

FDEP Office of Inspector General — Complaint Form Text

Enhanced Comprehensive Version (v3.4 — Updated with San Pablo Road Unpermitted Construction, 2010 Admission, 2024 Hydrographic Survey, Ordinance 2023-0149, and Updated Economic Benefit Analysis)

SECTION 1: ALLEGATION(S)

Copy everything below this line into the “Allegation(s)” box:

MULTI-COUNT VIOLATIONS BY THE CITY OF JACKSONVILLE STORMWATER MANAGEMENT DIVISION — MS4 PERMIT FLS000081, UNPERMITTED INFRASTRUCTURE, FEDERAL JURISDICTION VIOLATIONS, PROTECTED SPECIES HARM, AND INSTITUTIONAL NEGLIGENCE SPANNING 20+ YEARS

COUNT 1 — MS4 PERMIT VIOLATIONS (FLS000081): The City of Jacksonville (“City”) is operating its Municipal Separate Storm Sewer System in violation of NPDES/MS4 Permit No. FLS000081, issued pursuant to Florida Statute § 403.0885 and 40 C.F.R. § 122.26. The Sandalwood Canal stormwater conveyance system — draining an 11-square-mile watershed — is discharging massive volumes of uncontrolled sediment, turbidity, and pollutant-laden stormwater into Hogpen Creek, a navigable waterway of the United States, without effective Best Management Practices (BMPs) as required by the permit. The City’s own permit mandates implementation and maintenance of stormwater controls to reduce pollutant discharge to the Maximum Extent Practicable (MEP). The City has failed this obligation continuously since at least 2003, when it first acknowledged the infrastructure deficiencies in writing.

COUNT 2 — UNPERMITTED INFRASTRUCTURE OPERATION (NO ERP): The Sandalwood Canal stormwater conveyance system, including its silt retention pond and weir structures, is operating without a valid

Environmental Resource Permit (ERP) as required under Part IV of Chapter 373, Florida Statutes, and SJRWMD Rules Chapter 40C-4 and 40C-40, F.A.C. This infrastructure was constructed circa 2005 to serve the 11-square-mile watershed but has never been permitted through either SJRWMD or FDEP. The system includes a silt retention pond, multiple weir structures, and canal conveyances that collectively constitute a “stormwater management system” under Florida law — yet no ERP application was filed, no environmental review was conducted, and no permit was issued. The City is operating major stormwater infrastructure in knowing violation of Florida’s ERP requirements.

COUNT 3 — FEDERAL JURISDICTION VIOLATIONS (USACE SECTION 10/404): The City is discharging fill material (sediment) into Hogpen Creek, a navigable waterway subject to federal jurisdiction under Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. § 403) and Section 404 of the Clean Water Act (33 U.S.C. § 1344), without authorization from the U.S. Army Corps of Engineers (USACE), Jacksonville District. Hogpen Creek is tidally influenced, connects to the Intracoastal Waterway, and has been used for navigation. The unpermitted sediment discharge has deposited an estimated 50,000–75,000 cubic yards of material, reducing navigable channel depth by 4–6 feet and obstructing the waterway. This constitutes an ongoing violation of federal law that FDEP, as the state’s delegated environmental authority, has an obligation to coordinate enforcement upon.

COUNT 4 — MISSING PERMITTED INFRASTRUCTURE (4TH WEIR): The original design for the Sandalwood Canal stormwater system included four (4) weir structures to control flow velocity and sediment transport. Only three weirs were constructed; the critical 4th weir — located at the downstream terminus before discharge into Hogpen Creek — was never built. This omission directly causes uncontrolled high-velocity discharge that erodes the canal channel, mobilizes settled sediment, and delivers massive sediment loads to Hogpen Creek. The missing 4th weir represents a fundamental failure of the City’s stormwater infrastructure and a deliberate departure from the engineered design that constitutes a permit violation.

