

**SUWANNEE RIVER WATER
MANAGEMENT DISTRICT,
PETITIONER**

Item No. 171290

**v.
JAMES HOLLNAGEL
RESPONDENT**

COMPLIANCE AGREEMENT

This Compliance Agreement is entered between Suwannee River Water Management District ("District") 9225 CR 49, Live Oak, Florida 32060 and James Hollnagel, ("Respondent") 309 SW Dairy Street, Lake City, FL 32024, to settle certain matters at issue between them under Chapter 373, Florida Statutes (F.S.) and 62-330, Florida Administrative Code (F.A.C.).

FINDINGS OF FACT

1. The District is a special taxing district created by Chapter 373, F.S., and is empowered to administer and enforce the provisions of Chapter 373 and 403, F.S., and the rules promulgated thereunder, including Chapter 62-330, F.A.C.
2. Respondent is the owner of Columbia County, Florida real property parcel number 13-4S-16-02952-302, located at 233 Business Point Drive, Lake city, Fl, 32025, hereafter referred to as the "Subject Property."
3. The Subject Property is located within the jurisdictional boundaries of the District.
4. On March 2, 2026, District staff discovered the construction activities on the Subject Property. After additional investigation it was determined that, although permitted, the construction is causing impacts not authorized by the permit.
5. On April 2, 2026, a Notice of Non-Compliance and Stop work Order was sent to the Respondent.
6. On April 6 and 17, 2026, District staff performed a site visit to the Subject Property with the Respondent.
7. On April 28, 2026, District staff met with the Respondent to discuss the activity on the Subject Property to bring the subject property into compliance.
8. On July 1, 2026, the Respondent was sent a second Notice of Non-Compliance requesting that he remove or permit the activity on the Subject Property.
9. On August 27, 2026, the Respondent and his engineer met with District staff to agree on a path forward.

CONCLUSIONS OF LAW

10. The District has jurisdiction over Respondent pursuant to Sections 373.413 and 373.129, F.S. The District implements these statutes through Chapter 62-330, F.A.C., and Environmental Resource Permit Applicant's Handbook Volumes I and II.
11. The District is authorized under Section 373.129(5), F.S., to seek injunctive relief and/or a civil penalty not to exceed fifteen thousand dollars (\$15,000) per day for violations of Chapter 373, F.S., Chapter 62-330, F.A.C., and Environmental Resource Permit Applicant's Handbook Volumes I and II. The District assesses penalties for violations of Florida Statutes, Florida Administrative Code and permit conditions as set forth in its Governing Board's Regulatory Compliance and Enforcement Policy 22-0002, effective April 12, 2022, hereafter referred to as "GBD22-002."
12. The District determined that there were three violations of District rules. According to GBD22-002, the recommended penalty for all violations is \$15,950.
13. The District has recorded no less than Thirty-nine (39) hours of staff time for these violations and is authorized pursuant to GBD22-002 to assess \$2,022 in administrative costs.
14. The District has recorded no less than 0 hours of attorney fees for these violations and is authorized pursuant to GBD22-002 to assess \$0 in attorney fees.
15. The total charge for the penalty, administrative cost and attorney fees is \$17,972.
16. The Respondent agrees to the corrective actions in the Paragraphs below.

CORRECTIVE ACTIONS

17. The Respondent shall not engage in any further development or placement of structures on the Subject Property, or any other property, without first obtaining the necessary ERP. Failure to comply with this corrective action shall be considered as flagrant and may result in a multiplier being applied to future penalties.
18. Respondent shall submit to the District the \$2,022 in administrative costs and attorney fees found in Paragraphs 13 and 14 within sixty (60) days of the execution of this compliance agreement. In lieu of payment of the administrative penalty found in Paragraph 12, the Respondent shall complete the following Corrective Actions.
19. Within sixty (60) days of the execution of this Compliance Agreement, the Respondent shall submit an Environmental Resource Permit (ERP) application to the District for the unauthorized activity on the Subject Property that contains, at a minimum, the following information:
 - a. A signed application form with all the required fields completed;
 - b. The applicable application fee and surety if required by Chapter 40B-1, F.A.C.
 - c. A site plan of the Subject Property signed and sealed by a registered professional;
 - d. An Operation and Maintenance plan with the Operation and Maintenance entity identified;
 - e. All applicable information required in accordance with Chapter 62-330, F.A.C., and Environmental Resource Permit Applicants Handbook Volumes I and II.
20. Following the submission of the Respondent's ERP application and until the application is complete, Respondent shall provide a complete response to all written requests for additional information (RAI) from the District within ninety (90) days of the date of the request.

21. Following the initial review of the ERP application, Respondent shall submit all requested information to complete the application within 2 RAI cycles. Failure to obtain the permit within one (1) year of the application date will result in implementation of Paragraph 24 below.
22. Following issuance of Respondent's ERP, the Respondent shall remain in compliance with all requirements and conditions of the permit, including the submittal of As-builts, and all applicable laws and rules in Florida Statutes and Florida Administrative Code. The Respondent shall complete the permitted activity within the permitted duration of time. The Respondent shall not extend the duration of time to construct or complete the activity without amending this compliance agreement.
23. If Respondent fails to meet any of the requirements contained in the above Paragraphs found in the Corrective Actions section, District staff will notify the Respondent of the failure, and the Respondent will have five (5) business days to correct the failure. If the Respondent does not correct the failure by COB on the fifth (5th) day, Paragraph 24 will be implemented.
24. Additional penalties shall accrue at a rate of \$25.00 per day, per failure, from the date the Respondent is notified of the failure, as found in Paragraph 23 above, until the submittal, response, or construction requirement is met as set forth in GBD22-002.
25. If paragraph 24 above is implemented, the Respondent shall submit the remainder of the total charge found in paragraph 15 (\$15,950) within thirty (30) days of the date the respondent is notified of the failure as found in paragraph 23.

AGREEMENT STANDARDS

26. By execution of this Compliance Agreement, Respondent waives its rights to an administrative hearing pursuant to Section 120.57, F.S., and their right of appeal pursuant to Section 120.68, F.S. or Chapter 373, F.S., with regard to the terms of this Compliance Agreement. This waiver does not apply to the ERP application to be submitted pursuant to the terms of this Compliance Agreement.
27. Nothing herein shall be construed to limit the authority of the District to undertake enforcement or legal actions against Respondent in the event that paragraphs 16 through 20 are not completed or adhered to on or before the stated time, or in response to conditions that may present an imminent hazard to the public health, welfare, or the environment.
28. Entry of this Compliance Agreement does not relieve Respondent of the need to comply with any applicable federal, state, or local laws, regulations, or ordinances.
29. The terms and conditions set forth in this Compliance Agreement may be enforced in a court of competent jurisdiction, pursuant to Section 120.69, F.S., or any other applicable rule or statute, and Respondent's consent to entry of final judgment by a court of competent jurisdiction to enforce the terms of the agreement plus attorneys' fees and costs, pursuant to Section 373.129, F.S., if Respondent is found not to be in compliance. Failure to comply with the terms of this Compliance Agreement shall constitute a violation of Section 373.430, F.S., and any other appropriate statutes.
30. District hereby expressly reserves the right to initiate appropriate administrative or legal action to prevent or prohibit future violations of applicable statutes or any rules promulgated thereunder, or to protect the public health, safety, or general welfare.
31. This Compliance Agreement is the final agency action of the District pursuant to Section 120.69, F.S., and it is final and effective on the date filed with the District Clerk.
32. No modification of the terms of this Compliance Agreement shall be effective until reduced to writing and executed by both Respondent and District.

