



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

October 21, 2024

Sent electronically to: jwallace@smithhulsey.com

Mr. John Wallace, Esq.
Smith Hulsey
One Independent Drive, Suite 3300
Jacksonville, Florida 32202

**SUBJECT: Department of Environmental Protection v. Indianhead Biomass, LLC, Indianhead Exploration, LLC, Quarter Cav, LLC, And Roy H. Hinman, II
OGC File No. 24-1614
Indianhead Biomass Facility, Facility ID: FLAB03976, WACS No. 95141
St. Johns County**

Dear Mr. Wallace:

Enclosed is a copy of the executed Consent Order to resolve Case Number 24-1614. The effective date of this Order is October 18, 2024, 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 the case manager, Joni Petry, at (904) 256-1606, or at Joni.Petry@floridadep.gov. Your continued cooperation in the matter is appreciated.

Sincerely,

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

Thomas G. Kallemeyn
Assistant Director

Enclosure: Executed Consent Order No. 24-1614

cc: FDEP-OGC: Lea Crandall
FDEP-NED: Thomas Kallemeyn, Joni Petry, Anna McClure, Herndon Sims, Shannon Taylor, Abhi Maturi
Zachary Villaverde, zacharyvillaverde@gmail.com
Matt Lahti, Matt@gulfstreamdesign.com
Michael Whelan, michael@gulfstreamdesign.com
Joseph Williams, wshecky@yahoo.com



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October 18, 2024

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One Independent Drive
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Thomas G. Kallemeyn
Assistant Director

Enclosure: Executed Consent Order #24-1614

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Northeast District
8800 Baymeadows Way West, Suite 100
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Ron DeSantis
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Secretary

October 17, 2024

Sent electronically to: jwallace@smithhulsey.com

Mr. John Wallace, Esq.
Smith Hulsey
One Independent Drive
Suite 3300
Jacksonville, FL 32202

SUBJECT: Department of Environmental Protection v. Indianhead Biomass, LLC, Indianhead Exploration, LLC, Quarter Cav, LLC, And Roy H. Hinman, II
OGC File No. 24-1614
Indianhead Biomass Facility, Facility ID: FLAB03976, WACS No. 95141
St. Johns County

Dear Mr. Wallace:

Enclosed is the 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 7 days of receipt.

If you wish to modify the Consent Order, please respond to this office in writing within 7 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. 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

cc: FDEP-NED: Thomas Kallemeyn, Joni Petry, Anna McClure, Herndon Sims, Shannon Taylor, Abhi Maturi
Zachary Villaverde, zacharyvillaverde@gmail.com
Matt Lahti, Matt@gulfstreamdesign.com
Michael Whelan, michael@gulfstreamdesign.com
Joseph Williams, wshecky@yahoo.com

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.: 24-1614
)	
INDIANHEAD BIOMASS, LLC,)	
INDIANHEAD EXPLORATION, LLC,)	
QUARTER CAV, LLC, and)	
ROY H. HINMAN, II)	
)	
)	
<hr style="width: 100%;"/>)	

CONSENT ORDER

This Consent Order is entered into between the State of Florida Department of Environmental Protection ("Department") and INDIANHEAD BIOMASS, LLC, INDIANHEAD EXPLORATION, LLC, QUARTER CAV, LLC and ROY H. HINMAN, II (collectively "Respondents") pursuant to Section 120.57(4), Florida Statutes ("Fla. Stat."), to settle 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 ("F.S."), and the rules promulgated thereunder in Title 62, Florida Administrative Code ("F.A.C."). The Department has jurisdiction over the matters addressed in this Consent Order.

2. Respondent, QUARTER CAV, LLC ("Quarter Cav"), is a Florida for-profit limited liability company ("LLC") with its principal place of business located at 100 Arricola Avenue, St. Augustine, Florida 32080 and is a "person" pursuant to Sections 403.031(5), F.S. Respondent's manager and Registered Agent is Roy H. Hinman, II ("Mr. Hinman"), whose mailing address is 100 Arricola Avenue, St. Augustine, Florida 32080. As the manager of Quarter Cav, Mr. Hinman has the authority to execute this Consent Order on behalf of QUARTER CAV.