COUNT 5 — DEFUNDED MAINTENANCE PROGRAMS (INSTITUTIONAL NEGLIGENCE): In the late 1990s, the City of Jacksonville made a deliberate budget decision to defund its stormwater maintenance programs, eliminating routine sediment removal, canal dredging, and infrastructure inspection for the Sandalwood Canal system. This was not an oversight — it was an institutional choice to save money at the expense of environmental compliance. For over 25 years, the silt retention pond has not been dredged, weir structures have not been maintained, and the conveyance system has been allowed to deteriorate. The City’s own engineers have acknowledged this failure. This defunding constitutes willful neglect of the City’s MS4 permit obligations and demonstrates that voluntary compliance will not occur without enforcement action.

COUNT 6 — SELECTIVE ENFORCEMENT / DOUBLE STANDARD: The City of Jacksonville actively enforces stormwater regulations and ERP requirements against private developers, homeowners, and businesses within its jurisdiction, while simultaneously operating its own stormwater infrastructure in violation of the same regulations. The City requires private parties to obtain ERPs, implement BMPs, and maintain stormwater systems — requirements it does not apply to itself. This selective enforcement constitutes a double standard that undermines the regulatory framework and demonstrates the City’s awareness of the legal requirements it is violating.

COUNT 7 — PROTECTED SPECIES HARM (MANATEE HABITAT DESTRUCTION): The sediment discharge from the Sandalwood Canal system into Hogpen Creek has destroyed habitat used by the West Indian manatee (*Trichechus manatus*), a species protected under the Marine Mammal Protection Act (16 U.S.C. § 1361 et seq.), the Endangered Species Act (16 U.S.C. § 1531 et seq.), and Florida’s Manatee Sanctuary Act (§ 379.2431(2), Florida Statutes). Hogpen Creek provides warm-water refuge, foraging habitat, and transit corridor for manatees accessing the Intracoastal Waterway. The 4–6 feet of accumulated sediment has eliminated navigable depth, smothered subaquatic vegetation, and degraded

water quality in this critical habitat. Documented manatee sightings in the creek confirm species presence and habitat use.

COUNT 8 — PATTERN OF DELIBERATE AVOIDANCE (20+ YEARS): The City has demonstrated a consistent, 20-year pattern of acknowledging stormwater infrastructure failures while deliberately refusing to implement corrective measures. This pattern is proven by: (a) the City's own 2003 written acknowledgment of the problems; (b) the 2005 construction of only partial infrastructure (3 of 4 designed weirs); (c) the City's 2010 admission of responsibility and payment of cost-share for dredging — proving admission of fault, not merely awareness; (d) the 2014 Devo Engineering report confirming infrastructure inadequacy and sediment transport to downstream properties; (e) recent unpermitted San Pablo Road construction (SJRWMD Permit 118023-1 withdrawn, yet City proceeded anyway) that crosses Sandalwood Canal, adds stormwater volume to the already-failed system, and represents a missed opportunity where the City could have built the missing 4th weir and upgraded infrastructure but chose not to; (f) the September 2023 *Ellis v. City of Jacksonville* settlement (Case No. 16-2021-CA-006665), in which the City paid \$60,000 to a downstream property owner who claimed \$5.2 million in damages (1.15% settlement) — then performed zero infrastructure repairs; (g) a January 4, 2024 professional hydrographic survey proving causation scientifically (< 0.5 ft depth at canal outfall vs. 6.2 ft at AICW); and (h) the City's continued operation of failed infrastructure through 2026. This pattern proves the City's strategy: pay individual settlements to avoid systemic repairs, proceed with unpermitted construction on modern projects, and accept environmental destruction as the cost of deferred maintenance. The San Pablo Road project is particularly damning because it demonstrates the pattern continues to the present day — even recent construction projects are done unpermitted and make existing problems worse.

COUNT 9 — BAD FAITH COST SHIFTING (ORDINANCE 2023-0149): In 2022, during the Hogpen Dredging Special District (HDSO) petition process, the City of Jacksonville promised homeowners that it would conduct a preliminary study of Hogpen Creek sedimentation and pursue identification of responsible parties. Instead of fulfilling these promises, the City enacted Ordinance 2023-0149 in 2023, creating a special taxing district that shifts the financial burden of remediation onto the very homeowners whose properties were damaged by the City's infrastructure failures. The promised preliminary study was never conducted. The promise to pursue responsible parties was abandoned. This constitutes bad faith cost shifting that violates the polluter-pays principle fundamental to environmental law (Florida Statute § 403.141). The City's own 2003, 2007, and 2010 admissions prove it is the responsible party, yet it created a mechanism to tax the victims for the City's own pollution. This bad faith conduct should be considered an aggravating factor in any penalty determination.

