

CL AREA

CRAF006A

Logged Total

**Collection Point Log Remittance**

Remittance ID  Type \*  Received Date \*  Status

System Receipt  PNR  Check # \*  Amount \*

Name \*

First  Middle  Title  Suffix

Address1

Address2

City  ST  Zip

Country  Short Comments

**PAYMENT (S)**

Payment ID	Distribution CL Area	Rev Code ODN	Revenue Object	Description	Payment Amount	Reference#	Appl	Fund *	Grant	Project	BPIN	Status
2070914	NED	018003	018003	LCT-REIMB.LEGAL	500.00	222711		WQATF				COMPLETE
2070915	NED	012008	012008	LCT-PENALTIES	5,750.00	222711		WQATF				COMPLETE

COMMIT FREQUENTLY  Payment Total

Rmt # 1717072  
seq rpt # 245125

~~1500~~

1/25/24

01/19/2024

CHECK NO: 0000003083 FLORIDA DEPT OF ENVIRONMENTAL PROTECTION (FLODEP)

Invoice Date	Invoice Number	Description	Expense Code	Discount	Amount Paid
01/19/2024	1-19-24	Enviro Environmental Fee	6953	\$0.00	\$6,250.00
				\$0.00	\$6,250.00

ORIGINAL DOCUMENT PRINTED ON CHEMICAL REACTIVE PAPER WITH MICROPRINTED BORDER

Alexander Properties Group, Inc. Managing Agent  
Marsh Cove Somerset, LLC dba Marsh Cove  
3190 NE Expressway Suite 400  
Atlanta, GA 30341

FIRST FEDERAL BANK  
FERNANDINA BEACH, FL 32034

63-8448/2631

NO: 0000003083

DATE	VOID AFTER 150 DAYS
01/19/2024	***** \$6,250.00

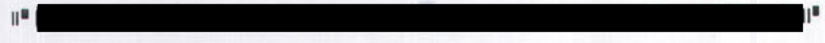
SIX THOUSAND TWO HUNDRED FIFTY AND XX / 100 DOLLARS

PAY TO THE ORDER OF  
FLORIDA DEPT OF ENVIRONMENTAL PROTECTION  
C/O BUREAU OF FINANCE AND ACCOUNTING  
P.O. BOX 3070  
TALLAHASSEE, FL 32315-3070

*[Signature]*  
*[Signature]*

THIS DOCUMENT CONTAINS HEAT SENSITIVE INK. TOUCH OR PRESS HERE - RED IMAGE DISAPPEARS WITH HEAT.

Details on back



1124

Total Nitrogen	mg/L	7.2	Monthly	Grab	Annual Average
Total Nitrogen	mg/L	19.0	Monthly	Grab	Monthly Average
Total Nitrogen	mg/L	19.0	Monthly	Grab	Maximum
Total Nitrogen	mg/L	19.0	Monthly	Grab	Weekly Average
pH	s.u.	6.4	5 Days/Week	Grab	Minimum

6. Respondents' completion of all corrective actions required by paragraphs 5 within the respective deadlines specified thereunder shall constitute full compliance with Rules 62-4.160 and 62-600.410(1), Fla. Admin. Code.

7. Pursuant to 403.121 Fla. Stat., the administrative penalty is apportioned as follows: \$23,000 for violations of Chapter 62-4.160 and Chapter 62-600.410, Fla. Admin. Code, however due to good faith efforts of the Respondent and the anticipated cost to tie-in to the local municipality, the Department is only requiring the Respondent to pay \$5,750.00 in administrative penalties. Within 30 days of the effective date of this Order, Respondents shall pay the Department \$6,250.00 in settlement of the regulatory matters addressed in this Order. This amount includes \$5,750.00 for administrative penalties for the reason described above 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.

8. Respondent agrees to pay \$17,250.00 as a stipulated penalty to the Department should the Respondent not successfully meet the timeframe referenced in paragraph 5(d) and complete tie-in connection to the local municipality within the two year timeframe.<sup>1</sup> Respondent also agrees to pay the Department stipulated penalties in the amount of \$100.00 per day for each and every day Respondents fail to timely comply with any of the other requirements of paragraph 5 of this Order. The Department may demand stipulated penalties at any time after violations occur. Respondents shall pay stipulated penalties owed within 30 days of the Department's issuance of written demand for payment, and shall

<sup>1</sup> The remainder of the original \$23,000.00 penalty pursuant to section 403.121, Fla. Stat. shall be paid to the Department as a stipulated penalty since the payment of only \$5,750.00 in administrative penalties under paragraph 7 was only agreed to upon the representations and anticipation of costs for tying-in connections to the local municipality. Therefore, if the Respondent does not successfully and timely tie-in connections to the local municipality, the remainder of the administrative penalty, which totals \$17,250.00 shall be paid to the Department as a stipulated penalty.

