



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

March 3, 2022

Sent electronically to: ckammin@ufl.edu

Mr. Charles Kammin, Director of Electrical Distribution
Utilities & Energy Services
Facility Services
Post Office Box 1177777700
University of Florida
Gainesville, Florida 32611

SUBJECT: Department of Environmental Protection v. University of Florida
OGC File No. 19-1504 – First Amendment to Consent Order
Facility ID No. FLA011322
Alachua County

Dear Mr. Kammin,

Enclosed is a copy of the executed Amended Consent Order to resolve Case Number 19-1504. The effective date of this Order is March 3, 2022, 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 Jaena Bernard, at (904) 256-1553, or via email at Jaena.Bernard@FloridaDEP.gov. 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: Jaena Bernard, Matthew Kershner, Herndon Sims, DEP_NED
Elizabeth B. McAlister – izzymcal@ufl.edu



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

December 17, 2021

Sent electronically to: jmeisenhelder@ufl.edu

Ms. Jennifer Meisenhelder, Assistant Director
Facilities Operation
University of Florida
Post Office Box 1177777700
Gainesville, Florida 32611

**SUBJECT: Department of Environmental Protection v. University of Florida
OGC File No. 19-1504 – First Amendment to Consent Order
Facility ID No. FLA011322
Alachua County**

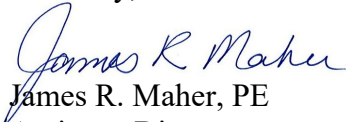
Dear Ms. Meisenhelder,

Enclosed is the First Amendment to Consent Order OGC Number 19-1504. Please review the document 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 Amendment, 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 Jaena Bernard, at (904) 256-1553, or via email at Jaena.Bernard@FloridaDEP.gov. Your continued cooperation in the matter is greatly appreciated.

Sincerely,


James R. Maher, PE
Assistant Director

cc: FDEP-NED: Jaena Bernard, Herndon Sims, Matthew Kershner, Carson Zimmer
Elizabeth B. McAlister, University of Florida – izzymcal@ufl.edu

STATE OF FLORIDA DEPARTMENT)	IN THE OFFICE OF THE
OF ENVIRONMENTAL PROTECTION)	NORTHEAST DISTRICT
)	
v.)	OGC FILE NO.: 19-1504
)	
UNIVERSITY OF FLORIDA)	
_____)	

This Amended Consent Order (“Order”) is entered into between the State of Florida Department of Environmental Protection (“Department”) and the University of Florida (“Respondent”) to reach settlement of certain matters at issue between the Department and Respondent. The Department and the Respondent originally entered into a Consent Order on April 27, 2020 (the “Original Order”). This Order shall replace the Original Order.

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 (“Fla. Stat.”), and the rules promulgated and authorized in Title 62, Florida Administrative Code (“Fla. Admin. Code”). The Department has jurisdiction over the matters addressed in this Order.

3. Respondent is the owner and operator of the University of Florida Wastewater Treatment Facility, a 3.00 million gallon per day (“MGD”) monthly average daily flow permitted capacity advanced wastewater treatment plant utilizing the Kruger Process (phased isolation oxidation ditch technology), which is then discharged to an underground injection well system (U-001) consisting of one 20-inch, Class V, Group 3 underground injection well cased to a depth of 243 feet below land surface ("Facility").

4. Respondent operates the Facility under Wastewater Permit No. FLA011322 ("Permit") issued on December 9, 2015 and will expire on December 8, 2020.
5. The Facility is located at Building No. 1070 at 1103 Gale Lemerand Drive, Gainesville, Florida, 32608, in Alachua County, Florida, further identified by Alachua County Property Appraiser Parcel ID: 15505-000-000 ("Property").
6. The State of Florida owns the Property on which the Facility is located.
7. On June 8, 2020, in accordance with the Original Order, Respondent submitted the Revised Operating Plan (Plan), which outlined specific measures the Respondent would take to meet the effluent limits addressed in the Original Order.
8. On September 1, 2020, the Department approved a proposed Penalty In-Kind project with an anticipated completion date of September 2021.
9. On August 26, 2021, Respondent requested a time extension for the completion of the Penalty In-Kind project to August 31, 2022 and submitted an updated Plan to show the revised dates of completion to implement all measures in the Plan and all other parameters as specified in the Permit.
10. The Department finds that the following violations occurred:
 - a) Exceeded permit limits of the Bis (2-ethylhexyl) Phthalate, Fecal Coliform, Total Suspended Solids, Total Dissolved Solids, Total Recoverable Iron, Total Recoverable Manganese, Total Residual Chlorine, Flow, Total Trihalomethane, pH, Total Nitrogen, Odor, 20°C BOD Carbonaceous 5-day, and Total Phosphorus as shown in Tables 1 through 9, below:

