



FLORIDA DEPARTMENT OF Environmental Protection

Southeast District Office
3301 Gun Club Road, MSC 7210-1
West Palm Beach, FL 33406
561-681-6600

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Noah Valenstein
Secretary

September 2, 2020

Mr. Michael Brown, C.E.O., Registered Agent
Faith Farm Ministries
7595 NE 128th Avenue
Okeechobee, FL 34974
MBrown@faithfarm.org

Re: Faith Farm Ministries Public Water System
PW Facility ID No.: 4474408
OGC File No.: 20-0005

Dear Mr. Brown:

Enclosed is the executed Amended Consent Order to resolve the above referenced case. This copy is for your records. Please be mindful of all required deadlines within the Order to ensure compliance.

Your cooperation in this matter is appreciated. Should you have any questions or comments, please contact Brianna Tubbs at 561-681-6601 or via e-mail at Brianna.Tubbs@floridadep.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jason Andreotta".

Jason Andreotta
Director, Southeast District
Florida Department of Environmental Protection

Enclosure: Executed Amended Consent Order, OGC Case No. 20-0005

ec: Lea Crandall, OGC
Shirley Richards, DEP/SED
Greg Kennedy, DEP/SED
Rick Aspden, Deputy C.E.O.
Lee Jolicoeur, Campus Director
Brandon Tucker, President
Amy Keefe, Ministry Administrative Assistant

lea.crandall@dep.state.fl.us
Shirley.Richards@floridadep.gov
Greg.A.Kennedy@floridadep.gov
RAspden@faithfarm.org
LJolicoeur@faithfarm.org
Brandon@tucker-group.com
AKeeffe@faithfarm.org



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3301 Gun Club Road, MSC 7210-1
West Palm Beach, FL 33406
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Noah Valenstein
Secretary

August 18, 2020

Michael Brown, C.E.O., Registered Agent
Faith Farm Ministries
7595 NE 128th Avenue
Okeechobee, FL 34974
MBrown@faithfarm.org

Re: Faith Farm Ministries Public Water System (PWS)
PW Facility ID No.: 4474408
OGC File No.: 20-0005
Okeechobee County

Dear Mr. Brown:

The purpose of this letter is to amend Consent Order ("Order"), OGC File No. 20-0005. Upon signature and execution of the Amended Order, the enclosed Exhibit A "Pollution Prevention (P2) Project Language", will be incorporated into and be made part of the Consent Order, establishing the option of offsetting the \$10,000 civil penalty with a P2 Project. The enclosed Exhibit B "Approved P2 Project Plan", will also be incorporated into and be made part of the Consent Order.

All other paragraphs and deadlines established in the Order shall remain the same. Failure to meet due dates or any other requirements of the Order may subject Fort Lauderdale Rescue Tabernacle, Inc. to stipulated penalties in accordance with paragraph 7 of the Order.

Within **5 days** of the mailing date of this letter, please return a signed copy to the Department. The Department will then countersign and execute the document. A final executed copy will be provided back to you for your records.


The Department appreciates your efforts and cooperation in bringing this facility into compliance with state and Federal rules. Should you have any questions or comments, please contact Brianna Tubbs at 561-681-6601 or via e-mail at Brianna.Tubbs@floridadep.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jason Andreotta".

Jason Andreotta
Director, Southeast District
Florida Department of Environmental Protection

FOR THE RESPONDENT:



Michael Brown
C.E.O, Registered Agent

08/21/2020
Date

DONE AND ORDERED this 2nd day of September, 2020, in Orlando, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



Jason Andreotta
Director
Southeast District

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



Clerk

September 2, 2020
Date

Final Copies furnished to:
Lea Crandall, Agency Clerk
Mail Station 35
Greg Kennedy, FDEP/SED
Jocelyn Labbe, FDEP/SED
Brianna Tubbs, FDEP/SED
Rick Aspden, Deputy C.E.O.
Lee Jolicoeur, Campus Director
Brandon Tucker, President

Greg.A.Kennedy@floridadep.gov
Jocelyn.Labbe@floridadep.gov
Brianna.Tubbs@floridadep.gov
RAspden@faithfarm.org
LJolicoeur@faithfarm.org
Brandon@tucker-group.org