3. Respondent Quarter Cav is the current owner of real property located at 2020 County Road 214 St. Augustine, Florida, further identified by St. Johns County Property Appraiser Parcel ID 1029600000 ("Composting Property").¹ Respondent Quarter Cav leases the Composting Property to Respondent INDIANHEAD BIOMASS, LLC ("Indianhead Biomass"). Respondent Quarter Cav is also the owner of an adjacent parcel of real property located to the north of the Composting Site, further identified by St. Johns County Property Appraiser Parcel ID 1029600000 ("SOPF Property").

4. Respondent, INDIANHEAD BIOMASS, is a Florida for-profit limited liability company with its principal place of business located at 100 Arricola Avenue, St. Augustine, Florida 32080 and is a "person" pursuant to Sections 403.031(5), F.S. Indianhead Biomass' Registered Agent is Mr. Hinman. Indianhead Biomass' managers are Mr. Hinman and Joseph T. Williams ("Mr. Williams"), whose mailing address is 100 Arricola Avenue, St. Augustine, Florida 32080. As the managers of Respondent Indianhead Biomass, Mr. Hinman and Mr. Williams have the authority to execute this Consent Order on behalf of Indianhead Biomass.

5. Respondent, INDIANHEAD EXPLORATION, LLC ("Indianhead Exploration"), is a Florida for-profit limited liability company with its principal place of business located at 100 Arricola Avenue, St. Augustine, Florida 32080 and is a "person" pursuant to Sections 403.031(5), F.S. Respondent's Registered Agent is Mr. Hinman, whose mailing address is 100 Arricola Avenue, St. Augustine, Florida 32080. Respondent's managers are Mr. Hinman and Mr. Williams, whose mailing address is 100 Arricola Avenue, St. Augustine, Florida 32080. As the managers of Indianhead Exploration, Mr. Hinman and Mr. Williams have the authority to execute this Consent Order on behalf of Indianhead Exploration.

6. Respondent, Roy H. Hinman II, is the current owner of real property located to the north, directly adjacent to the Composting Property, further identified by St. Johns County Property Appraiser Parcel ID 1027200000 ("Hinman Property"). Roy H. Hinman, II, mailing

¹ Respondent Quarter Cav has owned the Property since approximately April 2, 2013.

address is 100 Arricola Avenue, St. Augustine, Florida 32080 and is a “person” pursuant to Sections 403.031(5), F.S.

7. Indianhead Biomass operates a Biosolids Management Facility (“BMF”) on the Composting Property, and Indianhead Exploration operates a Source Separated Organics Processing Facility (the “SOPF”) on the SOPF Property.²

8. The BMF is a Type I Biosolids Treatment Facility, which has a design capacity of approximately 45,000 dry tons/year of Class AA biosolids product. The BMF can receive and process Class B or sub-B municipal biosolids utilizing the Modified Static Aerobic Pile (“MSAP”) composting method with addition of biological catalyst to process biosolids to achieve Class AA treatment levels in accordance with Rule 62-640.880, F.A.C. and EPA C.F.R. Part 503. The BMF is operated under Department Wastewater Permit No. FLAB03976 (“BMF Permit”), which was issued on August 8, 2018, and expired on August 7, 2023. Indianhead Biomass continues to operate the BMF under the expired BMF Permit, pending the Department’s review of Indianhead Biomass’ renewal application.³

9. Indianhead Exploration has operated a SOPF on the SOPF Property, under the name Indianhead Biomass Services, since approximately July 2010. The SOPF processes and recycles yard waste and debris under Department Solid Waste Registration No. WACS 95141 (“SOPF Registration”), which expired August 1, 2024. The facility submitted a renewal application on June 27, 2024, which is pending approval.

10. The Department finds that the following violation(s) occurred:

- (a) On March 29, 2024, a Department inspection of the Facility revealed Respondent Indianhead Biomass failed to process biosolids using the approved Pathogen Reduction and Vector Attraction Reduction methods as required by the BMF Permit, the Facility Operational Best Management Plan Dated January 8, 2019, and Rule 62-640.600, F.A.C.;

² The BMF and SOPF are collectively referred to as the “Facility”.

³ Permit No. FLAB03976 was administratively “continued” pursuant to Department rule upon Indianhead Biomass’ timely submittal of the renewal application.

(b) Aerial photography of the Facility, dated January 29, 2024, and the Department's March 29, 2024, inspection revealed that Respondent Indianhead Biomass operated, processed, and stored domestic wastewater biosolids outside of the permit approved zones without proper authorization. [BMF Permit and Rule 62-620.300(2), F.A.C.]