Table 1- Limit Violations for Bis (2-ethylhexyl) Phthalate

Date	Monitoring Group	Description	Result	Limit	Units	Statistical Base
06/30/18	U-001	Bis (2-ethylhexyl) phthalate	0.097	0.006	mg/L	MB - Maximum

03/31/18	U-001	Bis (2-ethylhexyl) phthalate	0.05	0.006	mg/L	MB - Maximum
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Table 2 – Limit Violations for Fecal Coliform

Date	Monitoring Group	Description	Result	Limit	Units	Statistical Base
02/28/20	U-001	Coliform, Fecal	15	4.0	#/100mL	MB - Maximum
11/30/18	U-001	Coliform, Fecal	48	4.0	#/100mL	MB - Maximum
10/31/18	U-001	Coliform, Fecal	10	4.0	#/100mL	MB - Maximum
08/31/18	U-001	Coliform, Fecal	31	4.0	#/100mL	MB - Maximum
04/30/18	U-001	Coliform, Fecal	500	4.0	#/100mL	MB - Maximum
03/31/18	U-001	Coliform, Fecal	10	4.0	#/100mL	MB - Maximum
02/28/18	U-001	Coliform, Fecal	26	4.0	#/100mL	MB - Maximum
01/31/18	U-001	Coliform, Fecal	8	4.0	#/100mL	MB - Maximum
11/30/17	U-001	Coliform, Fecal	9	4.0	#/100mL	MB - Maximum
10/31/17	U-001	Coliform, Fecal	7	4.0	#/100mL	MB - Maximum
08/31/17	U-001	Coliform, Fecal	19	4.0	#/100mL	MB - Maximum
05/31/17	U-001	Coliform, Fecal	26	4.0	#/100mL	MB - Maximum
04/30/17	U-001	Coliform, Fecal	20	4.0	#/100mL	MB - Maximum
03/31/17	U-001	Coliform, Fecal	113	4.0	#/100mL	MB - Maximum
10/31/16	U-001	Coliform, Fecal	135	4.0	#/100mL	MB - Maximum
09/30/16	U-001	Coliform, Fecal	17	4.0	#/100mL	MB - Maximum
08/31/16	U-001	Coliform, Fecal	97	4.0	#/100mL	MB - Maximum
03/31/16	U-001	Coliform, Fecal	6	4.0	#/100mL	MB - Maximum

06/30/15	U-001	Coliform, Fecal	5	4.0	#/100mL	MB - Maximum
04/30/15	U-001	Coliform, Fecal	7	4.0	#/100mL	MB - Maximum
02/28/20	R-001	Coliform, Fecal	15	25.0	#/100mL	MB - Maximum
11/30/18	R-001	Coliform, Fecal	48	25.0	#/100mL	MB - Maximum
08/31/18	R-001	Coliform, Fecal	31	25.0	#/100mL	MB - Maximum
04/30/18	R-001	Coliform, Fecal	500	25.0	#/100mL	MB - Maximum
02/28/18	R-001	Coliform, Fecal	26	25.0	#/100mL	MB - Maximum
05/31/17	R-001	Coliform, Fecal	26	25.0	#/100mL	MB - Maximum
03/31/17	R-001	Coliform, Fecal	113	25.0	#/100mL	MB - Maximum
10/31/16	R-001	Coliform, Fecal	135	25.0	#/100mL	MB - Maximum
08/31/16	R-001	Coliform, Fecal	97	25.0	#/100mL	MB - Maximum
06/30/18	MWC-1D	Coliform, Fecal	8	4.0	#/100mL	MB - Maximum
12/31/17	MWC-1D	Coliform, Fecal	200	4.0	#/100mL	MB - Maximum
04/30/18	U-001	Coliform, Fecal, % less than detection	71	75.0	percent	MP - Monthly Total
11/30/17	U-001	Coliform, Fecal, % less than detection	72	75.0	percent	MP - Monthly Total
04/30/17	U-001	Coliform, Fecal, % less than detection	69	75.0	percent	MJ - Monthly Average Minimum
12/31/16	U-001	Coliform, Fecal, % less than detection	71	75.0	percent	MJ - Monthly Average Minimum
11/30/16	U-001	Coliform, Fecal, % less than detection	61	75.0	percent	MJ - Monthly Average Minimum
10/31/16	U-001	Coliform, Fecal, % less than detection	59	75.0	percent	MJ - Monthly Average Minimum