Enclosure: Exhibit A, Pollution Prevention (P2) Project Language
Exhibit B, Approved P2 Project Plan (Plan)
Amended Executed CO, OGC Case No. 20-0005, Dated April 15, 2020

Exhibit A

Pollution Prevention (P2) Project Language

- 1) In lieu of making cash payment of \$10,000.00 in civil penalties as set forth in Paragraph 6 of this Order, Respondent may elect to off-set the amount of \$10,000.00 by implementing a Pollution Prevention (P2) Project, which must be approved by the Department. P2 is a process improvement that reduces the amount of pollution that enters the environment; by conserving resource (including water, raw materials, chemicals, and energy) use, or by minimizing waste generation (including domestic and industrial wastewater, solid and hazardous waste, and air emissions). A P2 Project must reduce pollution or waste within the process beyond what is required by federal, state, or local law, in order to be eligible for civil penalty offset under this Order. If Respondent chooses to implement the P2 Project, herein proposed (Exhibit B), Respondent shall notify the Department of its election by certified mail within 5 days of the effective date of this Order.
- 2) If any balance remains after the entire P2 credit is applied to the allowable portion of the civil penalty, Respondent shall pay the difference within 30 days of written notification by the Department to Respondent that the balance is due.

Exhibit B

Approved P2 Project Plan (Plan)
Faith Farm Ministries Public Water System
7595 NE 128th Avenue
Okeechobee, FL 34974
Phone: (863) 763-4224
Lee Jolicoeur, Pastor/Director

A. Project Description: Replace (3) HVAC systems in the main/administrative building on the Faith Farm Ministries Okeechobee Campus. The replacement equipment is significantly more energy efficient than the current equipment which will result in significant energy savings.

The equipment being installed is as follows: Run Tru by Trane, 15.00 SEER, each 2/3/4 Tons, vary per zone 5/10 KW heater, vary by zone. 1- digital thermostat control each Emergency float switches (2) each hurricane straps/pad as per code.

B. Environmental and Economic Benefits: Increasing the SEER ratings of the three HVAC systems at hand will increase energy efficiency significantly causing energy usage to be decreased. Early estimates state energy savings of approximately \$2,000.00 per year.

Complete the first table for each per Project individually. Add or average corresponding figures from each Project table to complete the Plan table, *for multiple Projects.*)

HVAC							
Annual Resource Consumption Comparison							
Item	Quantity Used (gal/lb/kwh-specify)			Purchasing Cost (\$)			Percent (%) Reduction
	Before	After	Reduction	Before	After	Reduction	
Water							
Chemicals							
Materials							
Energy	44,047 KwHr	23,784 KwHr	20,263 KWHr	\$5224	\$2821	\$2403	46%
Total Annual Cost Savings = \$2403							

C. Project Cost: Unit 1: \$3261.98, Unit 2: \$3698.54, Unit 3: \$4400.46. Total: \$11,360.98
Based on the estimated energy savings the projected payback is Five years Seven months.

D. Implementation Schedule:

1. Project approval from DEP
2. Faith Farm will inform HVAC contractor to commence.
3. HVAC contractor will submit for permitting with Okeechobee County
4. Okeechobee County will issue permit for the replacement of units that are in proposal.
5. HVAC contractor will exchange the existing equipment with the new equipment
6. Inspection verifying the units are complete will be performed by Okeechobee County.

7. Final inspection report will be provided to DEP

E. Project Reporting:

1. Within 90 days of approval of the Project Plan, the Respondent shall submit a P2 Project Progress Report to the Department 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. Within 180 days of approval of the Plan, the Respondent shall submit to the Department a P2 Project Final Report 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.

- b. Attached expense reports, receipts, purchasing instruments and other documents itemizing costs expended on preparing and implementing the Project.

3. The Department shall review the Final Report and determine:

- a. Whether the project was properly implemented; and
 - b. Which expenses apply toward pollution prevention credits.

4. A \$1.00 pollution prevention credit for each \$1.00 spent on applicable costs will be applied against the portion of the civil penalty that can be offset.

- a. The following costs are allowable to offset the allowable amount of the civil penalty:

- i. Preparation of the P2 Project;
 - ii. Design of the P2 Project;
 - iii. Installation of equipment for the P2 Project;
 - iv. Construction of the P2 Project;
 - v. Testing of the P2 Project;
 - vi. Training of staff concerning the implementation of the P2 Project; and
 - vii. Capital equipment needed for the P2 Project.

