



# 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**  
Interim Secretary

July 22, 2021

## **CERTIFIED MAIL-RETURN RECEIPT**

Mr. Timothy A. Stevens Baymit II, LLC 3708 West Swann Avenue Suite 200 Tampa, Florida 33609-4527	Mr. Daniel Bergin Dirt On Demand 3802 Ehrlich Road Suite 312 Tampa, Florida 33613	Mr. Roy Shaw Shaw's Land Clearing 2762 West Beaver Street Jacksonville, Florida 32254
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**RE: Warning Letter No. WL21-159**  
**RE: #136246-1100**  
**0 Grove Park Boulevard, Jacksonville, Florida 32216**  
**Site ID No. ERP\_407243**  
**Duval County – Environmental Resource Program**

Dear Messers. Stevens, Bergin and Shaw:

Multiple complaint inspections were conducted on your project property between June 8, 2021 and July 19, 2021. During these inspections, possible violations of Chapter 403, Florida Statutes (Fla. Stat.), and Rules 62-330, 62-621, 62-302 and 62-620, Florida Administrative Code (Fla. Admin. Code), were observed.

During the inspections, Department of Environmental Protection (Department) personnel noted the following:

- On the early evening of Friday, July 16, 2021, a discharge of turbid water occurred from the property in question to Pottsburg Creek.
- From approximately February 2021 to June 24, 2021, you were engaging in construction activities of greater than one acre without an appropriate or valid permit issued by the Department, which is prohibited in accordance with Section 403.161(1)(b), Fla. Stat., and 62- 620.300(2), Fla. Admin. Code.

**Rule 62-330.020(2)(a), Fla. Admin. Code** - Where activities in, on, or over wetlands and surface waters require a permit.

**Section 403.161(1)(b), Fla. Stat.** - Where it is a violation to fail to obtain any permit required by this chapter or by rule or regulation, or to violate or fail to comply with any rule, regulation, order, permit, or certification adopted or issued by the Department, pursuant to its lawful authority.

**Rule 62-621.260(1)-(3), Fla. Admin. Code** – Respondent failed to maintain Best Management Practices pursuant to the NPDES General Permit Condition Part 5.

**Rule 62-302.300, Fla. Admin. Code** - Respondent discharged turbid water above acceptable Nephelometric Turbidity Units (NTUs) causing a water quality violation, pursuant to NPDES Generic Permit Condition 1.5.1.

**Rule 62-620.300, Fla. Admin. Code** – No person shall discharge wastes to waters without a permit from the Department, unless exempted by Department rule or statute.

Violations of Florida Statutes or administrative rules may result in liability for damages and restoration, and the judicial imposition of civil penalties, pursuant to Sections 403.121, 403.141 and 403.161, Florida Statutes.

Please contact James Maher, at (904) 256-1650, within 15 days of receipt of this Warning Letter to arrange a meeting to discuss this matter. The Department is interested in receiving any facts that you may have which might assist in determining whether any violations have occurred. You may bring anyone with you to the meeting that you feel could help resolve this matter.

Please be advised that this Warning Letter is part of an agency investigation, preliminary to agency action in accordance with Section 120.57(5), Fla Stat. We look forward to your cooperation in completing our investigation and resolving this as soon as possible.

Sincerely,



Gregory J. Strong  
District Director

GS/nh/jm

Enclosure: Inspection Report

J ec: FDEP-NED: James Maher, Matthew Kershner, Keri Armstrong,  
Christina Sellers, Neil Hornick, Sally Logan, Joni Petry, Russell Simpson,  
Ronnie Hoenstine, David Terrones, DEP\_NED

City of Jacksonville:

Nick Duin ([NDuin@coj.net](mailto:NDuin@coj.net)), Patrick Mondo ([PMondo@coj.net](mailto:PMondo@coj.net)),  
Melissa Long ([MelissaL@coj.net](mailto:MelissaL@coj.net)), Terry Carr ([TCarr@coj.net](mailto:TCarr@coj.net))

Army Corp. of Engineers: Diane Griffin ([Dianne.S.Griffin@usace.army.mil](mailto:Dianne.S.Griffin@usace.army.mil))

Dirt on Demand: Daniel Bergin ([DBergin@OnDemandFL.com](mailto:DBergin@OnDemandFL.com))

Shaw's Land Clearing: Roy Shaw – ([rshaw@shawtree.com](mailto:rshaw@shawtree.com))