08/31/15	U-001	Coliform, Fecal, % less than detection	65	75.0	percent	MJ - Monthly Average Minimum
06/30/15	U-001	Coliform, Fecal, % less than detection	53	75.0	percent	MJ - Monthly Average Minimum
04/30/18	R-001	Coliform, Fecal, % less than detection	71	75.0	percent	TM – Minimum Total Monthly
11/30/17	R-001	Coliform, Fecal, % less than detection	72	75.0	percent	TM – Minimum Total Monthly
04/30/17	R-001	Coliform, Fecal, % less than detection	69	75.0	percent	MJ - Monthly Average Minimum
12/31/16	R-001	Coliform, Fecal, % less than detection	71	75.0	percent	MJ - Monthly Average Minimum
11/30/16	R-001	Coliform, Fecal, % less than detection	61	75.0	percent	MJ - Monthly Average Minimum
10/31/16	R-001	Coliform, Fecal, % less than detection	59	75.0	percent	MJ - Monthly Average Minimum
08/31/15	R-001	Coliform, Fecal, % less than detection	65	75.0	percent	MJ - Monthly Average Minimum
06/30/15	R-001	Coliform, Fecal, % less than detection	53	75.0	percent	MJ - Monthly Average Minimum

Table 3 – Limit Violations for Total Solids

Date	Monitoring Group	Description	Result	Limit	Units	Statistical Base
02/28/20	U-001	Solids, Total Suspended	6.8	5.0	mg/L	MB - Maximum
1/31/20	U-001	Solids, Total Suspended	6.8	5.0	mg/L	MB - Maximum
12/31/19	U-001	Solids, Total Suspended	6.2	5.0	mg/L	MB - Maximum
11/30/19	U-001	Solids, Total Suspended	6.0	5.0	mg/L	MB - Maximum
10/31/19	U-001	Solids, Total Suspended	11	5.0	mg/L	MB - Maximum
05/31/19	U-001	Solids, Total Suspended	7	5.0	mg/L	MB - Maximum

01/31/19	U-001	Solids, Total Suspended	5.6	5.0	mg/L	MB - Maximum
10/31/18	U-001	Solids, Total Suspended	6	5.0	mg/L	MB - Maximum
01/31/18	U-001	Solids, Total Suspended	9.4	5.0	mg/L	MB - Maximum
06/30/17	U-001	Solids, Total Suspended	8.2	5.0	mg/L	MB - Maximum
03/31/17	U-001	Solids, Total Suspended	10	5.0	mg/L	MB - Maximum
02/28/17	U-001	Solids, Total Suspended	6.2	5.0	mg/L	MB - Maximum
01/31/17	U-001	Solids, Total Suspended	9.4	5.0	mg/L	MB - Maximum
12/31/16	U-001	Solids, Total Suspended	6.4	5.0	mg/L	MB - Maximum
09/30/15	U-001	Solids, Total Suspended	11	5.0	mg/L	MB - Maximum
01/31/15	U-001	Solids, Total Suspended	5.2	5.0	mg/L	MB - Maximum
02/28/20	R-001	Solids, Total Suspended	6.8	5.0	mg/L	MB - Maximum
1/31/20	R-001	Solids, Total Suspended	6.8	5.0	mg/L	MB - Maximum
12/31/19	R-001	Solids, Total Suspended	6.2	5.0	mg/L	MB - Maximum
11/30/19	R-001	Solids, Total Suspended	6.0	5.0	mg/L	MB - Maximum
10/31/19	R-001	Solids, Total Suspended	11	5.0	mg/L	MB - Maximum
05/31/19	R-001	Solids, Total Suspended	7	5.0	mg/L	MB - Maximum
01/31/19	R-001	Solids, Total Suspended	5.6	5.0	mg/L	MB - Maximum
10/31/18	R-001	Solids, Total Suspended	6	5.0	mg/L	MB - Maximum

