



FLORIDA DEPARTMENT OF Environmental Protection

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

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

January 10, 2023

Sent electronically to: bhowe3050@att.net

Mr. Bruce Howe, President
St. Johns Harbor Water Association, Inc.
150 Kingfish Avenue
Palatka, Florida 32177

SUBJECT: Department of Environmental Protection v. St. Johns Harbor Water Association, Inc.
St. Johns Harbor Water Treatment Plant - OGC File No. 22-1697
Facility ID: FLA327034
Putman County – Wastewater Enforcement

Dear Mr. Howe:

Enclosed is the Executed Consent Order to resolve the issues in the subject OGC File. The effective date of this Order is January 09, 2023, and all timeframes 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.

If you have any questions concerning the Consent Order, please contact Abhi Maturi at (904) 256-1584, or via email at Abhi.Maturi@FloridaDEP.gov. Your continued cooperation in the matter is greatly appreciated.

Sincerely,

A handwritten signature in blue ink that reads "Tom Kallemeyn".

Thomas G. Kallemeyn
Assistant District Director

ec: FDEP-NED: Herndon Sims, Shannon Taylor, Monique Jordan, DEP_NED
Brian Maccann, bmaccann@palatka-fl.gov



FLORIDA DEPARTMENT OF Environmental Protection

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

Ron DeSantis
Governor

Jeanette Nuñez
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Shawn Hamilton
Secretary

October 17, 2022

Sent electronically to: bhowe3050@att.net

Mr. Bruce Howe, President
St. Johns Harbor Water Association, Inc.
150 Kingfish Avenue
Palatka, Florida 32177

**SUBJECT: Department of Environmental Protection v. St. Johns Harbor Water Association, Inc
St. Johns Harbor Water Treatment Plant - OGC File No. 22-1697
Facility ID: FLA327034
Putman County – Wastewater Enforcement**

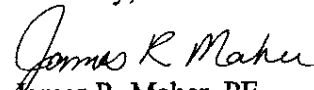
Dear Mr. Howe:

Enclosed is the Consent Order to resolve the issues in the subject OGC File 22-1697. Please review the Consent Order and, if you find it acceptable, sign and return the original document to this office within 14 days of receipt.

If you wish to modify the Consent Order, please respond to this office in writing within 14 days, explaining your concerns including any proposed changes.

If you have any questions concerning the Consent Order, please contact Abhi Maturi, at (904) 256-1584, or at Abhi.Maturi@FloridaDEP.gov. Your continued cooperation in the matter is greatly appreciated.

Sincerely,


James R. Maher, PE
Assistant Director

cc: FDEP-NED: Herndon Sims, Paul Duff, Shannon Taylor, Monique Jordan, DEP_NED
[Brian Maccann/bmaccann@palatka-fl.gov](mailto:Brian.Maccann@palatka-fl.gov)

BEFORE THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

STATE OF FLORIDA DEPARTMENT) OF ENVIRONMENTAL PROTECTION))	IN THE OFFICE OF THE) NORTHEAST DISTRICT)
v.))	OGC FILE NO. 22-1697)
ST. JOHNS HARBOR WATER) ASSOCIATION, INC.))	
_____))	

CONSENT ORDER

This Consent Order ("Order") is entered into between the State of Florida Department of Environmental Protection ("Department") and St. John's Harbor Water Association ("Respondent") to reach settlement of certain matters at issue between the Department and Respondent.

The Department finds and Respondent admits the following:

1. The Department is the administrative agency of the State of Florida having the power and duty to protect Florida's air and water resources and to administer and enforce the provisions of Chapter 403, Florida Statutes ("Fla. Stat."), and the rules promulgated and authorized in Title 62, Florida Administrative Code ("F.A.C."). The Department has jurisdiction over the matters addressed in this Order.
2. Respondent is a person within the meaning of Section 403.031(5), Fla. Stat.
3. St. Johns Harbor Water Association is a water treatment plant with a 200,000-gallon storage tank, focusing on reverse osmosis membrane filtration for treating brackish ground water from the Upper Floridan aquifer for potable water supply ("Facility"). The Facility operates under Department Wastewater Permit No. FLA327034, which was issued on April 21, 2015. Respondent did not timely apply for a permit renewal. The Facility is located at 151 Trisail Avenue, Palatka, Florida with coordinates 29°45' 48.71" N, 81°34' 47.65" W ("Property").