- b. The following costs shall not apply toward P2 credit:

- i. Costs incurred in conducting a waste audit;
 - ii. Maintenance and operation costs involved in implementing the P2 Project;
 - iii. Monitoring and reporting costs;
 - iv. Salaries of employees who perform their job duties;
 - v. Costs expended to bring the facility into compliance with current law, rules and regulations;
 - vi. Costs associated with a P2 Project that is not implemented;
 - vii. Costs associated with a P2 Project that has not been approved by the Department; and
 - viii. Legal costs.

- c. If any balance remains after the entire P2 credit is applied to the allowable portion of the civil penalty, Respondent shall pay the difference within 30 days of written notification by the Department to the Respondent that the balance is due.

5. The Department may terminate the P2 Project at any time during the development or implementation of it, if the Respondent fails to comply with the requirements in this document, act in good faith in preparing and implementing the project, or develop and implement the P2 Project in a timely manner. The Respondent may terminate the P2 Project at any time during its development or implementation.



FLORIDA DEPARTMENT OF Environmental Protection

Southeast District Office
3301 Gun Club Road, MSC 7210-1
West Palm Beach, FL 33406
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Ron DeSantis
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Noah Valenstein
Secretary

April 15, 2020

Mr. Michael Brown, C.E.O., Registered Agent
Faith Farm Ministries
7595 NE 128th Avenue
Okeechobee, FL 34974
MBrown@faithfarm.org

Re: Faith Farm Ministries Public Water System
PW Facility ID No.: 4474408
OGC Case No.: 20-0005
Okeechobee County

Dear Mr. Brown

The purpose of this letter is to inform you that the Department's Consent Order ("Order") with Fort Lauderdale Rescue Tabernacle, Inc. has been amended. The Department accepts your proposal for a 90-day extension in the settlement of fines you requested via email on April 7, 2020. In accordance with the amendment to paragraph 6 of the Order, it stands that the Respondent shall pay the Department \$10,250.00 in settlement of the regulatory matters addressed in the Order by August 17, 2020.

All other deadlines established in the Order shall remain the same. Failure to meet the above due dates or any other requirements of the Order may subject Fort Lauderdale Rescue Tabernacle, Inc. to stipulated penalties in accordance with paragraph 12 of the Order.

The Department appreciates your efforts and cooperation in bringing this facility into compliance with state and Federal rules. Should you have any questions or comments, please contact Brianna Tubbs at 561-681-6601 or via e-mail at Brianna.Tubbs@floridadep.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jason Andreotta".

Jason Andreotta
Director, Southeast District
Florida Department of Environmental Protection

Faith Farm Ministries; PWS No.: 4474408
Amendment to Consent Order, OGC No. 20-0005
Page 2 of 2
April 15, 2020

Enclosure: Executed Consent Order, OGC Case No. 20-0005, Dated February 19, 2020

ec:	Lea Crandall, OGC	lea.crandall@dep.state.fl.us
	Greg Kennedy, DEP/SED	Greg.A.Kennedy@floridadep.gov
	Jocelyn Labbe, DEP/SED	Jocelyn.Labbe@floridadep.gov
	Brianna Tubbs, DEP/SED	Brianna.Tubbs@floridadep.gov
	Shirley Richards, DEP/SED	Shirley.Richards@floridadep.gov
	Rick Aspden, Deputy C.E.O.	RAspden@faithfarm.org
	Lee Jolicoeur, Campus Director	LJolicoeur@faithfarm.org
	Brandon Tucker, President	Brandon@tucker-group.com



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Secretary

February 19, 2020

Mr. Michael Brown, C.E.O., Registered Agent
Faith Farm Ministries
7595 NE 128th Avenue
Okeechobee, FL 34974
MBrown@faithfarm.org

Re: Faith Farm Ministries Public Water System
PW Facility ID No.: 4474408
OGC File No.: 20-0005

Dear Mr. Brown:

Enclosed is the executed Consent Order to resolve the above referenced case. This copy is for your records. Please be mindful of all required deadlines within the Order to ensure compliance.

Your cooperation in this matter is appreciated. Should you have any questions or comments, please contact Brianna Tubbs at 561-681-6601 or via e-mail at Brianna.Tubbs@floridadep.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jason Andreotta".

