

**From:** [no-reply@dep.state.fl.us](mailto:no-reply@dep.state.fl.us)  
**To:** [jcarlisle.nfh@gmail.com](mailto:jcarlisle.nfh@gmail.com)  
**Cc:** [DEP\\_NED](#); [OGC\\_ESSAOrderPayment](#)  
**Subject:** FDEP Penalty Payment(s) Receipt  
**Date:** Tuesday, November 2, 2021 2:26:32 PM  
**Attachments:** [ATT00001.bin](#)



**FLORIDA DEPARTMENT OF  
Environmental Protection**

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

**Ron DeSantis**  
Governor

**Jeanette Nuñez**  
Lt. Governor

**Shawn Hamilton**  
Secretary

**Receipt for Payment**

November 02, 2021

OGC Number: **201321**

Receipt  
Number: **88045**

Payment(s)  
made by: **Donald Bennink**  
Address: **2740 W CR 232**  
City, State Zip: **Bell, FL 32619**

On behalf of:

Responsible Party: **NORTH FLORIDA HOLSTEINS, LLC  
DONALD BENNINK**  
Address: **2740 WEST C.R. 232  
BELL, FL 32619, US**

Thank you for making your scheduled DEP Order Payment(s).

You have paid \$10,500.00. This represents payment of the following scheduled Order Payment(s):

**Payment Due Date: 11/13/2021** **\$10,500.00**

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**Total Paid** **\$10,500.00**

If you have any questions, please contact the Office of General Counsel at (850) 245-2268 or by e-mail at [OGC\\_ESSAOrderPayment@dep.state.fl.us](mailto:OGC_ESSAOrderPayment@dep.state.fl.us).



# Florida Department Of Environmental Protection

Northeast District  
8800 Baymeadows Way West, Suite 100  
Jacksonville, Florida 32256

**Ron DeSantis**  
Governor

**Jeanette Nuñez**  
Lt. Governor

**Shawn Hamilton**  
Secretary

October 14, 2021

*Sent electronically to: [gotmilk10@aol.com](mailto:gotmilk10@aol.com)*

Mr. Donald T. Bennink, Managing Partner - Owner  
North Florida Holsteins, LLC  
2740 West C.R. 232  
Bell, Florida 32619

**SUBJECT: Department of Environmental Protection v. North Florida Holsteins, LLC**  
**OGC File No. 20-1321**  
**Facility ID: FLA282821**  
**Gilchrist County**

Dear Mr. Bennink:

Enclosed is a copy of the executed Consent Order to resolve Case Number 21-1321.

The effective date of this Order is October 13, 2021, and all time frames will be referenced from this date.

As a reminder, a Consent Order is a binding legal document and was voluntarily entered into by both parties.

Should you have any questions concerning the Consent Order, please contact Herndon Sims via email at [Herndon.Sims@FloridaDEP.gov](mailto:Herndon.Sims@FloridaDEP.gov), or by phone at (904) 256-1612. Your continued cooperation in the matter is appreciated.

Sincerely,

A handwritten signature in blue ink that reads "James R. Maher".

James R. Maher, PE  
Assistant Director

Enclosure: Executed Consent Order

cc: FDEP-OGC: Lea Crandall, Agency Clerk  
FDEP-NED: Arlene Wilkinson, DEP\_NED



# FLORIDA DEPARTMENT OF Environmental Protection

Northeast District  
8800 Baymeadows Way West, Suite 100  
Jacksonville, Florida 32256

**Ron DeSantis**  
Governor

**Jeanette Nuñez**  
Lt. Governor

**Noah Valenstein**  
Secretary

September 22, 2021

*Sent electronically to: [gotmilk10@aol.com](mailto:gotmilk10@aol.com)*

Mr. Donald T. Bennink, Managing Partner – Owner  
North Florida Holsteins, LLC  
2740 West C.R. 232  
Bell, Florida 32619

**SUBJECT: Department of Environmental Protection v. North Florida Holsteins, LLC**  
**OGC File No. 20-1321**  
**Facility ID: FLA282821**  
**Gilchrist County**

Dear Mr. Bennink:

Enclosed is the Consent Order to resolve the issues in the subject OGC File. Please review the Consent Order and, if you find it acceptable, sign and return the original document to this office within 14 days of receipt.

