

Cash Receiving Application - Collection Point Log Remittance

CL AREA

NED

CRAF006A

Logged Total

\$16,050.00

Collection Point Log Remittance

Remittance ID

1450768

Type \*

CP

Received Date \*

06/03/2021

Status

RECEIVED

System Receipt

64858

PNR

Check # \*

007845

Amount \*

16,050.00

Name \*

PIPELINE CONSTRUCTORS INC

First

Middle

Title

Suffix

Address1

2117 N TEMPLE AVE

Address2

City

STARKE

ST

FL

Zip

32091

Country

Short Comments

AW/AW/OGC #21-0490-ES

PAYMENT (S)

Payment ID	Distribution CL Area	Rev Code ODN	Revenue Object	Description	Payment Amount	Reference#	Appl	Fund *	Grant	Project	BPIN	Status
1762719	NED	012008	012008	LCT-PENALTIES	15,800.00	210490		WQATF				COMPLETE
1762720	NED	018003	018003	LCT-REIMB.LEGAL	250.00	210490		WQATF				COMPLETE

COMMIT FREQUENTLY

16,050.00

Payment Total

SECURITY FEATURES INCLUDE TRUE WATERMARK PAPER, HEAT SENSITIVE ICON AND FOIL HOLOGRAM.

CHECKSAFE



Pipeline Constructors Inc.  
2117 N Temple Ave  
Starke, FL 32091  
904-964-2019

COMMUNITY STATE BANK  
63-636/631

64858

007845

06/01/2021

PAY TO THE  
ORDER OF

FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

\$ \*\*16,050.00

Sixteen thousand fifty and 00/100\*\*\*\*\* DOLLARS

FLORIDA DEPARTMENT OF ENVIRONMENTAL PF  
NORTHEAST DISTRICT OFFICE  
8800 BAYMEADOWS WAY WEST  
SUITE 100  
JACKSONVILLE, FL 32256

MEMO

WATER QUALITY ASSURANCE TRUST FUND OGI



*John Deane*  
AUTHORIZED SIGNATURE

Pipeline Constructors Inc.

06/01/2021

FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

007845

OGC FILE NUMBER 21-0490; Permit No. FLR20DO5

16,050.00

Community State Bank

WATER QUALITY ASSURANCE TRUST FUND OGC NUMBER 21-0490



# Florida Department Of Environmental Protection

Northeast District  
8800 Baymeadows Way West, Suite 100  
Jacksonville, Florida 32256

**Ron DeSantis**  
Governor

**Jeanette Nuñez**  
Lt. Governor

**Noah Valenstein**  
Secretary

June 3, 2021

*Sent electronically to: [marney@pipelinecontractorsinc.com](mailto:marney@pipelinecontractorsinc.com)*

Mr. Ronald E. Denmark  
Pipeline Contractors, Inc.  
5794 NW CR 229  
Starke, Florida 32091

**SUBJECT: Department of Environmental Protection v. Pipeline Contractors, Inc.**  
**OGC File No. 21-0490**  
**Ryan's Pond – NPDES Generic Permit No. FLR20DO91-001**  
**5606 Jammes Road, Jacksonville, Florida 32244**

Dear Mr. Denmark:

Enclosed is a copy of the executed Consent Order to resolve Case Number 21-0490.

The effective date of this Order is June 3, 2021, and all time frames will be referenced from this date.

As a reminder, a Consent Order is a binding legal document and was voluntarily entered into by both parties.

Should you have any questions concerning the Consent Order, please contact Sally Logan, at [Sally.Logan@FloridaDEP.gov](mailto:Sally.Logan@FloridaDEP.gov), or by phone at (904) 256-1634. Your continued cooperation in the matter is appreciated.

Sincerely,

A handwritten signature in blue ink that reads "James R. Maher".