ONGOING HARM: These violations are not historical — they are active and ongoing as of the date of this complaint. Every rain event drives additional unpermitted sediment discharge into Hogpen Creek, further degrading water quality, destroying habitat, harming downstream property owners, and compounding the City's noncompliance. Residents along Hogpen Creek have suffered documented property damage, loss of waterway access, diminished property values (estimated 15–25% reduction), and degraded quality of life. The environmental damage accelerates with each storm event, particularly following the San Pablo Road expansion project which increased impervious surface and stormwater volume in the watershed without corresponding infrastructure upgrades.

SECTION 2: DETAILS OF THE COMPLAINT

Copy everything below this line into the “Details” box:

— WHO —

The responsible parties for the violations described in this complaint are:

(1) CITY OF JACKSONVILLE, STORMWATER MANAGEMENT DIVISION — Primary responsible party. This division owns, operates, and is responsible for maintaining the Sandalwood Canal stormwater conveyance system, including the silt retention pond, three existing weir structures, and all associated canal infrastructure. The Stormwater Division holds MS4 Permit No. FLS000081 and bears direct responsibility for compliance with NPDES requirements, ERP permitting, and BMP implementation.

(2) CITY OF JACKSONVILLE, PUBLIC WORKS DEPARTMENT — The parent department overseeing stormwater infrastructure. Public Works authorized and oversaw the 2005 construction of the partial stormwater system (3 of 4 weirs) and has institutional knowledge of the design deficiency. Public Works also managed the San Pablo Road expansion project that increased impervious surface and stormwater volume without upgrading downstream infrastructure.

(3) CITY OF JACKSONVILLE, RISK MANAGEMENT DIVISION — This division executed the September 2023 Ellis settlement (Case No. 16-2021-CA-006665), paying \$60,000 to resolve a stormwater damage claim while authorizing zero dollars for infrastructure repair. Risk Management’s settlement strategy reveals institutional awareness of the infrastructure failures and a deliberate decision to pay claims rather than fix the root cause — a pattern that prioritizes short-term budget savings over environmental compliance and public safety.

(4) CITY OF JACKSONVILLE ELECTED OFFICIALS AND ADMINISTRATORS — The institutional decision to defund stormwater maintenance programs in the late 1990s was a budget and policy decision made at the executive level. This decision eliminated the maintenance programs that would have prevented the current crisis.

— WHAT —

The City of Jacksonville is operating a fundamentally failed stormwater conveyance system that is causing ongoing, massive environmental damage and harm to residents. Specifically:

INFRASTRUCTURE FAILURES: The Sandalwood Canal stormwater system was designed with four weir structures to control flow velocity and sediment transport across the 11-square-mile (approximately 7,000-acre) watershed, which generates approximately 33 million gallons of stormwater discharge per 0.5-inch rain event. Only three weirs were constructed in 2005; the critical 4th weir at the downstream terminus was never built. Without this flow-control structure, stormwater accelerates through the canal at erosive velocities, mobilizing sediment and discharging it directly into Hogpen Creek. The silt retention pond — the primary BMP — has not been dredged or maintained since the late 1990s when maintenance programs were defunded. It has exceeded its sediment storage capacity and now passes sediment through rather than retaining it.

SEDIMENT DISCHARGE AND ACCUMULATION: An estimated 50,000–75,000 cubic yards of sediment has been discharged into Hogpen Creek over the past 20+ years. This has reduced the creek’s navigable depth by approximately 4–6 feet, converting sections from a navigable waterway to a shallow, sediment-choked channel. The sediment plume is visible after every significant rain event and has been documented by residents and in engineering reports.

WATER QUALITY DEGRADATION: The sediment discharge carries turbidity, nutrients, heavy metals, hydrocarbons, and other pollutants typical of urban stormwater runoff from the 11-square-mile watershed. These pollutants violate water quality standards established in Chapter 62-302, F.A.C. The creek’s biological communities — fish, invertebrates, subaquatic vegetation — have been severely impacted.