(c) As documented in the Department's Warning Letter No. 23-226, dated December 1, 2023, to the Indianhead Respondents, and confirmed during the Department's March 29, 2024 inspection, Respondent Indianhead Biomass failed to provide required documentation including monthly Class AA Discharge Monitoring Reports, properly completed Quality Assurance documentation including chain of custody forms and Pathogen Reduction/Vector Attraction Reduction confirmation documents, and properly annotated Class AA Biosolids labels. [BMF Permit and Rule 2-640.650, F.A.C.]

(d) The Department's March 29, 2024, inspection also revealed that two (2) of Respondent Indianhead Exploration's processing/storage areas did not have accessible perimeter roads and one vegetative debris pile has been on site longer than 18 months. [Rules 62-709.320(2)(a) and 62-709.330(2), F.A.C.]

(e) Department follow-up site visits on April 5, 2024, and April 10, 2024, revealed that vegetative debris from the Facility's permitted zone B had been transported and placed without prior authorization into a St. Johns River Water Management District (SJRWMD) permitted borrow pond located approximately three quarters (3/4) of a mile to the east of (and outside of) the Department-permitted zone on the Hinman Property. The transferred vegetative material was located along the eastern slope of the borrow pond with some vegetative debris in water. [Vegetative debris shall be disposed of in an authorized land fill - Rules 62-709.300(7)(b), 62-701.300(1)(a), and 62-701.300(2)(d), F.A.C.]

(f) The Department's inspection of March 29, 2024, also revealed that the Facility did not have effective and complete berms to contain stormwater onsite.

Potential areas of stormwater runoff were observed during the Department's inspection and from aerial photography, dated January 29, 2024. [BMF Permit, the Facility Operational Best Management Plan Dated January 8, 2019, and Rule 62-640.880(2)(e)9, F.A.C.]

(g) In May 2023, the Department began receiving "odor" complaints from residents in the vicinity of the Facility. The Department verified the presence of "odors" within the Morgans Cove residential development, west of the Facility and along Carter Road to the east of the Facility, which are consistent with the odor profile detected at the Facility. Respondent Indianhead Biomass failed to take corrective actions including processing of biosolids within the requirements of the BMF Permit, Rules 62-600.400(2)(a) and 62-640.400(6), F.A.C.

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

ORDERED:

11. Respondents shall comply with the following corrective actions within the stated time periods set out herein:

INDIANHEAD RESPONDENTS: (Indianhead Biomass, LLC and Indianhead Exploration, LLC)

(a) **Commencing immediately and henceforth, INDIANHEAD BIOMASS, LLC and INDIANHEAD EXPLORATION, LLC shall each comply with the terms and conditions set out in the respective authorizations issued by the Department for the Facility (i.e., BMF Permit FLAB03976 and SOFP Registration 95141), as well as all rules and statutes of the Department set out in Chapter 403, F.S. and rules promulgated therein in Title 62, F.A.C.**

(b) **Within 30 days of the effective date of this Consent Order, INDIANHEAD BIOMASS, LLC shall submit to the Department for approval a "Plan" conducted by (i) a professional engineer registered in the state of Florida or (ii) a person with an**

approved compost license, to convert the current compost process to processes and methods to manage sub-B biosolids using the MSAP composting method with addition of biological catalyst to process biosolids to achieve Class AA treatment levels in accordance with Rule 62-640.880, F.A.C. and EPA C.F.R. 503. The plan shall be submitted to the Department in accordance with Paragraph 14 herein and shall include the following:

- i. Methods, systems and/or procedures to document each windrow temperatures, dimensions, inoculant used, time passed before turning, turning of windrows, time passed after turning and how the documents will be retained for review; and
- ii. A remedy for addressing the cause(s) of the respective violations identified above in Paragraph 10(a)-(g) to ensure the Facility and processing system will function in full and consistent compliance with all applicable rules and statutes.

(c) Within 15 days of the date of the Department's written approval of the Plan, INDIANHEAD BIOMASS, LLC shall implement the plan to process biosolids using the MSAP composting method with addition of biological catalyst to process biosolids to achieve Class AA treatment levels in accordance with Rule 62-640.880, F.A.C. and EPA C.F.R. Part 503.

(d) Effectively immediately and henceforth, INDIANHEAD BIOMASS, LLC shall cease the processing and management of biosolids up to and including Class AA, within the approximately 3.4-acre Expansion Area located northeast to Zone B on the Hinman Property, where biosolids operations were expanded without permitting authorization. INDIANHEAD BIOMASS, LLC shall not "expand" its biosolid processing operations beyond the current "permitted" area without first applying for and receiving the appropriate permit modification from the Department.