James R. Maher, PE  
Assistant Director

Enclosure: Executed Consent Order

cc: FDEP-OGC: Lea Crandall, Agency Clerk  
FDEP-NED: Arlene Wilkinson, DEP\_NED



# FLORIDA DEPARTMENT OF Environmental Protection

Northeast District  
8800 Baymeadows Way West, Suite 100  
Jacksonville, Florida 32256

**Ron DeSantis**  
Governor

**Jeanette Nuñez**  
Lt. Governor

**Noah Valenstein**  
Secretary

May 12, 2021

Sent electronically to: [marney@pipelinecontractorsinc.com](mailto:marney@pipelinecontractorsinc.com)

Mr. Ronald E. Denmark  
Pipeline Contractors, Inc.  
5794 NW CR 229  
Starke, Florida 32091

**SUBJECT: Department of Environmental Protection v. Pipeline Contractors, Inc.**  
**OGC File No. 21-0490**  
**Ryan's Pond – NPDES Generic Permit No. FLR20DO91-001**  
**5606 Jammes Road, Jacksonville, Florida 32244**

Dear Mr. Denmark:

The State of Florida Department of Environmental Protection ("Department") finds that Pipeline Contractors, Inc. ("Respondent") did not utilize appropriate Best Management Practices, and as a result discharged turbid water above acceptable Nephelometric Turbidity Units (NTUs), pursuant to General Permit Conditions 5.1 and 1.5.1, NPDES Generic Permit No. FLR20DO91-001, Rule 62-302.530(70), Florida Administrative Code (Fla. Admin. Code). Before sending this letter, the Department requested that the Respondent undertake certain actions to resolve the violations. These actions have since been completed. However, due to the nature of the violations, the Respondent remains subject to civil penalties. The Respondent is also responsible for costs incurred by the Department during the investigation of this matter.

## **The Department's Offer**

Based on the violations described above, the Department is seeking \$15,800.00 in civil penalties and \$250.00 for costs and expenses the Department has incurred in investigating this matter, which amounts to a total of \$16,050.00. The civil penalty in this matter includes two violations of \$2,000.00 or more.

In lieu of making cash payment of \$10,800.00 in civil penalties as set forth in the paragraph above, Respondent may elect to off-set this amount by implementing an in-kind penalty project, which must be approved by the Department. An in-kind project must be either an environmental enhancement, environmental restoration or a capital/facility improvement project and may not be a corrective action requirement of the Order or otherwise required by law. The Department may also consider the donation of environmentally sensitive land as an in-kind project.

The value of the in-kind penalty project shall be one and a half times the civil penalty off-set amount, which in this case is the equivalent of at least \$16,200.00. If Respondent chooses to implement an in-kind project, Respondent shall notify the Department of its election by certified mail within 15 days of the effective date of this Consent Order. Notwithstanding the election to implement an in-kind project, payment of the remaining \$5,000.00 in economic benefit and \$250.00 in costs must be paid within 30 days of the effective date of the Consent Order.

If Respondent elects to implement an in-kind project as provided in the paragraph above, then Respondent shall comply with all of the requirements and time frames in Exhibit A entitled In-Kind Projects.

### **Respondent's Acceptance**

If you wish to accept this offer and fully resolve the enforcement matter pending against the Respondent, please sign this letter and return it to the Department at Department of Environmental Protection, Northeast District Office, 8800 Baymeadows Way West, Suite 100, Jacksonville, Florida, 32256, within 30 days of the issuance of this Order. The Department will then countersign it and file it with a designated clerk of the Department. Once the document is filed with the designated clerk, it will constitute a final order of the Department pursuant to Section 120.52(7), Fla. Stat., and will be effective unless a request for an administrative hearing is filed by a third party in accordance with Chapter 120, Fla. Stat., and the attached Notice of Rights.

By accepting this offer you, Ronald Denmark:

- (1) certify that you are authorized and empowered to negotiate, enter into, and accept the terms of this offer in the name and on behalf of Respondent;
- (2) acknowledge and waive Respondent's right to an administrative hearing pursuant to Sections 120.569 and 120.57, Fla. Stat., on the terms of this offer, once final;
- (3) acknowledge and waive Respondent's right to an appeal pursuant to Section 120.68, Fla. Stat.; and
- (4) acknowledge that payment of the above amount does not constitute a waiver of the Department's right, if any, to recover emergency response related costs and expenses for this matter.

The Department acknowledges that the Respondent's acceptance of this offer does not constitute an admission of liability for the violations referenced above.