If you wish to modify the Consent Order, please respond to this office in writing within 14 days, explaining your concerns including any proposed changes.

If you have any questions concerning the Consent Order, please contact Herndon Sims, at (904) 256-1612, or by email, at [Herndon.Sims@FloridaDEP.gov](mailto:Herndon.Sims@FloridaDEP.gov). Your continued cooperation in the matter is greatly appreciated.

Sincerely,

A handwritten signature in blue ink that reads "James R. Maher".

James R. Maher, PE  
Assistant Director

FDEP-NED: Herndon Sims, Heather Webber, Monique Jordan, DEP\_NED  
FDEP-Tallahassee: Adrienne Pennington, Mike Tanski  
FDEP-OGC: Kelley Corbari

BEFORE THE STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

STATE OF FLORIDA DEPARTMENT OF ) ENVIRONMENTAL PROTECTION )	)	IN THE OFFICE OF THE NORTHEAST DISTRICT
vs. )	)	OGC FILE NO. 20-1321
NORTH FLORIDA HOLSTEINS, L.C. )	)	
)	)	

**CONSENT ORDER**

This Consent Order (“Order”) is entered into between the State of Florida Department of Environmental Protection (“Department”) and North Florida Holsteins, L.C. (“Respondent”), pursuant to Section 120.57(4), Florida Statutes (“F.S.”), to settle certain matters at issue between the Department and Respondent.

The Department finds and the Respondent admits the following:

1. The Department is the administrative agency of the State of Florida having the power and duty to protect Florida’s air and water resources and to administer and enforce the provisions of Chapter 403, Florida Statutes, 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 Florida limited company (LC) with its principal place of business located at 2740 West County Road 232, Bell, Florida and is a person within the meaning of Section 403.031(5), F.S. Donald T. Bennink is the registered agent of and a managing member of Respondent LLC. Mr. Bennink has the authority to execute this Consent Order on behalf of Respondent.

3. Respondent is the owner and operator of a concentrated animal feeding and dairy farming operation ("dairy operation") located at 2740 West County Road 232, Bell, Florida, 32619, (Latitude: 29°43' 34.3435" N; Longitude: 82°51' 11.872" W) ("Property").

4. Respondent's dairy operation on the Property includes seven existing freestall barns, two milking parlors, commodities area, and a waste storage pond system. The dairy operation's waste management system consists of four waste storage ponds for separate areas, solids separation, irrigation fields, and solids application fields. Manure is flushed from the calf barns and milking centers to waste storage ponds and all freestall barns are scraped to a collection system. The system is designed as follows: wastewater from the freestall barns and main milking parlor flow by gravity or is pumped, to a sand separator and then to screen solids separator. Solids removed from the separator are stored on a concrete pad and hauled off-site or onto remote fields. Filtrate from the separator gravity flows to the first waste storage pond ("WSP1"). Wastewater from the secondary milking center is collected in the second waste storage pond ("WSP2") and is used to flush freestall barns, which then discharge into WSP1. WSP2 has an emergency overflow into WSP1. The third waste storage pond ("WSP3") collects wastewater from the calf barns and then pumped as needed onto a nearby sprayfield. Wastewater from WSP1 gravity flows into the fourth waste storage pond ("WSP4") for final treatment. Wastewater from WSP4 is then pumped onto the sprayfields, as needed ("Facility").

5. Respondent operates the Facility under Department Wastewater Permit No. FLA282821-IW4A ("Permit"), which was issued on May 13, 2016 and expires on May 12, 2021.

6. The Department finds that the following violation(s) occurred:

a. The Nutrient Management Plan (NMP) loading limit of Total Nitrogen for Lot 90 Pivot is 420 lbs./ac/yr. Total Nitrogen (TN) was over-applied on the Lot 90 Pivot spray irrigation field in 2016 and 2017, as noted in Table 1 below, in violation of Rule 62-620.100(3)(v), F.A.C., which states that manure, litter and process wastewater shall be in accordance with the site specific NMP.

