

**BEFORE THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

STATE OF FLORIDA DEPARTMENT OF
OF ENVIRONMENTAL PROTECTION

IN THE OFFICE OF THE
NORTHEAST DISTRICT

Complainant,

OGC FILE NO. 19-0119
[EPA ID. NO. FLD 093 598 548]

vs.

NORTH FLORIDA SHIPYARDS, INC.
Respondent.

FIRST AMENDED CONSENT ORDER

This First Amended Consent Order ("Order") is entered into between the State of Florida Department of Environmental Protection ("Department") and North Florida Shipyards, Inc. ("Respondent") pursuant to Section 120.57(4), Florida Statutes (Fla. Stat.), to settle certain matters at issue between the Department and Respondent. This Order amends Consent Order No. 19-0119, effective July 18, 2019 (Original Order), only to the extent specifically stated herein and any of the provisions of the Original Order not specifically addressed herein shall remain in full force and effect.

The Department finds and the Respondent admits the following:

1. The Original Order addressed certain compliance failures by the Respondent and required that the Respondent complete specific actions to correct the compliance issues, including the implementation of a Pollution Prevention (P2) Project approved by the Department. The Original Order is attached hereto and incorporated herein at Exhibit A.
2. On October 10, 2019, the Department approved the P2 Project proposed by Respondent.
3. On March 9, 2020, Respondent requested the Department grant it an extension of time to fully implement the P2 Project.
4. After reviewing the changes to the P2 Project timeline proposed by Respondent,

the Department finds a modified timeline to be reasonable.

Having reached a resolution of the matter, Respondent and the Department mutually agree, and it is

ORDERED:

5. Paragraphs 1. and 2. of Section E (Project Reporting) in Exhibit B ("*P2 Project Plan Template / P2 Project Plan*") of the Original Order is hereby amended to read as follows:
 1. Respondent shall submit to the Department a P2 Project Progress Report on or before July 3, 2020, that describes the Respondent's progress in implementing the P2 Project and meeting the requirements in the Plan, and includes a list of equipment ordered, purchased, and/or installed.
 2. Respondent shall submit to the Department a P2 Project Final Report on or before October 9, 2020, that includes the following:
 - a. A confirmation that the information presented in Sections A-C of the Summary is unchanged, or an updated version with the sections changed appropriately. A statement that the Project(s) was/were implemented successfully. An explanation of any problems encountered and corrections applied; and
 - b. Attached expense reports, receipts, purchasing instruments and other documents itemizing costs expended on preparing and implementing the Project.
6. All terms and conditions of the Original Order, including incorporated Exhibits, shall remain in full force and effect, except as expressly provided in this Order.
7. Respondent acknowledges and waives their right to an administrative hearing pursuant to Sections 120.569 and 120.57, F.S., on the terms of this Order. Respondent also acknowledges and waives its right to appeal the terms of this Order pursuant to Section 120.68, F.S.
8. Electronic signatures or other versions of the parties' signatures, such as .pdf or

facsimile, shall be valid and have the same force and effect as originals. No modifications of the terms of this Order will be effective until reduced to writing, executed by both Respondent and the Department, and filed with the clerk of the Department.

9. The terms and conditions set forth in this Order may be enforced in a court of competent jurisdiction pursuant to Sections 120.69 and 403.121, F.S. Failure to comply with the terms of this Order shall constitute a violation of Section 403.161(1)(b), F.S.

10. This Order is a final order of the Department pursuant to Section 120.52(7), F.S., and it is final and effective on the date filed with the Clerk of the Department unless a Petition for Administrative Hearing is filed in accordance with Chapter 120, F.S. Upon the timely filing of a petition, this Order will not be effective until further order of the Department.

11. Persons who are not parties to this Order, but whose substantial interests are affected by it, have a right to petition for an administrative hearing under Sections 120.569 and 120.57, F.S. Because the administrative hearing process is designed to formulate final agency action, the filing of a petition concerning this Order means that the Department's final action may be different from the position it has taken in the Consent Order.

12. The petition for administrative hearing must contain all of the following information:

- (a) The OGC Number (19-0119) assigned to this Order;
- (b) The name, address, telephone number, and e-mail address (if any) of each petitioner;
- (c) The name, address, telephone number, and e-mail address of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding;
- (d) An explanation of how the petitioner's substantial interests will be affected by the Order;
- (e) A statement of when and how the petitioner received notice of the Order;
- (f) Either a statement of all material facts disputed by the petitioner or a statement that the petitioner does not dispute any material facts;

(g) A statement of the specific facts the petitioner contends warrant reversal or modification of the Order;

(h) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the Department to take with respect to the Order.

The petition must be filed (received) at the Department's Office of General Counsel, 3900 Commonwealth Boulevard, MS# 35, Tallahassee, Florida, 32399-3000 within 21 days of receipt of this notice. A copy of the petition must also be mailed at the time of filing to the District Office at Northeast District Office, 8800 Baymeadows Way West, Suite 100, Jacksonville, Florida, 32256. Failure to file a petition within the 21-day period constitutes a person's waiver of the right to request an administrative hearing and to participate as a party to this proceeding under Sections 120.569 and 120.57, Florida Statutes. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 28-106.205, Florida Administrative Code. Before the deadline for filing a petition, a person whose substantial interests are affected by this Consent Order may choose to pursue mediation as an alternative remedy under section 120.573, Florida Statutes. Choosing mediation will not adversely affect such person's right to request an administrative hearing if mediation does not result in a settlement. Additional information about mediation is provided in Section 120.573, Florida Statutes, and Rule 62-110.106(12), Florida Administrative Code.

FOR THE RESPONDENT:

NORTH FLORIDA SHIPYARDS, INC.

6/17/2020

Date


Mr. Matthew J. Self
President

DONE AND ORDERED this _____ day of _____ 2020, in Duval County, Florida.

STATE OF FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION

Gregory J. Strong
Northeast District Director

Filed, on this date, pursuant to Section 120.52, F.S., with the designated Department Clerk, receipt of which is hereby acknowledged.

Clerk

Date

Attachment: Exhibit A, Original Long Form Consent Order, executed 07-18-2020

Final clerked copy furnished to:

Lea Crandall, Agency Clerk (lea.crandall@floridadep.gov)
Kelley Corbari, Senior Assistant General Counsel - kelley.corbari@floridadep.gov)
Arlene Wilkinson - (arlene.wilkinson@floridadep.gov)