

Air Odor Noise Committee

Roi Dagan, M.D. – Chair
Michelle Tappouni
Mobeen Rathore, M.D.
David Wood
Gabriel DuPree – Alt

Education & Public Outreach

Michelle Tappouni – Chair
Lucinda Sonnenberg, Ph.D.
Nick Howland
Bobby Baker, P.E.

**Water Committee**

Lucinda Sonnenberg, Ph.D. – Chair
Gabriel DuPree
Amy Fu, P.E.
Bobby L. Baker, P.E.
David Wood – Alt

Nick Howland – Chairman

Amy Fu, P.E. – Vice Chairman

Bobby L. Baker, P.E., Roi Dagan, M.D., Gabriel DuPree

Mobeen Rathore, M.D., Lucinda Sonnenberg, Ph.D., Michelle Tappouni, David Wood

City of Jacksonville, Florida
ENVIRONMENTAL PROTECTION BOARD

Monday, February 13, 2017

Meeting Summary

Members Present:

Nick Howland, Chair
Amy Fu, P.E., Vice Chair
Gabriel DuPree
Michelle Tappouni

Lucinda Sonnenberg, Ph.D.
Bobby Baker, P.E.
David Wood
Mobeen Rathore, M.D. (via phone)

Members not present:

Roi Dagan, M.D.

Staff/Resources Present

James Richardson, EPB Administrator
Jason Teal, OGC
Melissa Long, P.E., Chief

Visitor(s):

John Wallace
John November
Tom Larson, Sierra Club

CALL TO ORDER

NICK HOWLAND

Chair Nick Howland called the monthly meeting of the Environmental Protection Board (EPB) to order at 5:04 p.m.

I. CHAIRMAN'S REMARKS

- Chair Howland thanked Amy Fu for chairing the January Board meeting after having to leave early on a short notice
- Sondra Fetner, OGC and husband had a baby girl in the month of January
- A funding request (Public Trust Tree Canopy Project) and presentation (Mercury Study) will be presented.

II. COMMENTS FROM THE PUBLIC

There were no comments from the public.

III. APPROVAL OF JANUARY 2017 BOARD MEETING SUMMARIES

- January 9, 2017 – Board Meeting
- January 9, 2017 – Lower St. Johns Technical Advisory Committee Funding Hearing

Public Comment

None

Board Vote

Dr. Sonnenberg wanted to clarify and amend the EPB Minutes regarding the Septic Tank Infrastructure funding request from the Administration with a statement that the Board requests that any future items to be presented to the Board for approval be submitted prior to the meeting for review.

A motion to approve the January Board meeting summaries as amended (Tappouni), which was properly seconded (DuPree) and approved by the body.

IV. APPROVAL OF JANUARY 2017 COMMITTEE MEETING SUMMARIES

- January 23, 2017 – Water Committee Meeting
- January 23, 2017 – Air Committee Meeting
- February 2, 2017 – Education & Public Outreach Committee Meeting

Public Comment

None

Board Vote

A motion was made to approve the January Committee Meeting summaries (Dr. Dagan) and properly seconded (DuPree) and approved by the body.

V. CONSENT ORDERS

TREE KILBOURN

(Air/Odor/Noise)

- **none**

(Water/Haz Mat)

- **The Krystal Company, Inc. (WP-16-09)** - Unlawful discharge of untreated wastewater; Failure to maintain system so as to function as intended; Failure to notify EQD of a discharge of wastewater and submit required documentation – **proposed settlement: \$0** [*\$8,000 less 20% discount for good faith efforts to cooperate and 100% mitigation for SEP of outstanding quality valued at \$142,086.50*]

Board Member David Wood disclosed a conflict of interest (filed Form 8B Memorandum of Voting Conflict attached) and abstained from voting.

A motion to approve the consent order(s) was made (Tappouni) and properly seconded (DuPree) and approved (7 - 1 abstained).

- **Princeton Enterprises, agent for Preserve at Cedar River Limited Partnership (WP-15-41)** - Unlawful discharges of wastewater; Failure to maintain system so as to function as intended; Unlawful bypass of wastewater treatment facility – **proposed settlement: \$0** [*\$12,600 less 20% good faith efforts to cooperate and 100% mitigation for SEP of outstanding quality valued at \$24,235*]

A motion to approve the consent order(s) was made (Sonnenberg) and properly seconded (DuPree) and approved by the body.

- **McDonald's Corporation and DCC Lee Enterprises, Inc. (WP-15-24)** - Unlawful discharge of wastewater to storm water sewer; Failure to maintain system to function as intended; Failure to notify EQD of a discharge of wastewater and submit required documentation – **proposed settlement: \$8,000 assessed and due 4/30/17 if no SEP is approved**

A motion to approve the consent order(s) was made (Dagan) and properly seconded (FU) and approved by the body.

- **Fort Francis, LLC and Somari Management Company, Inc. (WP-14-01)** - Unlawful discharge of wastewater; Failure to maintain the system so as to function as intended, Illicit connection to a storm sewer drain; Unlawful bypass of wastewater treatment facility; Exceedance of state water quality standards; Failure to comply with sewerage design standards; Failure to provide operator and post a sign with required information; Failure to notify EQD of an unlawful discharge of wastewater and submit required documentation – **proposed settlement: \$0 pursuant to the EPA's ABEL Model results demonstrating the Respondent's inability to pay the assessed civil penalties**

A motion to approve the consent order(s) was made (Tappouni) and properly seconded (Baker) and approved by the body.

Public Comment

None

Board Vote

Board voted and approved each consent order separately.

VI. ENFORCEMENT REPORT

TREE KILBOURN

There were no questions or discussion.

Rulemaking on Rule 2 will be conducted at the March Board Meeting.

VII. PUBLIC HEARING(s)

Chair Howland suspended the EPB meeting at 5:45 pm in order to conduct the scheduled Public Hearing.

- Funding Request – Public Trust Tree Canopy Survey Project

The EPB meeting was reconvened at 6:39 pm.

VIII. PRESENTATION(s)

- Mercury Study Funding Update – Board Member Lucinda Sonnenberg shared that the Mercy Study project is evaluating levels of mercury in sediment, water, fish and the air in Duval County with comparisons to various bench marks to see where we stand compared to the state and the nation.

There were some delays (new mercury instrument, purchasing equipment, lab issues) when starting the project. The instrument was moved from EQD Lab to the Miller Wilson Laboratory at JU where it has remained since November. The Mercury Study is now fully underway and operational but behind schedule. The final report will be 6 months later than the original timeframe.

There were funds allocated for a Marine Science Grad Student at JU or Coastal Biology Student at UNF; however there were no students who were interested in the project. Dr. Jerry Pinto, Aquatic Biologist at JU MSRI, will perform most of those duties and oversee some of the coordination of FWC.

An extension of the project timeline will be requested.

IX. COMMISSION UPDATES

- Waterways Commission
No report
- KJB Commission
St Johns River Celebration Cleanup – March 25, 2017. Dan Durbec with KJB Staff is now located on the 5th Floor, Neighborhood Services. EQD staff will also captain a few sites.

