



FLORIDA DEPARTMENT OF Environmental Protection

Central District Office
3319 Maguire Blvd., Suite 232
Orlando, Florida 32803

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

December 20, 2023

Paul Marconi, Director
Vacation Village Condominium Association
10301 US Highway 27
Clermont, FL 34711
communitymanager@floridavacationvillage.com

Re: Vacation Village WWTF
DW Facility ID #FLA010576
PWS ID #3351418
OGC Case No: 23-1326
Lake County

Dear Mr. Marconi:

Enclosed is the executed Consent Order to resolve the above referenced case. This copy is for your records.

Should you have any questions or comments, please contact David Smicherko at 407-897-41691 or via e-mail at David.Smicherko@FloridaDEP.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "AW 7L".

On behalf of:

Aaron Watkins, Director
Central District

Enclosure: Consent Order

cc: FDEP: Lea Crandall, Daun Festa, Anitra Spencer, Hannah VanBuren, & David Smicherko, FDEP

BEFORE THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

STATE OF FLORIDA DEPARTMENT))	IN THE OFFICE OF THE
OF ENVIRONMENTAL PROTECTION))	CENTRAL DISTRICT
)	
v.))	OGC FILE NO. 23-1326
)	
VACATION VILLAGE CONDOMINIUM))	
ASSOCIATION))	
_____))	

CONSENT ORDER

This Consent Order (Order) is entered into between the State of Florida Department of Environmental Protection (Department) and Vacation Village Condominium Association. (Respondent) to reach settlement of certain matters at issue between the Department and Respondent.

The Department finds and 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 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. 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 (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.
3. Respondent is a person within the meaning of Section 403.852(5), F.S.
4. Respondent is the owner of a Community Water System, PWS No. 3351418, located at 10301 US Highway 27 Clermont, in Lake County, Florida ("System").
5. Respondent is the owner and is responsible for the operation of the Vacation Village Wastewater Treatment Facility (WWTF), an existing 0.050 mgd three-month average

daily flow (TMADF) permitted capacity contact stabilization domestic wastewater treatment plant consisting of influent bar screening, flow equalization, aeration, secondary clarification, chlorination and aerobic digestion of biosolids. with an existing 0.040 MGD TMADF permitted capacity rapid infiltration basin system (Facility). The Facility is operated under Wastewater Permit No. FLA010576 (Permit), which was issued on September 3, 2013 and will expire on September 2, 2023. The Facility is located at 10301 US Highway 27 Clermont, in Lake County, Florida (Property). Respondent owns the Property on which the Facility is located.

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

a) Failure to comply with the locational running annual average (LRAA); 0.596205 mg/L maximum contaminant level (MCL) for total haloacetic acids (HAA5s) during the 1st Quarter (January-March) of 2023. in violation of Rule 62 550.310(3), F.A.C, which establishes the maximum contaminant level ("MCL") for the five haloacetic acids ("HAA5s") as 0.060 mg/L ("mg/L") .

b) Failure to monitor for Disinfection By-Products contaminants during the third quarter of year 2023 in violation of Rule 62-550.500 F.A.C..

c) The Updated Capacity Analysis Report due on September 3, 2018 was not submitted to the Department, in violation of Rule 62-620.320(6), Florida Administrative Code (F. A. C.). This was resolved through the submission of the permit renewal application on May 11, 2023.

d) A current inspection and testing certification was not on-site for the Reduced Pressure Zone (RPZ) Backflow Preventer on the potable water supply line, in violation of Rule 62.555.330(6) F. A. C. This was resolved in an email to the Department on March 11, 2023.

e) Holes in the Return Activated Sludge Line (RAS) were noted. As a result, the RAS line was discharging into the second aeration basin as well as out of the plant, in violation of Rule 62-620.610(7) F. A. C. This was resolved in an email to the Department on January 24, 2023.

f) Excessive corrosion was observed throughout the facility. The walls surrounding the aeration basin that previously held the RAS line were significantly corroded, in violation of Rule 62-620.610(7) F. A. C. This was resolved in an email to the Department on November 13, 2023.

g) Leaks were noted in the walls and pipes throughout the treatment plant. The line to the digester was leaking, resulting in a discharge to the ground surface, in violation of Rule 62-620.610(7) F. A. C. This was resolved in an email to the Department on November 13, 2023.

