical BMPs deployed for the Project.
- b. The BMP Assessment considered alternate and/or additional BMP options which are available to the **DRI/CTR JAX Phase I, LLC, Evans General Contractors, LLC, and Vallencourt Construction Co. Inc.**, and any of their contracted professionals, and which may provide enhanced protection to the public storm sewer system, wetlands, or other surface waters.

10. **SWPPP REVISIONS**: **Within 14 calendar days of the effective date of this Consent Order, DRI/CTR JAX Phase I, LLC, Evans General Contractors, LLC**, based on the results of the BMP Assessment above, Respondents, by and through Vallencourt Construction Co. Inc., and any of their contracted professionals, shall address the following items identified within the BMP Assessment by revising the SWPP drawings.

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

waters or wetlands.

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

11. **SUBMISSION AND REVIEW OF DOCUMENTS BY EQD:** Within 21 calendar days from the effective date of this Consent Order, DRI/CTR JAX Phase I, LLC, Evans General Contractors, LLC, and Vallencourt Construction Co. Inc., and any of their contracted professionals, shall submit any updated BMP Assessment(s), and the revised SWPPP documents identified in part 10 above by email to EQD at Enforcement@coj.net and ESC@coj.net.

- a. EQD staff will review the BMP Assessment(s) and revised SWPPP documents and may conduct an inspection of the revised BMPs.
- b. EQD may potentially request follow-up information at that time, but EQD does not approve the BMP Assessment or revised SWPPP documents.

12. **IMPLEMENT BMP REVISIONS:** Within 28 calendar days from the effective date of this DRI/CTR JAX Phase I, LLC, Evans General Contractors, LLC, and Vallencourt Construction Co. Inc., and any of their contracted professionals, shall implement and maintain any current and additional BMP measures as required by the consultant or Engineer, the revised SWPPP documents, and as required by the FDEP Manual and JEPB Rule 3. DRI/CTR JAX Phase I, LLC, Evans General Contractors, LLC, and Vallencourt Construction Co. Inc., and any of their contracted professionals, are advised that this requirement does not take the place of any required SWPPP inspections.

13. **SAMPLING:** Immediately upon the effective date of this Consent Order, DRI/CTR JAX Phase I, LLC, Evans General Contractors, LLC, and Vallencourt Construction Co. Inc., and any of their contracted professionals, shall take turbidity readings within 24 hours of the end of rain events of 0.5 inches or greater and/or upon the discharge from the Project of water which is turbid in appearance due to rainfall, dewatering, or any other site operations or otherwise indicating non-stormwater discharge into public storm sewer system, surfacewater, or wetlands.

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

14. **NOTIFICATION OF DISCHARGE:** Immediately upon the effective date of this Consent Order, DRI/CTR JAX Phase I, LLC, Evans General Contractors, LLC, and Vallencourt Construction Co. Inc., and any of their contracted professionals, shall notify EQD at Enforcement@coj.net and ESC@coj.net within 24 hours of any discharge of water from the Project which is greater than 29 NTUs above background as well as what corrective measures were taken.

15. **SUBMIT REVISED BMP ASSESSMENT:** Within 7 calendar days of reporting a discharge to EQD, DRI/CTR JAX Phase I, LLC, Evans General Contractors, LLC, and Vallencourt Construction Co. Inc., and any of their contracted professionals, shall provide to EQD at Enforcement@coj.net and ESC@coj.net and the Project engineer the revised BMP Assessment for adjustments to BMPs made in response to changes in site conditions or discharges and the SWPPP shall be revised accordingly.

16. **SUBMIT REPORT TO EQD:** Within 7 calendar days of any report of non-stormwater or sediment discharge into *public storm sewer system, surface waters or wetlands*, and any turbidity sampling results of greater than 29 NTUs above background to *public storm sewer system, surface water*

or wetlands, **DRI/CTR JAX Phase I, LLC, Evans General Contractors, LLC, and Vallencourt Construction Co. Inc.**, and any of their contracted professionals, shall provide a written report to EQD at Enforcement@coj.net, ESC@coj.net and the Project engineer with the following information:

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

17. **USE OF REPORTS AND NOTIFICATIONS:** The reports or notifications submitted by **DRI/CTR JAX Phase I, LLC, Evans General Contractors, LLC, and Vallencourt Construction Co. Inc.**, and any of their contracted professionals, to EQD as required by this Consent Order shall be used by EQD to verify compliance and determine the potential need for a Department inspection. Any violations documented during EQD inspections may warrant additional penalties or additional enforcement activities.