**Table 1**  
**Total Nitrogen (TN) over application at Lot 90 Pivot (420 lb/ac/yr limit)**

Date	Parameter	TN Results (lb/ac/yr)	TN Limit (lb/ac/yr)
June 2016	Nitrogen, Total	442.91	420
July 2017	Nitrogen, Total	464.31	420
August 2017	Nitrogen, Total	469.59	420
September 2017	Nitrogen, Total	469.59	420

b. The NMP loading limit of Total Nitrogen for Sprayfield 1 (SF1) is 520 lbs./ac/yr. Total Nitrogen was over-applied on the SF1 spray irrigation field in 2016, 2017, 2018 and 2019, as noted in Table 2 below, in violation of Rule 62-620.100(3)(v), F.A.C., which states that manure, litter and process wastewater shall be in accordance with the site specific NMP.

**Table 2**  
**Total Nitrogen (TN) over application at SF1 North Pivot (520 lb/ac/yr Limit)**

<b>Date</b>	<b>Parameter</b>	<b>TN Results (lb/ac/yr)</b>	<b>TN Limit (lb/ac/yr)</b>
January 2016	Nitrogen, Total	539	520
February 2016	Nitrogen, Total	549.2	520
March 2016	Nitrogen, Total	595.8	520
April 2016	Nitrogen, Total	599.5	520
May 2016	Nitrogen, Total	556.95	520
July 2016	Nitrogen, Total	530.76	520
August 2016	Nitrogen, Total	567.40	520
September 2016	Nitrogen, Total	617.39	520
October 2016	Nitrogen, Total	613.92	520
November 2016	Nitrogen, Total	617.42	520
December 2016	Nitrogen, Total	637.62	520
January 2017	Nitrogen, Total	603.82	520
February 2017	Nitrogen, Total	585.66	520
March 2017	Nitrogen, Total	564.16	520
April 2017	Nitrogen, Total	540.72	520
June 2017	Nitrogen, Total	524.54	520
January 2018	Nitrogen, Total	536.66	520
February 2018	Nitrogen, Total	599.53	520
March 2018	Nitrogen, Total	634.60	520
April 2018	Nitrogen, Total	629.01	520
May 2018	Nitrogen, Total	639.77	520
June 2018	Nitrogen, Total	635.90	520
July 2018	Nitrogen, Total	618.07	520
August 2018	Nitrogen, Total	585.70	520
September 2018	Nitrogen, Total	562.83	520
December 2019	Nitrogen, Total	523.03	520



c Nitrite plus Nitrate, Total (as N), Fecal coliform and the pH range limits were exceeded in monitoring wells MWC-2, MWC-4, MWC-7P , and MWC-9 as shown in Table 3 through Table 6, below, in violation of Permit Condition III.10, which establishes limits for Nitrite plus Nitrate, Total (as N) (10 mg/L), Fecal coliform (4/100 ml) and pH (6.5-8.5 s.u.), and Rule 62-520.400(1), F.A.C., which states that all ground water shall at all places and at all times be free from domestic, industrial, agricultural, or other man-induced non-thermal components of discharges.

**Table 3**  
**Groundwater Exceedances in MWC-2**

Date	Parameter	Sampling Results	Permit Limit	MWB-8	Unit	Stat. Base
December 2017	Fecal Coliform	16	4	1.0	#/100 mL	Max.
September 2018	Nitrite + Nitrate (N)	15	10	1.0	mg/L	Max.
December 2018	Nitrite + Nitrate (N)	14	10	0.53	mg/L	Max.
March 2019	Nitrite + Nitrate (N)	15	10	0.95	mg/L	Max.
June 2019	pH	6.39	6.5-8.5	7.27	s.u.	Range

**Table 4**  
**Groundwater Exceedances in MWC-4**

Date	Parameter	Sampling Results	Permit Limit	MWB-8 (except as noted)	Unit	Stat. Base
March 2015	pH	9.75	6.5-8.5	6.74 (MWB-1)	s.u.	Range
June 2017	pH	6.25	6.5-8.5	6.34	s.u.	Range
December 2018	Nitrite + Nitrate (N)	11	10	0.53	mg/L	Max.
March 2019	Nitrite + Nitrate (N)	13	10	0.95	mg/L	Max.
June 2019	Nitrite + Nitrate (N)	14	10	0.98	mg/L	Max.
September 2019	Nitrite + Nitrate (N)	11	10	1.4	mg/L	Max.
March 2020	Nitrite + Nitrate (N)	21	10	1.1	mg/L	Max.
June 2020	Nitrite + Nitrate (N)	16	10	0.8	mg/L	Max.
December 2020	Nitrite + Nitrate (N)	11	10	0.97	mg/L	Max.
March 2021	Nitrite + Nitrate (N)	11	10	0.5	mg/L	Max.



