



CITY OF CLEARWATER

POST OFFICE BOX 4748, CLEARWATER, FLORIDA 33758-4748
MUNICIPAL SERVICES BUILDING, 100 SOUTH MYRTLE AVENUE, CLEARWATER, FLORIDA 33756
TELEPHONE (727) 562-4750 FAX (727) 562-4755

PUBLIC WORKS

ILLICIT DISCHARGE NOTICE OF VIOLATION

You are hereby notified that you are in violation of the City of Clearwater code due to a series of illicit discharges into the City's Stormwater System at the Property located at 400 Coronado Dr., Clearwater, FL 33767.

Date of Issuance: 2025-10-03

Respondent's Name: Moss & Associates (Attn: Scott R Moss, Tyler Harper)

Respondent's Address: 2101 N Andrews Ave #300, Wilton Manors, FL 33311

Address of Violation: 400 Coronado Dr., Clearwater, FL 33767 (ALANIK Hotel)

Below is a list of dates illicit discharges occurred:

2023-12-18

2023-12-22

2023-12-29

2024-03-01

2024-03-18

2024-06-17

2024-07-24

Description of the Violation:

City Code **Sec. 32.394.** - Illicit discharges, states:

- (1) General prohibitions. Except as provided in subsection (3) or as may be in accordance with a valid NPDES permit, *any discharge to the stormwater system that is not composed entirely of stormwater is prohibited.*

During construction of the ALANIK Hotel project at 400 Coronado Dr., the Public Works Department (PWD) became aware of and/or directly observed multiple illicit discharges into the City's stormwater system. PWD staff made repeated site visits to speak with contractor representatives and were assured on each occasion that such discharges would not recur.

CASE NO. 197-25

On January 15, 2025, PWD staff met on-site with representatives of Moss & Associates, walked the perimeter of the project, and identified specific pipe segments of concern. Following that visit, Moss e-mailed PWD reaffirming its agreement to inspect each of the identified sections using a robotic camera (CCTV) and to clean them as needed. The purpose was to confirm the stormwater system was free of build-up or debris that could restrict flow or cause adverse impacts. If inspections revealed hardened cement or other obstructions, Moss agreed to coordinate with the City to remedy the condition. Since that time, CCTV has not been provided to PWD to confirm the system is clear of obstructions.

The City may elect to mitigate the damages of these violations by taking action to prevent and/or remove discharged material from the stormwater system, and to repair any part of the system that may have been damaged as a result of the discharge. You will be invoiced for all costs associated with the City's clean up and/or mitigation of illicit discharges, including cleaning and disposal of debris, stormwater pipe replacement, and any other associated costs. The repayment of these costs may be in addition to any fines or penalties assessed by the Municipal Code Enforcement Board ("MCEB").

Pursuant to City Code Section 7-103.B.3.4., fines and penalties may be imposed as much as \$1000.00 per day, per violation for any violation that is capable of being corrected but continues to exist after the deadline set by the MCEB or Special Magistrate.

Fines and penalties are greater for violations that are not capable of correction. An irreparable violation of City Code is subject to a penalty of up to \$15,000.00 per violation, after determination by the MCEB or Special Magistrate. In addition to the fines imposed, the Board or Magistrate's Order may include charges for all reasonable costs of repairs made by the City. These fines and costs may be recorded to constitute a lien against all real or personal property owned by the violator.

Due to the nature of these incidents, this violation is considered irreparable, and this Matter will be scheduled for hearing in front of the Code Enforcement Board or Special Magistrate:

Hearing Date: Nov. 19, 2025

Time: 1:30 PM

Location: City Council Chambers, Main Library, 100 N. Osceola Ave., Clearwater, 33756

You are also hereby notified that, if you are a licensed contractor, the City may elect to file a complaint against your license with the Pinellas County Construction Licensing Board and/or the Florida Department of Business and Professional Regulation. These entities may order disciplinary action that could include additional fines and/or suspension or revocation of your certificate or registration.

If you have any questions regarding this Notice, please contact me at (727) 562 – 4750, or jeremy.brown@myclearwater.com.

Jeremy J. Brown, PE
Deputy City Engineer

Sec. 32.394. Illicit discharges.