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4. The Department finds that the following violation(s) occurred:
- a) Facility is currently operating without a valid permit. The permit expired on April 20, 2020. (Violation of Rules 62.4.030 and 62-620.300(2), F.A.C.)
 - b) Permittee failed to submit an application to renew the existing permit at least 180 days prior to expiration date of April 20, 2020. The renewal application was submitted on March 27, 2020. (Violation of Rules 62-620.335(1) and 62-620.410(5), F.A.C.)
 - c) Permittee failed to complete Administrative Order (AO) 180 NE requirements for MWC-1 and MWC-3. The semiannual progress reports were missing the groundwater monitoring wells trend analysis. The AO expired July 2019. (Violation of Rules 62-62-620.620(6)(a) and 62-520.420(1), F.A.C.)
 - d) Excessive vegetation was observed in and around the rapid infiltration basins (RIBs). The RIBs were not being operated using the appropriate hydraulic loading and resting cycles and are currently not percolating. (Violation of Rules 62-610.523(6) and 62-610.523(4), F.A.C.)
 - e) Permittee failed to respond to warning letter (WL) 20-178 issued July 28, 2020. The WL was reissued in November 2020, and still no response provided to Department.
 - f) Office File Reviews showed possible violations of Chapter 403, Fla. Stat. as well as Rules 62-4.160 and 62-600-410(1), F.A.C. The permit exceedances and violations are noted in Tables 1-7 below: (Chapter 403, Fla. Stat., as well as Rules 62-600, 60-610 and 62-520, F.A.C.)

Table 1: pH Exceedances

Monitoring Group	Date	Description	Result	Limit	Units	Statistical Base
MWC-1	06/30/2020	pH	6.28	6.5-8.5	s.u.	RG - RANGE
MWC-1	12/31/2018	pH	6.45	6.5-8.5	s.u.	RG - RANGE
MWC-1	09/30/2018	pH	6.16	6.5-8.5	s.u.	RG - RANGE
MWC-1	06/30/2018	pH	6.47	6.5-8.5	s.u.	RG - RANGE
MWC-1	12/31/2017	pH	Missed	6.5-8.5	s.u.	RG - RANGE
MWC-1	09/30/2017	pH	Missed	6.5-8.5	s.u.	RG - RANGE
MWC-1	06/30/2017	pH	6.3	6.5-8.5	s.u.	RG - RANGE

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Monitoring Group	Date	Description	Result	Limit	Units	Statistical Base
MWC-1	03/31/2017	pH	6.27	6.5-8.5	s.u.	RG - RANGE
MWC-1	12/31/2016	pH	6.16	6.5-8.5	s.u.	RG - RANGE
MWC-1	09/30/2016	pH	6.22	6.5-8.5	s.u.	RG - RANGE
MWC-1	06/30/2016	pH	6.25	6.5-8.5	s.u.	RG - RANGE
MWC-1	03/31/2016	pH	6.25	6.5-8.5	s.u.	RG - RANGE
MWC-1	12/31/2015	pH	6.16	6.5-8.5	s.u.	RG - RANGE
MWC-3	06/30/2022	pH	6.39	6.5-8.5	s.u.	RG - RANGE
MWC-3	09/30/2021	pH	6.2	6.5-8.5	s.u.	RG - RANGE
MWC-3	06/30/2021	pH	6.14	6.5-8.5	s.u.	RG - RANGE
MWC-3	03/31/2021	pH	6.06	6.5-8.5	s.u.	RG - RANGE
MWC-3	12/31/2020	pH	6.2	6.5-8.5	s.u.	RG - RANGE
MWC-3	06/30/2020	pH	5.94	6.5-8.5	s.u.	RG - RANGE
MWC-3	06/30/2019	pH	6.24	6.5-8.5	s.u.	RG - RANGE
MWC-3	12/31/2018	pH	6.35	6.5-8.5	s.u.	RG - RANGE
MWC-3	09/30/2018	pH	5.87	6.5-8.5	s.u.	RG - RANGE
MWC-3	06/30/2018	pH	6.08	6.5-8.5	s.u.	RG - RANGE
MWC-3	03/31/2018	pH	5.9	6.5-8.5	s.u.	RG - RANGE
MWC-3	12/31/2017	pH	Missed	6.5-8.5	s.u.	RG - RANGE
MWC-3	09/30/2017	pH	Missed	6.5-8.5	s.u.	RG - RANGE
MWC-3	03/31/2017	pH	6.44	6.5-8.5	s.u.	RG - RANGE
MWC-3	12/31/2016	pH	5.71	6.5-8.5	s.u.	RG - RANGE
MWC-3	09/30/2016	pH	6.37	6.5-8.5	s.u.	RG - RANGE
MWC-3	06/30/2016	pH	5.47	6.5-8.5	s.u.	RG - RANGE
MWC-3	03/31/2016	pH	5.45	6.5-8.5	s.u.	RG - RANGE
MWC-3	12/31/2015	pH	6.23	6.5-8.5	s.u.	RG - RANGE

