

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

City of Jacksonville, Neighborhoods Department,
Petitioner
and

BBK Investment, LLC
Respondent

**Re: Cease and Desist Citation WP-23-05
Gravity Wastewater Collection/Transmission System located at:
Real Estate ID Number (RE) 138625-0000, addressed at 4317 University Boulevard
South, 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 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 **BBK Investment, 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. **BBK Investment, LLC**, a Florida limited liability company, pursuant to the Special Warranty Deed dated October 15, 2019, and recorded in the Official Records of Duval County, Florida in Book 18974 and Page 758.
3. On January 11, 2023, EQD staff conducted a complaint investigation and documented:
 - a. an unpermitted Discharge of untreated wastewater to the ground and surrounding environment;
 - i. the wastewater samples collected January 11, 2023, by EQD staff at the points of discharge to the environment had laboratory analytical results of greater than or equal to >241,960 MPN/100 ml for E. coli, and
 - ii. 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; and
 - c. 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-23-05 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. **COMPLETE REPORT: No later than April 28, 2023**, 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 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.

8. **MONTHLY STATUS REPORT:** Respondents shall submit a monthly status report regarding the ***plumber's or engineer's review, Report, permitting and repairs*** by the **last day of each month beginning in March 2023**, 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-23-05, 4317 University Blvd. S.*" in the Subject line of the email.
9. **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.**
10. **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, attention Ronda Wheeler.**
 - 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.
11. **CIVIL PENALTY:** A civil penalty of **\$8,000** is assessed for the violations of JEPB Rule 3. EQD reserves the right assess penalty mitigation for good faith efforts to cooperators based on results of System review and costs of documented and confirmed repairs or modifications to the System in accordance with its settlement guidelines.
 - a. Respondents shall deliver to the City a cashier's check or money order as directed by EQD **within 30 days of electronic mail notification** of the final assessed civil penalty following completion of the System Review and confirmation of completion of all required repairs or modifications to the System.
 - b. 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, attention Ronda Wheeler.**
 - c. 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 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.
14. By executing this Consent Order, Respondents waive their 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 reporting requirements of this Consent Order shall remain in effect until all corrective actions are accepted by EQD.
18. 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.
19. 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.
20. 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

03/21/2023
Date

Chiquita D. Moore
Chiquita Moore, Director

2. **BBK INVESTMENT, LLC**

3-13-2023
Date

[Signature]
Print Name: SHIN T SEO
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 ~~13~~ 24 day of APRIL, 2023.

[Signature]
David Wood, Chair
Jacksonville Environmental Protection Board



ONE CITY. ONE JACKSONVILLE

City of Jacksonville, Florida

**CONSENT ORDER
WP-23-05
EXHIBIT A**

Lenny Curry, Mayor

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

**CEASE AND DESIST
CITATION
WP-23-05**

By Certified Mail – Return Receipt

Certified Mail#
Shin T. Seo, Manager
BBK Investment, LLC
4815 Elkhorn Hill Drive
Suwanee, GA 30024

Certified Mail#
Shin T. Seo, Registered Agent for
4317 University Blvd S
Jacksonville FL 32216

Certified Mail#
Aurathai Sellas, doing business as
A Taste of Thai
4317 University Blvd. S.
Jacksonville FL 32216-4909

Certified Mail#
BBK Investment, LLC
12001 Abess Boulevard, Apartment 5109
Jacksonville, Florida 32225

RE: Duval County – Water Pollution
Gravity wastewater collection/transmission system located at Real Estate ID Number 138625-0000, 4317 University Boulevard South, Jacksonville, Florida
Unlawful discharge of untreated wastewater to the ground and surrounding environment; Failure to operate and maintain the System to remain operational; Failure to notify EQD of Discharge from the System and provide required records

PLEASE TAKE NOTICE that

On January 11, 2023, City of Jacksonville – Neighborhoods Department – Environmental Quality Division (EQD) staff conducted a complaint investigation 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 sample collected January 11, 2023, 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 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 January 11, 2023 complaint investigation, the owner of the System and Property was:

BBK Investment, LLC, a Florida limited liability company, pursuant to the Special Warranty Deed dated October 15, 2019 and recorded in the Official Records of Duval County, Florida in Book 18974 and Page 758.