(e) Within 45 days of the effective date of this Consent Order, INDIANHEAD BIOMASS, LLC shall properly remove all biosolids from the approximately 3.4-acre Expansion Area on the Hinman Property.

(f) Within 30 days of effective date of this Consent Order, INDIANHEAD EXPLORATION, LLC shall submit a plan to the Department for review and approval to remove the vegetative debris located in the SJRWMD permitted borrow pond (“Vegetation Plan”). The Vegetation Plan shall be submitted to the Department in accordance with Paragraph 14 herein and shall include the following:

- i. The process for remedying the respective violations set out in Paragraph 10(a)-(g) herein; and
- ii. Timelines for completing the vegetation removal within 30 days of implementation (including estimated commencement date and completion date); and
- iii. Description of an authorized location for final disposal of the vegetation removed.

(g) Within 45 days of the date of the Department’s written approval of the Vegetation Plan, INDIANHEAD EXPLORATION, LLC shall implement the plan to remove all vegetative debris placed in the SJRWMD-permitted borrow pond described in Paragraph 10(e) herein, located on the Hinman Property. All vegetative debris shall be removed from the borrow pond within 30 days of implementation of the plan.

(h) Within 60 days of the effective date of this Consent Order, INDIANHEAD BIOMASS, LLC shall construct a berm around the biosolids processing area in Zone B. The berm shall be designed and constructed to retain leachate or stormwater runoff from exiting Zone B. Additionally, accessible access roads shall be constructed around all vegetative debris and biosolids areas. The access roads shall be constructed in a manner to allow for firefighting equipment to traverse.

(i) Within 150 days of the effective date of this Consent Order, INDIANHEAD EXPLORATION, LLC shall have (i) processed any and all vegetative debris stored for more than 180 days at the Facility or (ii) taken any and all vegetative debris stored for more than 180 days at the Facility to an authorized disposal site or

properly processed using the Indianhead Biomass, LLC approved composting method.

(j) Every quarter after the effective date of this Consent Order and continuing until all corrective actions have been completed, INDIANHEAD EXPLORATION, LLC and INDIANHEAD BIOMASS, LLC shall submit to the Department, a written report containing information regarding:

- i. the status and progress of the projects being completed by each of the respective Indianhead Respondents under this Consent Order;
- ii. the compliance or noncompliance with any of the applicable requirements of this Consent Order, including construction requirements and effluent limitations, and any reasons for noncompliance; and
- iii. a projection of the work each of the respective Indianhead Respondents will be performing pursuant to this Consent Order during the 12-month period follow the date of the report.

The quarterly reports shall be submitted to the Department in accordance with Paragraph 14 herein, within 30 days of the end of each calendar quarter.

(k) Within 45 days of the effective date of this Consent Order, INDIANHEAD EXPLORATION, LLC shall submit payment to the Department in the amount of \$7,000.00, in settlement of the regulatory matters addressed in this Consent Order. This amount includes: \$6,500.00, for penalties assessed by the Department for the SOPF violations set out herein; plus \$500.00, for costs and expenses incurred by the Department during the investigation of this matter and the preparation and tracking of this Order. Payment shall be made in accordance with Paragraph 13 herein.

(l) Within 90 days of the effective date of this Consent Order, INDIANHEAD BIOMASS, LLC shall submit payment to the Department in the amount of \$20,000.00, in settlement of the regulatory matters addressed in this Consent Order. This amount includes: \$19,500.00,⁴ for penalties assessed by the

⁴ The penalties assessed by the Department in this matter include three (3) violations, each of which warrant a penalty assessment of \$2,000.00 or more.

Department for the violations set out herein; plus \$500.00, for costs and expenses incurred by the Department during the investigation of this matter and the preparation and tracking of this Order. Payment shall be made in accordance with Paragraph 13 herein.

RESPONDENT QUARTER CAV, LLC

(m) QUARTER CAV, LLC shall grant INDIANHEAD EXPLORATION, LLC and/or INDIANHEAD BIOMASS, LLC access to the SOPF and/or Composting Property(ies), including the location of the borrow pond, to complete the requirements set out in this Consent Order. Access shall be provided during normal business hours, unless another time is mutually agreed to by all of the parties.