Table 2: Total Dissolved Solids (TDS) Exceedances

Monitoring Group	Date	Description	Result	Limit	Units	Statistical Base
MWC-1	09/30/2021	Solids, Total Dissolved (TDS)	2070	500	mg/L	MB - Maximum
MWC-1	06/30/2021	Solids, Total Dissolved (TDS)	1340	500	mg/L	MB - Maximum
MWC-1	03/31/2021	Solids, Total Dissolved (TDS)	2060	500	mg/L	MB - Maximum
MWC-1	12/31/2020	Solids, Total Dissolved (TDS)	2040	500	mg/L	MB - Maximum
MWC-1	09/30/2020	Solids, Total Dissolved (TDS)	2090	500	mg/L	MB - Maximum
MWC-1	06/30/2020	Solids, Total Dissolved (TDS)	1980	500	mg/L	MB - Maximum
MWC-1	03/31/2020	Solids, Total Dissolved (TDS)	1800	500	mg/L	MB - Maximum
MWC-1	12/31/2019	Solids, Total Dissolved (TDS)	1380	500	mg/L	MB - Maximum

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Monitoring Group	Date	Description	Result	Limit	Units	Statistical Base
MWC-1	09/30/2019	Solids, Total Dissolved (TDS)	1420	500	mg/L	MB - Maximum
MWC-3	06/30/2021	Solids, Total Dissolved (TDS)	966	500	mg/L	MB - Maximum
MWC-3	03/30/202	Solids, Total Dissolved (TDS)	1060	500	mg/L	MB - Maximum
MWC-3	09/30/2021	Solids, Total Dissolved (TDS)	1350	500	mg/L	MB - Maximum
MWC-3	06/30/2021	Solids, Total Dissolved (TDS)	3600	500	mg/L	MB - Maximum
MWC-3	03/31/2021	Solids, Total Dissolved (TDS)	1520	500	mg/L	MB - Maximum
MWC-3	12/31/2020	Solids, Total Dissolved (TDS)	1730	500	mg/L	MB - Maximum
MWC-3	09/30/2020	Solids, Total Dissolved (TDS)	1220	500	mg/L	MB - Maximum
MWC-3	06/30/2020	Solids, Total Dissolved (TDS)	672	500	mg/L	MB - Maximum
MWC-3	03/31/2020	Solids, Total Dissolved (TDS)	858	500	mg/L	MB - Maximum
MWC-3	12/31/2019	Solids, Total Dissolved (TDS)	638	500	mg/L	MB - Maximum
MWC-3	09/30/2019	Solids, Total Dissolved (TDS)	630	500	mg/L	MB - Maximum

Table 3: Sodium Recoverable Exceedances

Monitoring Group	Date	Description	Result	Limit	Units	Statistical Base
MWC-1	09/30/2021	Sodium, Total Recoverable	167	160	mg/L	MB - Maximum
MWC-1	12/31/2020	Sodium, Total Recoverable	163	160	mg/L	MB - Maximum
MWC-1	09/30/2020	Sodium, Total Recoverable	166	160	mg/L	MB - Maximum
MWC-1	06/30/2020	Sodium, Total Recoverable	161	160	mg/L	MB - Maximum