- (1) *General prohibitions.* Except as provided in subsection (3) or as may be in accordance with a valid NPDES permit, any discharge to the stormwater system that is not composed entirely of stormwater is prohibited.
- (2) *Specific prohibitions.* Any discharge to the stormwater system containing any pollutants, sewage, industrial waste or other waste materials, or containing any materials in violation of federal, state, county, municipal, or other laws, rules, regulations, orders or permits, is prohibited.
- (3) *Authorized exceptions.* The following discharges are exempt from the general prohibition set forth in subsection (1) of this section: Flows from fire fighting, water line flushing and other contributions from potable water sources, landscape irrigation and lawn watering, irrigation water, diverted stream flows, rising groundwaters, direct infiltration to the stormwater system, uncontaminated pumped groundwater, foundation and footing drains, water from crawl space pumps, air conditioning condensation, springs, individual residential car washings, and flows from riparian habitats and wetlands.
- (4) *Illicit connections.* No person may maintain, use or establish any direct or indirect connection to the stormwater system that results in any discharge in violation of this section. This prohibition applies to connections made prior to the effective date of this article, regardless of whether made under a permit, or other authorization, or whether permissible under laws or practices applicable or prevailing at the time the connection was made.

(Ord. No. 5588-94, § 1, 5-5-94; Ord. No. 8931-16, § 3, 9-1-16)

Guidelines for Characterizing Stormwater Violations

Introduction

Department of Environmental Protection (DEP) Directive 923 is the Department's controlling enforcement document. These guidelines are intended to complement Directive 923 to determine the appropriate amount of civil and administrative penalties to seek when settling enforcement actions. These guidelines are intended to provide a rational, fair, and consistent method to determine the appropriate enforcement response for NPDES Stormwater violations.

****While as a general matter, Florida does recognize that “the statute of limitations in environmental contexts where there is a continuing invasion of rights does not begin to run until the wrongful invasion of rights that constitutes the violation ceases,” instances where violations are approaching the 4-year mark should be reviewed as soon as possible with the Office of General Counsel to preserve all legal options.**

Administrative Penalties (ELRA)

Under the Environmental Litigation and Reform Act (ELRA), the Department can issue an administrative penalty for certain violations through a Notice of Violation (NOV). Administrative penalty amounts are set by statute. For additional details, see DEP Directive 923 and Section 403.121 of the Florida Statutes (F.S.). NPDES stormwater violations are not specifically listed in Section 403.121(3), F.S., so the ELRA base penalty amounts and adjustment factors that are potentially applicable to NPDES stormwater violations are limited to the following violations, as listed in Sections 403.121(4) and (5), F.S.

Failure to install, maintain, or use a required pollution control system or device	\$6,000	403.121(4)(b)
Failure to obtain a required permit before construction or modification	\$4,500	403.121(4)(c)
Failure to conduct required monitoring or testing	\$3,000	403.121(4)(d)
Failure to conduct required release detection	\$3,000	403.121(4)(d)
Failure to construct in compliance with a permit	\$3,000	403.121(4)(d)
Failure to maintain required staff to respond to emergencies	\$1,500	403.121(4)(e)
Failure to conduct required training	\$1,500	403.121(4)(e)
Failure to prepare, maintain, or update required contingency plans	\$1,500	403.121(4)(e)
Failure to adequately respond to emergencies to bring an emergency situation under control	\$1,500	403.121(4)(e)
Failure to submit required notification to the department	\$1,500	403.121(4)(e)
Failure to prepare, submit, maintain, or use required reports or other required documentation	\$750	403.121(4)(f)
Failure to comply with any other departmental regulatory statute or rule requirement not otherwise identified in this section	\$1,000	403.121(5)

Guidelines for Characterizing Stormwater Violations

Multi-Day Penalties and Adjustment Factors

DEP Directive 923 discusses when and how to assess multi-day penalties. The directive also sets out various adjustment factors to be used when calculating a penalty. The adjustment factors can be used in two ways. After determining the correct box according to the matrix factors (minor, moderate, or major), the adjustments can help determine whether to use the midpoint (default), low end, or high end of the penalty range. In addition, after a penalty amount from the matrix has been determined, adjustment factors can be used to decrease or increase a penalty, down to zero or up to the statutory maximum. These factors include:

- Good faith efforts to comply (or lack of good faith efforts to comply) either prior to or after Department discovery of the violation.
- History of noncompliance.
- Economic benefit of noncompliance.
- Other unique factors for NPDES stormwater violations, including:
 - Resource considerations—Is the receiving water an Outstanding Florida Water or Aquatic Preserve? Is it a Class I or Class II water body? Is it an impaired water body with an established or adopted total maximum daily load (TMDL) for one or more pollutants?
 - Frequent ownership changes—Did the problem result from new owners not fully aware of their permit requirements? Were the previous owners responsible for the violations?
 - Multiple responsible parties—Were the developers, subcontractors, property owners, or all parties responsible for the violation?
 - Construction project turnaround time—Has the project been completed, and the soil stabilized before the penalty can be issued?