01/31/18	R-001	Solids, Total Suspended	9.4	5.0	mg/L	MB - Maximum
06/30/17	R-001	Solids, Total Suspended	8.2	5.0	mg/L	MB - Maximum
03/31/17	R-001	Solids, Total Suspended	10	5.0	mg/L	MB - Maximum
02/28/17	R-001	Solids, Total Suspended	6.2	5.0	mg/L	MB - Maximum
01/31/17	R-001	Solids, Total Suspended	9.4	5.0	mg/L	MB - Maximum
12/31/16	R-001	Solids, Total Suspended	6.4	5.0	mg/L	MB - Maximum
09/30/15	R-001	Solids, Total Suspended	11	5.0	mg/L	MB - Maximum
01/31/15	R-001	Solids, Total Suspended	5.2	5.0	mg/L	MB - Maximum
10/31/19	R-002	Solids, Total Suspended	11	7.5	mg/L	MB- Maximum
06/30/19	U-001	Solids, Total Dissolved (TDS)	505	500.0	mg/L	AB - Annual Average
03/31/19	U-001	Solids, Total Dissolved (TDS)	506.6	500.0	mg/L	AB - Annual Average
03/31/16	U-001	Solids, Total Dissolved (TDS)	553.33	500.0	mg/L	AB - Annual Average
12/31/15	U-001	Solids, Total Dissolved (TDS)	540.28	500.0	mg/L	AB - Annual Average
09/30/15	U-001	Solids, Total Dissolved (TDS)	512.22	500.0	mg/L	AB - Annual Average
12/31/19	R-002	Solids, Total Dissolved (TDS)	1700	500.0	mg/L	AB - Annual Average
12/31/19	U-001	Solids, Total Dissolved (TDS)	1700	1000.0	mg/L	MB - Maximum

12/31/19	R-002	Solids, Total Dissolved (TDS)	1700	1000.0	mg/L	MB - Maximum
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Table 4 – Limit Violations for Total Recoverable Iron

Date	Monitoring Group	Description	Result	Limit	Units	Statistical Base
12/31/19	MWC-1D	Iron, Total Recoverable	4200	300.0	ug/L	MB – Maximum
09/30/19	MWC-1D	Iron, Total Recoverable	3700	300.0	ug/L	MB – Maximum
06/30/19	MWC-1D	Iron, Total Recoverable	1900	300.0	ug/L	MB - Maximum
03/31/19	MWC-1D	Iron, Total Recoverable	1600	300.0	ug/L	MB - Maximum
12/31/18	MWC-1D	Iron, Total Recoverable	1800	300.0	ug/L	MB - Maximum
09/30/18	MWC-1D	Iron, Total Recoverable	1400	300.0	ug/L	MB - Maximum
06/30/18	MWC-1D	Iron, Total Recoverable	2700	300.0	ug/L	MB - Maximum
03/31/18	MWC-1D	Iron, Total Recoverable	1700	300.0	ug/L	MB - Maximum
12/31/17	MWC-1D	Iron, Total Recoverable	1300	300.0	ug/L	MB - Maximum
09/30/17	MWC-1D	Iron, Total Recoverable	2100	300.0	ug/L	MB - Maximum
06/30/17	MWC-1D	Iron, Total Recoverable	1900	300.0	ug/L	MB - Maximum
03/31/17	MWC-1D	Iron, Total Recoverable	1600	300.0	ug/L	SA - Single Sample
03/31/17	MWC-1D	Iron, Total Recoverable	860	300.0	ug/L	SA - Single Sample
12/31/18	MWC-5D	Iron, Total Recoverable	520	300.0	ug/L	MB - Maximum
12/31/17	MWC-5D	Iron, Total Recoverable	380	300.0	ug/L	MB - Maximum