Table 4: Chloride (as Cl) Exceedances

Monitoring Group	Date	Description	Result	Limit	Units	Statistical Base
MWC-1	09/30/2021	Chloride (as Cl)	321	250	mg/L	MB - Maximum
MWC-1	03/31/2021	Chloride (as Cl)	315	250	mg/L	MB - Maximum
MWC-1	12/31/2020	Chloride (as Cl)	328	250	mg/L	MB - Maximum
MWC-1	09/30/2020	Chloride (as Cl)	342	250	mg/L	MB - Maximum
MWC-1	06/30/2020	Chloride (as Cl)	305	250	mg/L	MB - Maximum
MWC-1	03/31/2020	Chloride (as Cl)	275	250	mg/L	MB - Maximum
MWC-1	12/31/2019	Chloride (as Cl)	272	250	mg/L	MB - Maximum
MWC-1	09/30/2019	Chloride (as Cl)	282	250	mg/L	MB - Maximum
MWC-3	09/30/2021	Chloride (as Cl)	297	250	mg/L	MB - Maximum
MWC-3	06/30/2021	Chloride (as Cl)	298	250	mg/L	MB - Maximum

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Table 5: Total Sulfate Exceedances

Monitoring Group	Date	Description	Result	Limit	Units	Statistical Base
MWC-1	09/30/2021	Sulfate, Total	982	250	mg/L	MB - Maximum
MWC-1	06/30/2021	Sulfate, Total	590	250	mg/L	MB - Maximum
MWC-1	03/31/2021	Sulfate, Total	909	250	mg/L	MB - Maximum
MWC-1	12/31/2020	Sulfate, Total	914	250	mg/L	MB - Maximum
MWC-1	09/30/2020	Sulfate, Total	854	250	mg/L	MB - Maximum
MWC-1	06/30/2020	Sulfate, Total	859	250	mg/L	MB - Maximum
MWC-1	3/31/2020	Sulfate, Total	799	250	mg/L	MB - Maximum
MWC-1	12/31/2019	Sulfate, Total	629	250	mg/L	MB - Maximum
MWC-1	09/30/2019	Sulfate, Total	554	250	mg/L	MB - Maximum
MWC-3	06/30/2022	Sulfate, Total	428	250	mg/L	MB - Maximum
MWC-3	03/31/2022	Sulfate, Total	462	250	mg/L	MB - Maximum
MWC-3	09/30/2021	Sulfate, Total	576	250	mg/L	MB - Maximum
MWC-3	06/30/2021	Sulfate, Total	770	250	mg/L	MB - Maximum
MWC-3	03/31/2021	Sulfate, Total	483	250	mg/L	MB - Maximum
MWC-3	12/31/2020	Sulfate, Total	729	250	mg/L	MB - Maximum
MWC-3	09/30/2020	Sulfate, Total	434	250	mg/L	MB - Maximum

Table 6: Gross Alpha (excluding Radon and Uranium) Violations

Monitoring Group	Date	Description	Result	Limit	Units	Statistical Base
MWC-1	12/31/2019	Gross Alpha (excluding Radon and Uranium)	Missed	15	pCi/L	MB - Maximum
MWC-1	12/31/2017	Gross Alpha (excluding Radon and Uranium)	Missed	15	pCi/L	MB - Maximum
MWC-3	12/31/2019	Gross Alpha (excluding Radon and Uranium)	Missed	15	pCi/L	MB - Maximum
MWC-3	12/31/2017	Gross Alpha (excluding Radon and Uranium)	Missed	15	pCi/L	MB - Maximum

Table 7: Combined Radium 226 + 228 Violations

Monitoring Group	Date	Description	Result	Limit	Units	Statistical Base
MWC-1	12/31/2019	Combined Radium 226 + 228	Missed	5	pCi/L	MB - Maximum
MWC-1	12/31/2017	Combined Radium 226 + 228	Missed	5	pCi/L	MB - Maximum

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MWC-3	12/31/2019	Combined Radium 226 + 228	Missed	5	pCi/L	MB - Maximum
MWC-3	12/31/2017	Combined Radium 226 + 228	Missed	5	pCi/L	MB - Maximum

Having reached a resolution of the matter, Respondent and the Department mutually agree, and it is

ORDERED:

5. Respondent shall comply with the following corrective actions within the stated time periods:

a) Within 90 days of the effective date of this Order, Respondent shall obtain a valid wastewater permit for its Facility.

b) Respondent shall comply with the following compliance schedule timeline in Table below :

ACTION ITEM				DUE DATE
(1)	Develop a Plan of Action (POA) detailing the corrective actions and measures by the facility to meet the state groundwater limits in the compliance wells by the indicated deadline provided in condition 5(b)(10) below. The state groundwater limits for the parameters with exceedances are provided below:			November 30, 2022
	<u>Parameter</u>	<u>State Limit</u>	<u>Units</u>	
	pH	6.5-8.5	s.u.	
	Total Recoverable Sodium	160	mg/l	
	Chloride (as Cl)	250	mg/L	
	TDS	500	mg/L	
	Total Sulfate	250	mg/L	
The POA shall include a proposal for one or more of the following actions: 1) Reduced application rates of				