### **Respondent's Performance**

After signing and returning this document to the Department,

- (1) Respondent must pay \$16,050.00 in full within 30 days of the effective date of this Order; or pay \$5,000.00 in economic benefit and \$250.00 in department costs and expenses within 30 day of the effective date of this order and submit an in-kind project proposal described above, within 15 days of the effective date of this order.

- (2) Respondent shall make all payments required by this Order by cashier's check, money order or on-line payment. Cashier's check or money order shall be made payable to the "Department of Environmental Protection" and shall include both the OGC number assigned to this Order and the notation "Water Quality Assurance Trust Fund." Online payments by e-check can be made by going to the DEP Business Portal at: <http://www.fldepportal.com/go/pay/>. It will take a number of days after this order is final and effective filed with the Clerk of the Department before ability to make online payment is available.

The Department may enforce the terms of this document, once final, and seek to collect monies owed pursuant to Sections 120.69 and 403.121, Fla. Stat.

Until clerked by the Department, this letter is only a settlement offer and not a final agency action. Consequently, neither the Respondent nor any other party may request an administrative hearing to contest this letter pursuant to Chapter 120, Fla. Stat. Once this letter is clerked and becomes a final order of the Department, as explained above, the attached Notice of Rights will apply to parties, other than the Respondent, whose interests will be substantially affected.

Electronic signatures or other versions of the parties' signatures, such as .pdf or facsimile, shall be valid and have the same force and effect as originals. No modifications of the terms of this Order will be effective until reduced to writing, executed by both Respondent and the Department, and filed with the clerk of the Department.

Please be aware that if the Respondent declines to respond to the Department's offer, the Department will assume that the Respondent is not interested in resolving the matter and will proceed accordingly.


If you have any questions, please contact Sally Logan by phone at (904) 256-1634, or via email at [Sally.Logan@FloridaDEP.gov](mailto:Sally.Logan@FloridaDEP.gov).

Sincerely,

  
\_\_\_\_\_  
James R. Maher, PE  
Assistant Director

FOR THE RESPONDENT:

I, Ronald Denmark [Ronald Denmark], **HEREBY ACCEPT THE TERMS OF THE SETTLEMENT OFFER IDENTIFIED ABOVE.**

By:  Date: 5/25/21  
[Signature]

Title: President, Pipeline Contractors, Inc.

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**FOR DEPARTMENT USE ONLY**

DONE AND ORDERED this 3rd day of June 2021, in Duval County, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION



Gregory J. Strong  
District Director

Filed, on this date, pursuant to section 120.52, Fla. Stat., with the designated Department Clerk, receipt of which is hereby acknowledged.

Roxanne M. Smith June 3, 2021  
Clerk Date

Attachments: Notice of Rights, Exhibit A

Final clerked copy furnished to:

Lea Crandall, Agency Clerk ([Lea.Crandall@FloridaDEP.gov](mailto:Lea.Crandall@FloridaDEP.gov))  
Marney Best, Pipeline Contractors, Inc. ([marney@pipelinecontractorsinc.com](mailto:marney@pipelinecontractorsinc.com))  
Arlene Wilkinson, FDEP NED  
Tanya Wellborn, FDEP Tallahassee



## NOTICE OF RIGHTS

Persons who are not parties to this Order, but whose substantial interests are affected by it, have a right to petition for an administrative hearing under Sections 120.569 and 120.57, Fla. Stat. Because the administrative hearing process is designed to formulate final agency action, the filing of a petition concerning this Order means that the Department's final action may be different from the position it has taken in the Order.

The petition for administrative hearing must contain all of the following information:

- a) The OGC Number assigned to this Order;
- b) The name, address, and telephone number of each petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding;
- c) An explanation of how the petitioner's substantial interests will be affected by the Order;
- d) A statement of when and how the petitioner received notice of the Order;
- e) Either a statement of all material facts disputed by the petitioner or a statement that the petitioner does not dispute any material facts;
- f) A statement of the specific facts the petitioner contends warrant reversal or modification of the Order;
- g) A statement of the rules or statutes the petitioner contends require reversal or modification of the Order; and
- h) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the Department to take with respect to the Order.

