



# FLORIDA DEPARTMENT OF Environmental Protection

**Ron DeSantis**  
Governor

**Jeanette Nuñez**  
Lt. Governor

**Shawn Hamilton**  
Secretary

Northwest District  
160 W. Government Street, Suite 308  
Pensacola, FL 32502

September 15, 2023

Jeffrey Hondorp, General Manager  
401 Champion Dr  
McDavid, FL 32568  
[jeffrey.hondorp@westfraser.com](mailto:jeffrey.hondorp@westfraser.com)

Subject: Executed Consent Order, DEP vs West Fraser McDavid Sawmill;  
FLA280330; OGC File No. 23-0736; Escambia County

Dear Mr. Hondorp:

Enclosed is the Consent Order (OGC File No. 23-0736) West Fraser McDavid Sawmill processing plant executed on 8/31/2023, (FLA280330), located in Escambia County.

We wanted to clarify that the In-Kind Proposal Certification Form and Annual Certification Form (Exhibit A, Paragraph I.a.), are not required for this site. All Consent Order time requirements begin the date that it is was clerked in our Department unless otherwise noted.

Your cooperation in resolving this matter is greatly appreciated. If you have any questions, please contact Deneale Miller at (850) 595-0677 or by email at [Deneale.M.Miller@FloridaDEP.gov](mailto:Deneale.M.Miller@FloridaDEP.gov).

Sincerely,

A handwritten signature in blue ink that reads "Elizabeth Mullins Orr".

Elizabeth Mullins Orr  
Director  
Northwest District

EMO/dmm

Enclosed: Executed Consent Order

c: Mark McLaughlin, [Mark.McLaughlin@westfraser.com](mailto:Mark.McLaughlin@westfraser.com)  
Russell Schwartz, [Russell.Schwartz@westfraser.com](mailto:Russell.Schwartz@westfraser.com)  
Dale Mims, [dale.mims@westfraser.com](mailto:dale.mims@westfraser.com)  
Tony Holley, [tholley@jsna.com](mailto:tholley@jsna.com)  
Scott Sigler, [ssigler@jsna.com](mailto:ssigler@jsna.com)

BEFORE THE STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

STATE OF FLORIDA DEPARTMENT )	)	IN THE OFFICE OF THE
OF ENVIRONMENTAL PROTECTION )	)	NORTHWEST DISTRICT
	)	
v. )	)	OGC FILE NO. 23-0736
	)	
WEST FRASER INC. )	)	
_____ )	)	

**CONSENT ORDER**

This Consent Order (“Order”) is entered into between the State of Florida Department of Environmental Protection (“Department”) and West Fraser Inc. (“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 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.
2. Respondent is a person within the meaning of Section 403.031(5), F.S.
3. Respondent is the owner and is responsible for the operation of West Fraser McDavid Sawmill, a plant which processes raw timber into various sizes and grades of finished lumber. Boiler blowdown is pumped to the final kiln condensate basin where it is mixed with the kiln condensate from the three kilns. This combined flow is filtered through a 10- to 50-micron canister filter. Direct stormwater and stormwater runoff enter the troughs and pits and ultimately mix with the wastewater. Wastewater is pumped via a 3-inch PVC pipe to a three-acre spray irrigation field for land application (“Facility”). The Facility is located at 401 Champion Drive, McDavid, FL 32568-2676, in Escambia County, Florida (“Property”). Respondent owns the Property on which the Facility is located.

4. Respondent operates the Facility under Department Wastewater Permit No. FLA280330-006-IW8C/17 (Permit) accompanied by Administrative Order 108NW (AO-108NW) which was entered into by Department and Respondent on June 30, 2017. On January 3, 2022, Respondent timely applied to the Department for a renewal of the Permit (Renewal) and as such, pursuant to Section 120.60(4) F.S., the Permit has been administratively continued pending Department final agency action on the Renewal.

5. The Department finds that the following violations occurred:

- a) Upon the expiration of permit FLA280330-006-IW8C/17 and AO-108NW on June 29, 2022, the facility failed to meet the new groundwater quality standards for Aluminum (0.2 mg/L) in violation of Section 403.161(1)(b), F.S., Rule 62-520.420, F.A.C., and AO-108NW Condition III.2.

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

**ORDERED:**

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

- a. Respondent shall adhere to the Plan of Study provided to the Department on February 21, 2023, as transcribed below, to correct groundwater noncompliance with Department rules and AO-108NW.