Table 5 – Limit Violations for Total Recoverable Manganese

Date	Monitoring Group	Description	Result	Limit	Units	Statistical Base
03/31/18	MWC-1D	Manganese, Total Recoverable	60	50.0	ug/L	MB - Maximum
09/30/17	MWC-1D	Manganese, Total Recoverable	54	50.0	ug/L	MB - Maximum

Table 6 – Limit Violations for Total Residual Chlorine

Date	Monitoring Group	Description	Result	Limit	Units	Statistical Base
11/30/15	U-001	Chlorine, Total Residual	0	1.0	mg/L	ME - Minimum
10/31/15	U-001	Chlorine, Total Residual	0	1.0	mg/L	ME - Minimum
09/30/15	U-001	Chlorine, Total Residual	0	1.0	mg/L	ME - Minimum
08/31/15	U-001	Chlorine, Total Residual	0.3	1.0	mg/L	ME - Minimum
04/30/15	U-001	Chlorine, Total Residual	0.4	1.0	mg/L	ME - Minimum
11/30/15	R-001	Chlorine, Total Residual	0	1.0	mg/L	ME - Minimum
10/31/15	R-001	Chlorine, Total Residual	0	1.0	mg/L	ME - Minimum
09/30/15	R-001	Chlorine, Total Residual	0	1.0	mg/L	ME - Minimum
08/31/15	R-001	Chlorine, Total Residual	0.3	1.0	mg/L	ME - Minimum
04/30/15	R-001	Chlorine, Total Residual	0.4	1.0	mg/L	ME - Minimum
10/31/19	R-002	Chlorine, Total Residual (Dechlor)	ANC	0.01	mg/L	MB - Maximum

Table 7 – Limit Violations for Flow

Date	Monitoring Group	Description	Result	Limit	Units	Statistical Base
12/31/15	U-001	Flow	7.2	3.0	MGD	MK - Monthly Average
08/31/15	U-001	Flow	3.4	3.0	MGD	MK - Monthly Average
02/29/16	R-001	Flow	1	0.96	MGD	AB - Annual Average

Table 8 – Limit Violations for Total Trihalomethane

Date	Monitoring Group	Description	Result	Limit	Units	Statistical Base
12/31/17	U-001	Trihalomethane, Total by summation	83.83	80.0	ug/L	AB - Annual Average
06/30/17	U-001	Trihalomethane, Total by summation	0.131	0.08	mg/L	MB - Maximum

Table 9 – Other Limit Violations

Date	Monitoring Group	Description	Result	Limit	Units	Statistical Base
04/30/15	U-001	pH	0.3	6.5	s.u.	ME - Minimum
04/30/15	R-001	pH	0.3	6.0	s.u.	ME - Minimum
10/31/19	R-002	Nitrogen, Total	8	3.0	mg/L	AB – Annual Average
10/31/19	R-002	Nitrogen, Total	8	3.0	mg/L	MK – Monthly Average