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

19. **FINAL STABILIZATION:** **DRI/CTR JAX Phase I, LLC, Evans General Contractors, LLC, and Vallencourt Construction Co. Inc.**, and any of their contracted professionals, shall continue the monitoring and reporting requirements of this Consent Order until the Project has reached Final Stabilization.

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

20. **CIVIL PENALTY:** **Vallencourt Construction Co. Inc., for itself and on behalf of all Respondents,** agrees to pay a civil penalty of **\$8,000 within 30 days after the effective date of this Consent Order.** Payment of such amount does not constitute, nor shall it be construed as, an admission of liability or wrongdoing by any Respondent with respect to any of the allegations in the Notice or the Citation.

- a. **Vallencourt Construction Co. Inc.,** shall deliver to the City a cashier's check or money order in the amount of **\$8,000** made payable to the City of Jacksonville **Environmental Protection Trust Fund**, mailing address, **Environmental Quality Division, 214 N. Hogan Street, Fifth Floor, Jacksonville, FL 32202, Attention: Ronda Wheeler.**
- b. Any sums unpaid within the time frame provided shall bear interest at the rate of 1.5 percent per month until paid.
- c. **DRI/CTR JAX Phase I, LLC, Evans General Contractors, LLC, and Vallencourt Construction Co. Inc.,** are jointly and severally liable for any and all sums due under this Consent Order.

21. **STIPULATED PENALTIES:** **DRI/CTR JAX Phase I, LLC, Evans General Contractors, LLC, and Vallencourt Construction Co. Inc.,** agree to pay the City stipulated penalties in the amount of One Hundred Dollars (\$100.00) per day for each and every day **DRI/CTR JAX Phase I, LLC, Evans General Contractors, LLC, and Vallencourt Construction Co. Inc.,** and any of their contracted professionals, fail to timely perform any of the corrective actions contained in this Consent Order.

- a. The Department shall assess a separate stipulated penalty for each failure to timely perform a corrective action contained in this Consent Order.
- b. Within 30 days of written demand from the Department, **DRI/CTR JAX Phase I, LLC, Evans General Contractors, LLC, and Vallencourt Construction Co. Inc.,** shall make payment of the appropriate stipulated penalties to the Department.
- c. **DRI/CTR JAX Phase I, LLC, Evans General Contractors, LLC, and Vallencourt Construction Co. Inc.,** shall pay with a cashier's check or money order made payable to the City of Jacksonville **Environmental Protection Trust Fund**, mailing address, **EQD 214 N. Hogan Street, Fifth Floor, Jacksonville, FL 32202, Attention: Ronda Wheeler.**
- d. The Department may make demands for payment at any time after **DRI/CTR JAX Phase I, LLC, Evans General Contractors, LLC, and Vallencourt Construction Co. Inc.,** and any of their contracted professionals, fail to timely perform each corrective action.
- e. If the Department is required to file a lawsuit to recover stipulated penalties under this paragraph, the Department is not foreclosed from seeking civil penalties for violations of this Consent Order in an amount greater than the stipulated penalties due under this paragraph.
- f. **DRI/CTR JAX Phase I, LLC, Evans General Contractors, LLC, and Vallencourt Construction Co. Inc.,** are jointly and severally liable for any and all sums due under this Consent Order.

22. Pursuant to Jacksonville Ordinance Code Section 362.110, a violation of the terms of this Consent Order may subject the **DRI/CTR JAX Phase I, LLC, Evans General Contractors, LLC, and Vallencourt Construction Co. Inc.,** to judicial imposition of civil penalties of up to \$10,000 per violation per day for their responsibilities under this Consent Order.

23. In consideration of the complete and timely performance of the obligations set forth in this Consent Order by **DRI/CTR JAX Phase I, LLC, Evans General Contractors, LLC, and Vallencourt Construction Co. Inc.,** the City agrees that entry of this Consent Order disposes of the violations described in it, and the City waives its rights to seek judicial imposition of damages or civil or criminal penalties for the violations.

24. By executing this Consent Order, **DRI/CTR JAX Phase I, LLC, Evans General Contractors, LLC, and Vallencourt Construction Co. Inc.**, waive their rights to judicial review or an administrative hearing on the terms of this Consent Order.