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 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 3.405A.8 which also requires specific records be submitted to EQD

The violation was 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 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; and
 - c. the failure to notify EQD of Discharge from the System.
- 2. Acknowledge this Cease and Desist Citation within two days of receipt by emailing enforcement@coj.net. EQD will then provide, by response email, the investigation documents and JEPB Rule 3 compliance education.
- 3. Submit a written response to this Cease and Desist Citation within ten business days of receipt of this Citation. The written response must:
 - a. must include an explanation of what caused the discharge and the documentation for the corrective actions taken as of that date;
 - b. must include the detailed pump station maintenance records from December 2020 through December 2022

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 7th day of FEBRUARY, 2023

City of Jacksonville
NEIGHBORHOODS DEPARTMENT

By: Chiquita L. Moore
Chiquita Moore, Director

c: Helen Gainey, EQD
DEP Staff

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

City of Jacksonville, Neighborhoods Department,
Petitioner
and

First Coast Energy L.L.P.,
Respondent

**Re: Cease and Desist Citation WP-22-59
Wastewater Collection/Transmission System with Pump Station located at Real Estate ID Number (RE) 007628-0100, addressed at 7750 Normandy Boulevard, Jacksonville, FL 32221 (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 **First Coast Energy L.L.P.**, 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. First Coast Energy L.L.P., a foreign limited liability partnership, is the owner of the System at the Property pursuant to the General Warranty Deed dated April 1, 1997 and recorded in the Official Records of Duval County, Florida at Book 8583 and Page 202.
3. On November 14, 2022, EQD staff conducted a complaint investigation and documented:
 - a. an unpermitted Discharge of untreated wastewater to the ground and surrounding environment:
 - i. the wastewater samples collected November 14, 2022 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
 - ii. the water quality standard for a single sample for E. coli is less than 410 MPN/100ml; the failure to operate and maintain the System to remain operational, to function as intended, and to provide uninterrupted transmission of wastewater;
 - b. the System failed to comply with Wastewater Collection/Transmission System design standards as observed:
 - i. the System did not have a compliant sign with the required

- information; and
 - ii. the System may not comply with other Wastewater Collection/ Transmission System design standards; and
 - 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 provide the required records.
- 4. As a result of the conditions documented in paragraph 3 above, EQD issued Cease and Desist Citation WP-22-59 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. COMPLETE ENGINEER REPORT or DEP PERMIT APPLICATION: No later than **May 31, 2023**, 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") is necessary, the engineer may proceed directly with submittal of the DEP Permit Application by February 28, 2023.
 - a. The Engineer Report shall include, at a minimum:
 - i. findings of the camera investigation of the collection lines, dye test results 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, 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.
 - 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.
8. DEP PERMIT APPLICATION AFTER ENGINEER REPORT: 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**.
9. 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 **by August 31, 2023** 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.

10. 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 on March 31, 2023, 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.
11. 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 3.405.A.
12. 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 on March 31, 2023, until all repairs and modifications to the System, as recommended by the engineer and accepted by EQD, have been completed and approved.
13. 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.
14. CIVIL PENALTY: A civil penalty of **\$8,000** is assessed for the violations of JEPB Rule 3. EQD reserves the right to assess penalty mitigation for good faith efforts to cooperators based on results of System review and costs of documented and confirmed repairs or modifications to the System in accordance with its settlement guidelines.

- a. Respondent shall deliver to the City a cashier's check or money order as directed by EQD **within 30 days of electronic mail notification** of the final assessed civil penalty following completion of the System Review and confirmation of completion of all required repairs or modifications to the System.
 - b. Respondent 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, attention Ronda Wheeler.**
 - c. Any sums unpaid within the time frame provided shall bear interest at the rate of 1.5 percent per month until paid.
15. 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.
 16. 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.
 17. By executing this Consent Order, Respondent waives its right to judicial review or an administrative hearing on the terms of this Consent Order.
 18. 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.
 19. The provisions of this Consent Order shall apply to and be binding upon the parties, their officers, directors, agents, servants, employees, successors, and assigns.
 20. 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.
 21. 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.
 22. 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.

23. 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

04/06/2023
Date

Chiquita L Moore
Chiquita Moore, Director

First Coast Energy L.L.P.