(n) QUARTER CAV, LLC shall allow all authorized representatives of the Department access to the SOPF and/or Composting Property(ies), at reasonable times for the purpose of determining compliance with terms of this Consent Order and the rules and statutes of the Department.

RESPONDENT ROY H. HINMAN, II

(o) **Effectively immediately and henceforth**, ROY H. HINMAN II, shall not permit or otherwise authorize the processing and management of yard waste/ and/or biosolids, up to and including Class AA, on the Hinman Property without a permit or other valid authorization issued by the Department.

(p) ROY H. HINMAN, II shall grant INDIANHEAD EXPLORATION, LLC and/or INDIANHEAD BIOMASS, LLC access to the Hinman Property to complete the requirements set out in this Consent Order. Access shall be provided during normal business hours, unless another time is mutually agreed to by all of the parties.

(q) ROY H. HINMAN, II shall allow all authorized representatives of the Department access to the Hinman Property, at reasonable times for the purpose of

determining compliance with terms of this Consent Order and the rules and statutes of the Department.

12. **Within 30 days of the effective date of this Consent Order, INDIANHEAD EXPLORATION, LLC and INDIANHEAD BIOMASS, LLC, collectively, shall publish the following notice in a newspaper of daily circulation in St. Johns County, Florida. The notice shall be published one time only. INDIANHEAD EXPLORATION, LLC and INDIANHEAD BIOMASS, LLC shall provide a certified copy of the published notice to the Department within 10 days of publication.**

FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
NOTICE OF CONSENT ORDER NO. 24-1614

The Department of Environmental Protection ("Department") gives notice of agency action of entering into a Consent Order with INDIANHEAD BIOMASS, LLC and INDIANHEAD EXPLORATION, LLC d/b/a INDIANHEAD BIOMASS SERVICES, pursuant to section 120.57(4), Florida Statutes. Consent Order No. 24-1614 addresses violations of Department rules and statutes relating to the operations conducted the Facility located in St. Johns County at 2020 County Road 214 St. Augustine, Florida. Consent Order No. 24-1614 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, Northeast District Office, 8800 Baymeadows Way West, 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 number (OGC No. 24-1614);

- (b) The name, address, any e-mail address, any facsimile number, and telephone number of the petitioner;
- (c) If the petitioner is not represented by an attorney or a qualified representative; the name, address, telephone number and e-mail address of the petitioner's representative (if any), which shall be the address for service purposes during the course of the proceeding;
- (d) A statement of when and how the petitioner received notice of the agency decision;
- (e) An explanation of how the petitioner's substantial interests will be affected by the agency determination;
- (f) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (g) 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;
- (h) 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
- (i) 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, within **21 days** of receipt of this notice. In addition, copy of the petition must be mailed (at the time of filing) to the Department's Northeast District Office, 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, Florida Statutes.**

Before the deadline for filing a petition, a person whose substantial interests are affected by Consent Order 24-1614 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.

13. 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 "Florida Department of Environmental Protection" and shall include both the notations: "OGC 24-1614" and "Water Quality Assurance Trust Fund." Cashier's checks or money order payments shall be mailed to the Department's District Office set out in Paragraph 14 herein. Online payments by e-check can be made by going to the DEP Business Portal at: <http://www.fldepportal.com/go/pay/>. Please note, it may take a number of days after this Consent Order is final, effective and filed with the Clerk of the Department before ability to make online payment is available.

14. Except as noted otherwise, all submittals required under this Consent Order shall be sent to: State of Florida Department of Environmental Protection, Northeast District Office, 8800 Baymeadows Way West, Suite 100, Jacksonville, Florida 32256, Florida Attn: Joni Petry, Environmental Administrator, or electronically Joni.Petry@FloridaDEP.gov. Every submittal shall include the notation "OGC No. 24-1614".

15. Respondents' completion of all of the corrective actions required by Paragraphs 10(a)-(q) herein within the respective deadlines specified therein, shall constitute full compliance with Chapter 62-640 and 62-709, F.A.C. Completion of all corrective actions and full compliance with Chapter 62-640 and 62-709, F.A.C. shall be accomplished within 180 days of execution of this order.