ACTION ITEM	DUE DATE
<p>parameters listed in Permit Condition III.10 to the RIBs that effect MWC-1 and MWC-3,</p> <p>2) Expand RIBs,</p> <p>3) Alternative discharge of wastewater,</p> <p>4) Balance the concentration of the parameters listed in Permit Condition III.10 between the water treatment plant and the demineralization concentration,</p> <p>5) Other means to reduce the levels of parameters listed in Permit Condition III.10 in the compliance wells.</p> <p>The POA shall include an evaluation of the Rapid Infiltration Systems functioning issues and solutions to bring the RIBs into compliance with permit and all applicable wastewater rules and Chapters, including 62-610, F.A.C.</p> <p>The POA shall include annual self-imposed target limits for all compliance wells above the compliance well limits for parameters listed in Permit Condition III.10 established on the actions developed in the approved POA.</p> <p>The POA may involve modifications to the Facility, modification to the treatment processes, or reductions in the amounts of contaminants entering the facility. The final POA shall be prepared and sealed by a professional engineer ("Engineer") registered in the State of Florida and shall include a time schedule with well defined, critical intermediate milestone dates, by which compliance shall be achieved. The Department shall review the POA and either approve the POA or request Respondent provided additional information or perform additional evaluation. If the POA is deemed incomplete by the Department or if the Department Requests Further Information ("RFI"), Respondent shall respond to any request for additional information by the Department within 30 days of the date of any such request. Respondent must receive written</p>	

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	ACTION ITEM	DUE DATE
	<p>notification of review and approval of the POA from the Department ("Notification") prior to implementing the POA.</p> <p>Respondent shall implement the revised POA within 30 days of the date of written Notification by the Department approving the POA or within the timeframe set out in the POA approved by the Department.</p>	
(2)	<p>Submit final proposed POA to the DEP NED Office that includes a proposal for the most feasible option for demonstrating compliance with state groundwater limits for parameters listed in compliance wells MWC-1 and MWC-3. Plus, schedule a meeting with DEP NED Office to discuss the final proposal.</p>	January 31, 2023
(3)	<p>Begin Implementing the Department-approved POA.</p>	<p>Within 30 days of receiving approval from the Department, or by March 31, 2023, whichever comes first.</p>
(4)	<p>Submit First Progress Report summarizing advancement towards compliance with state groundwater limits for parameter results monitored in compliance wells MWC-1 and MWC-3. (The report shall meet all criteria listed in Condition 5(d) below of this Order).</p>	July 1, 2023
(5)	<p>Submit Second Progress Report summarizing advancement towards compliance with state groundwater limits for parameter results monitored in compliance wells MWC-1 and MWC-3. (The report shall meet all criteria listed in Condition 5(d) below of this Order).</p>	January 2, 2024
(6)	<p>Submit Third Progress Report summarizing advancement towards compliance with state groundwater limits for parameter results monitored in compliance wells MWC-1 and MWC-3. (The report shall meet all criteria listed in Condition 5(d) of this Order).</p>	July 1, 2024

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ACTION ITEM		DUE DATE
(7)	Submit Fourth Progress Report summarizing advancement towards compliance with state groundwater limits for parameter results monitored in compliance wells MWC-1 and MWC-3. (The report shall meet all criteria listed in Condition 5(d) of this Order).	January 2, 2025
(8)	Submit Fifth Progress Report summarizing advancement towards compliance with state groundwater limits for parameter results monitored in compliance wells MWC-1 and MWC-3. (The report shall meet all criteria listed in Condition 5(d) of this Order).	July 1, 2025
(9)	Submit Sixth Progress Report summarizing advancement towards compliance with state groundwater limits for parameter results monitored in compliance wells MWC-1 and MWC-3. (The report shall meet all criteria listed in Condition 5(d) of this Order).	January 2, 2026
(10)	The Respondent shall meet all state (i.e.: compliance well) groundwater limits listed in Permit condition III.10 for all monitored parameters in all compliance wells for two consecutive quarters.	July 1, 2026

c) The semi-annual Progress Reports shall include a summary of all collected groundwater monitoring results with a trend analysis. The trend analysis shall include all three monitor wells around the RIBs. The report shall also include a review of the effectiveness of the plan of action and any proposed revisions to the plan, if self-imposed target limits for parameters listed in Permit condition III.10 are not met. These revisions shall include a proposal to further reduce the levels of parameters listed in Permit Condition III.10 in the compliance wells, if previous year's results show no improvement. The Department will review any submitted revised plan of action and respond within 30 days of receipt. Permittee shall respond to any requests for additional information within 30 days of receipt. The Respondent shall start to implement any revised plan of action upon receiving approval from the Department.