X. EPB ADMINISTRATOR REPORT

JAMES RICHARDSON

James Richardson shared the following:

- There was a change concerning the Annual Water Education Festival on the traditional 1st Saturday of February, we are in the final planning stages of a new festival Jax Aquafest which will be held at MOSH on May 6, 2017. More details to come.
- The retreat is scheduled for Friday February 17th from 2 – 5 pm at the Ed Ball Building on 8th Floor.
- The Florida Coastal school of Law Summit is scheduled for February 24, 2017 (a link will be sent to the Board members),

XI. ENVIRONMENTAL QUALITY DIVISION REPORT

MELISSA LONG

EQD Chief Long shared the EPA grant program is moving forward.

The Air Monitoring Supervisor will start next week. Interviews will begin for the MS4 Coordinator Scientist Supervisor and the Water Quality Monitoring Supervisor positions.

Annual BMAP meeting (main stem) is scheduled for Thursday, February 23, 2017, 9:30 am at the Florida Coastal School of Law.

The Tributary BMAP is scheduled for Thursday, March 9, 2017 at the Florida Department of Environmental Protection (FDEP)

XII. Legislative Update

- The Director will appoint staff to follow legislative bills
- Mr. Richardson made a brief report on bills filed and shared a presentation from a 1000 Friends of Florida webinar.

XIII. OLD BUSINESS

- Upcoming Retreat – Feb 17th from 2-5 pm – a draft review of the agenda

XIV. NEW BUSINESS

- None

XV. ITEMS REFERRED TO COMMITTEES

- No items

XVI. NEXT SCHEDULED BOARD MEETING(s)

- a. EPB Committees
 - i. Water Committee – February 27, 2017 at 4:30 pm
 - ii. Air & Odor Committee – February 27, 2017 at 5:00 pm
 - iii. Education & Public Outreach – February 27, 2017 at 5:30 pm
- b. EPB Steering Committee – March 1, 2017 at 4:00 pm
- c. EPB monthly meeting – March 13, 2017 at 5:00 pm

XVII. ADJOURNMENT

The meeting was adjourned at 7:10 pm.

Respectfully Submitted

Ruby Tucker, Executive Assistant to EQD Chief

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

CITY OF JACKSONVILLE)	
NEIGHBORHOODS DEPARTMENT,)	
ENVIRONMENTAL QUALITY DIVISION,)	
	)	Unlawful discharge of wastewater;
Petitioner,	)	Failure to maintain system so as to
	)	function as intended; Illicit connection to
	)	stormwater conveyance; Failure to comply
	)	with design standards; Failure to
	)	perform required maintenance and
vs.	)	keep required records; Failure to notify
	)	EQD of discharge
Fort Francis, LLC and Somari Management)	
Company, Inc.,	)	Cease and Desist Citation WP-14-01
)	
<u>Respondents.</u>)	

CONSENT ORDER WITH COMPLIANCE PLAN

This Consent Order with Compliance Plan is made and entered into between the City of Jacksonville, Neighborhoods Department (formerly the Regulatory Compliance Department) (the Department) and Fort Francis, LLC, the property owner, and Somari Management Company, Inc. the property manager (collectively, the "Respondents").

1. The Department, through its Environmental Quality Division (EQD), enforces Chapter 360 and 362, City of Jacksonville Ordinance Code and Jacksonville Environmental Protection Board (JEPB) Rule 3.

2. Fort Francis, LLC is the owner of the real property located at 8050 Arlington Expressway, Jacksonville, Florida, (the "Property") having a wastewater collection/transmission system with a lift station (the "System").

3. Somari Management Company, Inc. is the property manager of the Property.

4. On January 3, 2014, the Department issued Citation WP-14-01 to the Respondents for the alleged unlawful discharge of sewage or other untreated waste or wastewater to surface or groundwaters, the failure to maintain the System so as to function as intended, the illicit connection to a storm sewer drain and unlawful bypass of wastewater treatment facility, the exceedance of state water quality standards, the failure to comply with sewerage design standards, the failure to post a sign with required information, the failure to provide required operator maintenance for the System lift station servicing apartments, and the failure to notify EQD of an unlawful discharge of wastewater and submit required documentation.

5. The Department and Respondents have met in an effort to resolve their disputes as to compliance issues and any alleged violations of City of Jacksonville ordinances and rules. The parties have agreed to enter into this Consent Order with Compliance Plan in order to expeditiously address compliance issues without litigation and its attendant costs, delays, and risks.

Having reached a resolution of this matter without any admission of liability or wrongdoing by Respondents, the parties agree, and it is

ORDERED:

6. The 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 Jacksonville Environmental Protection Board ("JEPB") Rule 3.405A.

7. The Respondents shall take the following corrective actions:

a. The Respondents have contracted with a licensed professional engineer and the Wastewater Collection/Transmission System (WWCTS) Construction Permit Number 0011224-749-DWC was issued September 10, 2015 (the "Permit").

b. The Respondents shall complete all repairs and modifications pursuant to the issued Permit and file a Request for Approval to Place a Domestic Wastewater Collection/Transmission System into Operation (DEP Form 62-604.300(8)(b)) ("Request for Approval") with all deviations from the permitted design fully detailed by the engineer. The Request for Approval shall be submitted to EQD upon completion of all work, with all required documents, certifications, drawings, professional signatures and seals, and prior to placing the WWCTS into service, but in no event later than **July 14, 2017**.

c. The Respondents shall submit a status report regarding the permitting and any required repairs or modifications to the System by the first of each month beginning **February 1, 2017** and continuing until the Request for Approval is approved by EQD. Status reports shall be provided by electronic mail to Ms. Tree Kilbourn, Environmental Enforcement Officer, Environmental Quality Division, at tkilbour@coj.net

8. Pursuant to the EPA's ABEL Model results demonstrating the Respondent's inability to pay the assessed civil penalties, no penalty is due.

9. Pursuant to Section 362.109, Ordinance Code, if the Respondents fail to comply with any requirements of this Consent Order with Compliance Plan, a civil fine of up to \$500 may be imposed for each occurrence of noncompliance with this Consent Order with Compliance Plan. Each day of non-compliance shall constitute a separate offense. The civil fine shall be due upon written notification to the Respondents by EQD. The check shall be made payable to the City of Jacksonville Environmental Protection Trust Fund and mailed to the Department at 214 N. Hogan Street, Fifth Floor, Jacksonville, Florida 32202 to the attention Tree Kilbourn.

10. This Consent Order with Compliance Plan fully resolves all issues raised in the Department's Cease and Desist Citation WP-14-01 regarding the matters addressed herein. The Department reserves the right to take appropriate enforcement action against the Respondents for any future violation of the Ordinance Code or rules. The Respondents reserve their right to contest any such enforcement action in accordance with applicable law.

14. Entry of this Consent Order with Compliance Plan does not relieve the Respondents of the need to comply with applicable federal, state or local laws, regulations or ordinances.

Print: Rosa Ricard
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 _____ day of _____, 2017.