10/31/19	R-002	Nitrogen, Total	8	4.5	mg/L	WA – Weekly Average
10/31/19	R-001	Nitrogen, Total	17	10.0	mg/L	MB - Maximum
11/30/17	R-001	Nitrogen, Total	33	10.0	mg/L	MB - Maximum
10/31/19	R-002	Nitrogen, Total	8	6.0	mg/L	MB - Maximum
6/30/19	U-001	Odor (threshold no. at room temperature)	159	3.0	threshold #	AB - Annual Average
3/31/19	U-001	Odor (threshold no. at room temperature)	166	3.0	Threshold Number	AB – Annual Average
12/31/18	U-001	Odor (threshold no. at room temperature)	221	3.0	Threshold Number	AB – Annual Average
6/30/18	U-001	Odor (threshold no. at room temperature)	168.25	3.0	Threshold Number	AB – Annual Average
3/31/18	U-001	Odor (threshold no. at room temperature)	14.75	3.0	Threshold Number	AB – Annual Average
12/31/17	U-001	Odor (threshold no. at room temperature)	8.0	3.0	Threshold Number	AB – Annual Average
9/30/17	U-001	Odor (threshold no. at room temperature)	6.8	3.0	Threshold Number	AB – Annual Average
6/30/17	U-001	Odor (threshold no. at room temperature)	7.8	3.0	Threshold Number	AB – Annual Average
6/30/18	U-001	Odor (threshold no. at room temperature)	630	6.0	Threshold Number	MB - Maximum
3/31/18	U-001	Odor (threshold no. at room temperature)	31	6.0	Threshold Number	MB - Maximum

12/31/17	U-001	Odor (threshold no. at room temperature)	8.0	6.0	Threshold Number	MB - Maximum
6/30/17	U-001	Odor (threshold no. at room temperature)	16	6.0	Threshold Number	MB - Maximum
10/31/19	R-002	BOD, Carbonaceous 5 day, 20C	7.8	5.0	mg/L	AB - Annual Average
10/31/19	R-002	BOD, Carbonaceous 5 day, 20C	7.8	5.0	mg/L	MK - Monthly Average
10/31/19	R-002	BOD, Carbonaceous 5 day, 20C	7.8	5.0	mg/L	WA - Weekly Average
10/31/19	R-002	Phosphorus, Total (as P)	1.1	11	mg/L	AB - Annual Average
10/31/19	R-002	Phosphorus, Total (as P)	1.1	1.1	mg/L	MK - Monthly Average

b) On October 23, 2019, the facility discharged approximately 500,000 gallons of improperly treated wastewater to Lake Alice due to equipment malfunction. During this discharge, the facility failed to sample the wastewater for Total Residual Chlorine (For Dechlorination) as required by permit. It was confirmed with the facility that the level in the lake was 68.1 feet on October 21, 2019. No other lake level measurements were taken during or after the discharge. The permit limit for the lake level is 69.5 feet.

11. The exceedances in Tables 1-9 and the failure to sample the discharge to Lake Alice for Total Residual Chlorine (Dechlorination) are violations of Chapter 62-4.160, Fla. Admin. Code, which states that it is a violation to fail to comply with the terms, conditions, requirements, limitations, and restrictions set forth in the permit. The exceedances are also violations of Rule 62-600.410(1), Fla. Admin. Code, which states that it is a violation to fail to operate and maintain the domestic wastewater treatment plant in accordance with the applicable provisions of this chapter and to attain, at a minimum, the reclaimed water or effluent quality required by the operational criteria specified in this Chapter.

ORDERED:

12. This Order hereby amends and replaces the Original Order, CO No. 19-1504, executed on April 27, 2020.

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

a) **Every calendar quarter after the effective date of this Order**, until completion of all corrective actions, the Respondent shall submit in writing to the Department a report containing information concerning the status and progress of projects being completed under this Order, information as to compliance or noncompliance with the applicable requirements of this Order including construction requirements and effluent limitations, and any reasons for noncompliance. These reports shall include a projection of the work to be performed pursuant to this Order during the following period which will follow the report.

14. Notwithstanding the time periods described in the paragraphs above, Respondent shall complete all corrective actions required by paragraph 13 **by August 31, 2022** with Chapter 62-600, Fla. Admin. Code, 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 20, below.

15. **Within thirty (30) days of the effective date of this Order**, Respondent shall pay the Department **\$10,500.00** in settlement of the regulatory matters addressed in this Order. This amount includes \$10,000.00 for civil penalties for violations of Rules 62-600.410(1) and 62-4.160 Fla. Admin. Code, and Section 403.121(3)(b), and 403.121(4)(d) Fla. Stat.; and \$500.00 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 assessed as follows; \$5,000 for Iron and Magnesium exceedances in GW wells; \$2,000 for Fecal, TSS, TDS, Flow, TRC, Odor and pH exceedances, \$2,000 for TTHM, TN and Bis (2-ethylhexyl) phthalate exceedances, \$2,000 for failure to conduct required testing of discharge to Lake Alice. The civil penalty was capped at \$10,000.00.

