

CL AREA

CRAF006A

Logged Total

Collection Point Log Remittance

Remittance ID Type * Received Date * Status

System Receipt PNR Check # * Amount *

Name *

First Middle Title Suffix

Address1

Address2

City ST Zip

Country Short Comments

PAYMENT (S)

Payment ID	Distribution CL Area	Rev Code ODN	Revenue Object	Description	Payment Amount	Reference#	Appl	Fund *	Grant	Project	BPIN	Status
2030445	NED	018003	018003	LCT-REIMB.LEGAL	750.00	231166		WQATF				COMPLETE
2030446	NED	012008	012008	LCT-PENALTIES	4,500.00	231166		WQATF				COMPLETE

COMMIT FREQUENTLY Payment Total

Binderholz Live Oak LLC
17152 46th Trace
Live Oak, FL 32060

Remittance Date: 09/07/2023

Check #: 310217

Payment Document No:)



IN OGC231166 Water Quality Ass. Trust (5250.00 USD)

Description	Count	Dollars	
ITEMS:	0		Check number 310217 is attached. Use the information below to post your customer's account. Please notify your trading partner at the contact information listed above if: (1) you are unable to post a payment. (2) any account information is incorrect. (3) your mailing address has changed.
GROSS AMT:		\$5,250.00	
ADJ AMT:		\$0.00	
NET AMT:		\$5,250.00	

Invoice Number	Invoice Date	Reference	Gross Amt	Adj-Dis. Amt	Net Amt

WARNING: THIS DOCUMENT CONTAINS SEVERAL DOCUMENT SECURITY FEATURES - DO NOT CASH IF THE WORD VOID IS VISIBLE - SEE REVERSE SIDE FOR LIST OF SECURITY FEATURES

Binderholz Live Oak LLC
17152 46th Trace
Live Oak, FL 32060

221211

HSBC Bank USA, NA
452 Fifth Ave
New York, NY 10018
10-2/220

310217

DATE: 09/07/2023

IN OGC231166 Water Quality Ass. Trust (5250.00 USD)

\$**5,250.00

PAY: Five Thousand Two Hundred Fifty And 0/100 Dollars

PAY TO THE ORDER OF
FLORIDA DEPARTMENT OF ENVIRONMENTAL PRODUCTION
8800 BAYMEADOWS WAY W STE 100
JACKSONVILLE, FL 32256-6855

AUTHORIZED SIGNATURE

SIGNATURE HAS A BLUE-GREEN BACKGROUND - BORDER CONTAINS MICROPRINTING MP



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

August 25, 2023

Sent electronically to: Daniel.Dorfer@binderholz.com

Mr. Daniel Dorfer, Plant Manager
Binderholz Live Oak, LLC – Suwannee Plant
17152 46th Trace
Live Oak, Florida 32060

SUBJECT: Department of Environmental Protection v. Binderholz Live Oak, LLC
OGC File No. 23-1166
Air Facility ID No. 1210468
Suwannee County – Air Enforcement

Dear Mr. Dorfer:

Enclosed is a copy of the executed Consent Order to resolve Case Number 23-1166. The effective date of this Order is August 25, 2023, and all timeframes 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 the case manager, Tori Rohde at (904) 256-1614, or at Tori.Rohde@floridadep.gov. Your continued cooperation in the matter is appreciated.

Sincerely,

A handwritten signature in blue ink that reads "T.G. Kallemeyn".

Thomas G. Kallemeyn
Assistant Director

Enclosure: Executed Consent Order No. 23-1166

ec: FDEP-OGC: Lea Crandall
FDEP-NED: Tori Rohde, Rita Felton-Smith, Chris Azcuy, Shane Tierney, Thomas Kallemeyn, Sarah Harris, DEP_NED
Gebhard Duenser, Gebhard.Duenser@Binderholz.com
Stacy Watson May, Stacy.WatsonMay@hkllaw.com



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

August 18, 2023

Sent electronically to: daniel.dorfer@binderholz.com

Mr. Daniel Dorfer, Plant Manager
Binderholz Live Oak, LLC – Suwannee Plant
17152 46th Trace
Live Oak, Florida 32060

SUBJECT: Department of Environmental Protection v. Binderholz Live Oak, LLC
OGC File No. 23-1166
Air Facility ID No. 1210468
Suwannee County – Air Enforcement

Mr. Dorfer:

The State of Florida Department of Environmental Protection (“Department”) finds that Binderholz Live Oak, LLC (“Respondent”) started construction of a new log merchandiser parallel to the existing merchandiser at the mill without an issued Air Construction Permit, in violation of Rule 62-210.300(1)(a), Florida Administrative Code (“Fla. Admin. Code”).

Although there are no further actions required to correct the violation, the Respondent remains subject to civil penalties as a result of the violation. The Respondent is 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 \$4,500.00 in civil penalties and \$750.00 for costs and expenses the Department has incurred in investigating this matter, which amounts to a total of \$5,250.00. The civil penalties are apportioned as follows: \$4,500.00 for construction of an emission unit that would emit air pollutants without an issued Air Construction Permit, in violation of Rule 62-210.300(1)(a), Fla. Admin. Code.

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 the Northeast District Office, 8800 Baymeadows Way West, Suite 100, Jacksonville, Florida, 32256, **within 30 days of the date this Consent Order was issued**. 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), 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, Daniel Dorfer:

- (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, Fla. Stat., on the terms of this offer, once final;
- (3) Acknowledge and waive Respondent's right to an appeal pursuant to Section 120.68, Fla. Stat.; and
- (4) Acknowledge that payment of the above amount does not constitute a waiver of the Department's right, if any, to recover emergency response related costs and expenses for this matter.

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

Respondent's Performance

After signing and returning this document to the Department,

- (1) Respondent must pay \$5,250.00 in full **within 30 days of the effective date of this Order.**
- (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, Fla. Stat.

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, 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 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.¹ 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 Tori Rohde, at (904) 256-1614, or via email at Tori.Rohde@FloridaDEP.gov.


Sincerely,



Thomas G. Kallemeyn
Assistant Director

FOR THE RESPONDENT:

I, Daniel Dorfer [Daniel Dorfer], **HEREBY ACCEPT THE TERMS OF THE SETTLEMENT OFFER IDENTIFIED ABOVE.**

By: 
[Signature]

Date: 08/22/2023

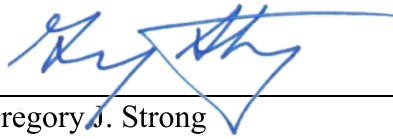
Title: Plant Manager, Binderholz Live Oak LLC

¹ Based upon the representation of Respondent's legal counsel on August 15, 2023, Daniel Dorfer is authorized to sign this consent order and bind respondent to the obligations herein. – [Attorney Correspondence August 15, 2023](#)

FOR DEPARTMENT USE ONLY

DONE AND ORDERED this 25 day of August, 2023, in Duval County, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



Gregory J. Strong
District Director

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

Roxanne M. Smith
Clerk

8/25/2023
Date

Attachment: Notice of Rights

Final clerked copy furnished to:

FDEP-OGC: Lea Crandall, Agency Clerk (lea.crandall@dep.state.fl.us) [executed copy only]

FDEP-NED: Shane Tierney, Chris Azcuy, Tori Rohde, Rita Felton-Smith, Sarah Harris, Tom Kallemeyn, DEP_NED

Gebhard Duenser, Gebhard.Duenser@Binderholz.com

Stacy Watson May, Stacy.WatsonMay@hklaw.com

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 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, 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. 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.