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6. Notwithstanding the time periods described in the paragraph above, Respondent shall complete all corrective actions required by paragraph 5 within four (4) years of the effective date of this Order and be in full compliance with Rules 62-610, 62-520 and 62-620, F.A.C., regardless of any intervening events or alternative time frames imposed in this Order, other than those excused delays agreed to by the Department, as described in paragraph 1 (16?).

7. The Respondent shall comply with the following interim limits for the parameters listed in the table below, in lieu of the limits in Permit Condition III.10 for compliance wells MWC-1 and MWC-3:

Monitoring Well	Parameter Name	Interim Limit	Units	Sample Type	Monitoring Frequency
MWC-1	pH	6.25-8.5	s.u.	In Situ	Quarterly
MWC-1	Total Recoverable Sodium	180	MG/L	Grab	Quarterly
MWC-1	Chloride (as Cl)	350	MG/L	Grab	Quarterly
MWC-1	Solids, Total Dissolved (TDS)	2200	MG/L	Grab	Quarterly
MWC-1	Sulfate, Total	985	MG/L	Grab	Quarterly
MWC-3	pH	5.9-8.5	s.u.	In Situ	Quarterly
MWC-3	Chloride (as Cl)	350	MG/L	Grab	Quarterly

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MWC-3	Solids, Total Dissolved (TDS)	2200	MG/L	Grab	Quarterly
MWC-3	Sulfate, Total	800	MG/L	Grab	Quarterly

a) Tests conducted pursuant to this monitoring program shall conform to Rule 62-4.246 and Rule 62-160, Fla. Admin. Code.

b) These monitoring requirements do not act as State of Florida Department of Environmental Protection Wastewater Permit effluent limitations, nor do they authorize or otherwise justify violation of the Florida Air and Water Pollution Control Act ("Act"), Part I, Chapter 403, Fla. Stat., during the pendency of this Order.

c) Analyses shall be reported quarterly on a Discharge Monitoring Report ("DMR"), DEP Form No. FLA327034. Respondent shall mail or hand-deliver the DMRs to the Department of Environmental Protection, once each quarter. The DMRs must be received by the Department no later than the 28th day following the end of the reporting period (e.g., an August report would be due no later than September 28th).

8. Every six months after the effective date of this Consent Order, and continuing until all corrective actions have been completed, Respondent shall submit in writing to the Department a report containing information concerning the status and progress of projects being completed under this Order, information as to compliance or noncompliance with the applicable requirements of this Order including construction requirements and effluent limitations, and any reasons for noncompliance. These reports shall also incorporate the semi-annual progress reports under paragraph 5(c) of this Order. Respondent shall submit the reports to the Department within 30 days of the end of each semi-annual period.

9. Respondent's completion of all corrective actions required by paragraphs 5, 6 and 7 within four (4) years of the effective date of this Order shall constitute full compliance with Rule 62-610, 62-520, and 62-620, Fla. Admin. Code.

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10. Within 30 days of the effective date of this Order, Respondent shall pay the Department \$ 9,875.00 in settlement of the regulatory matters addressed in this Order. This amount includes \$ 9,375.00 for civil penalties and \$ 500.00 for costs and expenses incurred by the Department during the investigation of this matter and the preparation and tracking of this Order. The civil penalties are apportioned as follows: \$2,000.00 for missing 180-day permit renewal application, operating without a valid permit, failed to complete AO schedule violation of Rule 62-4.030, 62-520 and 62-620.300(2), F.A.C.; \$6,000.00 for failure to maintain RIB system, violation of Rule 62-610, F.A.C; \$4,000.00 for permit exceedances, violation of Rule 62-520, Economic Benefits were calculated at \$500.00 (RIB system maintenance). A \$3,125.00 penalty reduction is included in the civil penalty due to new president/operator taking over the facility in 2020 and unaware of all operation issues.