16. Each of the Respondents agree to pay the Department stipulated penalties in the amount of \$100.00, for each and every day the respective Respondent fails to timely comply with any of the requirements of this Consent Order. The Department may demand stipulated penalties at any time after a violation of this Consent Order occurs. The respective Respondent shall pay stipulated penalties owed pursuant to this Paragraph within 30 days of the Department's issuance of written demand for payment. Payment of stipulated penalties shall be made in accordance with Paragraph 14 of this Consent Order. Nothing in this Paragraph shall prevent the Department from filing suit to specifically enforce any terms of this Consent

Order. Any stipulated penalties assessed under this paragraph shall be in addition to any penalties agreed to in Paragraph 11(k)-(l) of this Consent Order. If the Department is required to file a lawsuit to recover stipulated penalties under this Paragraph, the Department will not be foreclosed from seeking civil penalties for violations of this Consent Order in an amount greater than the stipulated penalties due under this Paragraph.

17. Each Respondent shall allow all authorized representatives of the Department access to the Facility and the Properties identified herein at reasonable times for the purpose of determining compliance with the terms of this Consent Order and the rules and statutes administered by the Department.

18. The sale or conveyance of the Facility and/or any of the Properties identified herein does not relieve INDIANHEAD BIOMASS, LLC or INDIANHEAD EXPLORATION, LLC of the obligations imposed in this Consent Order. In the event of a sale or conveyance of the Facility or the Properties upon which the Facility are located, if all of the requirements of this Consent Order have not been fully satisfied, the respective Respondent owner/operator shall: (i) submit written notice to the Department, at least 30 days prior to the sale or conveyance of the Facility and/or Property(ies), providing the name and address of the purchaser, operator, or person(s) assuming control of the Facility and/or Property(ies); and (ii) provide a copy of this Consent Order (with all attachments/exhibits) to the purchaser, operator, or person(s) assuming control of the Facility and/or Property(ies).

19. 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 Consent Order, each Respondent shall have the burden of proving the delay was or will be caused by circumstances beyond the reasonable control of the respective Respondent and could not have been or cannot be overcome by the 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 a 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, each Respondent shall notify the Department by the next working day and within 7-days, notify the Department in writing of: (i) the anticipated length and cause of the delay, (ii) the measures taken or to be taken to prevent or minimize the delay; and (iii) the timetable by which Respondent(s) 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 the respective 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(s) must take to avoid or minimize the delay, if any. **Failure of a Respondent to comply with the notice requirements of this paragraph in a timely manner constitutes a waiver of that Respondent's right to request an extension of time for compliance for those circumstances.**

20. This Consent Order is a settlement of the Department's civil and administrative authority arising under Florida law to resolve the matters addressed herein. This Consent 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 Consent Order does not relieve any of the Respondents of the need to comply with applicable federal, state, or local laws, rules, or ordinances.

21. The Department, for and in consideration of the complete and timely performance by each Respondent of all the obligations agreed to in this Consent 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 Consent Order. This waiver is conditioned upon the respective Respondent's complete compliance with all of the terms of this Consent Order.

22. 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 Consent Order.

23. The terms and conditions set forth in this Consent Order may be enforced in a court of competent jurisdiction pursuant to Sections 120.69 and 403.121, F.S.

24. Failure to comply with the terms of this Consent Order constitutes a violation of Section 403.161(1)(b), F.S. Each Respondent is fully aware that a violation of the terms of this Consent Order may subject the Respondent to judicial imposition of damages, civil penalties up to \$15,000.00 per day per violation, and criminal penalties.

25. Each Respondent acknowledges and waives its right to an administrative hearing pursuant to Sections 120.569 and 120.57, F.S., on the terms of this Consent Order. Each Respondent also acknowledges and waives its right to appeal the terms of this Consent Order pursuant to Section 120.68, F.S.

26. This Consent Order is a final order of the Department pursuant to section 120.52(7), F.S., 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, F.S. Upon the timely filing of a petition, this Consent Order will not be effective until further order of the Department. 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, F.S. 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 number (OGC No. 24-1614);
- (b) The name, address, any e-mail address, any facsimile number, and telephone number of the petitioner;
- (c) If the petitioner is not represented by an attorney or a qualified representative; the name, address, telephone number and e-mail address of the petitioner's representative (if any), which shall be the address for service purposes during the course of the proceeding;


- (d) A statement of when and how the petitioner received notice of the agency decision;
- (e) An explanation of how the petitioner's substantial interests will be affected by the agency determination;
- (f) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (g) 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;
- (h) 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
- (i) 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, 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 [Insert District Office and Address](#). **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, F.S.. 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, F.S., and Rule 62-110.106(12), F.A.C.