Corrective Actions		Scheduled Completion Date
i.	Comparison with Dissolved Oxygen (DO) and Oxidation Reduction Potential (ORP)	60 days after the effective date of this Order
ii.	Elutriate test using native soils from MW-5R and MW-6R areas combined with effluent	60 days after the effective

	date of this Order
iii. Investigate site-specific Solubility curves/phase diagrams for Kaolinite, which is the predominant clay mineral type in the area	90 days after the effective date of this Order
iv. Provide details on the boiler removal project including a timeline for project milestones	90 days after the effective date of this Order

b. Within 120 days of completion of the Plan of Study, Respondent shall provide the Department with a corrective action plan ("Corrective Action Plan") that is based on the findings of the Plan of Study required by paragraph 6.a. above.

The Corrective Action Plan shall:

- i. Summarize the results of the Plan of Study.
  - ii. Identify cause or causes of violations identified in paragraph 5.b. above.
  - iii. Describe corrective actions Respondent plans to undertake to achieve compliance with new groundwater limits for Aluminum.
  - iv. Provide a schedule for completion of corrective actions established in paragraph 6.b.iii. above.
- c. The Department will review the Corrective Action Plan to determine whether Respondent has satisfactorily completed the Plan of Study and has identified appropriate corrective actions for achieving compliance with Aluminum groundwater limitations. The Department will notify Respondent in writing of any deficiencies in the submitted Corrective Action Plan. Respondent

shall respond to written requests for additional information within 30 days of receipt of the request.

d. Within two years of submitting a satisfactory Corrective Action Plan, Respondent shall complete the corrective actions approved by the Department in the specified timeframes. Respondent shall submit notification to the Department of Corrective Action Plan completion within 30 days of completing the plan.

7. Respondent shall demonstrate compliance with the new ground water limit for aluminum (0.2 mg/L) no later than April 30, 2026, unless the representative natural background quality is determined to be the prevailing standard. Such a determination must be made or approved by the Department in writing.

8. Respondent shall comply with the following groundwater limitations and other requirements set forth in the Facility's Permit until such time as the industrial wastewater treatment facility can demonstrate compliance with the new limit as specified in paragraph 7 above:

Groundwater Monitoring and Reporting Requirements for G-001

<u>Parameter</u>	<u>Permit Limit</u> (mg/L)	<u>Frequency of</u> <u>Analysis</u>	<u>Sample Type</u>	<u>Sample</u> <u>Location</u>
Aluminum, Total Recoverable	Report	Quarterly	Grab	MWC-5R MWC-6R

a. Analyses shall be reported monthly on a Discharge Monitoring Report ("DMR"), DEP Form No. 62-620.910(10). Respondent shall submit the DMRs to the Department no later than the 28th day following the end of the reporting period (e.g., an August report would be due no later than September 28th).

9. Every calendar quarter after the effective date of this Consent Order, and continuing until all corrective actions have been completed, 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 also include a projection of the work to be performed 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.

10. Respondent's completion of all corrective actions required by paragraphs 6-10, 28, and Exhibit A within the respective deadlines specified thereunder shall constitute full compliance with the Permit and Rule 62-520.420, F.A.C.

11. Within 30 days of the effective date of this Order, Respondent shall pay the Department \$7,000.00 in settlement of the regulatory matters addressed in this Order. This amount includes \$6,500.00 for civil penalties 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 apportioned as follows: \$2,000.00 for violation of Rule 62-520.420, F.A.C.; \$4,500.00 for violation of Rule 62-620.300, F.A.C.

12. In lieu of making cash payment of \$6,500.00 in civil penalties as set forth in paragraph 11 above, Respondent may elect to off-set this amount by implementing an in-kind penalty project, which must be approved by the Department. An in-kind project must be either an environmental enhancement, environmental restoration or a capital/facility improvement project and may not be a corrective action requirement of the Order or otherwise required by law. 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 \$9,750.00. If Respondent chooses to implement an in-kind project, Respondent shall notify the Department of its election by certified mail within 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 30 days of the effective date of the Consent Order.

13. If Respondent elects to implement an in-kind project as provided in paragraph 12, then Respondent shall comply with all the requirements and time frames in Exhibit A entitled In-Kind Projects.

14. Respondent agrees to pay the Department stipulated penalties in the amount of \$100 per day for each and every day Respondent fails to timely comply with any of the requirements of paragraph(s) 6-10, 28, and Exhibit A 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 11 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 becomes 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 Assistant District Director, Department of Environmental Protection, Northwest District Office, 160 West Government Street, Pensacola, FL 32502.

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.

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

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION  
NOTICE OF CONSENT ORDER

The Department of Environmental Protection (“Department”) gives notice of agency action of entering into a Consent Order with WEST FRASER INC. pursuant to section 120.57(4), Florida Statutes. The Consent Order addresses the wastewater issues at 401 Champion Drive, McDavid, FL 32568-2676. The 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, Northwest District Office, 160 West Government Street, Pensacola, FL 32502.