**Table 5**  
**Groundwater Exceedances in MWC-7P**

Date	Parameter	Sampling Results	Permit Limit	MWB-5P	Unit	Stat. Base
June 2017	pH	5.75	6.5-8.5	6.5	s.u.	Range
June 2021	pH	6.21	6.5-8.5	6.08	s.u.	Range

**Table 6**  
**Groundwater Exceedances in MWC-9**

Date	Parameter	Sampling Results	Permit Limit	MWB-8	Unit	Stat. Base
September 2018	Nitrite + Nitrate (N)	12	10	1.0	mg/L	Max.
December 2018	Nitrite + Nitrate (N)	15	10	0.53	mg/L	Max.
March 2019	Nitrite + Nitrate (N)	17	10	0.95	mg/L	Max.
June 2019	Nitrite + Nitrate (N)	18	10	0.98	mg/L	Max.
September 2019	Nitrite + Nitrate (N)	20	10	1.4	mg/L	Max.
December 2019	Nitrite + Nitrate (N)	20	10	1.3	mg/L	Max.
March 2020	Nitrite + Nitrate (N)	26	10	1.1	mg/L	Max.
June 2020	Nitrite + Nitrate (N)	26	10	0.8	mg/L	Max.
September 2020	Nitrite + Nitrate (N)	27	10	0.5	mg/L	Max.
December 2020	Nitrite + Nitrate (N)	25	10	0.97	mg/L	Max.
March 2021	Nitrite + Nitrate (N)	31	10	0.5	mg/L	Max.
June 2021	Nitrite + Nitrate (N)	29.2	10	0.98	mg/L	Max.

d. The spray irrigation field identifications and acreage sizes on the Quarterly Nutrient Application Reports (QNARs) failed to match the description noted in the Nutrient Management Plan (NMP), in violation of Rule 62- 620.300(5), F.A.C., which states that a permitted wastewater facility or activity shall not be operated, maintained, constructed, expanded, or modified in a manner that is inconsistent with the terms of the permit. Section I.B.1. of the Permit states that the permittee shall operate and maintain the facility in accordance with the approved NMP.

e. Wastewater and manure solids were spilled or tracked off the land application sites along the public roads, in violation of Rule 62-620.300(5), F.A.C., which states that a permitted wastewater facility or activity shall not be operated, maintained, constructed, expanded, or modified in a manner that is inconsistent with the terms of the permit. Section I.B.1. of the Permit states that the permittee shall operate and maintain the facility in accordance with the approved NMP.

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

**ORDERED:**

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

a. Within 90 days of execution of this Order, unless already completed, Respondent shall submit a Compliance Plan ("Plan") to the Department to address corrective actions for the total nitrogen loading rates, nitrite plus nitrate and revised NMP, to accurately reflect the correct irrigation field identifications and acreage sizes of the current dairy operations. An application to modify the Facility's Permit may be required if the Department determines the corrective actions are to be substantial for Facility operations. Respondent shall submit a complete Permit modification application within 45 days of the date of written notice by the Department.

i. The Plan shall include details of the specific steps to be taken, as well as all proposed steps to achieve compliance with the updated

NMP and revised Permit within the timeframe noted in paragraph above.

ii. Each proposed step of the Plan shall contain a specific initiation and completion date, with the Plan's initial implementation commencing no later than one month from the date of the Plan's approval by the Department, and no completion date exceeding the full compliance date set out in Paragraph 8 herein.

iii. The Plan shall be prepared and sealed by a professional engineer ("Engineer") registered in the State of Florida.

iv. The Plan shall not be implemented until Respondent receives written approval of the Plan by the Department. Upon approval by the Department, the Plan shall be deemed incorporated into the terms of this Order and enforceable, as such.

v. In the event the Department requires additional information ("RAI") regarding the Plan submitted, Respondent shall provide a written response containing the information requested by the Department within 30 days of the date of the Department's written request.

b. Every six (6) months after the effective date of this Order, Respondent shall submit a written report to the Department containing the following information:

- i. Status and progress of projects being completed under this Order;
- ii. Compliance or noncompliance of Respondent's operations with the applicable requirements of this Order, including construction requirements and effluent limitations and any reasons for noncompliance; and
- iii. A projection of the work to be performed pursuant to this Order during the 12-month period immediately following the date of the report.