Jason Andreotta
Director, Southeast District
Florida Department of Environmental Protection

Enclosure: Executed Consent Order, OGC Case No. 20-0005

cc: Lea Crandall, OGC
Shirley Richards, DEP/SED
Greg Kennedy, DEP/SED
Rick Aspden, Deputy C.E.O.
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AKeefe@faithfarm.org



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BEFORE THE STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

STATE OF FLORIDA DEPARTMENT)
OF ENVIRONMENTAL PROTECTION)
v.)
FORT LAUDERDALE RESCUE)
TABERNACLE, INC.)
_____)

IN THE OFFICE OF THE
SOUTHEAST DISTRICT

OGC FILE NO. 20-0005

CONSENT ORDER

This Consent Order ("Order") is entered into between the State of Florida Department of Environmental Protection ("Department") and Fort Lauderdale Rescue Tabernacle, Inc. ("Respondent") to reach settlement of certain matters at issue between the Department and Respondent.

The Department finds and Respondent agrees to the following:

1. The Department is the administrative agency of the State of Florida having the power and duty to protect Florida's water resources and to administer and enforce the provisions of the Florida Safe Drinking Water Act, Sections 403.850, et seq., Florida Statutes ("F.S."), and the rules promulgated and authorized in Title 62, Florida Administrative Code ("F.A.C."). The Department has jurisdiction over the matters addressed in this Order.
2. Respondent is a person within the meaning of Section 403.852(5), F.S.
3. Respondent is the owner of a community water system, PWS No. 4474408, located at 7595 NE 128th Avenue, in Okeechobee County, Florida ("System").
4. The Department finds that the following violations occurred:

a) The Maximum Contaminant Levels (MCL) for Haloacetic Acids (HAA5) and Total Trihalomethanes (TTHM) have been exceeded for eight consecutive quarters, a violation of Rule 62-550.310(3), F.A.C.

b) The public water system has consistently operated between 200% and more than 800% of the permitted design capacity of 4,500 gallons per day, a violation of Rule 62-555.350(4), F.A.C.

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

ORDERED:

5. Respondent shall comply with the following corrective actions within the stated time periods:

a) Corrective actions corresponding to paragraph 4, violation (a) of this Order:

i. Within 10 days of the effective date of this Order, Respondent shall submit a written flushing plan to the Department. Upon approval from the Department, the flushing plan shall be implemented immediately.

ii. Effective immediately, the Respondent shall maintain a flushing and maintenance log documenting that each flusher is functioning at the specified time within the distribution flushing scheme and documenting any maintenance performed on the flushers.

iii. Respondent shall continue to sample quarterly for TTHMs and HAA5s in accordance with Rule 62-550.514(2), F.A.C., until the running annual average is no more than 0.060 mg/L and 0.045 mg/L for TTHMs and HAA5s, respectively, or until the running annual average remains below 0.080 mg/L and 0.060 mg/L, respectively, for four consecutive quarters, at which time Respondent shall return to its regular required monitoring in accordance with Chapter 62-550, F.A.C. Respondent shall submit all sampling results to the Department within 10 days following the month in which the samples were taken or within 10 days following Respondent's receipt of the results, whichever is sooner.

iv. Respondent shall continue to issue public notices regarding the MCL violation(s) described above every 90 days, as required by Rule 62-560.410(1), F.A.C., until the

Department determines that the System is in compliance with all MCLs. Respondent shall submit certification of delivery of public notices, using DEP Form 62-555.900(22), F.A.C. to the Department within 10 days of issuing each public notice.

v. Within 180 days of the effective date of this Order, if the running annual average is still greater than 0.080 mg/L and 0.060 mg/L for TTHMs and HAA5s, respectively, Respondent shall retain the services of a professional engineer, registered in the State of Florida, to evaluate the System and submit an application, along with any required application fees, to the Department for a permit to construct any modifications needed to address the DBP MCL violations.