h) The percolation pond was not maintained in accordance with the permit. Excessive vegetation was noted at the time of inspection and the effluent was bypassing the pond directly to the sprayfield, in violation of Rule 62-610.523 F. A. C.

i) Multiple spray heads on the reclaimed water disposal site were inoperable at the time of inspection. The pump for the sprayfield was inoperable and the facility was using a pump inside the CCC to pump effluent. That pump is not powerful enough to send effluent to all spray heads at once and as a result there is an uneven application of effluent, in violation of Rule 62-620.610(7) F. A. C. This was resolved in an email to the Department on February 24, 2023.

j) The visual alarm on the lift station was not operational at the time of inspection, in violation of Rule 62-604.300(5)(g), F.A.C. This was resolved in an email to the Department on March 16, 2023.

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 30 days of the effective date of this order, Respondent shall submit a flushing plan for review and approval by the Department. The plan shall include the locations, volumes and frequency of the flushing. Respondent shall implement the plan upon receiving Department approval.
- b) Within 30 days of submission of four (4) consecutive, valid, quarterly DBP samples, if the locational running annual average is above 0.080mg/L and 0.060mg/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 MCL violation(s).
- c) If the Department requires additional information, modifications, or specifications to process the permit application described in subparagraph 8(b), above, the Department will issue a written request for information ("RFI") to Respondent. Respondent shall submit the requested information in writing to the Department within 90 days of receipt of the request. Respondent shall provide all information requested in any additional RFIs issued by the Department within 90 days of receipt of each request. Within 120 days of the Department's receipt of the application described in subparagraph 8(b), above, Respondent shall provide all information necessary to complete the application.
- d) Within 120 days of issuance of any required permit described in subparagraphs 8(b), 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.
- e) If the approved modifications are determined by the Department to be inadequate to resolve the MCL violation(s), the Department will notify the Respondent in writing. Within 30 days of receipt of such written notification from the Department, Respondent shall submit an alternate proposal to address the MCL violation(s). Respondent

shall provide all information requested in any RFIs issued by the Department within 90 days of receipt of each request. Within 120 days of the date the Department receives the proposal required by this subparagraph, Respondent shall provide all information necessary to complete the application for modification.

f) 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.

g) 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.

h) Respondent shall continue to calculate the operation evaluation level each quarter after TTHM and HAA5 analysis results have been received. If the operation evaluation level exceeds 0.080 mg/L and 0.060mg/L respectively, the Respondent shall complete Operation Evaluation Report(s), as required by Rule 62-550.822, F.A.C. Respondent shall submit the Operation Evaluation Report(s) to the Department no later than 90 days after being notified of the analytical result.

i) Within 90 days of the effective date of this Order, Respondent shall remove the vegetation from the percolation pond and begin use of the pond as required by the permit.

j) Every calendar quarter after the effective date of this Order and continuing until all corrective actions have been completed, Respondent shall submit to the

Department a written report containing information about the status and progress of projects being completed under this Order, information about compliance or noncompliance with the applicable requirements of this Order, including construction requirements and effluent limitations, and any reasons for noncompliance. These reports shall also include a projection of the work Respondent will perform pursuant to this Order during the 12-month period which will follow the report. Respondent shall submit the reports to the Department within 30 days of the end of each quarter.

8. Respondent's completion of all corrective actions required by paragraph 7 within the respective deadlines specified thereunder shall constitute full compliance with Rule 62-620 F.A.C. and 62-655 F.A.C.

9. Within 30 days of the effective date of this Order, Respondent shall pay the Department \$7,100.00 in settlement of the regulatory matters addressed in this Order. This amount includes \$6,750.00 for civil penalties and \$ 350.00 for costs and expenses incurred by the Department during the investigation of this matter and the preparation and tracking of this Order.

10. In lieu of making cash payment of \$7,100.00 in civil penalties as set forth in Paragraph 9, Respondent may elect to off-set the amount of \$6,750.00 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 a P2 Project, Respondent shall notify the Department of its election by certified mail within 15 days of the effective date of this Order. Within 30 days of the effective date of this Order, Respondent must pay a total of \$350.00 for costs and expenses incurred by the Department, during the investigation of this matter, and the preparation and tracking of this Order.

