



# FLORIDA DEPARTMENT OF Environmental Protection

Southwest District Office  
13051 North Telecom Parkway #101  
Temple Terrace, Florida 33637-0926

**Ron DeSantis**  
Governor

**Jeanette Nuñez**  
Lt. Governor

**Shawn Hamilton**  
Secretary

March 10, 2022

Julie Williams, Chief Operating Officer  
The Florida Brewery, Inc.  
202 Gandy Road  
Auburndale, FL 33823  
[juliewilliams@floridabrewery.com](mailto:juliewilliams@floridabrewery.com)

Re: Executed First Amendment to Consent Order, OGC File No. 21-0553  
The Florida Brewery, Inc.  
Permit No. FLA013273  
Polk County

Dear Ms. Williams:

Enclosed is the Executed First Amendment to Consent Order, OGC File No. 21-0553, regarding the above-referenced facility. The effective date of the Amended Consent Order is the filing date entered by the designated Department Clerk on the signature page. Please be aware of all conditions of this Order.

Should you have any questions, please contact Andres Santini Laabes at 813-470-5933, or via e-mail: [Andres.SantiniLaabes@FloridaDEP.gov](mailto:Andres.SantiniLaabes@FloridaDEP.gov). Thank you for your cooperation.

Sincerely,

A handwritten signature in blue ink that reads "Kelley M. Boatwright".

Kelley M. Boatwright  
Southwest District Director  
Florida Department of Environmental Protection

Enclosures: Executed First Amendment to Consent Order, OGC File No. 21-0553

Cc: Lea Crandall, Agency Clerk, [Lea.Crandall@FloridaDEP.gov](mailto:Lea.Crandall@FloridaDEP.gov)  
Pamala Vazquez, DEP-SWD, [Pamala.Vazquez@FloridaDEP.gov](mailto:Pamala.Vazquez@FloridaDEP.gov)  
Erica Peck, DEP-SWD, [Erica.Peck@FloridaDEP.gov](mailto:Erica.Peck@FloridaDEP.gov)  
Andres Santini Laabes, DEP-SWD, [Andres.SantiniLaabes@FloridaDEP.gov](mailto:Andres.SantiniLaabes@FloridaDEP.gov)  
Stacey Oakley, The Florida Brewery, Inc., [accounting@floridabrewery.com](mailto:accounting@floridabrewery.com)

BEFORE THE STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

STATE OF FLORIDA DEPARTMENT ) OF ENVIRONMENTAL PROTECTION )	IN THE OFFICE OF THE SOUTHWEST DISTRICT
v. )	OGC FILE NO. 21-0553
THE FLORIDA BREWERY, INC. )	
_____ )	

**FIRST AMENDMENT TO CONSENT ORDER**

This First Amendment to Consent Order (“Order”) is entered into between the State of Florida Department of Environmental Protection (“Department”) and The Florida Brewery, Inc. (“Respondent”) to amend Consent Order OGC No. 21-0553, effective July 23, 2021 (“Original Order”). This First Amendment to Consent Order is to give the facility a time extension and to require additional corrective actions and penalties.

It is hereby agreed between the Respondent and the Department (collectively referred to as “parties”), that Respondent agrees to comply and be bound by the terms of this First Amendment to Consent Order along with the Original Order.

The parties agree that this First Amendment to Consent Order shall amend the Original Order only to the extent specifically stated herein, and that all the provisions of the Original Order not addressed herein shall remain in full force and effect.

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

**ORDERED:**

1. Paragraph 4 of the Original Order shall be amended to add:

b. The Respondent failed to land apply their industrial wastewater according to their Best Management Practices (BMP) Plan resulting in ponding at the land application site and run-off of industrial wastewater on October 28, 2021, in violation of Industrial Wastewater Permit No. FLA013273, and of Rules 62-620.320(6) and 62-620.100(3)(m), Florida Administrative Code (F.A.C.).

2. Paragraph 7 of the Original Order shall be amended to add:

d. Within 90 days of the effective date of this Order, Respondent must complete repairs of the berm breach to prevent unauthorized discharges offsite.

e. Within 30 days of the effective date of this Order, Respondent shall submit a written estimate of the total cost and a timeline of the corrective actions required by this Order to the Department. The written estimate shall identify the information the Respondent relied upon to provide the estimate.

f. From the effective date of this Order, Respondent shall cease all unauthorized, industrial wastewater discharges.

3. Paragraph 10 of the Original Order shall be amended as follows:

10. Notwithstanding the time periods described in the paragraphs above, Respondent shall complete all corrective actions required by of the Original Order and those included in this First Amendment to Consent Order by **June 30, 2022** and be in full compliance with the applicable Florida Statutes, Rules of Florida Administrative Code, and its Permit regardless of any intervening events or alternative delays agreed frames imposed in this Order and the Original Order.

4. Paragraph 11 of the Original Order shall be amended to add:

Within 30 days of the effective date of the First Amendment to Consent Order, Respondent shall pay the Department \$6,586.39 in settlement of the regulatory matters addressed in this Order. This amount includes \$5,000.00 for civil penalties; \$1,250.00 for history of noncompliance; \$86.39 for economic benefit; 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: \$4,000.00 for violation of 403.121(3)(b), Florida Statutes; \$1,000.00 for violation of 403.121 (5), Florida Statutes.

5. This First Amendment to 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.

6. Respondent shall publish the following notice in a newspaper of daily circulation in Polk County, Florida. The notice shall be published one time only within 15 days of the effective date of the First Amendment to Consent Order. Respondent shall provide a certified copy of the published notice to the Department within 10 days of publication.

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 First Amendment to Consent Order with The Florida Brewery, Inc. pursuant to section 120.57(4), Florida Statutes. The First Amendment to Consent Order addresses the unauthorized discharge of industrial wastewater to surface waters of the State at 202 Gandy Road, Auburndale, Florida. The First Amendment to 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, 13051 N. telecom Parkway, Suite 101, Temple Terrace, FL 33637-0926.

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

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

- a) The name and address of each agency affected and each agency’s file or identification number, if known;
- b) The name, address, any e-mail address, any facsimile number, and telephone number of the petitioner, if the petitioner is not represented by an attorney or a qualified representative; the name, address, and telephone number of the petitioner’s

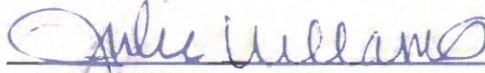
representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination;

- c) A statement of when and how the petitioner received notice of the agency decision;
- d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action;
- f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
- g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the agency to take with respect to the agency's proposed action.

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 Southwest District Office at 13051 N. telecom Parkway, Suite 101, Temple Terrace, FL 33637-0926. 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 First Amendment to 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.

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

FOR THE RESPONDENT:



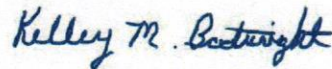
Julie Williams  
Chief Operating Officer, The Florida Brewery, Inc.

2-15-22

Date

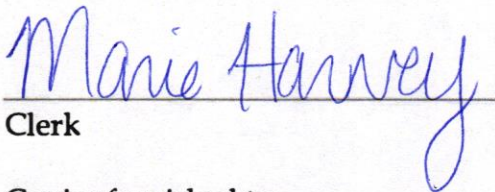
DONE AND ORDERED this 10 day of March 2022, in Hillsborough, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION



Kelley M. Boatwright  
District Director  
Southwest District

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

  
Clerk

March 10, 2022  
Date

Copies furnished to:

Lea Crandall, Agency Clerk  
Mail Station 35