Each report shall be submitted to the Department in accordance with Paragraph 11 herein and shall be due to the Department on the following dates: January 28, 2022; July 28, 2022; January 28, 2023, July 28, 2023; January 28, 2024, July 28, 2024 and January 28, 2025.

c. Effective immediately, equipment and vehicles shall not be driven on a public road within 24 hours of being driven on an area where wastewater or manure solids have been applied without physically removing manure from the equipment and vehicles to the greatest extent possible, in accordance with farming best management practices. Any wastewater or manure solids spilled along public and private roadways or properties shall be properly cleaned up. All unauthorized wastewater and manure spills shall be reported as required by Permit condition VIII.20.

d. Beginning on the first day of the quarter following the effective date

of this Order through December 28, 2024, the interim limits for Nitrite plus Nitrate, Total (as N), set out in Table 7 below shall apply to the Facility.

**Table 7**  
**Total Nitrite plus Nitrate Groundwater Interim Limits**

Parameter	Compliance Well	Limit	Measurement Frequency	Sample Type
Nitrite plus Nitrate, Total (as N)	MWC-2	Report Only	Quarterly	Grab
Nitrite plus Nitrate, Total (as N)	MWC-4	Report Only	Quarterly	Grab
Nitrite plus Nitrate, Total (as N)	MWC-9	Report Only	Quarterly	Grab

These monitoring requirements do not act as State of Florida Department of Environmental Protection Wastewater Permit effluent limitations, nor do they authorize or otherwise justify violation of the Florida Air and Water Pollution Control Act ("Act"), Part I, Chapter 403, F.S., during the pendency of this Order.

e Within 30 days of the effective date of this Order, Respondent shall pay the Department \$10,500.00, in settlement of the regulatory compliance matters addressed in this Order. This amount includes \$10,000, in penalties assessed for the violations set out herein, plus \$500.00 for costs and expenses incurred by the Department during the investigation of this matter and the preparation and tracking of this Order. Payment shall be made in accordance with Paragraph 10 herein.

8. Notwithstanding the time periods set out above, Respondent shall complete all corrective actions required by Paragraphs 7(a)-(e) above, and be in full compliance with Chapters 62-520 and 62-620, F.A.C., except for nitrate limits, which must show a significant downward trend, by December 28, 2024, regardless of any intervening events or alternative time frames imposed in this Order, other than those excused delays agreed to by the Department, as described in Paragraph 14 herein. An extension to this deadline will be allowed with appropriate justification for the delay provided to the Department by July 28, 2024.

9. Respondent agrees to pay the Department stipulated penalties in the amount of \$100.00 per day, for each and every day Respondent fails to timely comply with any of the requirements of Paragraphs 7(a), (b), (d), and (e) of this Order, and \$500.00 per day, for each and every day Respondent fails to timely comply with any of the requirements of Paragraphs 7(c) or 8 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 in accordance with Paragraph 10 herein. 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 penalties agreed to in Paragraph 7(e) of this Order.

10. Respondent shall make all payments required by this Order by cashier's check, money order, or on-line "e-check" payment. Cashier's check or money order shall be made payable to the "Department of Environmental Protection," shall include both the



OGC number (20-1321) assigned to this Order and the notation "Water Quality Assurance Trust Fund," and shall be submitted in accordance with Paragraph 11 herein. Online payments by e-check can be made by going to the DEP Business Portal at: <http://www.fldepportal.com/go/pay/>. Please note 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.

11. Except as otherwise provided, all submittals and payments required by this Order shall be sent to: Florida Department of Environmental Protection, Northeast District, 8800 Baymeadows Way West, Suite 100, Jacksonville, Florida, 32256, Attention: Herndon Sims, and shall include the OGC number (20-1321) assigned to this Order.

12. 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.

