CITY OF JACKSONVILLE, FLORIDA
ADMINISTRATIVE SERVICES DEPARTMENT
SOLID WASTE DIVISION

ORDER TO CEASE UNAUTHORIZED SOLID WASTE MANAGEMENT FACILITY OPERATIONS AND REMOVE SOLID WASTE

Facility:
RE#s 111068 0000, 111075 0100, 111219 0010
Keystone Terminals
1301, 1915 and 0 Wigmore Street
Jacksonville, Florida 32206

Owner/Operator:
Keystone Properties LLC
Keystone Investments II, LLC

Date of Order: November 16, 2026

This Order is issued by the Director under Section 380.102, Ordinance Code, City of Jacksonville (the "Director"). As used in this Order, "Owner/Operator" means Keystone Properties LLC, Keystone Investments II, LLC, Keystone Terminals and any other person that owns, operates, controls, or is responsible for the Facility, each jointly and severally.

I. FINDINGS OF FACT

1. The City of Jacksonville (the "City") regulates solid waste disposal and management facilities pursuant to Part 1, Chapter 380, Ordinance Code.
2. The Owner/Operator owns, operates, or is responsible for the property and terminal located at 1301, 1915 and 0 Wigmore Street, Jacksonville, Florida 32206, RE#s 111068 0000, 111075 0100, 111219 0010 (the "Facility").
3. Based upon publicly available information and the City's investigation to date, the Facility has received, stored, handled, and transferred combustion ash.
4. Section 380.102, Ordinance Code, defines "solid waste" to include ashes and other discarded material resulting from industrial and commercial operations, and defines "special wastes" to include ash residue. The combustion ash received, stored, handled, and transferred at the Facility is solid waste within the meaning of Section 380.102.
5. The combustion ash at the Facility is not "recovered materials" within the meaning of Section 380.102, which is limited to metal, paper, glass, plastic, textile, and rubber materials and excludes materials destined for any use that constitutes disposal. The combustion ash is not "clean debris" within the meaning of Section 380.102.
6. Section 380.102 defines a "solid waste management facility" to include any facility the purpose of which is the processing or storage of solid waste, and defines a "transfer station" as a facility the primary purpose of which is to store or hold solid waste for transport to a

processing or disposal facility. The Facility is being used and operated as a solid waste management facility, including as a transfer station.

7. None of the exemptions set forth in Section 380.103(b) through (f) or Section 380.114, Ordinance Code, applies to the Facility or to the activities described in this Order.

8. No Certificate of Public Convenience and Necessity ("CON") has been issued under Part 1, Chapter 380, Ordinance Code, for the Facility. The City Council has not approved a CON for the Facility as required by Sections 380.106 and 380.107, Ordinance Code.

9. On October 13, 2026, the City requested information from the Owner/Operator concerning the materials received, stored, and transferred at the Facility, with a response due 30 days from the receipt of the letter. The Owner/Operator failed to produce any of the requested documents. The Owner/Operator responded on November 12, 2026 that the Facility does not constitute a solid waste or management facility or transfer station. The City disagrees with this characterization, which is contradicted by the available evidence. First, according to the Waste Management Annual CCR Management Plan and Dust Control Report (dated March 2024), the coal ash material handled at the Facility is ultimately transported and disposed at Chesser Island Landfill. See Exhibit 1. This documentation demonstrates that the coal ash is being stored at the facility pending its transportation to a disposal facility. The fact that the coal ash is temporarily stored at the Facility does not change the nature of the material or the character of the activities being conducted there. Second, the Owner/Operator states that DEP has not required any permitting, suggesting that the absence of a state permitting requirement establishes that no City authorization is required. That argument is misplaced. The City's solid waste management requirements under Chapter 380, are separate and independent from DEP's permitting requirements. The absence of a DEP permit requirement does not exempt the facility from the City's CON requirements. Additionally, the Facility received a Warning Letter from DEP for storing or disposing of coal combustion residuals without DEP authorization and failing to comply with applicable rules. See Exhibit 2. Moreover, the Facility admits it is applying for a solid waste transfer permit with DEP. See Exhibit 3. Finally, Mr. Bill Harris, the Facility's representative, publicly stated during a presentation before the Waterways Commission on November 10, 2021, that the Facility is a "pass through" facility and the coal ash is shipped to Waste Management in Georgia for disposal. See https://jaxcityc.granicus.com/player/clip/3776?view_id=1&redirect=true. This statement is consistent with the City's determination that the facility receives and temporarily stores solid waste for subsequent transportation to a disposal facility. It also directly contradicts the Owner/Operator's present attempt to characterize the facility's activities as ordinary bulk material handling unrelated to solid waste management. The Facility has provided no other information to support its claim that it is not a solid waste management facility or transfer station. Accordingly, the Director finds that the facility is being used and operated

as a solid waste management facility, including as a transfer station, within the meaning of Section 380.102.