Nick Howland, Chair
Environmental Protection Board

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

CITY OF JACKSONVILLE)	
NEIGHBORHOODS DEPARTMENT,)	
ENVIRONMENTAL QUALITY DIVISION,)	
	)	Unlawful discharge of wastewater;
Petitioner,	)	Failure to maintain system so as to
	)	function as intended; Failure to comply
	)	with design standards; Failure to
	)	perform required maintenance and
vs.	)	keep required records
)	
THE KRYSTAL COMPANY, INC.,)	
	)	Cease and Desist Citation WP-16-09
Respondent.)	

CONSENT ORDER WITH COMPLIANCE PLAN

This Consent Order with Compliance Plan is made and entered into between the City of Jacksonville, Neighborhoods Department (formerly the Regulatory Compliance Department) (the "Department") and The Krystal Company, Inc., (the "Respondent").

1. The Department, through its Environmental Quality Division (EQD), enforces Chapter 360 and 362, City of Jacksonville Ordinance Code and Jacksonville Environmental Protection Board (JEPB) Rule 3.

2. C&L Properties, Inc. is the owner of the real property located at 4585 San Juan Avenue, Jacksonville, Florida, Jacksonville, Florida, (the "Property") having a wastewater collection/transmission system with a lift station (the "System").

3. The Krystal Company, Inc. is the lessee of the Property and operates the business on the Property and is responsible for the operation and maintenance of the System serving the Krystal restaurant located on the Property.

4. On April 19, 2016, the Department issued Citation WP-16-09 for the alleged unlawful discharge of untreated wastewater, the failure to maintain a wastewater collection/transmission system so as to function as intended, and the failure to notify EQD of a discharge of wastewater and submit required documentation, each related to the System on the Property.

5. The Department and Respondent have met in an effort to resolve their disputes as to compliance issues and any alleged violations of City of Jacksonville ordinances and rules. The parties have agreed to enter into this Consent Order with Compliance Plan in order to expeditiously address compliance issues without litigation and its attendant costs, delays, and risks.

Having reached a resolution of this matter without any admission of liability or wrongdoing by Respondent, the parties agree, and it is

ORDERED:

6. The 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 Jacksonville Environmental Protection Board ("JEPB") Rule 3.405A.

7. The Respondent shall take the following corrective actions:

a. The Respondent has contracted with a licensed professional engineer to provide a complete review and evaluation of the system, including the relocation of the point of connection to JEA regional sewerage. The Respondent's engineer shall submit to EQD a wastewater collection/transmission system ("WWCTS") construction permit application, with all required calculations, specifications, drawings, signatures, professional seals and permitting fees by no later than **July 15, 2017**.

b. The Respondent shall submit all requested additional documentation and information for the WWCTS construction permit application within **15 days of written request** in order to expedite the permitting process and to begin construction of the repairs and modifications as soon as possible.

c. The Respondent shall complete all repairs and modifications as permitted or otherwise approved by the EQD and file a Request for Approval to Place a Domestic Wastewater Collection/Transmission System into Operation (DEP Form 62-604.300(8)(b)) ("Request for Approval") with EQD upon completion of all work, with all required documents, certifications, drawings, professional signatures and seals, and prior to placing the WWCTS into service, no later than **one hundred and fifty (150) days after the WWCTS construction permit is issued**.

d. The Respondents shall submit a status report regarding the permitting and any required repairs or modifications to the System by the **fifteenth of each month beginning March 15, 2017** and continuing until the Request for Approval is approved by EQD. Status reports shall be provided by electronic mail to Ms. Tree Kilbourn, Environmental Enforcement Officer, Environmental Quality Division, at tkilbour@coj.net

8. A civil penalty of **\$6,480** [\$8,000 less 20% discount for good faith efforts to cooperate] is assessed for the alleged violations. The Respondent has elected to perform a Supplemental Environmental Project (SEP) which may be used to mitigate a portion of the assessed civil penalty. The Respondent is installing a new lift station with a new, much closer, point of connection to the JEA sewerage system as described in the attached Exhibit A, which is incorporated and made a part hereof. The relocation of the point of connection also requires the purchase of a new easement across private property. The total of the land costs, engineering costs and construction, labor and equipment for the SEP is **\$142,086.50**. This relocation is not required by any law or regulation but is environmentally beneficial when compared to the existing point of connection which is located more than 1,600 linear feet from the System. The closer point of

connection will reduce the possibility of unlawful discharge from clogs and breaks in the line that are difficult to detect and present challenges to effective maintenance. Therefore, this relocation of the point of connection and the cost of the purchase of the new easement is a SEP of outstanding quality. Pursuant to the EPA's SEP Policy effective March 10, 2015, "the penalty mitigation amount may be set as high as 100 percent (100%) of the estimated SEP cost, if the defendant/respondent can demonstrate the project is of outstanding quality." The EPA Project Model assigns a value of \$142,087 for this SEP and the EPA SEP policy provides 100% mitigation credit of that amount for the assessed civil penalty and no penalty payment is due.

9. The Respondent acknowledges there exists certain restrictions which limit the use of federal, state or local financial assistance to fund the same activity as the SEP. The Respondent also acknowledges that pursuant to IRS regulations for federal income tax purposes costs or expenditures incurred in performing the SEP cannot be capitalized into inventory or basis or be used to support certain tax deductions. The City of Jacksonville shall not be held responsible to violations of any assistance agreement or tax codes, and the Respondent should seek private professional guidance on any issues or concerns related to this matter.

10. Pursuant to Section 362.109, Ordinance Code, if the Respondent fails to comply with any requirements of this Consent Order with Compliance Plan and SEP, a civil fine of up to \$500 may be imposed for each occurrence of noncompliance with this Consent Order with Compliance Plan and SEP. Each day of non-compliance shall constitute a separate offense. Additionally, the mitigated civil penalty credit of \$6,480.00 outlined in paragraph 8 above shall be immediately due and payable. The civil fine and any mitigated civil penalty shall be due upon written notification to the Respondents by EQD. The check shall be made payable to the City of Jacksonville Environmental Protection Trust Fund and mailed to the Department at 214 N. Hogan Street, Fifth Floor, Jacksonville, Florida 32202 to the attention Tree Kilbourn.

11. This Consent Order with Compliance Plan fully resolves all issues raised in the Department's Cease and Desist Citation WP-16-09 regarding the matters addressed herein. The Department reserves the right to take appropriate enforcement action against the Respondent for any future violation of the Ordinance Code or rules. The Respondent reserves its right to contest any such enforcement action in accordance with applicable law.

12. Notwithstanding and in addition to paragraph 10 above, pursuant to Section 362.110, a violation of the terms of this Consent Order with Compliance Plan 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 by the Respondent of the obligations agreed to in this Consent Order with Compliance Plan and SEP, the Department waives any right to seek judicial imposition of additional penalties. The Respondent waives its right to an administrative hearing pursuant to Section 120.57(1), Florida Statutes, regarding the terms of this Consent Order with Compliance Plan.

14. The provisions of this Consent Order with Compliance Plan shall apply to and be binding upon the parties, their officers, directors, agents, servants, employees, successors, and assigns and all persons, firms and corporations acting under, through or for them and upon those persons, firms, and corporations in active concert or participation with them.

15. Entry of this Consent Order with Compliance Plan 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**

1-24-16
Date

S. Burch
Stephanie Burch, Acting Director

1/20/2017
Date

THE KRYSTAL COMPANY INC.