13. The sale or conveyance of the Facility and/or the Property upon which the Facility is located does not relieve Respondent of the obligations imposed in this Order. In the event of a sale or conveyance of the Facility and/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: (i) notify the Department of such sale or conveyance of the Facility and/or Property, at least 30 days prior to the sale or conveyance; (ii) provide the name and address of the purchaser/grantee, operator, or person(s) in control of the Facility and Property; and (iii) provide a copy of this Order with all attachments to the

purchaser/grantee, operator, or person(s) in control of the Facility and Property.

14. 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. In addition, Respondent shall notify the Department, within seven (7) calendar days, in writing of: (i) the anticipated length and cause of the delay; (ii) the measures taken or to be taken to prevent or minimize the delay; and (iii) 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

15. 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.

16. 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.

17. 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.

18. 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 \$10,000.00 per day, per violation, and criminal penalties.

19. 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.

20. 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.

21. 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.

22. 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.

23. Respondent shall publish the following notice in a newspaper of daily circulation in Gilchrist County, Florida. The notice shall be published one time only within 14 days of the effective date of the Order. Respondent shall provide a certified copy of the published notice to the Department within 10 days of publication in accordance with Paragraph 11 herein.

**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 NORTH FLORIDA HOLSTEIN, L.L.C., pursuant to section 120.57(4), Florida Statutes. The Consent Order addresses violations of Industrial Wastewater permit FLA282821 at 2740 West County Road 232, Bell, Florida, 32619. The Consent Order is available for public inspection at the Department’s electronic filing system Oculus, <https://depedms.dep.state.fl.us/Oculus/servlet/login>.

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 (20-1321) assigned to this Consent Order;
- b) The name, address, and telephone number of each petitioner;
- c) 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;
- d) An explanation of how the petitioner’s substantial interests will be affected by the Consent Order;
- e) A statement of when and how the petitioner received notice of the Consent 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 Consent Order;
- h) A statement of the rules or statutes the petitioner contends require reversal or modification of the Consent Order; and
- i) 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.

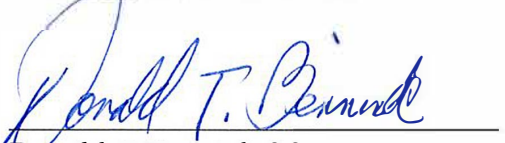
The petition must be filed (received) at the Department's Office of General Counsel, 3900 Commonwealth Boulevard, MS# 35, Tallahassee, Florida, 32399-3000, or received via electronic correspondence at [Agency\\_Clerk@floridadep.gov](mailto:Agency_Clerk@floridadep.gov), within 21 days of receipt of this notice. A copy of the petition must also be mailed at the time of filing to the District Office at Northeast District, 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. 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.

24. Rules referenced in this Order may be examined at any Department Office or may be obtained by written request to the District Office referenced in Paragraph 11 above. The rules referenced in this Order are also available at: <https://floridadep.gov/ogc/ogc/content/rules>.



25. The undersigned certifies that as a managing member of Respondent LLC, he is authorized and empowered to negotiate, enter into and execute, in the name and on behalf of the Respondent, NORTH FLORIDA HOLSTEINS, L.C., any agreements, documents, instruments, certificates, including and without limitation, this Consent Order entered into between Respondent and the State of Florida Department of Environmental Protection.

FOR THE RESPONDENT:

  
\_\_\_\_\_  
Donald T. Bennink, Manager  
NORTH FLORIDA HOLSTEINS, L.C.

  
\_\_\_\_\_  
Date

**FOR DEPARTMENT USE ONLY**

DONE AND ORDERED this 13th day of October 2021, in Duval,  
Florida.

STATE OF FLORIDA DEPARTMENT OF  
ENVIRONMENTAL PROTECTION



\_\_\_\_\_  
Gregory J. Strong  
District Director

*J* Northeast District

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



\_\_\_\_\_  
Clerk

October 13, 2021

Date

**Executed Copies furnished to:**

FDEP-OGC: Lea Crandall, Agency Clerk

FDEP-NED: Herndon Sims, Ashlen Ward, Joni Petry, Jeff Martin, DEP\_NED

FDEP-Tallahassee: Adrienne Pennington, Mike Tanski

FDEP-OGC: Kelley F. Corbari

Mike Holloway/[mike@hollowaym.com](mailto:mike@hollowaym.com)