Marsh Cove  
#6953

Florida Dept. of Environmental  
Protection



# 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

December 4, 2023

Sent electronically to: [andya@apg-inc.com](mailto:andya@apg-inc.com)

Mr. Andy Alexander, President  
Alexander Properties Group, Inc.  
3190 N.E. Expressway, Suite 400  
Atlanta, Georgia 30341

**SUBJECT: Department of Environmental Protection v. Marsh Cove WWTF**  
**Marsh Cove WWTF - OGC File No. 22-2711**  
**Facility ID: FL0032654**  
**Nassau County – Wastewater Enforcement**

Dear Mr. Alexander:

Enclosed is a copy of the executed Consent Order to resolve Case Number 22-2711. The effective date of this Order is December 4, 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.

Should you have any questions concerning the Consent Order, please contact Joni Petry, at (904) 256-1606, or at [Joni.Petry@FloridaDEP.gov](mailto:Joni.Petry@FloridaDEP.gov). Your continued cooperation in the matter is appreciated.

Sincerely,

A handwritten signature in blue ink that reads "Joni Petry".

Joni Petry  
Environmental Administrator

Enclosure: Executed Consent Order #22-2711

ec: FDEP-OGC: Lea Crandall  
FDEP-NED: Joni Petry, Herndon Sims, Thomas Kallemeyn, DEP\_NED  
[WCAPHQ@FloridaDEP.gov](mailto:WCAPHQ@FloridaDEP.gov)



# 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

November 17, 2023

Sent electronically to: [andya@apg-inc.com](mailto:andya@apg-inc.com)

Mr. Andy Alexander, President  
Alexander Properties Group, Inc.  
3190 N.E. Expressway, Suite 400  
Atlanta, Georgia 30341

**SUBJECT: Department of Environmental Protection v. Marsh Cove WWTF**  
**Marsh Cove WWTF - OGC File No. 22-2711**  
**Facility ID: FL0032654**  
**Nassau County – Wastewater Enforcement**

Dear Mr. Alexander:

Enclosed is the second revised Consent Order to resolve the issues in the subject OGC File. 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 Joni Petry, at (904) 256-1606, or at [Joni.Petry@FloridaDEP.gov](mailto:Joni.Petry@FloridaDEP.gov). Your continued cooperation in the matter is greatly appreciated.

Sincerely,

A handwritten signature in blue ink that reads "T G Kallemeyn".

Thomas G. Kallemeyn  
Assistant Director

ec: FDEP-NED: Joni Petry, Herndon Sims, Monique Jordan, DEP\_NED

BEFORE THE STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

STATE OF FLORIDA DEPARTMENT	)	IN THE OFFICE OF THE
OF ENVIRONMENTAL PROTECTION	)	NORTHEAST DISTRICT
	)	
v.	)	OGC FILE NO. 22-2711
	)	
ALEXANDER PROPERTIES GROUP, INC.	)	
AND MARSH COVE WASTEWATER	)	
TREATMENT FACILITY, INC	)	
<hr/>	)	

**CONSENT ORDER**

This Consent Order (Order) is entered into between the State of Florida Department of Environmental Protection (Department), Alexander Properties Group, Inc. (APG), and Marsh Cove Wastewater Treatment Facility, Inc. (Marsh Cove) (APG and Marsh Cove will collectively be referred to as “Respondents”) to reach settlement of certain matters at issue between the Department and Respondents.