1) If the Department requires additional information, modifications, or specifications to process the permit application described in subparagraph (5)(a)(iv), above, the Department will issue a written request for additional information ("RAI") to Respondent. Respondent shall submit the requested information in writing to the Department within 15 days of receipt of the request. Within 45 days of the Department's receipt of the application described in subparagraph (5)(a)(iv), above, Respondent shall provide all information necessary to complete the application.

vi. Within 90 days of issuance of any required permit described in subparagraphs (5)(a)(iv), above, Respondent shall complete the permitted modifications and submit a Certification of Completion, prepared and sealed by a professional engineer registered in the State of Florida, along with all supporting documentation. Respondent shall not place the system modifications into service until Respondent receives written Department clearance. If a permit is not required to implement the corrective actions required by this paragraph, and none is issued by the Department pursuant to this Order, within 90 days of the effective date of this Order, Respondent shall submit to the Department a written statement attesting to the completion of all required actions.

vii. If the approved modifications are determined by the Department to be inadequate to resolve the MCL violation(s), the following shall occur:

1) Within 30 days of receiving notification from the Department that modifications are inadequate, Respondent shall submit an alternate proposal and associated permit application, if applicable, to address the MCL violation(s).

2) Within 15 days of receiving any RAIs from the Department, Respondent shall provide all information requested.

3) Within 60 days of submitting the alternate proposal to the Department, Respondent shall provide all information necessary to complete the application for modification, if applicable.

b) Respondent shall complete the following corrective actions within the timeframes specified herein to address the violation identified in sub-paragraph 4(b) of this Order:

- i. The system shall immediately cease exceeding design capacity, or
- ii. Within 45 days of the effective date of this Order, Respondent shall apply for a permit to revise the permitted design capacity of the system and make any necessary modifications, and
- iii. Within 30 days of the effective date of this Order, complete an evaluation of the system's served population and current non-community designation, and provide the results to the Department for any necessary revisions to the system's designation.

6. Within 90 days of the effective date of this Order, Respondent shall pay the Department \$ 10,250.00 in settlement of the regulatory matters addressed in this Order. This amount includes \$ 10,000.00 for civil penalties and \$ 250.00 for costs and expenses incurred by the Department during the investigation of this matter and the preparation and tracking of this Order. The civil penalties are apportioned as follows: \$ 2,400.00 for violation of Rules 62-550.514, F.A.C., 62-550.800, F.A.C. and 62-550.518, F.A.C.; \$ 2,800.00 for violation of Rule 62-560.410, F.A.C.; \$ 9,600.00 for violation of Rule 62-550.310(3), F.A.C.; \$ 200.00 for violation of Rule 62-555.350(2), F.A.C.; and \$ 200.00 for violation of Rules 62-555.320(12)(b) F.A.C. and 62-555.350(4), F.A.C. The civil penalty totals \$15,200.00; however, the civil penalty has been capped at \$10,000.00 for settlement purposes.

7. Respondent agrees to pay the Department stipulated penalties in the amount of \$500.00 per day for each and every day Respondent fails to timely comply with any of the requirements of paragraph 5 of this Order. The Department may demand stipulated penalties at any time after violations occur. Respondent shall pay stipulated penalties owed within 30 days of the Department's issuance of written demand for payment and shall do so as further described in paragraph 9 and 10, below. Nothing in this paragraph shall prevent the Department from filing suit to specifically enforce any terms of this Order. Any stipulated penalties assessed under this paragraph shall be in addition to the civil penalties agreed to in paragraph 7 of this Order.

8. 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 becomes final, effective and filed with the Clerk of the Department before ability to make online payment is available.

9. Except as otherwise provided, all submittals required by this Order shall be sent to Brianna Tubbs, Department of Environmental Protection, 3301 Gun Club Road, MSC 7210-1, West Palm Beach, Florida 33406.

10. Respondent shall allow all authorized representatives of the Department access to the Facility and the Property at reasonable times for the purpose of determining compliance with the terms of this Order and the rules and statutes administered by the Department.

11. In the event of a sale or conveyance of the Facility or of the Property upon which the Facility is located, if all of the requirements of this Order have not been fully satisfied, Respondent shall, at least 30 days prior to the sale or conveyance of the Facility or Property, (a) notify the Department of such sale or conveyance, (b) provide the name and address of the purchaser, operator, or person(s) in control of the Facility, and (c) provide a copy of this Order

with all attachments to the purchaser, operator, or person(s) in control of the Facility. The sale or conveyance of the Facility or the Property does not relieve Respondent of the obligations imposed in this Order.