11. Respondent agrees to pay the Department stipulated penalties in the amount of \$ 100.00 per day for each and every day Respondent fails to timely comply with any of the requirements of paragraph(s) 5-8 of this Order. The Department may demand stipulated penalties at any time after violations occur. Respondent shall pay stipulated penalties owed within 30 days of the Department's issuance of written demand for payment and shall do so as further described in paragraph 12 below. Nothing in this paragraph shall prevent the Department from filing suit to specifically enforce any terms of this Order. Any stipulated penalties assessed under this paragraph shall be in addition to the civil penalties agreed to in paragraph 10 of this Order.

12. 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:

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<http://www.fldepportal.com/go/pay/>. It will take a number of days after this order becomes final, effective and filed with the Clerk of the Department before ability to make online payment is available.

13. Except as otherwise provided, all submittals and payments required by this Order shall be sent to Abhi Maturi, Department of Environmental Protection, 8800 Baymeadows Way W, Suite 100, Jacksonville, Florida, 32256.

14. Respondent shall allow all authorized representatives of the Department access to the Facility and the Property at reasonable times for the purpose of determining compliance with the terms of this Order and the rules and statutes administered by the Department.

15. In the event of a sale or conveyance of the Facility or of the Property upon which the Facility is located, if all of the requirements of this Order have not been fully satisfied, Respondent shall, at least 30 days prior to the sale or conveyance of the Facility or Property, (a) notify the Department of such sale or conveyance, (b) provide the name and address of the purchaser, operator, or person(s) in control of the Facility, and (c) provide a copy of this Order with all attachments to the purchaser, operator, or person(s) in control of the Facility. The sale or conveyance of the Facility or the Property does not relieve Respondent of the obligations imposed in this Order.

16. If any event, including administrative or judicial challenges by third parties unrelated to Respondent, occurs which causes delay or the reasonable likelihood of delay in complying with the requirements of this Order, Respondent shall have the burden of proving the delay was or will be caused by circumstances beyond the reasonable control of Respondent and could not have been or cannot be overcome by Respondent's due diligence. Neither economic circumstances nor the failure of a contractor, subcontractor, materialman, or other agent (collectively referred to as "contractor") to whom responsibility for performance is delegated to meet contractually imposed deadlines shall be considered circumstances beyond the control of Respondent (unless the cause of the contractor's late performance was also beyond the contractor's control). Upon occurrence of an event causing delay, or upon becoming aware of a potential for delay, Respondent shall notify the Department by the next

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working day and shall, within seven calendar days notify the Department in writing of (a) the anticipated length and cause of the delay, (b) the measures taken or to be taken to prevent or minimize the delay, and (c) the timetable by which Respondent intends to implement these measures. If the parties can agree that the delay or anticipated delay has been or will be caused by circumstances beyond the reasonable control of Respondent, the time for performance hereunder shall be extended. The agreement to extend compliance must identify the provision or provisions extended, the new compliance date or dates, and the additional measures Respondent must take to avoid or minimize the delay, if any. Failure of Respondent to comply with the notice requirements of this paragraph in a timely manner constitutes a waiver of Respondent's right to request an extension of time for compliance for those circumstances.

17. The Department, for and in consideration of the complete and timely performance by Respondent of all the obligations agreed to in this Order, hereby conditionally waives its right to seek judicial imposition of damages or civil penalties for the violations described above up to the date of the filing of this Order. This waiver is conditioned upon Respondent's complete compliance with all the terms of this Order.

18. This Order is a settlement of the Department's civil and administrative authority arising under Florida law to resolve the matters addressed herein. This Order is not a settlement of any criminal liabilities which may arise under Florida law, nor is it a settlement of any violation which may be prosecuted criminally or civilly under federal law. Entry of this Order does not relieve Respondent of the need to comply with applicable federal, state, or local laws.

19. The Department hereby expressly reserves the right to initiate appropriate legal action to address any violations of statutes or rules administered by the Department that are not specifically resolved by this Order.

20. Respondent is fully aware that a violation of the terms of this Order may subject Respondent to judicial imposition of damages, civil penalties up to \$15,000.00 per day per violation, and criminal penalties.

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21. Respondent acknowledges and waives its right to an administrative hearing pursuant to sections 120.569 and 120.57, Fla. Stat., on the terms of this Order. Respondent also acknowledges and waives its right to appeal the terms of this Order pursuant to section 120.68, Fla. Stat.