The Department finds and Respondents admit 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 (Fla. Admin. Code). The Department has jurisdiction over the matters addressed in this Order.
2. Each Respondent is a person within the meaning of Section 403.031(9), Fla. Stat.
3. The Marsh Cove Wastewater Treatment Facility is a biological nutrient removal domestic wastewater treatment facility with an average daily effluent discharge of 0.05 million gallons (Facility). The Facility operates under Department Wastewater Permit No. FL0032654, which was issued to APG on May 8, 2019, and will expire on May 7, 2024 (Permit). The Permit also orders Marsh Cove to comply with certain conditions of the Permit, including sampling. The Facility is located at 123 West Hirth Road, Fernandina, Florida, in Nassau County with coordinates 30° 37' 45.22" N, 81° 28' 22.50" W (Property). The Facility consists of an on-site lift-station, an influent bar-screen, a 33,495-gallon aerated equalization basin, an 18,425-gallon anoxic basin, a 41,900-gallon aeration basin, a 15,100-gallon

secondary dual-hopper clarifier, dual tertiary sand filters (84-ft<sup>2</sup> total filter area), a 6,370-gallon clear well, a 3,100-gallon chlorine contact chamber, a 13,819-gallon aerobic digester and an on-site effluent pump-station.

4. On May 21, 2021, and September 6, 2022, the Department conducted a file review and observed possible violations Chapter 403, Fla. Stat., Chapters 62-4.160(1) and 62-600.410(1), Fla. Admin. Code. The Department finds that the following violations occurred:

**Table 1: Copper Exceedances**

Date	Location	Description	Result	Limit	Units	Statistical Base
11/30/2021	EFD-2	Copper, Total Recoverable	6.1	3.7	µg/L	Maximum
5/31/2021	EFD-2	Copper, Total Recoverable	16	3.7	µg/L	Maximum
3/31/2021	EFD-2	Copper, Total Recoverable	16	3.7	µg/L	Maximum
1/31/2021	EFD-2	Copper, Total Recoverable	17	3.7	µg/L	Maximum

**Table 2: 5-Day Carbonaceous BOD Exceedances**

Date	Location	Description	Result	Limit	Units	Statistical Base
1/31/2021	EFD-2	BOD, Carbonaceous 5 day, 20C	35	25.0	mg/L	Monthly Average
1/31/2021	EFD-2	BOD, Carbonaceous 5 day, 20C	35	30.0	mg/L	Weekly Average

**Table 3: 5-Day Carbonaceous BOD Removal by Percent**

Date	Location	Description	Result	Limit	Units	Statistical Base
1/31/2021	CAL-1	CBOD, % Removal, 5-day	82.5	85.0	Percent	Monthly Average Minimum

**Table 4: Total Nitrogen Exceedances**

Date	Location	Description	Result	Limit	Units	Statistical Base
7/31/2022	EFD-2	Nitrogen, Total	5.6	4.5	mg/L	Annual Average

Date	Location	Description	Result	Limit	Units	Statistical Base
6/30/2022	EFD-2	Nitrogen, Total	5.7	4.5	mg/L	Annual Average
5/31/2022	EFD-2	Nitrogen, Total	5.0	4.5	mg/L	Annual Average
4/30/2022	EFD-2	Nitrogen, Total	5.0	4.5	mg/L	Annual Average
3/31/2022	EFD-2	Nitrogen, Total	5.1	4.5	mg/L	Annual Average
2/28/2022	EFD-2	Nitrogen, Total	5.3	4.5	mg/L	Annual Average
1/31/2022	EFD-2	Nitrogen, Total	5.0	4.5	mg/L	Annual Average
12/31/2021	EFD-2	Nitrogen, Total	6.2	4.5	mg/L	Annual Average
11/30/2021	EFD-2	Nitrogen, Total	7.6	4.5	mg/L	Annual Average
10/31/2021	EFD-2	Nitrogen, Total	7.0	4.5	mg/L	Annual Average
9/30/2021	EFD-2	Nitrogen, Total	6.8	4.5	mg/L	Annual Average
8/31/2021	EFD-2	Nitrogen, Total	6.7	4.5	mg/L	Annual Average
7/31/2021	EFD-2	Nitrogen, Total	7.0	4.5	mg/L	Annual Average
6/30/2021	EFD-2	Nitrogen, Total	7.3	6.0	mg/L	Annual Average
5/31/2021	EFD-2	Nitrogen, Total	6.8	6.0	mg/L	Annual Average
4/30/2021	EFD-2	Nitrogen, Total	6.6	6.0	mg/L	Annual Average
3/31/2021	EFD-2	Nitrogen, Total	6.5	6.0	mg/L	Annual Average