In-Kind Penalties and Pollution Prevention Projects

In-Kind Penalty Projects and Pollution Prevention Projects should be considered as provided in Directive 923.

Guidelines for Characterizing Stormwater Violations

Penalty Calculation Matrix

Matrix Factor Considerations

The DEP 923-defined levels for environmental harm and extent of deviation are found in the table below and should be applied when evaluating stormwater violations for penalty calculation. This table can be referenced when considering unique violations and should be used in the absence of a program specific matrix table for the violation.

Major	Violations that actually result in pollution in a manner that represents a substantial threat to human health or the environment.	The violator deviates from the requirements of the law by a significant extent (e.g. an order of magnitude or more) or the violation was willful and intentional.
Moderate	Violations that actually or are reasonably expected to result in pollution in a manner that represents a significant threat to human health or the environment.	The violator deviates from the legal requirements of the law significantly but for a short period of time and/or most of the requirements are implemented as intended.
Minor	Violations that actually or are reasonably expected to result in a minimal threat to human health or the environment.	The violator deviates somewhat from the requirements of the law but most of the requirements are met.

The Department's Penalty Matrix for Stormwater cases is found below.

	MAJOR	MODERATE	MINOR
MAJOR	\$15,000 to \$12,000	\$11,999 to \$9,000	\$8,999 to \$6,900
MODERATE	\$6,899 to \$4,800	\$4,799 to \$3,000	\$2,999 to \$1,800
MINOR	\$1,799 to \$1250	\$1,249 to \$750**	\$750**

**Environmental Education may be an acceptable substitute.

Guidelines for Characterizing Stormwater Violations

PERMIT COVERAGE VIOLATIONS

Major	Unpermitted site activities which result in pollution.	Site did not obtain adequate permit coverage prior to conducting regulated activities or permit expired for more than five years.
Moderate	MS4, MSGP, Small CGP or large CGP activities which result in or are reasonably expected to result in pollution.	Permit expired for more than one year but less than five years.
Minor	MS4 or NEX which do not result in or are not reasonably expected to result in pollution.	Permit expired for one year or less.

Guidelines for Characterizing Stormwater Violations

INSPECTIONS, PLANS, AND REPORTS-FACILITY SITE REVIEW

Major	Discharge of contaminated stormwater runoff which results in pollution.	<p>CGP & MSGP:</p> <ul style="list-style-type: none"> • SWPPP is missing, or • greater than 50% of inspection reports are missing or are not being conducted. <p>MSGP:</p> <ul style="list-style-type: none"> • DMR exceedances noted but no SWPPP amendments were made, or • greater than 50% Annual Comprehensive Site Compliance Evaluations (ACSCEs) or Quarterly Visual Assessments/Monitoring are missing or not being conducted. <p>MS4:</p> <ul style="list-style-type: none"> • Control measure not in place, or • no standard operating procedure.
Moderate	Discharge of contaminated stormwater runoff which results in or is reasonably expected to result in pollution.	<p>CGP & MSGP:</p> <ul style="list-style-type: none"> • The SWPPP is less than 50% complete or is not up-to-date, or • Between 25%-50% of inspection reports were missing or incomplete. <p>MSGP:</p> <ul style="list-style-type: none"> • No inspection/monitoring schedule or summary identified in the SWPPP, or • Between 25%-50% of Annual Comprehensive Site Compliance Evaluations (ACSCEs) or Quarterly Visual Assessments/Monitoring are missing or not being conducted. <p>MS4:</p> <ul style="list-style-type: none"> • Control measure in place, but mostly out of compliance (major corrections needed) or • standard operating procedures missing multiple elements.
Minor	Actual or potential discharge of contaminated stormwater runoff which does not result in or is not reasonably expected to result in pollution.	<p>CGP & MSGP:</p> <ul style="list-style-type: none"> • All or the majority of the SWPPP is complete and up-to-date, and <ul style="list-style-type: none"> ◦ less than 25% of inspection reports are missing or incomplete, or ◦ one BMP is not included in the SWPPP. <p>MSGP:</p> <ul style="list-style-type: none"> • Less than 25% of ACSCEs or Quarterly Visual Assessments/Monitoring are missing or incomplete. <p>MS4:</p> <ul style="list-style-type: none"> • Control measure in place, and mostly in compliance (minor corrections needed), • plans/reports more than 50% complete or, • incomplete documentation of activity.