16. In lieu of making cash payment of \$10,000.00 in civil penalties as set forth in paragraph 13 above, Respondent has elected to off-set this amount by implementing an In-Kind Penalty Project, which was approved by the Department. An In-Kind Project must be either an environmental enhancement, environmental restoration or a capital/facility improvement project. The Department may also consider the donation of environmentally sensitive land as an In-Kind Project. The value of the In-Kind Penalty Project shall be one and a half times the civil penalty off-set amount, which in this case is the equivalent of at least \$15,000.00. If Respondent chooses to implement an In-Kind Project, Respondent shall notify the Department of its election by certified mail within fifteen (15) days of the effective date of this Consent Order. Notwithstanding the election to implement an In-Kind Project, payment of the remaining \$500.00 in costs must be paid within thirty (30) days of the effective date of the Consent Order.

a. If Respondent elects to implement an In-Kind Project, then Respondent shall comply with all of the requirements and time frames in Exhibit A, entitled In-Kind Projects.

b. Notwithstanding the time periods described in the paragraphs above, Respondent shall complete the In-Kind Project as described by paragraph 16 **by August 31, 2022** , 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 22, below.

17. 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 10 through 11 of this Order. The Department may demand stipulated penalties at any time after violations occur. Respondent shall pay stipulated penalties owed within thirty (30) days of the Department's issuance of written demand for payment and shall do so as further described in paragraph 16, 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 13 of this Order.

18. 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 and effective filed with the Clerk of the Department before ability to make online payment is available.

19. Except as otherwise provided, all submittals and payments required by this Order shall be sent to Department of Environmental Protection, 8800 Baymeadows Way West, Suite 100, Jacksonville, Florida, 32256.

20. 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.

21. 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 thirty (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.

22. 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 (7) 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.

23. 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.

24. 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.

25. 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.

26. 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.

27. Respondent acknowledges and waives its right to an administrative hearing pursuant to sections 120.569 and 120.57, Fla. Stat., 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, Fla. Stat.

28. 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.

29. 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, Fla. Stat. Failure to comply with the terms of this Order constitutes a violation of section 403.161(1)(b), Fla. Stat.

30. This Consent Order is a final order of the Department pursuant to section 120.52(7), Fla. Stat., 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, Fla. Stat. Upon the timely filing of a petition, this Consent Order will not be effective until further order of the Department.

31. Rules referenced in this Order are available at:

<https://softlive.dep.state.fl.us/ogc/ogc/content/rules> .

FOR THE RESPONDENT:

Jennifer Meisenhelder
Assistant Director of Facilities Operations
University of Florida

Date

Order will be effective until reduced to writing, executed by both Respondent and the Department, and filed with the clerk of the Department.

29. 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, Fla. Stat. Failure to comply with the terms of this Order constitutes a violation of section 403.161(1)(b), Fla. Stat.

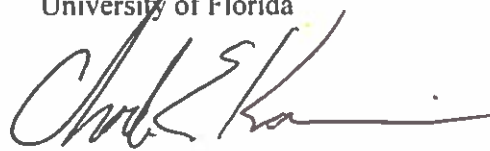
30. This Consent Order is a final order of the Department pursuant to section 120.52(7), Fla. Stat., and it is final and effective on the date filed with the Clerk of the Department unless a Petition for Administrative Hearing is filed in accordance with Chapter 120, Fla. Stat. Upon the timely filing of a petition, this Consent Order will not be effective until further order of the Department.