**Table 5: Total Nitrogen Exceedances**

Date	Location	Description	Result	Limit	Units	Statistical Base
6/30/2022	EFD-2	Nitrogen, Total	17.7	9	mg/L	Maximum
2/28/2022	EFD-2	Nitrogen, Total	15.5	9	mg/L	Maximum
11/30/2021	EFD-2	Nitrogen, Total	9.51	9	mg/L	Maximum
Date	Location	Description	Result	Limit	Units	Statistical Base
1/31/2021	EFD-2	Nitrogen, Total	19	12.5	mg/L	Monthly Average
12/31/2020	EFD-2	Nitrogen, Total	19	12.5	mg/L	Monthly Average
Date	Location	Description	Result	Limit	Units	Statistical Base
1/31/2021	EFD-2	Nitrogen, Total	19	15.0	mg/L	Weekly Average
12/31/2020	EFD-2	Nitrogen, Total	19	15.0	mg/L	Weekly Average

**Table 6: Total Dissolved Oxygen**

Date	Location	Description	Result	Limit	Units	Statistical Base
4/30/2021	EFD-2	Oxygen, Dissolved (DO)	2.0	5.0	mg/L	Minimum
2/28/2021	EFD-2	Oxygen, Dissolved (DO)	1.89	5.0	mg/L	Minimum



Date	Location	Description	Result	Limit	Units	Statistical Base
12/31/2020	EFD-2	Oxygen, Dissolved (DO)	3.99	5.0	mg/L	Minimum
11/30/2020	EFD-2	Oxygen, Dissolved (DO)	2.0	5.0	mg/L	Minimum
10/31/2020	EFD-2	Oxygen, Dissolved (DO)	4.37	5.0	mg/L	Minimum

**Table 7: Total Dissolved Oxygen Saturation by Percent**

Date	Location	Description	Result	Limit	Units	Statistical Base
6/30/2022	CAL-1	DO Saturation, Total	91.7	92.0	percent	Yearly Minimum
5/31/2022	CAL-1	DO Saturation, Total	91.7	92.0	percent	Yearly Minimum
2/28/2021	CAL-1	DO Saturation, Total	40.9	92.0	percent	Yearly Minimum

**Table 8: Total Chlorine Exceedances**

Date	Location	Description	Result	Limit	Units	Statistical Base
6/30/2022	EFA-2	Chlorine, Total Residual	0.7	1.0	mg/L	Minimum
6/30/2021	EFA-2	Chlorine, Total Residual	0.6	1.0	mg/L	Minimum

**Table 9: pH Exceedances**

Date	Location	Description	Result	Limit	Units	Statistical Base
5/31/2021	EFD-2	pH	6.4	6.5	s.u.	Minimum
2/28/2021	EFD-2	pH	6.4	6.5	s.u.	Minimum

**Table 10: Total Phosphorus Exceedances**

<b>Date</b>	<b>Location</b>	<b>Description</b>	<b>Result</b>	<b>Limit</b>	<b>Units</b>	<b>Statistical Base</b>
8/31/2020	EFD-2	Phosphorus, Total (as P)	6.4	6.0	mg/L	Maximum

The Department finds that each of these exceedances listed in Tables 1 through 10 is a violation of Fla. Admin. Code Rules 62-4.160, and 62-600.410(1) which states that it is a violation to fail to comply with the terms, conditions, requirements, limitations, and restrictions set forth in the Permit and 62-600.410(1), which states that it is a violation to fail to operate and maintain the domestic wastewater treatment plant in accordance with the applicable provisions of this chapter and to attain, at a minimum, the reclaimed water or effluent quality required by the operational criteria specified in this chapter.

As of the date of this Order, Respondent has demonstrated good faith efforts and provided proof of an agreement to pursue connection into the local municipality, including voluntary annexation agreements.