APRIL 4, 2023
Date

Aubrey L Edge
Print Name: Aubrey L Edge
Print Title: Manager
Petro Distributing Partners of Florida, LLC
Its Partner

ORDER

I hereby certify that the foregoing document was adopted by order of the Environmental Protection Board of the City of Jacksonville this 24 day of APRIL, ~~2022~~ 2023.

David Wood
David Wood, Chair
Jacksonville Environmental Protection Board



ONE CITY ONE JACKSONVILLE

City of Jacksonville, Florida

CONSENT ORDER WP-22-59 EXHIBIT A

Lenny Curry, Mayor

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

CEASE AND DESIST CITATION WP-22-59

By Certified Mail – Return Receipt

Certified Mail

Donna A. Miller, Registered Agent for
First Coast Energy L.L.P.
7014 A.C. Skinner Parkway, Suite 290
Jacksonville, Florida 32256-6940

**RE: Duval County – Water Pollution
Wastewater Collection/Transmission System with Pump Station located at Real Estate ID Number (RE) 007628-0100, addressed at 7750 Normandy Boulevard, Jacksonville, FL 32221 (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 November 14, 2022, City of Jacksonville – Neighborhoods Department – Environmental Quality Division (EQD) staff conducted a complaint investigation 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 sample collected November 14, 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 November 14, 2022 complaint investigation, the owner of the System and Property was:

First Coast Energy L.L.P., a foreign limited liability partnership, pursuant to the General Warranty Deed dated April 1, 1997 and recorded in the Official Records of Duval County, Florida at Book 8583 and Page 202.

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 3.405A.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 contacting Melissa Long 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 December 19, 2022. 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 November 2022.

- b. The Consent Order requires the System Owner to:
 - i. Hire a Florida licensed, professional engineer to submit the *required Engineer Report* to EQD by February 28, 2023.
 - ii. Repair or modify the System as recommended in the Engineer Report to comply with wastewater design standards pursuant to JEPB Rule 3.403A, and submit the Final Engineer Report no later than June 30, 2023 unless additional time is warranted based upon the Engineer Report;
 - iii. Submit monthly status reports to EQD for the Engineer Report and ongoing corrective actions by the last day of each month beginning December 31, 2022; and
 - iv. Submit the mandatory maintenance records for the System to EQD by the last day of each month beginning December 31, 2022.

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 28th day of NOVEMBER, 2022
City of Jacksonville
NEIGHBORHOODS DEPARTMENT

By: Chiquita D. Moore
Bryan Mosier, Director
Chiquita Moore, Operations Director

Copy: Helen Gainey, EQD
DEP staff

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

City of Jacksonville, Neighborhoods Department,
Petitioner
and

GSJ, L.P.,
Respondent

Re: Cease and Desist Citation WP-23-07

Gravity Wastewater Collection/Transmission System located at:

Real Estate ID Number (RE) 143633-0000, addressed at 7703 India Avenue, Jacksonville, FL 32211

Real Estate ID Number (RE) 143499-0010, addressed at 7623 Kona Avenue, Jacksonville, FL 32211

Real Estate ID Number (RE) 143505-0010, addressed at 7709 Kona Avenue, Jacksonville, FL 32211

Real Estate ID Number (RE) 143639-0000, addressed at 7613 Jasper Avenue, Jacksonville, FL 32211

Real Estate ID Number (RE) 143641-0010, addressed at 7723 Jasper Avenue, Jacksonville, FL 32211

Real Estate ID Number (RE) 143626-0000, addressed at 7633 Hare Avenue, Jacksonville, FL 32211

Real Estate ID Number (RE) 143674-0010, addressed at 7810 India Avenue, Jacksonville, FL 32211