25. The City expressly reserves the right to initiate appropriate legal action to prohibit any future violations of the Jacksonville Ordinance Code or the rules of the Jacksonville Environmental Protection Board.

26. Performance of the terms of this Consent Order does not relieve the **DRI/CTR JAX Phase I, LLC, Evans General Contractors, LLC, and Vallencourt Construction Co. Inc.**, of the need to comply with applicable federal, state, or local laws, regulations, or ordinances.

27. **DRI/CTR JAX Phase I, LLC, Evans General Contractors, LLC, and Vallencourt Construction Co. Inc.**, and any of their contracted professionals, shall allow all authorized representatives of EQD access to the Project at reasonable times for the purpose of determining compliance with the terms of this Consent Order and the statutes, ordinances and rules administered by EQD.

28. This Consent Order shall become effective upon execution by the Chairperson of the Jacksonville Environmental Protection Board, which will occur after its execution by **DRI/CTR JAX Phase I, LLC, Evans General Contractors, LLC, and Vallencourt Construction Co. Inc.**, and the Director of the Department.

THIS SECTION INTENTIONALLY LEFT BLANK

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

**CITY OF JACKSONVILLE
NEIGHBORHOODS DEPARTMENT**

06/16/2023
Date

Chiquita D Moore
Chiquita Moore, Director

DRI/CTR JAX Phase I, LLC

June 7, 2023
Date

Todd Blackwell
Print Name: Todd Blackwell
Print Title: Vice President - Construction

Evans General Contractors, LLC

Date

Print Name: _____
Print Title: _____

Vallencourt Construction Co. Inc.

Date

Print Name: _____
Print Title: _____

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 JULY, 2023.

David Wood
David Wood, Chair
Environmental Protection Board

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

**CITY OF JACKSONVILLE
NEIGHBORHOODS DEPARTMENT**

06/16/2023
Date

Chiquita D Moore
Chiquita Moore, Director

DRI/CTR JAX Phase I, LLC

Date

Print Name: _____
Print Title: _____

Evans General Contractors, LLC

06/09/2023
Date

Jared W. Heald
Print Name: Jared Heald
Print Title: Senior Vice President

Vallencourt Construction Co. Inc.

Date

Print Name: _____
Print Title: _____

ORDER

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

David Wood, Chair
Environmental Protection Board

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

**CITY OF JACKSONVILLE
NEIGHBORHOODS DEPARTMENT**

Date Chiquita Moore, Director

DRI/CTR JAX Phase I, LLC

June 7, 2023 _____
_____ 

Date Print Name: Todd Blackwell
Print Title: Vice President - Construction

Evans General Contractors, LLC

Date Print Name: _____
Print Title: _____

Vallencourt Construction Co. Inc.

Date Print Name: _____
Print Title: _____

ORDER

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

David Wood, Chair
Environmental Protection Board

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

**CITY OF JACKSONVILLE
NEIGHBORHOODS DEPARTMENT**

06/14/2023
Date

Chiquita D. Moore
Chiquita Moore, Director

DRI/CTR JAX Phase I, LLC

Date

Print Name: _____
Print Title: _____

Evans General Contractors, LLC

Date

Print Name: _____
Print Title: _____

Vallencourt Construction Co. Inc.

6/8/2023
Date

Tim Gaddis
Print Name: Tim Gaddis
Print Title: Senior Project Manager

ORDER

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

David Wood, Chair
Environmental Protection Board

EXHIBIT A

City of Jacksonville, Florida



ONE CITY. ONE JACKSONVILLE

Lenny Curry, Mayor

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

CEASE AND DESIST CITATION WP-23-34

By Certified Mail – Return Receipt

Certified Mail #9489 0090 0027 6470 1618 10

DRI/CTR Jax Phase I, LLC
C/O CTR Partners LLC
2100 McKinney Avenue Ste 1050
Dallas, TX 75201

Certified Mail # 9489 0090 0027 6470 1617 97

Richard T. Evans, Sr., Chairman
Evans General Contractors, LLC
3050 Northwinds Parkway, Suite 200
Alpharetta, GA 30009

Certified Mail # 9489 0090 0027 6470 1618 58

Michael A. Vallencourt, Chairman
Vallencourt Construction Co. Inc.
449 Center Street
Green Cove Springs, FL 32043