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

**ORDERED:**

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

a) Within sixty (60) days of the effective date of this Order, Respondents shall submit a compliance plan (Plan) to the Department to meet final effluent limits for Total Nitrogen, DO, CBOD, Total Copper, Chlorine, pH and Total Phosphorus as specified in the tables above.

b) The Plan shall detail the steps necessary to achieve compliance. If the plan is to connect to a local municipality, the plan shall include all timelines and details regarding the connection and the plan does not require a professional engineer. If the Plan involves modification to the Facility, modification to the treatment processes, reductions in the amounts of contaminants entering the Facility, or any changes or upgrades to the existing facility components, then the Plan 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 milestones dates, by which compliance shall be

achieved. The Respondents must receive written notification of review and acceptance of the Plan from the Department (Notification) prior to implementation. If the Plan is deemed incomplete by the Department, or if the Department Requests Further Information (RFI), the Respondents shall provide this information in a written response within thirty (30) days of the date of the RFI. The Respondents shall obtain Department approval within 180 days for an acceptable Plan that meets the Department's requirements. Any revisions to the current permitted Facility or collection system, including treatment and/or modification to the Facility necessary to return the Facility to compliance, are subject to Department approval, and may be accomplished on by the Department's reopening and modifying the permit pursuant to Part IX of the Permit.

c) The Plan shall be implemented within thirty (30) days of the date of Notification or the timeframe included within the accepted Plan.

d) No later than two (2) years after the effective date of this Order, the Respondents shall complete all steps required by the Plan.

e) Every calendar quarter after the effective date of this Order, and continuing until all corrective actions have been completed, Respondents 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 include a projection of the work to be performed pursuant to this Order during the 12-month period which will follow the report. Respondents shall submit the reports to the Department within 30 days of the end of each quarter.

f) Beginning on the first day of the month after the effective date of this Order and continuing for 24 months, Respondents shall comply with the following interim discharge limitations and other limit requirements as set forth in the Facility's Permit:

**Table 11: Interim Limits at D-001**

<b>Parameter</b>	<b>Units</b>	<b>Maximum</b>	<b>Monitoring Frequency</b>	<b>Sample Type</b>	<b>Statistical Basis</b>
Copper	µg/L	16.7	Monthly	Grab	Maximum
Dissolved Oxygen	mg/L	2.0	5 Days/Week	Grab	Minimum

Total Nitrogen	mg/L	7.2	Monthly	Grab	Annual Average
Total Nitrogen	mg/L	19.0	Monthly	Grab	Monthly Average
Total Nitrogen	mg/L	19.0	Monthly	Grab	Maximum
Total Nitrogen	mg/L	19.0	Monthly	Grab	Weekly Average
pH	s.u.	6.4	5 Days/Week	Grab	Minimum

6. Respondents' completion of all corrective actions required by paragraphs 5 within the respective deadlines specified thereunder shall constitute full compliance with Rules 62-4.160 and 62-600.410(1), Fla. Admin. Code.

7. Pursuant to 403.121 Fla. Stat., the administrative penalty is apportioned as follows: \$23,000 for violations of Chapter 62-4.160 and Chapter 62-600.410, Fla. Admin. Code, however due to good faith efforts of the Respondent and the anticipated cost to tie-in to the local municipality, the Department is only requiring the Respondent to pay \$5,750.00 in administrative penalties. Within 30 days of the effective date of this Order, Respondents shall pay the Department \$6,250.00 in settlement of the regulatory matters addressed in this Order. This amount includes \$5,750.00 for administrative penalties for the reason described above 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.

8. Respondent agrees to pay \$17,250.00 as a stipulated penalty to the Department should the Respondent not successfully meet the timeframe referenced in paragraph 5(d) and complete tie-in connection to the local municipality within the two year timeframe.<sup>1</sup> Respondent also agrees to pay the Department stipulated penalties in the amount of \$100.00 per day for each and every day Respondents fail to timely comply with any of the other requirements of paragraph 5 of this Order. The Department may demand stipulated penalties at any time after violations occur. Respondents shall pay stipulated penalties owed within 30 days of the Department's issuance of written demand for payment, and shall

<sup>1</sup> The remainder of the original \$23,000.00 penalty pursuant to section 403.121, Fla. Stat. shall be paid to the Department as a stipulated penalty since the payment of only \$5,750.00 in administrative penalties under paragraph 7 was only agreed to upon the representations and anticipation of costs for tying-in connections to the local municipality. Therefore, if the Respondent does not successfully and timely tie-in connections to the local municipality, the remainder of the administrative penalty, which totals \$17,250.00 shall be paid to the Department as a stipulated penalty.

do so as further described in paragraph 9, 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 administrative penalties agreed to in paragraph 7 of this Order.

9. Respondents 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.fldeportal.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.

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

11. Respondents 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.

12. In the event of a sale or conveyance of the Facility or the Property upon which the Facility is located, if all of the requirements of this Order have not been fully satisfied, Respondents 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 Respondents of the obligations imposed in this Order.