PROPERTY DAMAGE AND VALUE LOSS: Downstream property owners along Hogpen Creek have suffered: (a) loss of navigable waterway access for boats and recreational use; (b) bank erosion and property loss from altered hydrology; (c) flooding from reduced channel capacity due to sediment accumulation; (d) diminished property values estimated at 15–25% (representing losses of \$50,000–\$150,000+ per property); and (e) loss of quality of life, including inability to use waterfront amenities. The September 2023 Ellis settlement (\$60,000) confirmed the City’s liability for these damages — yet no repairs followed.

MANATEE HABITAT DESTRUCTION: Hogpen Creek provides critical habitat for the West Indian manatee, including warm-water refuge during cold weather, foraging areas with subaquatic vegetation, and a transit corridor to the Intracoastal Waterway. The sediment accumulation has eliminated navigable depth for manatees, smothered vegetation they depend on for food, and degraded water quality below survivable thresholds. Residents have documented manatee presence in the creek, confirming active habitat use that is being destroyed by the City’s unpermitted discharges.

PERMIT AND REGULATORY VIOLATIONS: The City is simultaneously violating: (a) MS4 Permit FLS000081 (failure to implement BMPs to MEP standard); (b) ERP requirements under Part IV, Ch. 373, F.S. (operating unpermitted stormwater infrastructure); (c) Section 10 of the Rivers and Harbors Act, 33 U.S.C. § 403 (obstruction of navigable waterway); (d) Section 404 of the Clean Water Act, 33 U.S.C. § 1344 (unpermitted discharge of fill material); (e) Florida water quality standards, Ch. 62-302, F.A.C.; and (f) federal and state protected species laws.

—— WHEN ——

This is a 20+ year pattern of violations with the following documented timeline:

LATE 1990s: City of Jacksonville defunds stormwater maintenance programs as a budget-cutting measure. Routine sediment removal, canal dredging, and infrastructure inspection for the Sandalwood Canal system are eliminated. This decision sets the stage for the current crisis.

2003: City of Jacksonville issues written acknowledgment of stormwater infrastructure deficiencies in the Sandalwood Canal/Hogpen Creek system. This document proves the City had actual knowledge of the problems more than 20 years ago.

2005: City constructs partial stormwater infrastructure for the Sandalwood Canal system, including a silt retention pond and three weir structures. The engineered design called for four weirs; the critical 4th weir at the downstream terminus is never built. No Environmental Resource Permit (ERP) is obtained for this construction.

2005–2014: Sediment accumulates progressively in Hogpen Creek as the under-designed, unmaintained system fails to control sediment transport. Residents observe declining water quality, reduced navigability, and increasing flooding.

2010: The City of Jacksonville formally admits responsibility for Hogpen Creek sedimentation and pays a cost-share for dredging — proving admission of fault, not merely awareness. This is the City's second admission (after 2003), establishing a documented pattern of admitted responsibility without corrective action.

2014: The City commissions Devo Engineering to evaluate the stormwater system. The engineering report confirms: (a) the infrastructure is inadequate for the watershed it serves; (b) sediment is being transported downstream to properties along Hogpen Creek; (c) the system requires significant upgrades. Despite receiving this professional engineering assessment, the City takes no corrective action.

LATE 2010s–EARLY 2020s (SAN PABLO ROAD EXPANSION — RECENT UNPERMITTED CONSTRUCTION): The City undertakes a major expansion of San Pablo Road, which crosses the Sandalwood Canal perpendicularly. The City applies for SJRWMD Permit 118023-1 to authorize stormwater impacts — but the permit application is WITHDRAWN and never issued. Despite the lack of permit, the City proceeds with construction anyway, conducting unpermitted work affecting jurisdictional waters. The project significantly increases impervious surface area and channels additional stormwater runoff directly into the already-failed Sandalwood Canal system. This presents a natural opportunity for the City to remedy longstanding deficiencies: construction equipment is on-site, budget is allocated, and the project crosses the canal where the missing 4th weir should be located. The City chooses not to construct the missing 4th weir, not to upgrade the silt retention pond to handle the increased volume, and not to implement enhanced stormwater treatment. Instead, the City adds stormwater volume to an infrastructure system it knows (from 2003, 2010, and 2014 reports) is already failing. This recent unpermitted construction demonstrates that the pattern of violations is not merely historical — it continues to the present day. Even on modern projects where the City has opportunity and obligation to comply, it proceeds unpermitted and makes existing problems worse.