22. 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.

23. The terms and conditions set forth in this Order may be enforced in a court of competent jurisdiction pursuant to sections 120.69 and 403.121, Fla. Stat. Failure to comply with the terms of this Order constitutes a violation of section 403.161(1)(b), Fla. Stat.

24. This Consent Order is a final order of the Department pursuant to section 120.52(7), Fla. Stat., and it is final and effective on the date filed with the Clerk of the Department unless a Petition for Administrative Hearing is filed in accordance with Chapter 120, Fla. Stat. Upon the timely filing of a petition, this Consent Order will not be effective until further order of the Department.

25. Respondent shall publish the following notice in a newspaper of daily circulation in Putman County, Florida. The notice shall be published one time only within 15 days of the effective date of the Order. Respondent shall provide a certified copy of the published notice to the Department within 10 days of publication.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

NOTICE OF CONSENT ORDER

The Department of Environmental Protection ("Department") gives notice of agency action of entering into a Consent Order with St. John's Harbor Water Association pursuant to section 120.57(4), Fla. Stat. The Consent Order addresses the groundwater exceedances at 151 Trisail Avenue, Palatka, Florida 32117. The Consent Order is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal

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holidays, at the Department of Environmental Protection, 8800 Baymeadows Way W, Suite 100, Jacksonville, Florida 32256.

Persons who are not parties to this Consent 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 Consent Order means that the Department's final action may be different from the position it has taken in the Consent Order.

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

- a) The name and address of each agency affected and each agency's file or identification number, if known;
- b) The name, address, any e-mail address, any facsimile number, and telephone number of the petitioner, if the petitioner is not represented by an attorney or a qualified representative; 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; and an explanation of how the petitioner's substantial interests will be affected by the agency determination;
- c) A statement of when and how the petitioner received notice of the agency decision;
- d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action;
- f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
- g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the agency to take with respect to the agency's proposed action.

The petition must be filed (meaning, received) at the Department's Office of General Counsel, 3900 Commonwealth Boulevard, MS# 35, Tallahassee, Florida 32399-3000 or received

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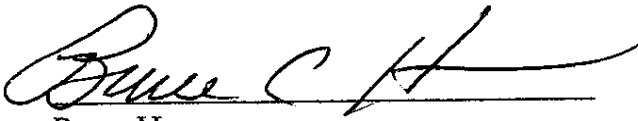
via electronic correspondence at Agency_Clerk@floridadep.gov, within 21 days of receipt of this notice. A copy of the petition must also be mailed at the time of filing to the District Office at 8800 Baymeadows Way West, Suite 100, Jacksonville, Florida, 32256. Failure to file a petition within the 21-day 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. Before the deadline for filing a petition, a person whose substantial interests are affected by this Consent Order may choose to pursue mediation as an alternative remedy under section 120.573, Fla. Stat. Choosing mediation will not adversely affect such person's right to request an administrative hearing if mediation does not result in a settlement. Additional information about mediation is provided in section 120.573, Fla. Stat., and Rule 62-110.106(12), Fla. Admin. Code.

26. Rules referenced in this Order are available at:

<http://www.dep.state.fl.us/legal/Rules/rulelist.htm>.

FOR THE RESPONDENT: St. Johns Harbor Water
Association, Inc.

The undersigned certifies that as [PRESIDENT] of Respondent corporation, he is authorized and empowered to negotiate, enter into and execute, in the name and on behalf of the Respondent, St. Johns Harbor Water Association, Inc, any agreements, documents, instruments, certificates, including and without limitation, this Consent Order entered into between Respondent and the State of Florida Department of Environmental Protection.


Bruce Howe
President

12/02/2022
Date

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DONE AND ORDERED this 9th day of January, 2023, in Duval, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



TGK

Gregory J. Strong
District Director
Northeast District

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



Clerk

January 9, 2023

Date

Copies furnished to:

- Lea Crandall, Agency Clerk, Mail Station 35 (executed copy)
- Abhi Maturi, Herndon Sims, Vince Clark, DEP_NED – FDEP (Jacksonville)
- Jennifer Walters - FDEP (Tallahassee) (executed copy)
- Brian [MacCann/bmccann@palatka-fl.gov](mailto:MacCann@palatka-fl.gov) (executed copy)