27. 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.

28. The Rules referenced in this Consent Order may be examined at any Department Office or may be obtained by written request to the District Office referenced in Paragraph 14 above. The rules referenced in this Consent Order are also available at: <https://floridadep.gov/ogc/ogc/content/rules>.

FOR THE RESPONDENT: ROY H. HINMAN, II



Signature


Date

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

FOR THE RESPONDENT: QUARTER CAV, LLC

The undersigned certifies that as the _____ [Title] of Respondent Limited Liability Corporation, he/she is authorized and empowered to negotiate, enter into and execute, in the name and on behalf of the Respondent, QUARTER CAV, LLC 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.



Signature
Printed Name: Ben Hammer III
Title: Owner

10/18/21

Date

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FOR THE RESPONDENT: INDIANHEAD BIOMASS, LLC

The undersigned certifies that as the Manager [Title] of Respondent Limited Liability Corporation, he/she is authorized and empowered to negotiate, enter into and execute, in the name and on behalf of the Respondent, INDIANHEAD BIOMASS, LLC 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.

Joe Williams
Signature
Printed Name: Joe Williams
Title: Manager

10/18/24
Date

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

FOR THE RESPONDENT: INDIANHEAD EXPLORATION, LLC

The undersigned certifies that as the Manager [Title] of Respondent Limited Liability Corporation, he/she is authorized and empowered to negotiate, enter into and execute, in the name and on behalf of the Respondent, INDIANHEAD EXPLORATION, LLC 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.

Joe Williams
Signature
Printed Name: Joe Williams
Title: Manager

10/18/24
Date

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Please do not write below this line. For DEP use only.

DONE AND ORDERED this 18th day of October, 2024, in Duval, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



Gregory J. Strong
District Director
Northeast District

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



Clerk

October 18th, 2024

Date

Executed Copies furnished to:

Lea Crandall, Agency Clerk

FDEP-OGC: Kelley Corbari

FDEP-NED: Tom Kallemeyn, Joni Petry, Chris Azcuy, Herndon Sims, Anna McClure, Abhi Maturi, Sarah Harris, DEP_NED

EXHIBIT A

Property Aerials & Areas of Activity⁵

⁵ Figures/Images taken from Department's Observation Report, issued on July 17, 2024.

Image #:	29
Photo Description:	Property Appraiser map of property with Indianhead Biomass, LLC permitted composting area
Parcel ID & Owner:	1029600000, Quarter Cav LLC