Guidelines for Characterizing Stormwater Violations

BEST MANAGEMENT PRACTICES – CONDITION OF RECEIVING WATER

Major	Observation or documentation of pollution from runoff, i.e., turbidity plume, sediment, oily sheen, floating trash or debris, with impacts to waters or turbidity readings 29 NTU above background.	<p>Failure to install multiple BMPs, failure to implement effective BMPs, or multiple uncorrected BMP deficiencies are documented by required inspection reports.</p> <p>MS4 ONLY: Program element not in place, no implementation of activity, or no regulatory element.</p>
Moderate	Observation or documentation of polluted runoff, i.e., sediment, oils, trash or debris, which is actually or reasonably expected to impact waters.	<p>Failure to maintain multiple BMPs with major corrections required, failure to install a single BMP, or a single uncorrected BMP deficiency is documented on required inspection reports.</p> <p>MS4 ONLY: Program element in place, but mostly out of compliance, i.e., major corrections are needed, or BMPs are partially implemented.</p>
Minor	Observation or documentation of minimal off-site impacts, i.e., staining, discoloration, trash without impacts to waters.	<p>One or more BMPs with minor, easily corrected deficiencies, or failure to maintain a single BMP.</p> <p>MS4 ONLY: Program element in place, and mostly in compliance, i.e., minor corrections needed.</p>

Guidelines for Characterizing Stormwater Violations

FAILURE TO CONDUCT MSGP ANALYTICAL MONITORING

Major	Observation or documentation of pollution from runoff, e.g., turbidity plume, sediment, oily sheen, floating trash or debris, with impacts to waters or samples demonstrating water quality violations.	Required monitoring was not conducted for four or more quarters or, DMRs were not submitted.
Moderate	Observation or documentation of polluted runoff, e.g., sediment, oils, trash or debris, which impacts or is reasonably expected to impact waters.	Required monitoring was not conducted for two or three quarters, or multiple parameters were not analyzed. DMR were submitted.
Minor	Observation or documentation of minimal off-site impacts, e.g., staining, discoloration, trash, without impacts to waters.	Required monitoring was not conducted for one quarter, or a single parameter was not analyzed. DMR were submitted.

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Moss & Associates:
attn: Scott R. Moss, Tyler
Harper
2101 N. Andrews Ave
300
Wilton Manors, FL 33311

2. Article Number

(Transfer from service label)

7012 2210 0001 8356 9465

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

x M. Kritikos

- ☐
- Agent
-
- ☐
- Addressee

B. Received by (Printed Name)

Marianne Kritikos

C. Date of Delivery

D. Is delivery address different from item 1?

☒ Yes

If YES, enter delivery address below:

