



# 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 26, 2023

Sent electronically to: [ArrowMaterials@clf.rr.com](mailto:ArrowMaterials@clf.rr.com)

Mr. John Arrigoni, et al  
Arrow Materials and Excavating, Inc. and  
JAM 2018, LLC  
3481 Old Kings Road South  
Flagler Beach, Florida 32136

**Re: Stipulated Penalties Letter**  
**Arrow Materials and Excavating, Inc.**  
**JAM 2018, LLC**  
**OGC File Number: 20-0860**  
**Site Number: 105073**  
**Flagler County – Solid Waste**

Dear Mr. Arrigoni:

Based on site visits and a review of records by the Department pursuant to executed Consent Order OGC 20-0860 (“Order”), the Department finds that Arrow Materials and Excavating, Inc. and/or JAM 2018, LLC and/or John Arrigoni (“Respondents”) have failed to comply with the terms of the Order. As a result, the Respondents are responsible for the stipulated penalties set out below pursuant to Paragraph 7 of the Order.

- (1) Paragraph 5b of the Order required Respondents to register with the Department as a yard trash processing facility within 30 days of the Order (i.e., by January 10, 2021). However, the site was never registered. Therefore, pursuant to Paragraph 7 of the Order, a penalty of \$50.00 shall be assessed for each day the Facility failed to meet the compliance deadline up to January 23, 2023 for a total of 743 days. Because the Facility failed to meet the compliance deadline set out in the Order, a penalty of \$18,250 is due (capped at one year).
- (2) Pursuant to paragraph 5c of the Order, Respondent submitted a Report which established 133,760 cubic yards of yard trash present at the site as of January 26, 2021 (hereinafter Initial Report). Pursuant to paragraph 5d of the Order, every six months following submission of the Initial Report (first report due on or before July 26, 2021), Respondent was required to submit a report to the Department identifying the removal and proper disposal of the equivalent of a minimum of 1/6 of the volume of yard waste that was documented in the Initial Report. To date, no reports documenting removal and proper disposal at the Facility have been received by the Department. As such, the Department

makes demand for payment of \$18,250 (capped at one year) for these violations of the Order.

- (3) Pursuant to Paragraph 5f of the Order, any additional yard waste accepted and processed at Respondent's Facility had to conform with the requirements of Florida Administrative Code Rule 62-709. A Department inspection conducted on November 28, 2022, revealed that proper access roads were not maintained and the waste piles were more than 100 feet wide in violation of Rule 62-709.320(2) and there was open burning on-site in violation of Rule 62-709.300(7)(b). As such, the Department makes demand for payment of \$2,850 for these violations of the Order.

Continued violations of the terms of the Order may result in additional stipulated penalties due.

Pursuant to Paragraph 7 of the Order, the Department hereby makes written demand for the stipulated penalties outlined above. The total amount of stipulated penalties assessed for the missed compliance deadlines outline in Paragraph 5 of the Order is \$39,350.00. Please submit payment in the amount of \$39,350.00 to the Department within 30 days of receipt of this notice. Payment shall be made by cashier's check or money order, payable to the "Department of Environmental Protection," and shall include thereon "OGC Number 20-0860" and the notation "Water Quality Assurance Trust Fund." Payment shall be sent to the Florida Department of Environmental Protection, Northeast District–Wastewater Section, 8800 Baymeadows Way West, Suite 100, Jacksonville, Florida 32256-7590.

Should you have any questions regarding the penalties assessed herein or the Consent Order, please contact Emerson Raulerson at (904) 256-1581 or via e-mail at [emerson.raulerson@floridadep.gov](mailto:emerson.raulerson@floridadep.gov). We look forward to your cooperation on this matter.

Sincerely,



Thomas G. Kallemeyn  
Assistant Director

ec: FDEP-NED: Vince Clark, Chris Azcuy, Jeff Schroer, Emerson Raulerson, Anna McClure,  
Joni Petry  
FDEP-OGC: Kirk White