10. The use of the Facility as a solid waste management facility without a CON violates Section 380.103(a), Ordinance Code. Each day the Facility is so used constitutes a separate violation.

11. The continued receipt and storage of solid waste at the Facility without a CON, at a site adjacent to the St. Johns River, presents a risk to the public health, safety, and welfare, and requires immediate correction.

II. AUTHORITY

This Order is issued pursuant to Part 1, Chapter 380, Ordinance Code, including the following:

(a) Section 380.103(a), which prohibits any person from using property, or permitting property under the person's control or ownership to be used, as a solid waste disposal or management facility without a CON;

(b) Sections 380.106 and 380.107, which require City Council approval of a CON before a solid waste management facility begins operation;

(c) Section 380.107(a) states that the Council may issue the certificate with or without conditions if it finds, based upon the criteria considered by the Director, the Chief of Solid Waste, the Chief of the Environmental Quality Division, the Director of Planning and Development and the Florida Department of Health in Duval County that the facility, if designated under Chapter 386, would serve the public convenience and provide a needed service to the citizens of Duval County;

(d) Section 380.108, which establishes operating requirements applicable to solid waste disposal and management facilities;

(e) Section 380.109(b), which authorizes the Director to issue an order to correct any violation of Part 1, Chapter 380, within a reasonable period of time, and, if the order is not obeyed, to seek judicial penalties and injunctive relief; and

(f) Section 380.113, which makes it unlawful to violate any provision of Part 1, Chapter 380, or any order of the Director entered pursuant to Part 1, and which provides civil penalties of up to $2,000 per offense, each day constituting a separate offense, in addition to criminal penalties.

III. ORDER

Based on the foregoing findings and authority, it is ORDERED:

1. Cessation of Receipts.

(a) Within 5 business days after service of this Order, the Owner/Operator shall cease receiving, offloading, accepting, or storing any additional solid waste at the Facility, including any combustion ash on any vessel, railcar, or motor vehicle that is en route to the Facility, except as provided in subsection (b).

(b) *Vessel at berth.* If, at the time of service of this Order, a vessel carrying combustion ash is moored at the Facility, the Owner/Operator may complete the offloading of that vessel only, within 10 business days after service of this Order, provided that the Owner/Operator:

(i) within 3 business days after service of this Order, notifies the Director in writing of the vessel's name, its date of arrival, and the tonnage of combustion ash aboard;

(ii) complies with Section 4 of this Order during offloading; and

(iii) removes all material offloaded under this subsection in accordance with Section 2.

Material offloaded under this subsection is solid waste subject to all requirements of this Order. This subsection does not authorize the receipt of solid waste from any other vessel, railcar, or motor vehicle.

2. Removal of Existing Solid Waste.

(a) No later than 45 calendar days after service of this Order, the Owner/Operator shall remove all solid waste, including all combustion ash, from the Facility and shall deliver it only to a facility lawfully authorized to receive it. Except as provided in subsection (b), this deadline runs from the date of service and is not tolled or extended by any submission, request for review, application, or other filing by the Owner/Operator.

(b) *Extension.* The Director may, in the Director's discretion, extend the removal deadline in writing for a period not to exceed 30 calendar days per extension, and not to exceed 90 calendar days in total, upon a written request submitted no later than 10 business days before the deadline then in effect. The request shall demonstrate, with supporting documentation:

(i) that the Owner/Operator has removed solid waste continuously and diligently since service of this Order, as shown in the reports required by Section 5;

(ii) that removal cannot be completed by the deadline despite such diligence, because of the quantity of material, the capacity of transporters or receiving facilities, or other circumstances beyond the Owner/Operator's control; and

(iii) a schedule for completing removal, with interim tonnage milestones.

3. Activities Authorized for Removal Only.

The Owner/Operator is authorized to load, transport, and otherwise handle the solid waste existing at the Facility or offloaded under Section 1(b) solely for the purpose of removing it from the Facility in compliance with this Order, as well as any applicable local, state or federal laws. No other solid waste management activity is authorized. This authorization is conditioned on the Owner/Operator's compliance with Sections 4 and 6 of this Order.

4. Containment During Removal.

During removal, the Owner/Operator shall contain all solid waste so that no material escapes the Facility or any transport vehicle. At a minimum, the Owner/Operator shall cover all loads before they leave the Facility; employ dust suppression measures sufficient to prevent visible emissions beyond the Facility boundary; prevent the tracking of material onto public rights-of-way; prevent any seepage, drainage, or escape of material into the St. Johns River or any other surface water; and comply with Section 380.108(d), (e), and (k), Ordinance Code.