13. If any event, including administrative or judicial challenges by third parties unrelated to Respondents, occurs which causes delay or the reasonable likelihood of delay in complying with the requirements of this Order, Respondents shall have the burden of proving the delay was or will be caused by circumstances beyond the reasonable control of Respondents and could not have been or cannot be overcome by Respondents' 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 Respondents (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, Respondents shall notify the Department by the next 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 Respondents 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 Respondents, 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 Respondents must take to avoid or minimize the delay, if any. Failure of Respondents to comply with the notice requirements of this paragraph in a timely manner constitutes a waiver of Respondents' right to request an extension of time for compliance for those circumstances.

14. The Department, for and in consideration of the complete and timely performance by Respondents 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 Respondents' complete compliance with all of the terms of this Order.

15. 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 Respondents of the need to comply with applicable federal, state, or local laws, rules, or ordinances.

16. 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.

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

18. Respondents acknowledge and waives its right to an administrative hearing pursuant to sections 120.569 and 120.57, Fla. Stat., on the terms of this Order. Respondents also acknowledge and waive their right to appeal the terms of this Order pursuant to section 120.68, Fla. Stat.

19. 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 Respondents and the Department, and filed with the clerk of the Department.

20. 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.

21. 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.

22. Respondents shall publish the following notice in a newspaper of daily circulation in Nassau County, Florida. The notice shall be published one time only within 15 days of the effective date of the Order. Respondents 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 Alexander Properties Group, Inc. and Marsh Cove Wastewater Treatment Facility, Inc. pursuant to section 120.57(4), Florida Statutes. The Consent Order addresses the exceeded permit limits at 123 West Hirth Road, Fernandina, Florida in Nassau County. 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 holidays, at the Department of Environmental Protection at 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, Florida

Statutes. 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 (received) at the Department's Office of General Counsel, 3900 Commonwealth Boulevard, MS# 35, Tallahassee, Florida 32399-3000 or received via electronic correspondence at [Agency\\_Clerk@floridadep.gov](mailto: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 W, 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, Florida Statutes. 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, Florida Statutes. 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, Florida Statutes and Rule 62-110.106(12), Florida Administrative Code.

23. Rules referenced in this Order are available at  
<http://www.dep.state.fl.us/legal/Rules/rulelist.htm>.

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**FOR THE RESPONDENT:** Marsh Cove Wastewater Treatment Facility, Inc.

The undersigned certifies that as President and Director of Respondent corporation, s/he is authorized and empowered to negotiate, enter into and execute, in the name and on behalf of the Respondent, Marsh Cove Wastewater Treatment Facility, Inc., any agreements, documents, instruments, certificates, including and without limitation, this Consent Order entered into between Marsh Cove and the State of Florida Department of Environmental Protection.

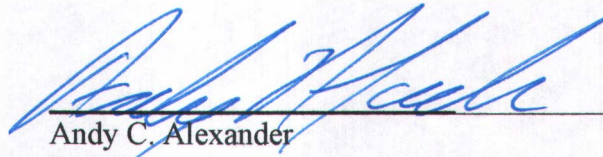


Andy C. Alexander  
President and Director  
Marsh Cove Wastewater Treatment Facility, Inc.

11-21-23  
Date

**FOR THE RESPONDENT:** Alexander Properties Group, Inc.

The undersigned certifies that as President of Respondent corporation, s/he is authorized and empowered to negotiate, enter into and execute, in the name and on behalf of the Respondent, Alexander Properties Group, Inc., any agreements, documents, instruments, certificates, including and without limitation, this Consent Order entered into between APG and the State of Florida Department of Environmental Protection.



Andy C. Alexander  
President  
Alexander Properties Group, Inc.



11-21-23  
Date

**FOR DEPARTMENT USE ONLY**

DONE AND ORDERED this 4th day of December, 2023, in Duval County, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION



  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

December 4, 2023

\_\_\_\_\_  
Date

Copies furnished to:

FDEP-OGC: Lea Crandall, Agency Clerk, Mail Station 35  
FDEP Jacksonville: Joni Petry, Herndon Sims, Sarah Harris, DEP\_NED  
FDEP Tallahassee: [WCAPHQ@dep.state.fl.us](mailto:WCAPHQ@dep.state.fl.us)