The petition must be filed (received) at the Department's Office of General Counsel, 3900 Commonwealth Boulevard, MS# 35, Tallahassee, Florida 32399-3000 within 21 days of receipt of this notice. A copy of the petition must also be mailed at the time of filing to the District Office at the address indicated above. Failure to file a petition within the 21-day period constitutes a person's waiver of the right to request an administrative hearing and to participate as a party to this proceeding under Sections 120.569 and 120.57, Fla. Stat. Mediation under Section 120.573, Fla. Stat., is not available in this proceeding.



Exhibit A

**In-Kind Projects**

I. Introduction

An in-kind project

a. Within 60 days of the effective date of this Consent Order, Respondent shall submit, by certified mail, a detailed in-kind project proposal to the Department for evaluation. The proposal shall include a summary of benefits, proposed schedule for implementation and documentation of the estimated costs which are expected to be incurred to complete the project. These costs shall not include those incurred in developing the proposal or obtaining approval from the Department for the in-kind project.

b. If the Department requests additional information or clarification due to a partially incomplete in-kind project proposal or requests modifications due to deficiencies with Department guidelines, Respondent shall submit, by certified mail, all requested additional information, clarification, and modifications within 15 days of receipt of written notice.

c. If upon review of the in-kind project proposal, the Department determines that the project cannot be accepted due to a substantially incomplete proposal or due to substantial deficiencies with minimum Department guidelines; Respondent shall be notified, in writing, of the reason(s) which prevent the acceptance of the proposal. Respondent shall correct and redress all of the matters at issue and submit, by certified mail, a new proposal within 30 days of receipt of written notice. In the event that the revised proposal is not approved by the Department, Respondent shall make cash payment of the civil penalties within 30 days of Department notice.

d. Within 120 days of the effective date of this Consent Order, Respondent shall obtain approval for an in-kind project from the Department. If an in-kind project proposal is not approved by

the Department within 120 days of the effective date of this Consent Order, then Respondent shall make cash payment of the civil penalties within 30 days of Department notice.

e. Within 180 days of obtaining Department approval for the in-kind proposal or in accordance with the approved schedule submitted pursuant to paragraph 2(a) above, Respondent shall complete the entire in-kind project.

f. During the implementation of the in-kind project, Respondent shall place appropriate sign(s) at the project site indicating that Respondent's involvement with the project is the result of a Department enforcement action. Respondent may remove the sign(s) after the project has been completed. However, after the project has been completed Respondent shall not post any sign(s) at the site indicating that the reason for the project was anything other than a Department enforcement action.

g. In the event, Respondent fails to timely submit any requested information to the Department, fails to complete implementation of the in-kind project or otherwise fails to comply with any provision of this paragraph, the in-kind penalty project option shall be forfeited and the entire amount of civil penalties shall be due from the Respondent to the Department within 30 days of Department notice. If the in-kind penalty project is terminated and Respondent timely remits the \$10,800.00 penalty, no additional penalties shall be assessed.

h. Within 15 days of completing the in-kind project, Respondent shall notify the Department, by certified mail, of the project completion and request a verification letter from the Department. Respondent shall submit supporting information verifying that the project was completed in accordance with the approved proposal and documentation showing the actual costs incurred to complete the project. These costs shall not include those incurred in developing the proposal or obtaining approval from the Department for the project.

i. If upon review of the notification of completion, the Department determines that the project cannot be accepted due to a substantially incomplete notification of completion or due to substantial deviations from the approved in-kind project; Respondent shall be notified, in writing, of the reason(s) which prevent the acceptance of the project. Respondent shall correct and redress all of the matters at issue and submit, by certified mail, a new notification of completion within 15 days of receipt of the Department's notice. If upon review of the new submittal, the Department determines that the in-kind project is still incomplete or not in accordance with the approved proposal, the in-kind penalty project option shall be forfeited, and the entire amount of civil penalty shall be due from the Respondent to the Department within 30 days of Department notice. If the in-kind penalty project is terminated and Respondent timely remits the \$10,800.00, no additional penalties shall be assessed.