

JEA
21 West Church Street
Jacksonville, Florida 32202

**RE: Investigation WP-16-XY
JEA project at Gay Street & Atlantic Boulevard
Alleged unlawful discharge of turbid water**

Consent Order

The purpose of this letter is to complete the resolution of violations identified by the City of Jacksonville, Neighborhoods Department (Department), in investigation WP-16-XY. The corrective actions required to bring your project into compliance have been performed. To complete the resolution of the case, the payment of a civil penalty of **\$6,400** [\$8,000 less 20% good faith efforts to cooperate] is required. The check shall be made payable to the City of Jacksonville **Environmental Protection Trust Fund** and shall be mailed to the Department within 30 days after approval of this agreement by the City of Jacksonville Environmental Protection Board (JEPB). Payment of such amount does not constitute, nor shall it be construed as, an admission of liability or wrongdoing for any allegations from the investigation, nor shall it constitute or be construed as an admission of liability or wrongdoing for violation of any federal, State, or local law, statute, rule, regulation, ordinance, or other requirement.

Your signing of this letter constitutes your agreement to the terms of the letter. After this letter has been countersigned by the Department and approved by the JEPB, this letter shall constitute a consent order and final agency action on behalf of the Department and full satisfaction of this matter and the allegations from the investigation. The terms of the consent order may be enforced in a court of competent jurisdiction, pursuant to Florida Statutes (FS) §§120.69 and 403.121, and Jacksonville Ordinance Code Chapter 360. Failure to comply with the terms of this consent order may constitute a violation of FS §403.161(1)(b) and Jacksonville Ordinance Code §362.110(a)(2).

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

Failure to sign and return this document to the Department on or before September 17, 2016, will be assumed to be a rejection of the settlement agreement contained herein. This matter will then be referred to the City Office of General Counsel for further action.

**CITY OF JACKSONVILLE
NEIGHBORHOODS DEPARTMENT**

08/25/16
Date

Kimberly Scott
Kimberly Scott, M.P.A., Interim Director

JEA

8/24/2016
Date

Michael R. Hoffmann
Print Name: Michael R. Hoffmann
Print Title: Chief Public Affairs Officer

ORDER

I hereby certify that the foregoing document was adopted by order of the Environmental Protection Board of the City of Jacksonville this 10th day of October, 2017.

Nick Howland
Nick Howland, Chair
Environmental Protection Board