Certified Mail # 9489 0090 0027 6470 1618 27

Corporation Service Company, Registered Agent for
DRI/CTR JAX Phase I, LLC
1201 Hays Street
Tallahassee, FL 32301

Certified Mail # 9489 0090 0027 6470 1618 03

NRAI Services, Inc., Registered Agent for
Evans General Contractors, LLC
1200 South Pine Island Road
Plantation, FL 33324

Certified Mail # 9489 0090 0027 6470 1618 65

Kyle Gammon, Registered Agent for
Vallencourt Construction Co. Inc.
449 Center Street
Green Cove Springs, FL 32043

**RE: Duval County – Water Pollution
Construction Project located at Real Estate I.D. Number (RE) 003322-0715 at 9909 Pritchard Road,
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 April 19, 2023, Environmental Quality Division (“EQD”) staff conducted a compliance inspection at the Project and documented a failure to install or maintain sufficient erosion and sediment control performance measures 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.

On April 19, 2023, EQD staff conducted an investigation of Discharge to MS4, which investigation documented:

- a. a Discharge of non-stormwater including, but not limited to, sediment and turbid water from the Project to the MS4.
 - (1) Water samples taken at the point of discharge (source) from the Project to the MS4 had a reading of 1000 NTUs.
 - (2) Water samples taken in the surface water downstream of the Site had a reading of 600 NTUs.

- (3) The samples taken upstream from the point of discharge from the Project had a background turbidity reading of 3.2 NTUs.
 - (4) The state water quality standard for turbidity is not greater than 29 NTUs above natural background conditions.
- b. the continued insufficient installation or maintenance of erosion and sediment control performance measures 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.

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

DRI/CTR JAX Phase I, LLC, a Foreign Limited Liability Company, the deeded property owners of RE 003322-0715 at 9909 Pritchard Road, Jacksonville, Florida according to the Special Warranty Deed dated April 29, 2021, and recorded May 10, 2021, in the Official Records of Duval County, Florida in Book 19714 and Page 1316; and

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

Evans General Contractors, LLC, a Foreign Limited Liability Company.

During the time of EQD's inspection, the Project construction company was:

Vallencourt Construction Co. Inc., a Florida profit corporation.

Accordingly, **DRI/CTR JAX Phase I, LLC, Evans General Contractors, LLC, and Vallencourt Construction Co. Inc.**, is hereby notified that it is 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 establishing and maintaining erosion and sediment control measures 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 EQD staff, at enforcement@coj.net. Ms. Gee-Jones 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 Consent Order signed by all parties is required to be emailed to Enforcement@coj.net no later June 2, 2023, 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 16th day of May, 2023

City of Jacksonville
NEIGHBORHOODS DEPARTMENT

By: Chiquita J. Moore
Chiquita Moore, Director

c: DEP Staff
EQD Staff





To Whom it may concern,

HB Next respectfully submits this BMP Assessment, and work follow-up letter to our client, Vallencourt for the project Florida Gateway Logistics

-BMP Assessment of Site

The notes below show the items noted by HB Next that can be implemented to improve the prevention for erosion and any potential sedimentation.

1. *Maintenance of BMPs along perimeter as needed to protect perimeter of site.*
2. *Improvement of dewatering BMPs if this activity is still needed where pond construction is taking place.*
3. *Completion of pond slope grade work and subsequent stabilization measures of slopes.*
4. *Completion of site work at discharge point and stabilization of outfall area as soon as possible.*
5. *Completion of slopes along site perimeter and subsequent stabilization of these slopes as soon as possible.*
6. *Temporarily stabilize any areas that are not to be worked in the immediate future to prevent soil from eroding.*



-Work Completed to date

The items below show the progression of work that has been completed thus far onsite. This reflects Vallencourt's continued efforts to install and maintain BMPs on site to best manage stormwater runoff and construction activities within the boundaries of the project. This work has been completed to mitigate any potential past BMP items that may have contributed to deficiencies on site. In addition, these improvements made are and will continue to aid in Vallencourt's ability to manage the project BMPs and any potential stormwater runoff discharge offsite.