31. Rules referenced in this Order are available at:
<https://softlive.dep.state.fl.us/ogc/ogc/content/rules> .

FOR THE RESPONDENT:

Jennifer Meisenholder
Assistant Director of Facilities Operations
University of Florida

Date



2/22/22

CHARLES E KAMMIN
Director Utility Distribution

DONE AND ORDERED this 3rd day of March 2022, in Duval, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



Gregory J. Strong
District Director
Northeast District

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



Clerk

March 3, 2022

Date

Copies furnished to:

FDEP-OGC: Lea Crandall, Agency Clerk, Mail Station 35 (executed copy only)

FDEP-Tallahassee: Mike Tanski, Adrienne Pennington (executed copy only)

FDEP-NED: Arlene Wilkinson

Exhibit A

In-Kind Projects

I. Introduction

An In-Kind Project

a. Within sixty (60) days of the effective date of this Consent Order, Respondent shall submit, by certified mail, a detailed In-Kind Project proposal to the Department for evaluation. The proposal shall include a summary of benefits, proposed schedule for implementation and documentation of the estimated costs which are expected to be incurred to complete the project. These costs shall not include those incurred in developing the proposal or obtaining approval from the Department for the In-Kind Project.

b. If the Department requests additional information or clarification due to a partially incomplete In-Kind Project proposal or requests modifications due to deficiencies with Department guidelines, Respondent shall submit, by certified mail, all requested additional information, clarification, and modifications within fifteen (15) days of receipts of written notice.

c. If upon review of the In-Kind Project proposal, the Department determines that the project cannot be accepted due to a substantially incomplete proposal or due to substantial deficiencies with minimum Department guidelines; Respondent shall be notified, in writing, of the reason(s) which prevent the acceptance of the proposal. Respondent shall correct and redress all of the matters at issue and submit, by certified mail, a new proposal within thirty (30) days of receipt of written notice. In the event that the revised proposal is not approved by the Department, Respondent shall make cash payment of the civil penalties as set forth above, within thirty (30) days of Department notice.

d. Within 120 days of the effective date of this Consent Order, Respondent shall obtain approval for an In-Kind Project from the Department. If an In-Kind Project proposal is not approved by the Department within 120 days of the effective date of this Consent Order, then Respondent shall make cash payment of the civil penalties as set forth above, within thirty (30) days of Department notice.

e. Within 180 days of obtaining Department approval for the In-Kind proposal or in accordance with the approved schedule submitted pursuant to paragraph (a) above, Respondent shall complete the entire In-Kind Project.

f. During the implementation of the In-Kind Project, Respondent shall place appropriate sign(s) at the project site indicating that Respondent's involvement with the project is the result of a Department enforcement action. Respondent may remove the sign(s) after the project has been completed. However, after the project has been completed Respondent shall not post any sign(s) at the site indicating that the reason for the project was anything other than a Department enforcement action.

g. In the event, Respondent fails to timely submit any requested information to the Department, fails to complete implementation of the In-Kind Project or otherwise fails to comply with any provision of this paragraph, the In-Kind Penalty Project option shall be forfeited, and the entire amount of civil penalties shall be due from the Respondent to the Department within thirty (30) days of Department notice. If the In-Kind Penalty Project is terminated and Respondent timely remits the \$11,000.00 penalty, no additional penalties shall be assessed under paragraph 15 for failure to complete the requirement of this paragraph.

h. Within fifteen (15) days of completing the In-Kind Project, Respondent shall notify the Department, by certified mail, of the project completion and request a verification letter from the Department. Respondent shall submit supporting information verifying that the project was completed in accordance with the approved proposal and documentation showing the actual costs incurred to

complete the project. These costs shall not include those incurred in developing the proposal or obtaining approval from the Department for the project.

i. If upon review of the notification of completion, the Department determines that the project cannot be accepted due to a substantially incomplete notification of completion or due to substantial deviations from the approved In-Kind Project; Respondent shall be notified, in writing, of the reason(s) which prevent the acceptance of the project. Respondent shall correct and redress all of the matters at issue and submit, by certified mail, a new notification of completion within fifteen (15) days of receipt of the Department's notice. If upon review of the new submittal, the Department determines that the In-Kind Project is still incomplete or not in accordance with the approved proposal, the In-Kind Penalty Project option shall be forfeited, and the entire amount of civil penalty shall be due from the Respondent to the Department within thirty (30) days of Department notice. If the In-Kind Penalty Project is terminated and Respondent timely remits the \$11,000.00, no additional penalties shall be assessed under paragraph 15 for failure to complete the requirements of this paragraph.