Rodney Lee
Print: RODNEY LEE
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 _____ day of _____, 2017.

Nick Howland, Chair
Environmental Protection Board

**LLW****LEWIS
LONGMAN
WALKER**

Consent Order
WP-16-09
Exhibit A

Attorneys at Law
llw-law.com

GENERAL DESCRIPTION OF PROPOSED PROJECT
January 13, 2017

The Krystal Company proposes to construct a completely new system for wastewater treatment and conveyance for its restaurant located at 4585 San Juan Avenue, Jacksonville, Florida. The new system will consist of both on-site and off-site improvements. The on-site improvements will include:

1. Removal and replacement of the grease interceptor; and
2. Installation of new pump station.

The off-site improvements will include:

1. Purchase of ten foot wide utility easement on privately owned property located north of the subject site;
2. Installation of a two inch force main line (approximately 120 linear feet) utilizing the easement described above;
3. Installation of a three inch force main line (approximately 10 linear feet) and future connection box;
4. Installation of new pump out box; and
5. Connection at JEA force main line at 4588 Lexington Avenue.

JACKSONVILLE

245 Riverside Ave., Suite 150
Jacksonville, Florida 32202
T: 904 353 6410
F: 904 353.7619

TALLAHASSEE

315 South Calhoun St., Suite 830
Tallahassee, Florida 32301
T: 850.222.5702
F: 850 224 9242

TAMPA BAY

101 Riverfront Blvd., Suite 620
Bradenton, Florida 34205
T: 941 708 4040
F: 941 708 4024

WEST PALM BEACH

515 North Flagler Dr., Suite 1500
West Palm Beach, Florida 33401
T: 561 640 0820
F: 561 640.8202

See Things Differently®

A preliminary project cost estimate prepared by Mittauer & Associates, dated January 5, 2017, is attached hereto. It shows the following costs:

Construction Costs:	\$ 87,800.00
Non-Construction Costs:	
Special Purpose Survey	\$ 7,500.00
Permit Fees	\$ 3,000.00
Engineering	\$ <u>25,000.00</u>
	\$123,300.00

In addition, Krystal has purchased an easement at the following costs:

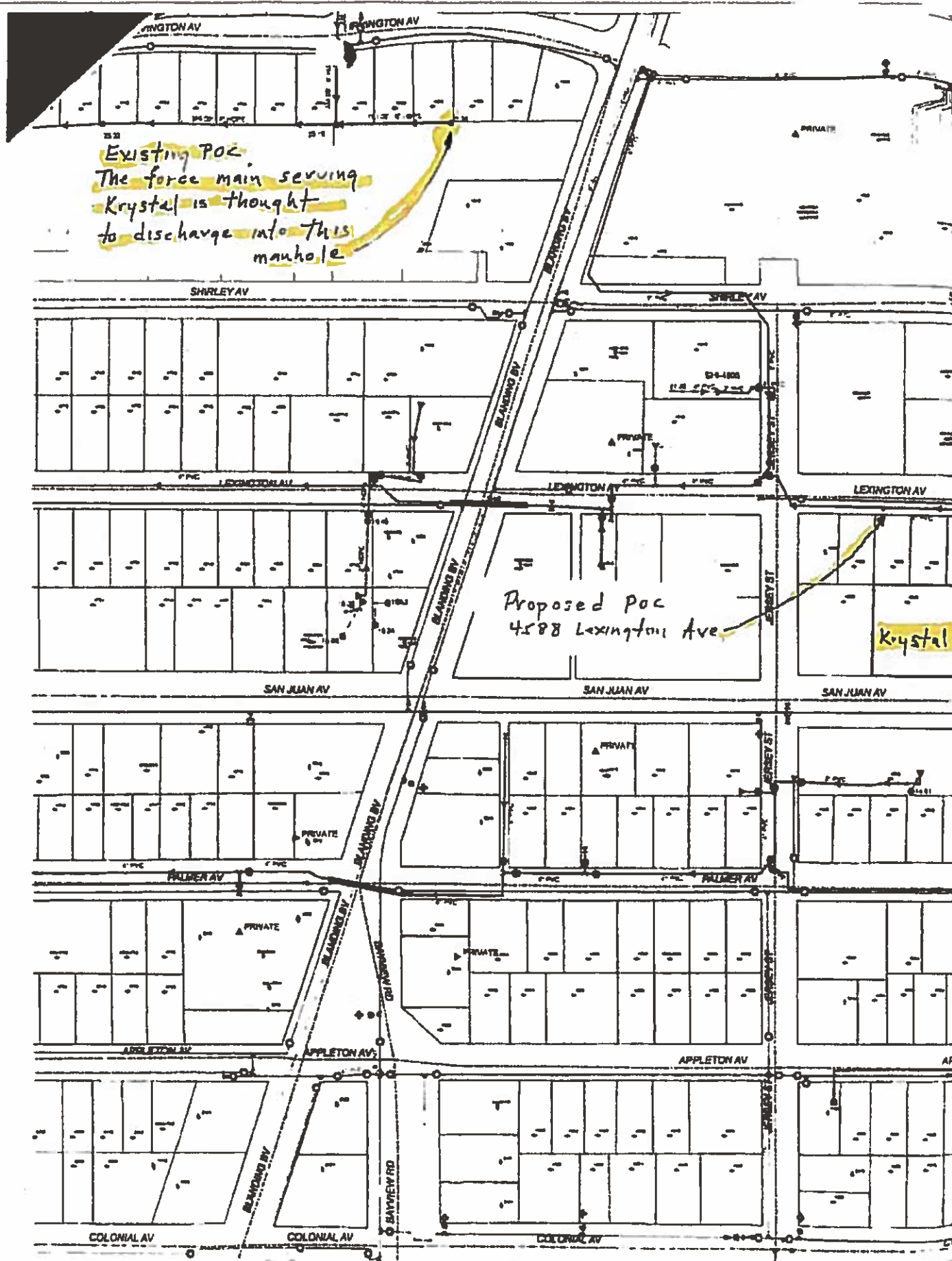
Purchase of Easement	\$18,370.00
Survey measurement	260.00
Recording and Doc. Stamps	<u>156.50</u>
	\$18,786.50

A copy of the recorded easement is attached.

Therefore, the Total Preliminary Cost Estimate is approximately \$142,000.00.