2021: Ellis v. City of Jacksonville lawsuit filed (Case No. 16-2021-CA-006665), alleging stormwater damage to downstream property from the Sandalwood Canal system. The Ellis family claims \$5.2 million in damages for erosion, property loss, and structural damage caused by the City's infrastructure.

2022: During the Hogpen Dredging Special District (HDSD) petition process, the City promises homeowners that it will conduct a preliminary study of Hogpen Creek sedimentation and pursue identification of responsible parties. These promises are made to residents during public proceedings and are relied upon by the community.

SEPTEMBER 2023: City of Jacksonville settles Ellis lawsuit for \$60,000. Critically, the settlement includes zero dollars for infrastructure repair, zero commitment to fix the root cause, and zero improvement to the stormwater system. The City's strategy is revealed: pay individual claims to make them go away while leaving the polluting infrastructure in place.

2023: Rather than fulfilling its 2022 promises, the City enacts Ordinance 2023-0149, creating a special taxing district that shifts the cost of remediation onto the homeowners harmed by the City's own infrastructure failures. The promised preliminary study is never conducted. The promise to pursue responsible parties is abandoned. Instead, the City creates a mechanism to tax victims for a problem the City caused — a bad faith cost-shifting scheme.

JANUARY 4, 2024: A professional hydrographic survey provides objective scientific proof of causation. The survey documents less than 0.5 feet depth at mean low water (MLW) at the Sandalwood Canal outfall discharge point versus 6.2 feet MLW in the adjacent Atlantic Intracoastal Waterway (AICW). This 5.7-foot depth gradient conclusively proves the sedimentation originates from the canal discharge — not from natural tidal processes, not from the AICW, and not from homeowner activity.

2024–2026: Conditions continue to worsen. Additional sediment accumulates after each storm event. Residents report further loss of navigability, increased flooding, continued property damage, and ongoing environmental degradation. No infrastructure improvements have been made. The City's noncompliance is active and ongoing as of the date of this complaint.

— WHERE —

The violations occur at the following specific locations in Jacksonville, Duval County, Florida 32224:

SANDALWOOD CANAL: The primary stormwater conveyance, running generally north-south through the San Pablo area of Jacksonville. This canal drains an 11-square-mile watershed and conveys all stormwater runoff to the silt retention pond and ultimately to Hogpen Creek. The canal is City-owned and City-maintained (or, more accurately, City-unmaintained) infrastructure.

SILT RETENTION POND: Located along the Sandalwood Canal alignment, this pond was constructed in 2005 as the primary Best Management Practice for sediment removal. It has not been dredged or maintained since the late 1990s maintenance defunding. It has exceeded capacity and no longer functions as designed.

WEIR STRUCTURES (3 OF 4 BUILT): Three weir structures were constructed along the Sandalwood Canal to control flow velocity. The 4th weir — designed for the downstream terminus before discharge into Hogpen Creek — was never constructed.

HOGPEN CREEK: The receiving waterway. Hogpen Creek is a navigable, tidally influenced waterway that connects to the Intracoastal Waterway. It is subject to federal jurisdiction under Section 10 of the Rivers and Harbors Act. The creek runs through residential neighborhoods where properties back up to the waterway. This is where the environmental damage — 50,000–75,000 cubic yards of accumulated sediment, 4–6 feet of depth loss, habitat destruction — is concentrated.

INTRACOASTAL WATERWAY CONNECTION: Hogpen Creek connects to the Intracoastal Waterway, establishing federal navigable waterway jurisdiction and extending the impact zone of the City's unpermitted discharges.

DOWNSTREAM RESIDENTIAL PROPERTIES: Multiple residential properties along Hogpen Creek in the San Pablo area (ZIP 32224) are directly impacted. These property owners have suffered loss of waterway access, flooding, erosion, property value decline, and quality of life degradation.

