



FLORIDA DEPARTMENT OF Environmental Protection

Central District Office
3319 Maguire Blvd., Suite 232
Orlando, Florida 32803

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

May 4, 2023

Patrick Breckenridge, Director of Operations
Sea Ray Boats LLC
350 Sea Ray Dr.
Merritt Island, FL 32953
Patrick.Breckenridge@brunswick.com

Re: Sea Ray Boats
HW Facility ID # FLD984169722
OGC Case No.: 23-0152
Brevard County

Dear Mr. Breckenridge:

Enclosed is the executed Consent Order to resolve the above referenced case. This copy is for your records.

Should you have any questions or comments, please contact Gina Laddick at (407) 897-4309 or via e-mail at Gina.Laddick@FloridaDEP.gov.

Your cooperation in this matter will be appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "AA 7L".

On behalf of:
Aaron Watkins
Director, Central District

Enclosure: Executed Short Form Consent Order

cc: Troy Novak, Sea Ray Boats, Troy.Novak@Searay.com
Gina Laddick, CD DEP, Gina.Laddick@FloridaDEP.gov
Daniel Hall, CD DEP, Daniel.K.Hall@FloridaDEP.gov



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April 5, 2023

Patrick Breckenridge, Director of Operations
Sea Ray Boats LLC
350 Sea Ray Dr.
Merritt Island, FL 32953
Patrick.Breckenridge@brunswick.com

SUBJECT: Department of Environmental Protection v. Sea Ray Boats, Inc.
OGC File No.: 23-0152
Sea Ray Boats - FLD984169722

Mr. Breckenridge:

The State of Florida Department of Environmental Protection ("Department") finds that Sea Ray Boats, Inc. ("Respondent") failed to: label containers of excluded solvent wipes with the words "Excluded Solvent-Contaminated Wipes" and document the accumulation start date, in violation of 40 CFR 261.4(a)(26)(i) and 40 CFR 261.4(a)(26)(ii); label a 55-gallon container of empty MEKP jugs with the words "Hazardous Waste", the hazard of the contents and the accumulation start date, in violation of 40 CFR 262.17(a)(5)(i)(A), 40 CFR 262.17(a)(5)(i)(B), and 40 CFR 262.17(a)(5)(i)(C); containerize several waste batteries, in violation of 40 CFR 273.13(a) and 40 CFR 273.13(a)(1); close several containers of waste lamps, in violation of 40 CFR 273.13(d), 40 CFR 273.13(d)(1), and 62-737.400(5)(b), F.A.C.; label several containers of waste lamps, in violation of 40 CFR 273.14(e); and include the legibly printed name and time on weekly inspections, in violation of 62-730.160(3), F.A.C. Before sending this letter, the Department requested that the Respondent undertake certain actions to resolve the violation(s). These actions have since been completed. However, due to the nature of the violation(s), the Respondent remains subject to civil penalties. The Respondent is also responsible for costs incurred by the Department during the investigation of this matter.

RECEIVED

MAY 01 2023

The Department's Offer

DEP Central District

Based on the violations described above, the Department is seeking \$5,720 in civil penalties and \$250 for costs and expenses the Department has incurred in investigating this matter, which amounts to a total of \$5,970. The civil penalty in this matter includes 2 violation(s) of \$2,000.00 or more.

Respondent's Acceptance

If you wish to accept this offer and fully resolve the enforcement matter pending against the Respondent, please sign this letter and return it to the Department at Central District, 3319 Maguire Blvd. Ste 232, Orlando, FL 32803 by April 28, 2023. The Department will then countersign it and file it with a designated clerk of the Department. Once the document is filed with the designated clerk, it will constitute a final order of the Department pursuant to Section 120.52(7), F.S. and will be effective unless a request for an administrative hearing is filed by a third party in accordance with Chapter 120, F.S. and the attached Notice of Rights.

By accepting this offer you, Patrick Breckenridge:

- (1) certify that you are authorized and empowered to negotiate, enter into, and accept the terms of this offer in the name and on behalf of Respondent;
- (2) acknowledge and waive Respondent's right to an administrative hearing pursuant to Sections 120.569 and 120.57, F.S., on the terms of this offer, once final;
- (3) acknowledge and waive Respondent's right to an appeal pursuant to Section 120.68, F.S.

The Department acknowledges that the Respondent's acceptance of this offer does not constitute an admission of liability for the violation(s) referenced above.

Respondent's Performance

After signing and returning this document to the Department,

- (1) Respondent must pay \$5,790 in full by May 31, 2023.
- (2) Respondent shall make all payments required by this Order by cashier's check, money order or on-line payment. Cashier's check or money order shall be made payable to the "Department of Environmental Protection" and shall include both the OGC number assigned to this Order and the notation "Water Quality Assurance Trust Fund." Online payments by e-check can be made by going to the DEP Business Portal at: <http://www.fldepportal.com/go/pay/> It will take a number of days after this order is final, effective and filed with the Clerk of the Department before ability to make online payment is available.

The Department may enforce the terms of this document, once final, and seek to collect monies owed pursuant to Sections 120.69 and 403.121, F.S.

Until clerked by the Department, this letter is only a settlement offer and not a final agency action. Consequently, neither the Respondent nor any other party may request an administrative hearing to contest this letter pursuant to Chapter 120, F.S. Once this letter is clerked and becomes a final order of the Department, as explained above, the attached Notice of Rights will apply to parties, other than the Respondent, whose interests will be substantially affected.

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.

Please be aware that if the Respondent declines to respond to the Department's offer, the Department will assume that the Respondent is not interested in resolving the matter and will proceed accordingly.

If you have any questions, please contact Gina Laddick at (407) 897-4309 or at Gina.Laddick@FloridaDEP.gov.

Sincerely,



On behalf of:

Aaron Watkins
District Director
Central District

FOR THE RESPONDENT:



I, Patrick Breckenridge, HEREBY ACCEPT THE TERMS OF THE SETTLEMENT OFFER IDENTIFIED ABOVE.

By: Patrick Breckenridge
[Signature]

Date: 4/27/23

Title: Director of Operations

FOR DEPARTMENT USE ONLY

DONE AND ORDERED this 4 day of May, 2023, in Orange County, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Aaron Watkins on behalf of

Aaron Watkins
District Director
Central District

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

Barbara Browning

May 4, 2023

Clerk

Date

Attachments: Notice of Rights

Final clerked copy furnished to:

Lea Crandall, Agency Clerk (lea.crandall@dep.state.fl.us)

Department at Central District

3319 Maguire Blvd. Ste 232

Orlando, FL 32803