An estimated project schedule follows:

Complete engineering and submit permit application	May, 2017
Begin construction	July, 2017
Complete construction	October, 2017



Existing POC
The force main serving
Krystal is thought
to discharge into this
manhole

Proposed POC
4588 Lexington Ave

Krystal

**OPTION NO. 2 - USE OF LEXINGTON AVE. EASEMENT
PRELIMINARY PROJECT COST ESTIMATE
WASTEWATER SYSTEM IMPROVEMENTS
MITTAUER & ASSOCIATES, INC. PROJECT NO. 1401-02-1
JANUARY 5, 2017**

CONSTRUCTION COST	
Onsite Improvements	
Remove/Replace existing grease interceptor	\$6,500
Provide new pump station	\$41,500
Miscellaneous	\$5,500
Offsite Improvements	
2-inch force main utilizing easement, 120 LF@\$40/LF	\$4,800
3-inch force main, 10 LF, and future connection	\$2,000
Connection to JEA force main and Pump-out Box	\$10,000
Construction Subtotal	\$70,300
General Conditions, 10%	\$7,000
Mobilization/Bond/Insurance, 5%	\$3,500
Contingency, 10%	\$7,000
Construction Total	\$87,800
NON-CONSTRUCTION COSTS	
Special Purpose Survey with location of Underground Facilities	\$7,500
Permit Fees	\$3,000
Engineering	\$25,000
Non-Construction Total	\$35,500
Total Project Cost*	\$123,300

* Not including cost of easement, easement survey, and legal description

Consideration:
\$18,500

Prepared by and return to:
Brenna M. Durden
Lewis, Longman & Walker, P.A.
245 Riverside Ave., Suite 150
Jacksonville, FL 32202

Doc # 2016294090 OR BK 17823 Page 1411
Number Pages 3
Recorded 12/28/2016 at 08 22 AM
Ronnie Fussell CLERK CIRCUIT COURT DUVAL
COUNTY
RECORDING \$27.00
DEED DOC ST \$129.50

EASEMENT AGREEMENT FOR WASTEWATER UTILITIES

THIS EASEMENT AGREEMENT FOR WASTEWATER UTILITIES is executed and given this 1 day of Nov, 2016 by W. A. MINER, a married man, whose address is 5036 Sanibel Drive, Jacksonville, Florida 32210 (hereinafter called "Grantor") to C&L Properties, Inc., an Indiana corporation, whose address is 2231 Tillman Avenue, Winter Garden, Florida 34787 (hereinafter called "Grantee").

WITNESSETH:

That for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

Grantor does hereby grant, bargain, sell, alien, remise, release, convey and confirm unto Grantee a non-exclusive permanent easement and right-of-way to install, construct, operate, maintain, repair, replace and remove pipes and mains constituting the sewer collection system all other equipment and appurtenances as may be necessary or convenient for the Grantee's operation of its sewer system (hereinafter referred to as "Sewer Utilities") over, above, below and upon the real property described as:

Westerly ten (10) feet of Lot 8, Block 66, Lakeside Drive, according to Plat thereof recorded in Plat Book 6, page 44 of the current public records of Duval County, Florida.

(the "Easement Area"); together with rights of ingress and egress to access the Easement Area as necessary for the use and enjoyment of the easement herein granted. This Grant of Easement is for sewer utilities only and does not convey any right to install any other utilities within the Easement Area.

TO HAVE AND TO HOLD, unto Grantee, its successors and assigns for the purposes aforesaid. Said Grantor is lawfully seized of said land in fee simple, said land is not the homestead of Grantor, and Grantor has the authority to grant said easement.

This Grant of Easement is hereby granted subject to covenants, restrictions, easements, liens and encumbrances of record and the following terms and conditions:

1. a. Grantor reserves the right and privilege to use and occupy and to grant to others the right to use and occupy the Easement Area for any purpose which does not interfere with the rights herein granted to Grantee.

b. The easement granted by this instrument, or any portion thereof, may be relocated to a location acceptable to the Grantee, reasonable approval to not be withheld, at any time upon Grantor's request, provided that Grantor bears the cost of relocating any Sewer Utilities located within the Easement Area. At Grantor's request, and upon relocation of such Sewer Utilities at Grantor's expense, Grantee and Grantor shall execute an instrument in recordable form relocating the easement hereby granted, or portion thereof, to the new easement area designated by and in the title of the Grantor.

2. The Grantee by acceptance of this Grant of Easement, hereby agrees to maintain all Sewer Utilities.

3. After any installation, construction, repair, replacement or removal of any Sewer Utilities for which easement rights are granted herein, Grantee shall repair and return any of Grantor's improvements in a proper and workmanlike manner to the condition existing prior to such installation, construction, repair, replacement or removal.

4. Upon request of Grantor, Grantee agrees to provide a "stub-out" for Grantor's use to connect into the Sewer Utilities. The "stub out" does not constitute any guaranteed right for sewer service from the local utility provider. Grantor must apply for service, pay all applicable fees and secure all required permits from the appropriate agencies.

5. This Grant of Easement shall inure to the benefit of and be binding upon Grantor, Grantee and their respective successors and assigns.

IN WITNESS WHEREOF, Grantor has caused this Grant of Easement to be executed by its duly authorized officer and its corporate seal to be hereunto affixed as of the day and year first above written.

Signed, sealed and delivered
in the presence of:

Witness

Print Name

Witness

Print Name

GRANTOR:

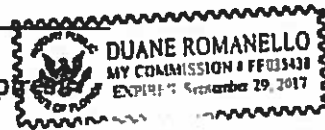
W. A. MINER

State of Florida
County of Duval

The foregoing instrument was acknowledged before me this 9th day of December, 2016, by W. A. MINER, who is personally known to me or has produced _____ as identification.

[Signature]
Notary Public, State of Florida
Commission No. _____

My Commission expires _____



Signed, sealed and delivered
in the presence of:

[Signature]
Witness

Jo Ann Wilson
Print Name

[Signature]
Witness

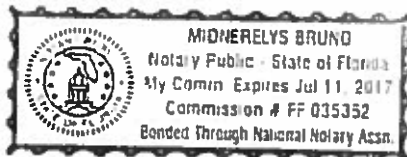
Julie Ann Wilson
Print Name

GRANTEE:
C&L PROPERTIES, INC.

[Signature]
Print Name: LARRY D WILSON
Its: PRESIDENT

State of Florida
County of Orange

The foregoing instrument was acknowledged before me this 1 day of Nov, 2016, by LARRY D. WILSON, as PRESIDENT of C&L PROPERTIES, INC., who is personally known to me or has produced LICENSE as identification.



[Signature]
Notary Public, State of Florida
Commission No. FF035352

My Commission expires: July 11, 2017

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME WOOD DAVID JAMES		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE ENVIRONMENTAL PROTECTION BOARD	
MAILING ADDRESS 1405 MAPLETON ROAD		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY JACKSONVILLE	COUNTY DUVAL	<input type="checkbox"/> CITY <input checked="" type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED 13 FEBRUARY 2017		NAME OF POLITICAL SUBDIVISION:	
		MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTIVE	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, DAVID WOOD, hereby disclose that on 13 FEBRUARY, 20 17:

(a) A measure came or will come before my agency which (check one or more)

- ☐ inured to my special private gain or loss;
- ☒ inured to the special gain or loss of my business associate, BRENNA DURDEN;
- ☐ inured to the special gain or loss of my relative, _____;
- ☐ inured to the special gain or loss of _____, by whom I am retained; or
- ☐ inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

WP-16-09 THE KRYSTAL COMPANY, INC.
MATTER IS INVOLVED WITH A BUSINESS
ASSOCIATE.

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

13 FEBRUARY 2017
Date Filed


Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

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

CITY OF JACKSONVILLE)	
NEIGHBORHOODS DEPARTMENT,)	
ENVIRONMENTAL QUALITY DIVISION,)	
	)	Unlawful discharge of wastewater to storm
Petitioner,	)	water sewer; Failure to maintain system to
	)	function as intended; Failure to notify
	)	EQD
)	
vs.	)	Cease and Desist Citation WP-15-24
)	
McDonald's Corporation and DCC Lee)	
Enterprises, Inc.,)	
Respondents.)	