— HOW —

The violations occur through three interconnected mechanisms:

TECHNICAL MECHANISM — FAILED STORMWATER INFRASTRUCTURE: The Sandalwood Canal system fails because: (a) the critical 4th weir was never constructed, allowing uncontrolled high-velocity dis-

charge at the downstream terminus; (b) the silt retention pond has not been maintained since the late 1990s and has exceeded its sediment storage capacity, now passing sediment through rather than retaining it; (c) only 3 of 4 designed weirs are in place, providing insufficient flow control for the 11-square-mile watershed; (d) no effective BMPs are operational at the discharge point to Hogpen Creek. The result: every rain event flushes sediment through the failed system directly into the creek. The San Pablo Road expansion worsened this by increasing impervious surface and stormwater volume without upgrading downstream capacity.

INSTITUTIONAL MECHANISM — DELIBERATE BUDGET DECISIONS: The City's late 1990s decision to defund stormwater maintenance programs was not an oversight — it was a policy choice. By eliminating maintenance budgets, the City saved operational dollars in the short term while allowing infrastructure to fail and environmental damage to accumulate. When the 2014 Devo Engineering report confirmed the system was inadequate, the City had a clear engineering basis for corrective action — and chose not to act. When the 2023 Ellis settlement confirmed legal liability for downstream damage, the City had a legal basis for corrective action — and chose to pay \$60,000 rather than invest in repairs estimated at \$1-2 million or more.

SCIENTIFIC PROOF — 2024 HYDROGRAPHIC SURVEY: A professional hydrographic survey conducted on January 4, 2024 provides objective, measurable proof of causation. The survey documented less than 0.5 feet depth at MLW at the canal outfall versus 6.2 feet at MLW in the adjacent AICW — a 5.7-foot depth differential concentrated at the discharge point. This eliminates alternative causation theories (natural tidal processes, AICW sediment transport, homeowner activity) and proves scientifically that the Sandalwood Canal discharge is the source. This is not homeowner observation — it is professional survey data that meets evidentiary standards for regulatory enforcement.

STRATEGIC MECHANISM — SETTLEMENT OVER REPAIR: The Ellis settlement reveals the City's deliberate strategy: when stormwater damage claims arise, settle the individual claim for the minimum amount, include no commitment to infrastructure repair, and continue operating the failed system. This strategy is economically rational for the City in the short term — individual settlements of \$60,000 are far cheaper than the \$1-2+ million infrastructure repairs needed. But it is environmentally devastating, legally impermissible, and results in ongoing violations that compound over time. The City has calculated the economic benefit of noncompliance and chosen noncompliance.

—— WHY (ROOT CAUSE) ——

The root cause of these violations is economic: the City of Jacksonville has determined that noncompliance is cheaper than compliance.

ECONOMIC BENEFIT OF NONCOMPLIANCE: The City has avoided an estimated \$4-5 million minimum in infrastructure costs by deferring the 4th weir construction, silt pond dredging, canal maintenance, watershed-wide stormwater treatment for the 11-square-mile (7,000-acre) drainage area generating 33 million gallons per 0.5-inch rain event, and creek remediation. Against this avoided cost, the City has paid only \$60,000 in the Ellis settlement — a 98%+ savings. Under FDEP's economic benefit analysis methodology (per Chapter 62-4.243, F.A.C.), the City's economic benefit of noncompliance is substantial and continuing. The City further compounded its bad faith by enacting Ordinance 2023-0149 to shift remediation costs onto the victims of its pollution.

INSTITUTIONAL NEGLIGENCE: The late 1990s decision to defund maintenance was driven by budget pressures, not environmental analysis. No assessment of environmental consequences was performed. No alternative maintenance strategies were developed. The programs were simply eliminated to save money, and 25+ years of environmental damage is the result.

PATTERN OF AVOIDANCE: The City's consistent behavior — acknowledge the problem (2003), build partial infrastructure (2005), ignore engineering recommendations (2014), settle claims without fixing anything (2023), continue noncompliance (2026) — demonstrates that voluntary compliance will not occur. The City will not fix this problem without FDEP enforcement action compelling it to do so.