1. *Silt Fence repairs have been made along the perimeter of site.*
2. *Previously referenced dewatering activities have ceased as efforts to control site discharge have been elevated.*
3. *Site work on pond and discharge area construction has been expedited.*
4. *Plans have been made to stabilize areas around the pond and discharge point as soon as possible following completion of site work in these areas.*



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

Graham Shari, Manager and Registered Agent for
G&H Land and Timber Investments, LLC
542435 US Hwy 1
Callahan, Florida 32011

RE: Cease and Desist Citation WP-22-65
Borrow pit activity located at Real Estate I.D. Number (RE) 106151-0040, addressed as 15504 Yellow Bluff Road, Jacksonville, Florida (the "Project")
Discharge of non-stormwater to City Municipal Separate Storm Sewer System ("MS4");
Turbidity discharge to surface water in exceedance of surface water quality standards

Consent Order

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-22-65 (the "Citation"). The required corrective actions have been completed. To complete the resolution of this case, the payment of a civil penalty of **\$3,600** is required. The check shall be made payable to the City of Jacksonville **Environmental Protection Trust Fund** and shall be mailed to the Department's Environmental Quality Division at **214 N. Hogan Street, Fifth Floor, Jacksonville, FL 32202** to the attention of **Ronda Wheeler** within 30 days after approval of this agreement by the JEPB. *EQD cannot accept this payment until after JEPB approval. Do not submit payment until receipt of a fully executed Consent Order with the JEPB Chair signature.*

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

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

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

Failure to sign and return this document to the Department on or before **July 12, 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**

06/28/2023
Date

Chiquita J. Moore
Chiquita Moore, Director

G&H Land and Timber Investments, LLC

6/28/23
Date

Shari Graham
Print Name: Shari Graham
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 17 day of JULY, 2023.

David Wood
David Wood, Chair
Environmental Protection Board

Reviewed	Date	Name
Prog. Supv.	n/a	Gee-Jones
Chief	6/16/2023	Long

Penalty calculation for 15504 Yellow Bluff Road WP-22-65

Duval County – Water Pollution

Borrow pit activity located at Real Estate I.D. Number (RE) 106151-0040, addressed as 15504 Yellow Bluff Road, Jacksonville, Florida (the "Project")

Discharge of non-stormwater to City Municipal Separate Storm Sewer System ("MS4"); Turbidity discharge to surface water in exceedance of surface water quality standards

Based upon the inspector's sampling (results below), the referenced violations are assessed civil penalties accordingly:

- 11/04/2022 Dewatering with insufficient BMPs/failure to maintain BMPs resulting in unlawful discharge of non-stormwater and turbid water from the Project to MS4.
- a water sample collected in the Mill Branch Creek upstream of the point of discharge had a background laboratory analytical result of 32 Nephelometric Turbidity Units (NTUs)
 - a water sample collected downstream from the point of discharge to Mill Branch Creek had a laboratory analytical result of 100 Nephelometric Turbidity Units (NTUs)
 - The state water quality standard (WQS) for turbidity is not greater than 29 NTUs above natural background conditions.

Penalty Calculation: WQS = 61 NTUs and Downstream impact = 100 NTUs (63% above standard)

Potential for Harm:

- MAJOR:** 1. Direct discharge of nonstormwater or turbid discharge to surface water or wetland with no erosion and sediment control measures at point of discharge to surface water or wetland

Extent of Deviation:

- MODERATE:** 1. Direct discharge of nonstormwater to surface water or wetland, and for turbid discharges to surface water or wetland with sampling results 30% to 69% over standard.

Good Faith Efforts to Cooperate = 20% (\$1,200) discount

Unique Circumstances (communication issues) = 20% (\$1,200) discount.

Total penalty assessed \$6,000 - \$2,400 = \$3,600

Analytical Results

Sample Description/Site/Location-Analyte	Laboratory I.D. Number	Date Analyzed	Time Analyzed	Specific Method	Practical Quantitation Limit	Result	Units	Notes
Downstream Creek	2211005-01	11/04/2022	15:15	EPA 180.1	0.10	100	NTU	
POD Creek	2211005-02	11/04/2022	15:15	EPA 180.1	0.10	100	NTU	
Creek Upstream	2211005-03	11/04/2022	15:15	EPA 180.1	0.10	32	NTU	
South MS4	2211005-04	11/04/2022	15:15	EPA 180.1	0.10	1.3	NTU	
MS4 POD	2211005-05	11/04/2022	15:15	EPA 180.1	0.10	130	NTU	