11. If Respondent elects to implement a P2 Project as provided in Paragraph 10, Respondent shall submit a completed P2 Project Plan (Plan) within 30 days of the effective date of this Order. The Plan must be completed using Exhibit A, "P2 Project Plan" template.

12. In the event the Department requires additional information to process the Plan described in Paragraph 11, Respondent shall provide a modified Plan containing the information requested by the Department within 15 days of the date of the request.

13. 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.

14. Respondent agrees to pay the Department stipulated penalties in the amount of \$1,000.00 per day for each and every day Respondent fails to timely comply with any of the requirements of paragraph 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, and shall do so as further described in paragraph 15, 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 10 of this Order.

15. 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.

16. Except as otherwise provided, all submittals and payments required by this Order shall be sent to Sharmila Gokool, Department of Environmental Protection, Central District, 3319 Maguire Blvd. Suite 232, Orlando, FL 32803.

17. 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.

18. 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.

19. 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.

20. 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.

21. 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.

22. 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.

23. 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 \$15,000.00 per day per violation, and criminal penalties.

24. 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.

25. 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.

26. 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.

27. 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.

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 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 3319 Maguire Boulevard Suite 232 Orlando, FL 32803. 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.

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

FOR THE RESPONDENT:

_____ 12-18-2023
Date
Paul Marconi 
Director President

DONE AND ORDERED this 20 day of December, 2023,
in Orange County, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION
 on behalf of
Aaron Watkins
District Director
Central District

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

 December 20, 2023
Clerk Date

Final Clerked Copies furnished to:

Lea Crandall, Agency Clerk
Mail Station 35

Exhibit A

P2 Project Plan (Plan)

(Note: Provide the information specified and delete existing text within parentheses)

(Facility Name)

(Address)

(Telephone)

(Preparer Name/Title)

A. **Project Description:** (Summarize P2 Projects selected. Describe the processes or operations to be modified, and the specific changes to be made. Include details such as the specific equipment to be installed, materials to be substituted, and the actual changes to be made to processes or operations. Include manufacturer or vendor information, and specifications.)

B. **Environmental and Economic Benefits:** (Explain why and how each Project proposed constitutes P2.

Specify how each material, chemical, water and energy is saved, and from which processes or operations. Specify how each solid and hazardous waste, industrial wastewater and air emissions are generated, the waste type, and from which processes or operations. **Describe generally in paragraph format.**

Estimate the *annual* savings in *resources* - raw materials, chemicals, water, and energy at the process or operation front end. Estimate the *annual* reductions in *wastes* - solid and hazardous waste, wastewater, and air emission reductions at the process or operation back end.

Figures quoted should represent weights or volumes annually, and should be equalized for production rate changes. Associated cost savings should be included. **Describe specifically using the tables provided.**

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.*)

<i>(Project Name)</i>							
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							

Total Annual Cost Savings =							
Annual Waste Generation Comparison							
Item	Quantity Generated (gal/lb/tons-specify)			Disposal Cost (\$)			Percent (%) Reduction
	Before	After	Reduction	Before	After	Reduction	
Hazardous Waste							
Industrial Wastewater							
Solid Waste							
Air Emissions							
Total Annual Cost Savings =							
Total Annual Avoided Cost Savings =							

<i>Summary of All P2 Projects</i>							
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							
Total Annual Cost Savings =							
Annual Waste Generation Comparison							
Item	Quantity Generated (gal/lb/tons-specify)			Disposal Cost (\$)			Percent (%) Reduction
	Before	After	Reduction	Before	After	Reduction	
Hazardous Waste							
Industrial Wastewater							
Solid Waste							
Air Emissions							
Total Annual Cost Savings =							
Total Annual Avoided Cost Savings =							

C. **Project Cost:** (Include per Project the itemized, subtotal and Project total costs. A projected payback period in months or years needs to be included.

Provide a grand total cost for all Projects and an averaged projected payback period, *for multiple Projects. Use list or table format for all.*)

D. **Implementation Schedule:** (Provide a brief discussion of the steps necessary to implement the Projects and expected time frames for completion. A table or list format is preferred. The schedule shall include a list of milestones with dates, or timeframes based

on Plan approval date, including Progress and Final Report submittals. Provide a description of any anticipated problems and options. *The implementation should take no longer than six months to complete.*)

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.