CONSENT ORDER WITH COMPLIANCE PLAN

This Consent Order with Compliance Plan is made and entered into between the City of Jacksonville, Neighborhoods Department (formerly the Regulatory Compliance Department) (the Department) and McDonald's Corporation and DCC Lee Enterprises, Inc.

1. The Department, through its Environmental Quality Division (EQD), enforces Chapter 360 and 362, City of Jacksonville Ordinance Code and Jacksonville Environmental Protection Board (JEPB) Rule 3.

2. Boulevard Crossing, LLC is the owner of real property located at 5751 Beach Boulevard, Jacksonville, Florida, a portion of Real Estate Parcel Number 135084-0000 which is the common area parking lot and the wastewater collection/transmission system lift station (the "Subject System"), which is currently subject to a land lease with Mille Bornes Associates, LLLP that expires in March 2018.

3. McDonald's Corporation is the sublessee of the property located at 5801 Beach Boulevard, Jacksonville, Florida (the "McDonald's location") and its franchisee, DCC Lee Enterprises, Inc., operates the business at 5801 Beach Boulevard. McDonald's Corporation and is responsible for the operation and maintenance of the Subject System lift station servicing the McDonald's restaurant pursuant to the Sewer Facilities Agreement recorded in the Official Records of Duval County, Florida at Book 15537, Pages 108-124 (the "OMR Agreement").

4. It is noted that Styles OP, LLC is the property owner of the property located at 5825 Beach Boulevard, Jacksonville Florida [formerly owned by The Goodyear Tire & Rubber Company named in the OMR Agreement], which property is currently vacant and is connected to the Subject System for sewer service but does not have responsibility for the operation or maintenance of the Subject System's lift station.

5. On August 7, 2015, the Department issued Cease and Desist Citation WP-15-24 (the "Citation") to Mille Bornes Associates, LLLP, McDonald's Corporation, Styles OP, LLC and Goodyear Tire & Rubber Company for the alleged unlawful discharge of untreated wastewater, the failure to

maintain a wastewater collection/transmission system so as to function as intended, and the failure to notify EQD of a discharge of wastewater and submit required documentation.

6. McDonald's Corporation and DCC Lee Enterprises, Inc. (collectively, the "Respondents") responded promptly with corrective actions to prevent further discharge, cleaned the affected area, and contracted with a licensed professional engineer who provided a complete review and evaluation of the Subject System. The engineer determined the Subject System design is sufficient to service the McDonald's restaurant for the duration of the current land lease and pending project development planning in 2018.

7. Boulevard Crossing, LLC is in the planning phase for redevelopment which may result in the relocation of the Subject System servicing the McDonald's location, as well as the McDonald's facility itself and therefore the Respondents are unable to propose a Supplemental Environmental Project (SEP) on the property served by the Subject System to mitigate a portion or all of any assessed civil penalty.

8. The Department and Respondents have met in an effort to resolve their disputes as to compliance issues and any alleged violations of City of Jacksonville ordinances and rules. The parties have agreed to enter into this Consent Order with Compliance Plan in order to expeditiously address compliance issues without litigation and its attendant costs, delays, and risks.

Having reached a resolution of this matter without any admission of liability or wrongdoing by Respondents, the parties agree, and it is

ORDERED:

9. Respondents shall ensure that the Subject 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. Respondents shall continue to submit all maintenance and repair records, including wastewater disposal receipts for any wastewater pumped from the Subject System or properties, within ten days of service at the Subject System by electronic mail to Ms. Tree Kilbourn, Environmental Enforcement Officer, Environmental Quality Division, at tkilbour@coj.net until actions required pursuant to this Consent Order with Compliance Plan are completed.

10. As of the date this Consent Order with Compliance Plan is signed by the parties, a civil penalty of \$8,000 is assessed for the unlawful discharge of untreated wastewater to the City's MS4 and the failure to comply with design standards. The Respondents would like to propose a SEP at another location within Duval County, Florida that will be undergoing modifications in 2017.

a. Should the Respondents choose to perform a SEP to potentially mitigate a portion or all of any assessed civil penalty, they shall submit a SEP proposal with detailed project description and itemized costs to EQD by no later than March 31, 2017. If the SEP proposal is recommended for approval by EQD staff, EQD shall propose a modification of this Consent Order with Compliance Plan to include the SEP with proposed project deadlines and penalty payment, for consideration by the JEPB. If approved by the JEPB, the Respondents shall then pay the final, assessed,

Citation WP-15-24
Consent Order with Compliance Plan
Page 3

mitigated civil penalty within 30 days after approval of the modification of this Consent Order with Compliance Plan by the City of Jacksonville Environmental Protection Board.

b. If no SEP proposal is submitted by March 31, 2017 for consideration by EQD staff and the JEPB, the penalty of \$8,000 shall be due and payable by no later than April 30, 2017. The check shall be made payable to the City of Jacksonville Environmental Protection Trust Fund and mailed to the Department, 214 N. Hogan Street, Fifth Floor, Jacksonville, FL 32202 to the attention Tree Kilbourn.

11. Should the Respondents choose to submit a SEP proposal, the Respondents acknowledge there exists certain restrictions which limit the use of federal, state or local financial assistance to fund the same activity as SEPs. The Respondents also acknowledge that, pursuant to IRS regulations for federal income tax purposes, costs or expenditures incurred in performing the SEP cannot be capitalized into inventory or basis or be used to support certain tax deductions. The City of Jacksonville shall not be held responsible to violations of any assistance agreement or tax codes, and the Respondents should seek private professional guidance on any issues or concerns related to this matter.

12. Pursuant to Section 362.109, Ordinance Code, if the Respondents fail to comply with any requirements of this Consent Order with Compliance Plan, including as modified with any proposed SEP, a civil fine of up to \$500 may be imposed for each occurrence of noncompliance with this Consent Order with Compliance Plan and any proposed SEP. Each day of non-compliance shall constitute a separate offense. Additionally, if a SEP is proposed and not completed as agreed, the mitigated civil penalty credit awarded shall be immediately due and payable. The civil fine and any mitigated civil penalty if a SEP is proposed shall be due upon written notification to the Respondents by EQD. The check shall be made payable to the City of Jacksonville Environmental Protection Trust Fund and mailed to the Department at 214 N. Hogan Street, Fifth Floor, Jacksonville, Florida 32202 to the attention Tree Kilbourn.

13. This Consent Order with Compliance Plan fully resolves all issues raised in the Department's Cease and Desist Citation WP-15-24 regarding the matters addressed herein. The Department reserves the right to take appropriate enforcement action against the Respondents for any future violation of the Ordinance Code or rules. The Respondents reserve their right to contest any such enforcement action in accordance with applicable law.

14. Notwithstanding and in addition to paragraph 12 above, pursuant to Section 362.110, a violation of the terms of this Consent Order with Compliance Plan may subject the Respondents to judicial imposition of civil penalties of up to \$10,000 per violation per day.