12. If any event, including administrative or judicial challenges by third parties unrelated to Respondent, occurs which causes delay or the reasonable likelihood of delay in complying with the requirements of this Order, Respondent shall have the burden of proving the delay was or will be caused by circumstances beyond the reasonable control of Respondent and could not have been or cannot be overcome by Respondent's due diligence. Neither economic circumstances nor the failure of a contractor, subcontractor, materialman, or other agent (collectively referred to as "contractor") to whom responsibility for performance is delegated to meet contractually imposed deadlines shall be considered circumstances beyond the control of Respondent (unless the cause of the contractor's late performance was also beyond the contractor's control). Upon occurrence of an event causing delay, or upon becoming aware of a potential for delay, Respondent shall notify the Department by the next working day and shall, within seven calendar days notify the Department in writing of (a) the anticipated length and cause of the delay, (b) the measures taken or to be taken to prevent or minimize the delay, and (c) the timetable by which Respondent intends to implement these measures. If the parties can agree that the delay or anticipated delay has been or will be caused by circumstances beyond the reasonable control of Respondent, the time for performance hereunder shall be extended. The agreement to extend compliance must identify the provision or provisions extended, the new compliance date or dates, and the additional measures Respondent must take to avoid or minimize the delay, if any. Failure of Respondent to comply with the notice requirements of this paragraph in a timely manner constitutes a waiver of Respondent's right to request an extension of time for compliance for those circumstances.

13. The Department, for and in consideration of the complete and timely performance by Respondent of all the obligations agreed to in this Order, hereby conditionally waives its right to seek judicial imposition of damages or civil penalties for the violations

described above up to the date of the filing of this Order. This waiver is conditioned upon Respondent's complete compliance with all of the terms of this Order.

14. This Order is a settlement of the Department's civil and administrative authority arising under Florida law to resolve the matters addressed herein. This Order is not a settlement of any criminal liabilities which may arise under Florida law, nor is it a settlement of any violation which may be prosecuted criminally or civilly under federal law. Entry of this Order does not relieve Respondent of the need to comply with applicable federal, state, or local laws, rules, or ordinances.

15. The Department hereby expressly reserves the right to initiate appropriate legal action to address any violations of statutes or rules administered by the Department that are not specifically resolved by this Order.

16. Respondent is fully aware that a violation of the terms of this Order may subject Respondent to judicial imposition of damages, civil penalties up to \$5,000.00 per day per violation, and criminal penalties.

17. Respondent acknowledges and waives its 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.

18. 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.

19. 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 constitutes a violation of section 403.161(1)(b), F.S.

20. This Consent 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 Consent Order will not be effective until further order of the Department.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

NOTICE OF CONSENT ORDER

The Department of Environmental Protection ("Department") gives notice of agency action of entering into a Consent Order with Fort Lauderdale Rescue Tabernacle Inc. pursuant to section 120.57(4), Florida Statutes. The Consent Order addresses the following violations: organic drinking water contamination violations, failure to conduct required monitoring or testing, failure to submit required notification to the Department, failure to maintain required documentation for flow meter calibration record, and failure to comply with Departmental rule requirement by exceeding design capacity and reporting incorrect capacity on Monthly Operation Reports at 7595 NE 128th Avenue, Okeechobee, FL. The Consent Order is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Department of Environmental Protection, 3301 Gun Club Road, MSC 7210-1, West Palm Beach, Florida 33406.

Persons who are not parties to this Consent 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 Consent Order means that the Department's final action may be different from the position it has taken in the Consent Order.

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

- a) The OGC Number assigned to this Consent 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 Consent Order;

- d) A statement of when and how the petitioner received notice of the Consent 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 Consent Order;
- g) A statement of the rules or statutes the petitioner contends require reversal or modification of the Consent 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 Consent 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 3301 Gun Club Road, MSC 7210-1, West Palm Beach, Florida 33406. 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. 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.

22. Rules referenced in this Order are available at
<http://www.dep.state.fl.us/legal/Rules/rulelist.htm>

FOR THE RESPONDENT:



Michael Brown
C.E.O., Registered Agent

02/17/2020

Date

DONE AND ORDERED this 19th day of February 2020 in Orange County, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



Jason Andreotta
Director
Southeast District

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

Mandakini Patel
Clerk

February 19, 2020
Date

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