5. Confirmation and Reporting.

The Owner/Operator shall provide the following to the Director in writing:

(a) within 3 business days after service of this Order, confirmation that all receipts of solid waste at the Facility have ceased;

(b) every 7 business days after service of this Order until removal is complete, a report stating the tonnage of solid waste removed during the reporting period and cumulatively, the hauler for each load, the receiving facility for each load, and copies of all receiving facility receipts or weight tickets; and

(c) within 5 business days after the removal deadline in Section 2, a final certification, signed by an officer of the Owner/Operator, that all solid waste has been removed from the Facility, together with receipts from each receiving facility.

6. Inspection and Access.

As a condition of the authorization in Section 3, the Owner/Operator shall provide authorized City personnel, upon presentation of credentials, access to the Facility at reasonable times to inspect the Facility and its records, and to observe removal activities. If access is refused, the City may seek an inspection warrant or include access in a request for injunctive relief.

7. Site Security.

Until removal is complete, the Owner/Operator shall take all measures necessary to secure the Facility, prevent unauthorized dumping, and protect the public health, safety, and environment. The Owner/Operator shall not abandon any solid waste or take any action that creates or exacerbates a nuisance, environmental hazard, or other violation of applicable law.

8. Preservation of Records.

The Owner/Operator shall preserve all records, in any form, concerning the receipt, storage, handling, processing, transfer, and shipment of combustion ash and other solid waste at the Facility, including bills of lading, manifests, contracts, invoices, weight tickets, sampling data, and correspondence.

9. Effect of an Application for a CON.

The filing of an application for a CON under Section 380.104, Ordinance Code, does not authorize any operation of the Facility as a solid waste management facility, does not stay or modify this Order, and does not extend any deadline in this Order. No operation requiring a CON may occur unless and until the City Council has approved a CON for the Facility pursuant to Sections 380.106 and 380.107 and all other applicable requirements have been satisfied. Section 380.112(a), Ordinance Code, which addresses the continued operation of certificated facilities during timely renewal, does not apply to the Facility.

10. Failure to Comply.

Failure to comply with this Order is a separate violation of Section 380.113, Ordinance Code. Pursuant to Sections 380.109(b) and 380.113, the City may seek injunctive relief and civil penalties of up to $2,000 per offense, with each day of violation constituting a separate offense, and may pursue any other remedy available under Chapter 380 or other applicable law. A person who knowingly, willfully, or with culpable negligence violates Part 1, Chapter 380, or this Order is guilty of a class E offense.

11. Reservation of Rights.

Nothing in this Order waives or limits the City's authority to seek civil penalties for violations of Section 380.103(a) occurring before the Date of the Order, or to take any other enforcement action authorized by law.

12. Continuing Effect.

This Order remains in effect until modified or rescinded in writing by the Director or set aside by a court of competent jurisdiction.

IV. OPPORTUNITY TO RESPOND; REVIEW

Within 5 business days after service of this Order, the Owner/Operator may submit a written response to the Director and may request a meeting with the Director concerning this Order. The Owner/Operator may present documents, testimony, and argument concerning whether the Facility is subject to Section 380.103(a), Ordinance Code, the accuracy of the findings in this Order, and whether this Order should be modified. The Director may issue a written decision affirming, modifying, or rescinding this Order. A written response and a request for a meeting does not stay this Order or extend any deadline in it. Unless a court of competent jurisdiction orders otherwise, the pendency of any request for review does not authorize any activity prohibited by this Order.

The Director may be reached at Al Ferraro, 214 North Hogan Street, 5th Floor, Jacksonville, FL 32202, (904) 255-8746, AlbertF@coj.net.

V. SERVICE

This Order shall be served on Keystone Properties LLC and Keystone Investments II, LLC, through their registered agents, by certified mail, return receipt requested, at the following addresses:

Certified mail, return receipt requested
Attention: Registered Agent for Keystone Investments II, LLC and Keystone Properties LLC
ANSBACHER, SCHNEIDER & TRAGER, P.A.
5150 BELFORT RD BLDG 100
JACKSONVILLE, FL 32256

A copy shall also be mailed to the Facility at:
Keystone Terminals
1915 Wigmore Street
Jacksonville, Florida 32206

A copy shall be sent via Email to Mr. Bill Harris, wharrisco@aol.com

DONE AND ORDERED this 16 day of November, 2026.

Al Ferraro
Acting Director, Administrative Services Department