15. In consideration of the complete and timely performance by the Respondents of the obligations agreed to in this Consent Order with Compliance Plan and any proposed SEP, the Department waives any right to seek judicial imposition of additional penalties. The Respondents waive their right to an administrative hearing pursuant to Section 120.57(1), Florida Statutes, regarding the terms of this Consent Order with Compliance Plan.

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

persons, firms and corporations acting under, through or for them and upon those persons, firms, and corporations in active concert or participation with them.

17. Entry of this Consent Order with Compliance Plan does not relieve the Respondents of the need to comply with applicable federal, state or local laws, regulations or ordinances.

**CITY OF JACKSONVILLE
NEIGHBORHOODS DEPARTMENT**

2-7-17
Date

S. Burch
Stephanie Burch, Acting Director

McDonald's Corporation

January 26, 2017
Date

Diedre Dunn
Name: Diedre Dunn
Title: Senior Counsel

DCC Lee Enterprises, Inc.

Date

Name: _____
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 _____, 2017.

Nick Howland, Chair
Environmental Protection Board

Citation WP-15-24
Consent Order with Compliance Plan
Page 4

persons, firms and corporations acting under, through or for them and upon those persons, firms, and corporations in active concert or participation with them.

17. Entry of this Consent Order with Compliance Plan does not relieve the Respondents of the need to comply with applicable federal, state or local laws, regulations or ordinances.

CITY OF JACKSONVILLE
NEIGHBORHOODS DEPARTMENT

2-7-17
Date

S. Burch
Stephanie Burch, Acting Director

McDonald's Corporation

Date

Name: _____
Title: _____

DCC Lee Enterprises, Inc.

2/2/17
Date

David Mullins
Name: DAVID MULLINS
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 _____ day of _____, 2017.

Nick Howland, Chair
Environmental Protection Board

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

CITY OF JACKSONVILLE)	
NEIGHBORHOODS DEPARTMENT,)	
ENVIRONMENTAL QUALITY DIVISION,)	
	)	Unlawful discharges of wastewater;
Petitioner,	)	Failure to maintain system so as to
and	)	function as intended; Unlawful
	)	bypass of wastewater treatment facility
)	
Preserve at Cedar River Limited Partnership)	
And Princeton Enterprises, its agent,	)	Cease and Desist Citation WP-15-41
)	
)	
Respondents.)	

CONSENT ORDER WITH COMPLIANCE PLAN

This Consent Order with Compliance Plan is made and entered into between the City of Jacksonville, Neighborhoods Department (formerly the Regulatory Compliance Department) (the Department), Preserve at Cedar River Limited Partnership, the property owner, and Princeton Enterprises, its agent (both collectively, the "Respondents").

1. The Department, through its Environmental Quality Division (EQD), enforces Chapter 360 and 362, City of Jacksonville Ordinance Code and Jacksonville Environmental Protection Board (JEPB) Rule 3.

2. Preserve at Cedar River Limited Partnership is the owner of the real property located at 4207 and 4301 Confederate Point Road, Jacksonville, Florida, (the "Property") having a wastewater collection/transmission system (the "System"), which property is managed by Princeton Enterprises.

3. On April 19, 2016, the Department issued Citation WP-15-41 to the Preserve at Cedar River Limited Partnership, the property owner, for the alleged unlawful discharge of sewage or other untreated wastewater to the surrounding environment, public access areas and stormwater drain to the Cedar River, the failure to maintain the System to function as intended, and the unlawful bypass of the System and its treatment facility.

4. The Department and Respondents have met in an effort to resolve their disputes as to compliance issues and any alleged violations of City of Jacksonville ordinances and rules. The parties have agreed to enter into this Consent Order with Compliance Plan in order to expeditiously address compliance issues without litigation and its attendant costs, delays, and risks.

Having reached a resolution of this matter without any admission of liability or wrongdoing by Respondents, the parties agree, and it is

ORDERED:

5. The 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 Jacksonville Environmental Protection Board ("JEPB") Rule 3.405A.

6. The Respondents have completed the corrective actions to repair the wastewater collection system line, have established a more comprehensive jetting schedule for the wastewater collection system lines and have installed grease recycling collection bins at the property.

7. The Respondents shall perform a Supplemental Environmental Project (SEP) as follows:

a. The Respondents will contract to replace approximately 280 linear feet of 4" terra cotta sewer line near buildings 42-45 (river side) with 6" PVC sewer line. To rectify existing 90 degree angles, two (2) manholes will be installed and the replacement services will be tied into the remaining existing service as outlined in the attached Exhibit A and incorporated herein.

b. The Respondents shall submit a status report for the SEP by the first of each month beginning March 1, 2017 and continuing until the final report of completion is submitted to and acknowledged by EQD. Status reports shall be provided by electronic mail to Ms. Tree Kilbourn, Environmental Enforcement Officer, Environmental Quality Division, at tkilbour@coj.net.

c. The work shall be completed and a final report with copies of paid invoices shall be submitted to EQD by no later than September 30, 2017.

d. The Respondents agree to require that their contractors operate and maintain the SEP site in accordance with all local, state, and federal rules and regulations and permitting requirements for construction and dewatering until completion of the SEP. The Respondents acknowledge that their contractors must comply with the *Florida Stormwater Erosion and Sedimentation Control Inspector's Manual* [published by the Florida Department of Environmental Protection's Nonpoint Source Management Section and adopted by the Jacksonville Environmental Protection Board in its Rule 3] during all soil disturbing activities in order to protect the stormwater drains and surface water bodies near the SEP site from possible discharges of sediment and/or turbid water. The manual is available on-line at:
<http://www.dep.state.fl.us/water/nonpoint/docs/erosion/erosion-inspectors-manual.pdf>.

8. A civil penalty of \$10,080 is assessed for the unlawful discharges of untreated wastewater. Due to the age and change in environmental conditions since the installation of the original WWCTS, the Respondents agree to perform the SEP described in Paragraph 7 above and attached hereto as Exhibit A to provide enhanced performance of the wastewater

collection/transmission system and improve the effectiveness of proper routine maintenance of the system to help provide pollution prevention against unlawful discharges in close proximity to the Cedar River. Pursuant to the EPA's SEP Policy effective March 10, 2015, "the penalty mitigation amount may be set as high as 100 percent (100%) of the estimated SEP cost, if the defendant/respondent can demonstrate the project is of outstanding quality." The EPA Project Model assigns a value of \$24,235 for this SEP and the EPA SEP policy provides 100% mitigation credit for the \$10,080 assessed civil penalty. Therefore, no penalty shall be paid to the Environmental Protection Trust Fund.

9. The Respondents acknowledges there exists certain restrictions which limit the use of federal, state or local financial assistance to fund the same activity as the SEP. The Respondents also acknowledges that pursuant to IRS regulations for federal income tax purposes costs or expenditures incurred in performing the SEP cannot be capitalized into inventory or basis or be used to support certain tax deductions. The City of Jacksonville shall not be held responsible to violations of any assistance agreement or tax codes, and the Respondents should seek private professional guidance on any issues or concerns related to this matter.