DELIBERATE INDIFFERENCE: The City cannot claim ignorance. It acknowledged the problems in writing in 2003. Its own engineers identified the deficiencies. An independent engineering firm (Devo Engineering) confirmed the failures in 2014. A court case confirmed liability in 2023. The City has had actual knowledge for over 20 years and has made a deliberate, documented choice not to act. This is not negligence — it is deliberate indifference to environmental law.

—— ENFORCEMENT ACTION REQUESTED ——

Based on the severity, duration, and deliberate nature of these violations, the complainant respectfully requests that FDEP take the following enforcement actions:

1. **CONSENT ORDER PURSUANT TO FL STAT. § 403.121:** Issue a Consent Order requiring the City of Jacksonville to achieve full compliance with all applicable environmental laws, including MS4 Permit FLS000081, ERP requirements, and water quality standards.
2. **INFRASTRUCTURE REPAIRS — MANDATORY AND TIMEBOUND:**
 - Construct the missing 4th weir at the downstream terminus of Sandalwood Canal (within 90 days of Consent Order execution);
 - Dredge and restore the silt retention pond to design capacity (within 180 days);
 - Implement a comprehensive maintenance program with annual dredging schedule and quarterly inspection requirements (ongoing);
 - Obtain a retroactive Environmental Resource Permit (ERP) for the Sandalwood Canal stormwater system, with conditions requiring all design elements including the 4th weir.
3. **CREEK REMEDIATION — HOGPEN CREEK DREDGING:** Require the City to dredge Hogpen Creek to remove 50,000–75,000 cubic yards of accumulated sediment and restore navigable depth to pre-impact conditions (4–6 feet of depth restoration). This work must be completed within 18 months of Consent Order execution and must be performed in compliance with USACE permitting requirements and manatee protection protocols.
4. **ECONOMIC BENEFIT PENALTIES:** Assess penalties that capture the full economic benefit of the City's noncompliance, calculated per Chapter 62-4.243, F.A.C. Based on 20+ years of avoided infrastructure costs (estimated \$4–5 million minimum, reflecting the watershed-scale scope of the 11-square-mile/7,000-acre drainage area), total recommended civil penalties of \$5,000,000 must exceed the economic benefit to eliminate the financial incentive for continued noncompliance. The penalty should include an aggravating factor for the City's bad faith cost-shifting through Ordinance 2023-0149. A penalty below the economic benefit would reward the City's strategy.
5. **STIPULATED PENALTIES FOR NON-PERFORMANCE:** Include stipulated penalties of not less than \$10,000 per day for each day the City fails to meet any milestone in the Consent Order compliance schedule. Given the City's 20-year history of acknowledging problems and refusing to act, meaningful stipulated penalties are the only mechanism to ensure compliance.
6. **COMPLIANCE MONITORING:** Require the City to submit quarterly compliance reports to FDEP documenting: (a) construction progress on the 4th weir; (b) silt pond dredging status; (c) water quality monitoring results at the Hogpen Creek discharge point; (d) sediment transport monitoring; (e) maintenance activities performed. Independent third-party verification should be required given the City's history of noncompliance.

7. FEDERAL COORDINATION: Refer the Section 10/Section 404 violations to the U.S. Army Corps of Engineers, Jacksonville District, for concurrent federal enforcement action. Coordinate with the U.S. Fish and Wildlife Service regarding protected species (manatee) impacts.

8. COMPLIANCE TIMELINE:

- 90 days: 4th weir construction complete
- 180 days: Silt retention pond dredging complete, maintenance program established
- 18 months: Hogpen Creek dredging complete, navigable depth restored
- Ongoing: Annual maintenance, quarterly reporting, water quality monitoring

The 20+ year duration of these violations, the City's demonstrated unwillingness to voluntarily comply, the deliberate defunding of maintenance, the settlement-over-repair strategy, and the ongoing harm to both the environment and residents all compel the conclusion that only formal FDEP enforcement action — with meaningful penalties and mandatory deadlines — will achieve compliance. The complainant attaches a comprehensive narrative with supporting documentation, engineering references, and legal analysis as a supplement to this complaint form.

End of complaint form text. Full narrative attachment and supporting documentation provided separately.