☐ No

6363 New 6th Way
Fort Lauderdale, FL 33309

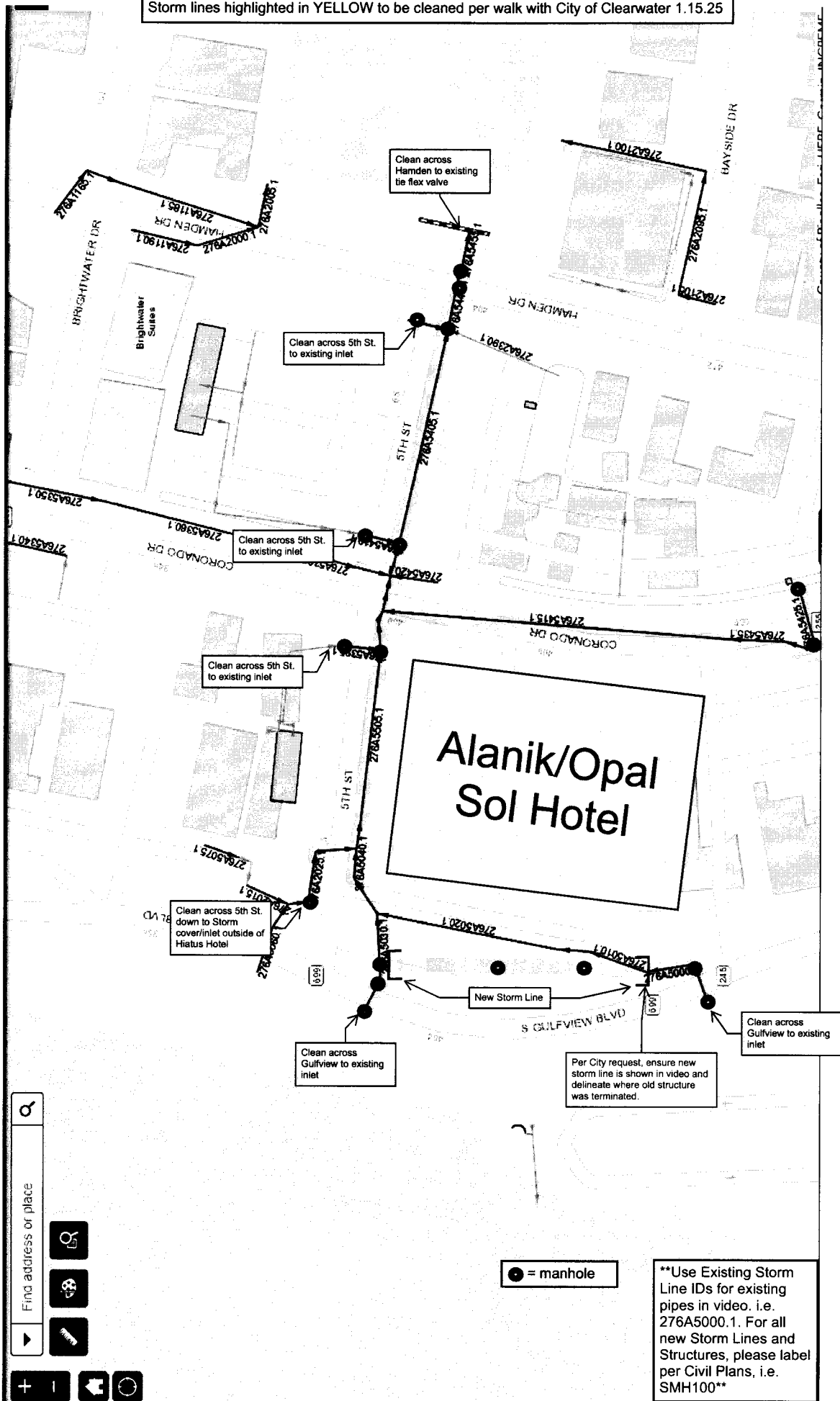
3. Service Type

- | | |
|--|---|
| <input checked="" type="checkbox"/> Certified Mail | <input type="checkbox"/> Express Mail |
| <input type="checkbox"/> Registered | <input type="checkbox"/> Return Receipt for Merchandise |
| <input type="checkbox"/> Insured Mail | <input type="checkbox"/> C.O.D. |

4. Restricted Delivery? (Extra Fee)

☐ Yes

Storm lines highlighted in YELLOW to be cleaned per walk with City of Clearwater 1.15.25



BPCP2022-050203	STATUS Active 01/30/2025 by Karla Deas	LOCATION 400 CORONADO DR CLEARWATER, FL 33767	CONTACT Tyler Harper	WORKFLOW 27 total Task 13 completed 1 active
Summary	C of O Condition	Fire final is needed.	Met	01/31/2025
Record	C of O Condition	Building final is needed.	Met	01/31/2025
1.Workflow History (95)	C of O Condition	Plumbing final is needed.	Met	01/31/2025
2.GENERAL	C of O Condition	Electrical final is ne...	Met	01/31/2025
3.FEMA/TREE	C of O Condition - Lan...	Mechanical final is ne...	Met	01/31/2025
4.CONCURRENCY	C of O Condition - Sto...	C of O Condition - Lan...	Met	05/11/2023
5 FIRE	C of O Condition - Tra...	7/30/25 - The inspecto...	Met	07/29/2025
6 RIGHT OF WAY	Review in Process	C of O Condition - Tra...	Met	01/31/2025
Activities (0)	C of O Condition	Please fully address a...	Applied	Notice
Activity Summary (57)	Pay Fees	Please log in to pay f...	Met	Digital PlanRoom
Address (1)	Recorded NOC	Please upload the reco...	Met	Admin User
Addtl Info	C of O Condition	FLD2005-07068	Not Met	WW
Assess Fee History (86)	Dev Order Hold	Unsafe Building Buidl...	Met	Jason Cantrell
Assignments and Costs (0)	Licensed Professionals Info:	Primary	License Number	License Type
Calendar	Contact Info:	Name	Organization Name	Contact Type
	Tyler Harper	Moss & Associat...	Moss & Associat...	Applicant
				Status
				Relationship
				Address
				Contact Start Date
				Contact End Date

UNITED STATES POSTAL SERVICE 30

16 OCT 2025PM 5 L



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

**ENGINEERING DEPARTMENT
CITY OF CLEARWATER
POST OFFICE BOX 4748
CLEARWATER, FL 33758-4748**

Attn: J. Brown Public Works