10. Pursuant to Section 362.109, Ordinance Code, if the Respondents fail to comply with any requirements of this Consent Order with Compliance Plan and SEP, a civil fine of up to \$500 may be imposed for each occurrence of noncompliance with this Consent Order with Compliance Plan and SEP. Each day of non-compliance shall constitute a separate offense. Additionally, the mitigated civil penalty credit of \$10,080 outlined in paragraph 8 above shall be immediately due and payable. The civil fine and any mitigated civil penalty shall be due upon written notification to the Respondents by EQD. The check shall be made payable to the City of Jacksonville Environmental Protection Trust Fund and mailed to the Department at 214 N. Hogan Street, Fifth Floor, Jacksonville, Florida 32202 to the attention Tree Kilbourn.

11. This Consent Order with Compliance Plan fully resolves all issues raised in the Department's Cease and Desist Citation WP-15-41 regarding the matters addressed herein. The Department reserves the right to take appropriate enforcement action against the Respondents for any future violation of the Ordinance Code or rules. The Respondents reserve their right to contest any such enforcement action in accordance with applicable law.

12. Notwithstanding and in addition to paragraph 10 above, pursuant to Section 362.110, a violation of the terms of this Consent Order with Compliance Plan may subject the Respondents to judicial imposition of civil penalties of up to \$10,000 per violation per day.

13. In consideration of the complete and timely performance by the Respondents of the obligations agreed to in this Consent Order with Compliance Plan and SEP, the Department waives any right to seek judicial imposition of additional penalties. The Respondents waive their right to an administrative hearing pursuant to Section 120.57(1), Florida Statutes, regarding the terms of this Consent Order with Compliance Plan.

14. The provisions of this Consent Order with Compliance Plan shall apply to and be binding upon the parties, their officers, directors, agents, servants, employees, successors, and assigns and all persons, firms and corporations acting under, through or for them and upon those persons, firms, and corporations in active concert or participation with them.

15. Entry of this Consent Order with Compliance Plan does not relieve the Respondents of the need to comply with applicable federal, state or local laws, regulations or ordinances.

**CITY OF JACKSONVILLE
NEIGHBORHOODS DEPARTMENT**

2-3-17
Date

S. Burch
Stephanie Burch, Director

**Princeton Enterprises, agent for
Preserve at Cedar River Limited Partnership, the property owner**

1-31-2017
Date

K. A. Lehman, Agent
Print: KARLENE A. LEHMAN
Title: Agent, Preserve at Cedar River LP

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 _____, 2017.

Nick Howland, Chair
Environmental Protection Board

Consent Order
WP-15-41
Exhibit A

D. T. Services, Inc.

P.O. Box 6475
Jacksonville, FL 32236-6475
(904) 781-0055
(904) 781-7007

PROPOSAL

DATE	PROPOSAL #
12/19/2016	4204

Proposal submitted to:

THE PRESERVE AT CEDAR RIVER APTS
4301 CONFEDERATE POINT RD.
JACKSONVILLE, FLORIDA 32210

QTY	Description	RATE	Total
	PROJECT: SEWER MAIN REPAIR ATTN: APRIL/KARLENE PHONE: 904-772-7900/248-683-2500 #24		
280	EXCAVATE OLD 4" TERRA COTTA SEWER LINE, REPLACE WITH 6" PVC SEWER LINE, APPROXIMATELY 280 LF.	55.00	15,400.00
2	INSTALL 2 NEW MANHOLES TO ALLEVIATE EXISTING PROBLEM	3,000.00	6,000.00
	TESTING AND ASBUILTS, ETC, LUMP SUM	2,000.00	2,000.00
	TIE IN ALL EXISTING SERVICES AND RESTORE TO ORIGINAL.	1,100.00	1,100.00
	CONTINGENCY: REMOVAL AND REPLACEMENT OF ANY ADDITIONAL CONCRETE CURB IF NEEDED @ \$28.00 PER LF.		
	NOTE OWNER TO CALL FOR LOCATES AND RESPONSIBLE FOR ANY NOT MARKED ***NOTE*** D.T. SERVICES NOT RESPONSIBLE FOR ANY UNFORSEEN NOT NOTED OR LOCATED.		
	This price is based on one mobilization, each addition at \$1,500. Prices quoted are good for six months. The quantities are estimates and the final cost will be based on in-field measurements. Down time due to customer will be an additional charge. Payment for work performed is due 30 days from date of invoice. Price does NOT include: Performance bonds, and maintenance of traffic.		
	Total		\$24,500.00

AGREEMENT: This Agreement shall be construed under the law of the State of Florida. In the event that one party to this Agreement violates this Agreement the parties agree that (i) suit may be commenced in the State Court in Duval County, Florida (ii) the Parties waive their right to a jury trial in such suit, and (iii) the parties agree that the party breaching this Agreement will pay any attorneys' fees or costs incurred by the other party to enforce the terms of this Agreement. Any alteration or deviation from above specifications involving extra costs, will be accepted only upon written change order, and will become an extra charge over and above the estimate. All agreements contingent upon delays beyond our control. Owner will carry necessary insurance such as fire, tornado, etc.

Submitted by: _____ Estimator, D. T. Services, Inc.

ACCEPTANCE: The above specification & conditions are satisfactory & are hereby accepted. You are authorized to do the work as specified above. Payment will be made by invoice upon completion. **SIGNATURE / DATE** _____

THANK YOU FOR THE OPPORTUNITY TO QUOTE YOUR PROJECT. PLEASE SIGN AND RETURN TO D.T.SERVICES, INC

Air Odor Noise Committee

Roi Dagan, M.D. – Chair
Michelle Tappouni
Mobeen Rathore, M.D.
David Wood
Gabriel DuPree – Alt

Education & Public Outreach

Michelle Tappouni – Chair
Lucinda Sonnenberg, Ph.D.
Nick Howland
Bobby Baker, P.E.

**Water Committee**

Lucinda Sonnenberg, Ph.D. – Chair
Gabriel DuPree
Amy Fu, P.E.
Bobby L. Baker, P.E.
David Wood – Alt

Nick Howland – Chairman

Amy Fu, P.E. – Vice Chairman

Bobby L. Baker, P.E., Roi Dagan, M.D., Gabriel DuPree

Mobeen Rathore, M.D., Lucinda Sonnenberg, Ph.D., Michelle Tappouni, David Wood

EPB ADMINISTRATOR REPORT – February 2017

- ✓ **REMINDER** Parking – procedures for parking related to all Boards and Commissions remain in effect. If there are any questions, please let me know.

- ✓ Planning discussions for the 2017 EPB Environmental Symposium will begin soon. If there are specific topics or themes that you want to see incorporated, please let me know. As the hosts of the much anticipated annual event, I want to ensure you have as much input as you would like to.

- ✓ EPB Counsel, Sondra Fetner, successfully gave birth to Quinn Margot on Tuesday the 24th. Both mother and daughter are doing well.

- ✓ While we were unable to hold the annual Water Education Festival on the traditional 1st Saturday of February, we are in the final planning stages of a new festival focused on water. Aquafest, the tentative name, will be held at MOSH on the 1st Saturday in May (May 6th). More details to come.

- ✓ The retreat is scheduled for Friday February 17th from 2 – 5 pm. Details will be announced shortly.