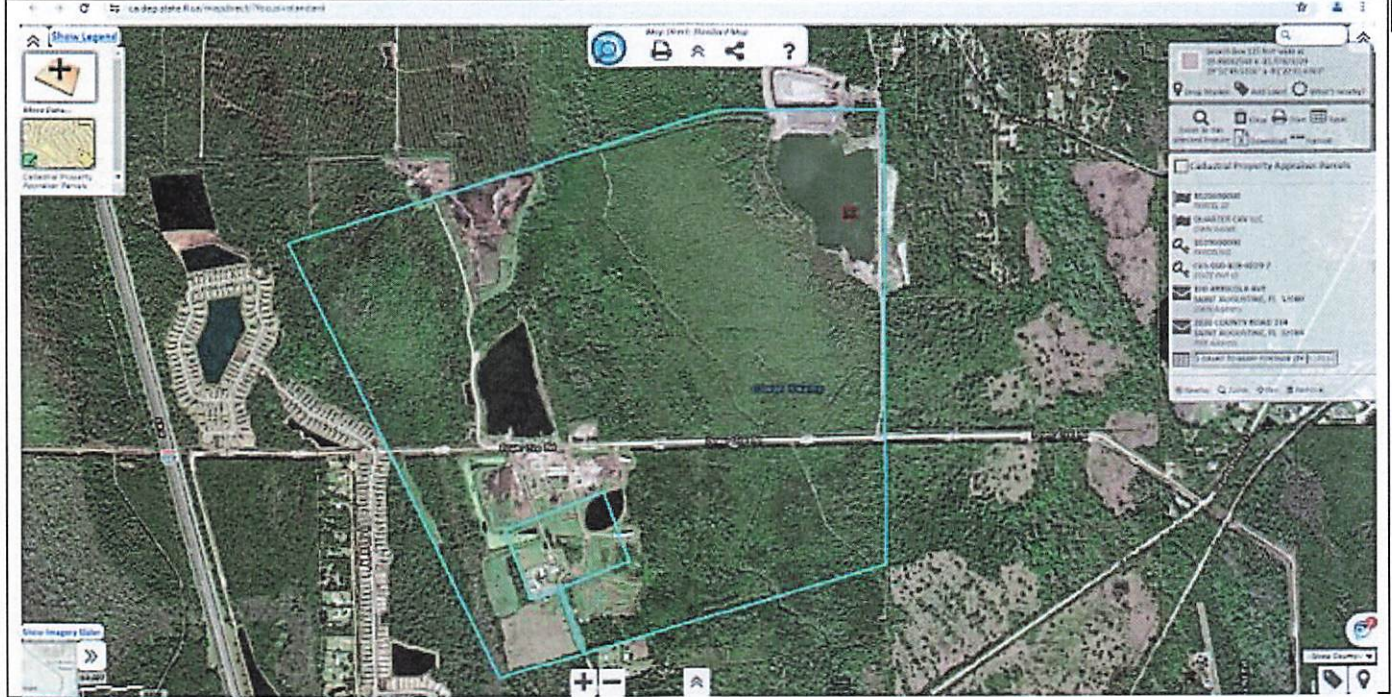


Image #:	30
Photo Description:	Property Appraiser map of property with Indianhead Exploration, LLC <u>SOPE</u> registration area
Parcel ID & Owner:	0956500000, Quarter Cav LLC



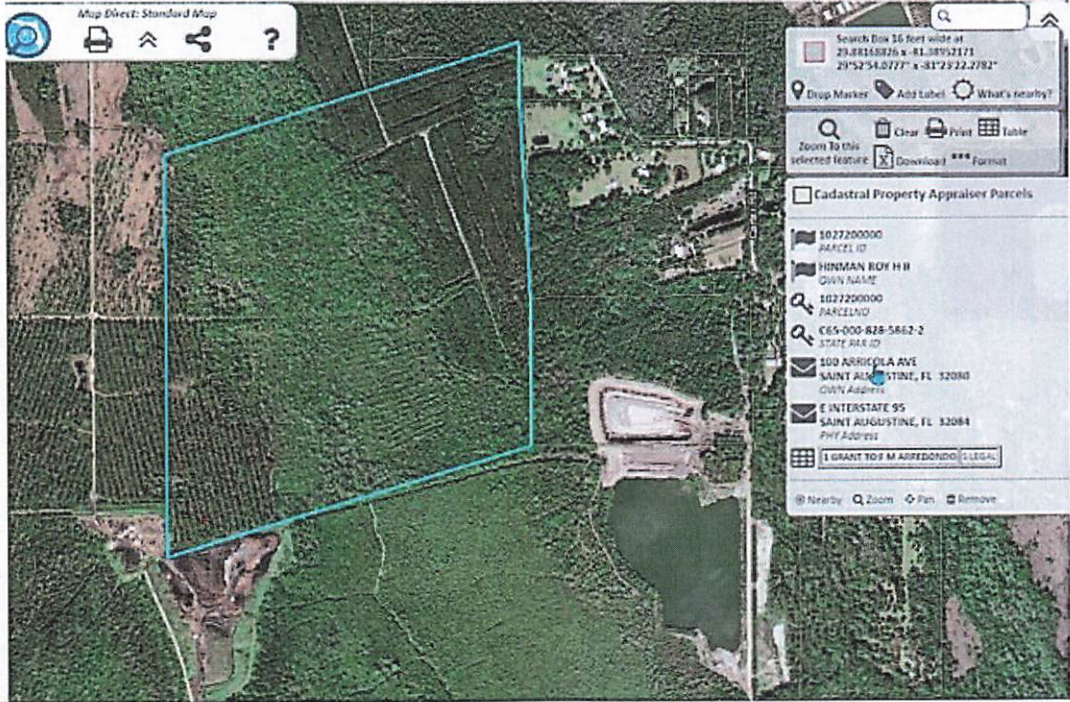
Image #:	31
Photo Description:	Property Appraiser map of property with expanded working area
Parcel ID & Owner:	1027200000, Roy H Hinman II
	

Image #:	32
Photo Description:	Aerial Images obtained via St. Johns County Property Appraiser, indicates the alteration of the SW corner of Parcel (northern edge of operating area and outside the compost zone)
Parcel ID & Owner:	1027200000, Roy H Hinman II

Indianhead Northeast Corner Dec 2022 Jan 2023

