



FLORIDA DEPARTMENT OF Environmental Protection

Bob Martinez Center
2600 Blair Stone Road
Tallahassee, FL 32399-2400

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

May 28, 2024

Thoresen Shipping Singapore Pte. Ltd.
M/V Thor Integrity; IMO 9222493, MMSI 566274000, Call Sign 9V9627
c/o Damon Hartley, Esq.,
Legal counsel for Respondents,
De Leo, Kuylenstierna & Little, P.A.
8950 SW 74th Court, Suite 1710
Miami, FL 33156
Office + 1 786 332 4909
dhartley@dkmaritime.com

SUBJECT: Department of Environmental Protection v. Thoresen
Shipping (*M/V Thor Integrity*, IMO 9222493, MMSI 566274000)
OGC File No.: 24-0192
Site No.: 425252, Project No.: 405461

Dear Mr. Hartley,

The State of Florida Department of Environmental Protection ("Department") finds that *M/V Thor Integrity* ("hereinafter Respondents") damaged coral reefs, in violation of Section 403.93345, Florida Statutes ("Fla. Stat."), titled the "Florida Coral Reef Protection Act." Although there are no actions required to correct the violation, the Respondents remain subject to civil penalties and damages as a result of the violation. The Respondents are also responsible for costs incurred by the Department during the investigation of this matter.

The Department's Offer

Based on the violations described above, the Department is seeking \$78,071.44 in civil penalties and \$75,191.47 in damages including compensation for damage to the coral reef, staff and resource trustee costs to conduct the damage assessment, long-term monitoring, and staff costs to administer this order, which amounts to a total of \$153,262.91.

Respondents' Acceptance and Performance

If you wish to accept this offer and fully resolve the enforcement matter pending against the Respondents, please (1) sign this letter and return it to the Florida Department of Environmental Protection, via email at: Jason.Spanier@FloridaDEP.gov within **thirty (30) days** from the date of this Order; and (2) **no later than thirty (30) days from the return of the signed letter**, please also submit the following payments in full, and in accordance with the following instructions:

- (1) Pay the Department **\$151,262.91** in settlement of the matters addressed in this Order. The payment shall be made by check. The payment must:
 - a. Be made payable to the **"Department of Environmental Protection"**;
 - b. Include both the OGC number **24-0192** assigned to this Order and the notation **"Water Quality Assurance Trust Fund - Coral Reef Protection"**; and
 - c. Be sent to the Florida Department of Environmental Protection, Beach Field Services Section, attention Shonna Culver, 2600 Blair Stone Road, Tallahassee, FL 32399-2400, Mail Station 3566.

- (2) Respondents shall make a separate payment of **\$2,000** in full to Broward County. The payment shall be made by check. The payment must:
 - a. Be made payable to the **"Broward County Board of County Commissioners"**;
 - b. Include the OGC number **24-0192** assigned to this Order; and
 - c. Be sent to Broward County Board of County Commissioners; attention Kirk Kilfoyle, Broward County Environmental Planning and Community Resilience Division, 115 South Andrews Avenue, Room 329H, Fort Lauderdale, FL 33301.
 - d. The Respondents shall provide documentation of payment in the form of a receipt from Broward County to the Florida Department of Environmental Protection, submitted to Jason Spanier at Jason.Spanier@FloridaDEP.gov.

Once the Department receives the signed letter and the payments above have been made in full, the Department will then countersign this letter 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), Fla. Stat. and will be effective unless a request for an administrative hearing is filed by a third party in accordance with Chapter 120, Fla. Stat. and the attached Notice of Rights.

By accepting this offer you, Damon Hartley as the authorized representative of M/V Thor Integrity:

- (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 Respondents;
- (2) acknowledge and waive Respondents' right to an administrative hearing pursuant to Sections 120.569 and 120.57, Fla. Stat., on the terms of this offer, once final;
- (3) acknowledge and waive Respondents' right to an appeal pursuant to Section 120.68, Fla. Stat.

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

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, Fla. Stat.

Until clerked by the Department, this letter is only a settlement offer and not a final agency action. Consequently, neither the Respondents nor any other party may request an administrative hearing to contest this letter pursuant to Chapter 120, Fla. Stat. 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 Respondents, 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 Respondents and the Department, and filed with the clerk of the Department.

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

If you have any questions, please contact Jason Spanier at 850-510-5619 or at Jason.Spanier@FloridaDEP.gov

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Sincerely,



Lainie Edwards, Ph.D.
Deputy Director
Office of Resilience and Coastal Protection

FOR RESPONDENTS:

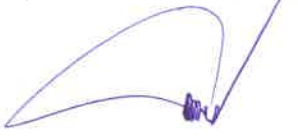
Mr. Aekasit Hemawong
I, _____ as authorized representative of Thorsen Shipping, M/V Thor Integrity, **HEREBY ACCEPT THE TERMS OF THE SETTLEMENT OFFER IDENTIFIED ABOVE.**

By: THORESEN SHIPPING SINGAPORE PTE. LTD.

Date: 10.06.2024

[Signature]

Title: Director, Marine Operations
Capt. Suchat Nucharoen
I, _____ as Operator of the M/V Thor Integrity, **HEREBY ACCEPT THE TERMS OF THE SETTLEMENT OFFER IDENTIFIED ABOVE.**

By: THORESEN & CO., (BANGKOK) LTD.

Date: 10.06.2024

[Signature]

Title: Associate Director, Marine

FOR DEPARTMENT USE ONLY

DONE AND ORDERED this 13th day of June, 2024, in
Leon County, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



Alex Reed
Director
Office of Resilience and Coastal Protection

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



Clerk

June 13, 2024

Date

Attachments: Notice of Rights

Final clerked copy furnished to:

Lea Crandall, Agency Clerk, Lea.Crandall@FloridaDEP.gov

NOTICE OF RIGHTS

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, Florida Statutes. 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 Order.

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

- a) The OGC Number assigned to this Order;
- b) The name, address, and telephone number of each petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding;
- c) An explanation of how the petitioner's substantial interests will be affected by the Order;
- d) A statement of when and how the petitioner received notice of the Order;
- e) Either a statement of all material facts disputed by the petitioner or a statement that the petitioner does not dispute any material facts;
- f) A statement of the specific facts the petitioner contends warrant reversal or modification of the Order;
- g) A statement of the rules or statutes the petitioner contends require reversal or modification of the Order; and
- 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 the address indicated above.

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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. Mediation under Section 120.573, Florida Statutes, is not available in this proceeding.