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](mailto:Agency_Clerk@floridadep.gov), within 21 days of receipt of this notice. A copy of the petition must also be mailed at the time of filing to the District Office at Northwest District Office, 160 West Government Street, Pensacola, FL 32502. Failure to file a petition within the 21-day period constitutes a person's waiver of the right to request an administrative hearing and to participate as a party to this proceeding under sections 120.569 and 120.57, Florida Statutes. Before the deadline for filing a petition, a person whose substantial interests are affected by this Consent Order may choose to pursue mediation as an alternative remedy under section 120.573, Florida Statutes. Choosing mediation will not adversely affect such person's right to request an administrative hearing if mediation does not result in a settlement. Additional information about mediation is provided in section 120.573, Florida Statutes and Rule 62-110.106(12), Florida Administrative Code.

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

FOR THE RESPONDENT:

  
\_\_\_\_\_  
Jeffrey Hondorp  
McDavid General Manager

9-13-2023  
Date

DONE AND ORDERED this <sup>15th (pw)</sup> ~~13<sup>th</sup>~~ day of September, 2023, in Escambia County,  
Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION



\_\_\_\_\_  
Elizabeth Mullins Orr  
Director  
Northwest District

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



September 15, 2023

\_\_\_\_\_  
Clerk

\_\_\_\_\_  
Date

Copies furnished to:

Lea Crandall, Agency Clerk  
Mail Station 35

Exhibit A

**In-Kind Projects**

I. **Introduction**

**Proposal**

a. Within 60 days of the effective date of this Consent Order, or, of the Department's notification that applying stipulated penalties to an in-kind project is acceptable, 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.

**Proposal Certification Form**

b. The proposal shall also include a Certification by notarized affidavit from a senior management official for \_\_\_\_\_ (insert name of Respondent) who shall testify as follows:

My name is \_\_\_\_\_ (print or type name of senior management official) and do hereby testify under penalty of law that:

A. I am a person with management responsibilities for \_\_\_\_\_ (print or type name of Respondent) budget and finances. During the eighteen month period prior to the effective date of Consent Order OGC Case No.: \_\_\_\_\_ there has not been any transfer or use of funds obtained by the \_\_\_\_\_ (print or type name of Respondent) from the collection of sewer rates for any purpose not related to the management, operation, or maintenance of the Sewer System or to any capital improvement needs of the Sewer System.

B. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowingly submitting false information in this certification.

Sworn to and subscribed before me, by means of  physical presence or  online notarization, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_ by

---

Personally, known or by Production of the following Identification \_\_\_\_\_

Notary Public, State of Florida

Printed/typed or stamped name:

My Commission Expires: \_\_\_\_\_

Commission/Serial No.: \_\_\_\_\_

### **Annual Certification Form**

My name is \_\_\_\_\_ (print or type name of senior management official) and do hereby testify under penalty of law that:

A. I am a person with management responsibilities for \_\_\_\_\_ (print or type name of Respondent) budget and finances. During the twelve month period immediately preceding the notary date on this Certification, there has not been any transfer or use of funds obtained by the \_\_\_\_\_ (print or type name of Respondent) from the collection of sewer rates for any purpose not related to the management, operation, or maintenance of the Sewer System or to any capital improvement needs of the Sewer System.

B. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowingly submitting false information in this certification.

Sworn to and subscribed before me, by means of  physical presence or  online notarization, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_ by

---

Personally, known or by Production of the following Identification \_\_\_\_\_

Notary Public, State of Florida

Printed/typed or stamped name:

My Commission Expires: \_\_\_\_\_

Commission/Serial No.: \_\_\_\_\_

c. 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 15 days of receipt of written notice.

d. 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 the matters at issue and submit, by certified mail, a new proposal within 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 in paragraph 11 above, within 30 days of Department notice.

e. Within 120 days of the effective date of this Consent Order, or, of the Department's notification that applying stipulated penalties to an in-kind project is acceptable 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, or, of the Department's notification that applying stipulated penalties to an in-kind project is acceptable then Respondent shall make cash payment of the civil penalties as set forth in paragraph 11 above, within 30 days of Department notice.

f. Within 180 days of obtaining Department approval for the in-kind proposal or in accordance with the approved schedule submitted pursuant to paragraph I.a. above, Respondent shall complete the entire in-kind project.

g. 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.

h. 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 30 days of Department notice. If the in-kind penalty project is terminated and Respondent timely remits the \$6,500.00 penalty, no additional penalties shall be assessed under paragraph 11 for failure to complete the requirement of this paragraph.

i. Within 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.



j. 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 the matters at issue and submit, by certified mail, a new notification of completion within 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 30 days of Department notice. If the in-kind penalty project is terminated and Respondent timely remits the \$6,500.00, no additional penalties shall be assessed under paragraph 11 for failure to complete the requirements of this paragraph.