(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 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 **GSJ, L.P.**, 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. **GSJ, L.P.**, a foreign limited partnership, is the owner of the System at the Property pursuant to the Special Warranty Deed dated May 10, 2018, and recorded in the Official Records of Duval County, Florida at Book 18388 and Page 2115.
3. On February 1, 2023, EQD staff conducted a complaint investigation and documented:
 - a. an unpermitted Discharge of untreated wastewater to the ground and surrounding environment;
 - i. the wastewater samples collected February 1, 2023, by EQD staff at the points of discharge to the environment had laboratory analytical results of greater than or equal to 241,960 MPN/100 ml for E. coli, and
 - ii. 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; and
 - c. 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-23-07 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. **COMPLETE REPORT: No later than April 28, 2023**, 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 and must not allow 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 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 Melissa Long at Enforcement@col.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.
8. **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 on February 28, 2023**, 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-23-07, 7703 India Avenue" in the Subject line of the email.
 9. **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**.
 10. **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, attention Melissa Long**.
 - 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.
 11. **CIVIL PENALTY:** A civil penalty of **\$8,000** is assessed for the violations of JEPB Rule 3. EQD reserves the right to assess penalty mitigation for good faith efforts to cooperators based on results of System review and costs of documented and confirmed repairs or modifications to the System in accordance with its settlement guidelines.

- a. Respondents shall deliver to the City a cashier's check or money order as directed by EQD within 30 days of electronic mail notification of the final assessed civil penalty following completion of the System Review and confirmation of completion of all required repairs or modifications to the System.
 - b. 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, attention Melissa Long*.
 - c. 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 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.
14. By executing this Consent Order, Respondents waive their 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 reporting requirements of this Consent Order shall remain in effect until all corrective actions are accepted by EQD.
18. 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.
19. 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.

20. 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**

03/29/2023
Date

Chiquita J. Moore
Chiquita Moore, Director

GSJ, L.P.

3/27/2023
Date

Aviv
Print Name: Aviv Elbaz
Print Title: CEO

ORDER

I hereby certify that the foregoing document was adopted by order of the Environmental Protection Board of the City of Jacksonville this 24 day of APRIL, 2023.

David Wood
David Wood, Chair
Jacksonville Environmental Protection Board



ONE CITY. ONE JACKSONVILLE

City of Jacksonville, Florida

Consent Order

WP-23-07

Exhibit A

Lenny Curry, Mayor

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

CEASE AND DESIST CITATION WP-23-07

By Certified Mail – Return Receipt

Certified Mail #9489 0090 0027 6470 1652 76

GSJ, L.P.
6499 Powerline Rd, #206
Fort Lauderdale, Florida 33309

Certified Mail #9489 0090 0027 6470 1652 83

Aviv Elbaz, Registered Agent for
GSJ, L.P.
800 Corporate Drive, Suite 210
Fort Lauderdale, Florida 33334

RE: Duval County – Water Pollution

Gravity Wastewater Collection/Transmission System located at:

Real Estate ID Number (RE) 143633-0000, addressed at 7703 India Avenue, Jacksonville, FL 32211

Real Estate ID Number (RE) 143499-0010, addressed at 7623 Kona Avenue, Jacksonville, FL 32211

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Real Estate ID Number (RE) 143626-0000, addressed at 7633 Hare Avenue, Jacksonville, FL 32211

Real Estate ID Number (RE) 143674-0010, addressed at 7810 India Avenue, Jacksonville, FL 32211

(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 notify EQD of
Discharge from the System**

PLEASE TAKE NOTICE that

On February 1, 2023, City of Jacksonville – Neighborhoods Department – Environmental Quality Division (EQD) staff conducted a complaint investigation 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 February 1, 2023, by EQD staff at the points of discharge to the environment had laboratory analytical result of greater than or equal to 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; and
- 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 provide the required records.

At the time of the February 1, 2023, complaint investigation, the owner of the System and Property was:

GSJ, L.P., a foreign limited partnership, pursuant to the Special Warranty Deed dated May 10, 2018, and recorded in the Official Records of Duval County, Florida in 18388, Page 2115.

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 3.103.H;
- c. 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.

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; and
 - c. 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.
3. Provide to EQD the signed Consent Order and a written response to this Cease and Desist Citation no later than **February 17, 2023**. Do not send penalty payment at that time.
 - a. The written response must include the documentation for the corrective actions taken as of that date; and
 - b. The Consent Order requires the System Owner to hire a licensed wastewater engineer to review the wastewater collection and transmission system.

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 6th day of FEBRUARY, 2023
City of Jacksonville
NEIGHBORHOODS DEPARTMENT

By: Chiquita D. Moore
Chiquita Moore, Director

Copy: Helen Gainey, EQD
DEP staff

