



# FLORIDA DEPARTMENT OF Environmental Protection

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

**Ron DeSantis**  
Governor

**Jeanette Nuñez**  
Lt. Governor

**Shawn Hamilton**  
Secretary

April 12, 2024

Stewart J. Clark, Permittee  
SeaWorld Parks & Entertainment Busch Gardens Tampa  
3605 E Bougainvillea Avenue  
Tampa, FL 33612  
[Stewart.Clark@buschgardens.com](mailto:Stewart.Clark@buschgardens.com)

Re: Executed Consent Order OGC File No. 24-0209  
SeaWorld Parks & Entertainment, LLC - Busch Gardens Tampa  
Facility ID No. FL0185833  
Hillsborough County

Dear Mr. Clark:

Enclosed please find the executed Consent Order OGC No. 24-0209 regarding the above referenced facility. The effective date of the Consent Order is the filing date entered by the designated Department Clerk on the signature page.

For inquiries, you may contact Coral A. Evans at (813) 470-5912, or via e-mail at [Coral.A.Evans@FloridaDEP.gov](mailto:Coral.A.Evans@FloridaDEP.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read "Coral A. Evans", is written over a blue line.

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

ec: Coral A. Evans, SWD-DEP; [Coral.A.Evans@FloridaDEP.gov](mailto:Coral.A.Evans@FloridaDEP.gov)  
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[www.dep.state.fl.us](http://www.dep.state.fl.us)

SeaWorld Parks & Entertainment, LLC - Busch Gardens Tampa

Facility ID: FL0185833

Executed Consent Order OGC File No. 24-0209

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Lexxie Brown, Busch Gardens; [Lexxie.Brown@buschgardens.com](mailto:Lexxie.Brown@buschgardens.com)

Mike Penzato, Busch Gardens; [Mike.Penzato@buschgardens.com](mailto:Mike.Penzato@buschgardens.com)

Craig M. La Belle, Busch Gardens; [Craig.LaBelle@buschgardens.com](mailto:Craig.LaBelle@buschgardens.com)

Lea Crandall, DEP; [Lea.Crandall@FloridaDEP.gov](mailto:Lea.Crandall@FloridaDEP.gov)

Water Compliance Assurance Program, DEP; [WCAPHQ@FloridaDEP.gov](mailto:WCAPHQ@FloridaDEP.gov)

Enclosures: Executed Consent Order  
Exhibit A – In Kind Project Documentation

BEFORE THE STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

STATE OF FLORIDA DEPARTMENT	)	IN THE OFFICE OF THE
OF ENVIRONMENTAL PROTECTION	)	SOUTHWEST DISTRICT
	)	
v.	)	OGC FILE NO. 24-0209
	)	
SEAWORLD PARKS & ENTERTAINMENT, LLC)	)	
_____	)	

**CONSENT ORDER**

This Consent Order ("Order") is entered into between the State of Florida Department of Environmental Protection ("Department") and SEAWORLD PARKS & ENTERTAINMENT, LLC ("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 Busch Gardens - Tampa, a theme park providing zoological displays, rides, and shows for entertainment ("Facility"). The Facility is located at 3605 East Bougainvillea Avenue Tampa, FL 33612, in Hillsborough County, Florida ("Property"). Respondent owns the Property on which the Facility is located.
4. Industrial wastewater is generated from operations of the park including, but not limited to, the following: filter backwash, draining of animal holding pools, overflow from animal displays, park wash down (animal displays, sidewalks, structures, etc.), oil/water separator discharge, pool splash-out, and drainage/dewatering system. The park's wastewater

is routed to a series of three ponds called Topi Ponds (Topi No. 1, Topi No. 2, and Topi No. 3), each of which provides a specific wastewater treatment function. The biological wastewater loads are reduced at Topi No. 1 through aeration. Nutrients are removed in Topi No. 2 via hyacinths. Topi No. 3 acts as a clarification pond. Wastewater from Topi No. 3 is pumped through a UV disinfection system to reduce coliform loads and routed to the Topi No. 3 weir. The treated wastewater is permitted to discharge via Outfall D-002 to an existing stormwater ditch system (Class III Fresh waters) and then flows to the Hillsborough Reservoir (Class I Lake Fresh waters), WBID#1443H. Respondent operates the Facility under Department's Wastewater Permit No. FL0185833 which was effective on March 28, 2022, and will expire on March 27, 2027.

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

a) On November 18, 2023, Respondent reported to the State Watch Office an unauthorized discharge of approximately 2.5 million gallons of industrial wastewater from Topi No. 3 into the ground due to a sinkhole inside Topi No. 3. This is in violation of Rule 62-620.300(5), F.A.C., which prohibits a permitted wastewater facility or activity to be operated, maintained, constructed, expanded, or modified in a manner that is inconsistent with the terms of the permit and 403.161(1)(a), F.S., which prohibits any person from causing pollution, except as otherwise provided in this chapter, so as to harm or injure human health or welfare, animal, plant, or aquatic life or property. Additionally, this is in violation of Rule 62-620.610(1) F.A.C., which states, in part, the terms, conditions, requirements, limitations and restrictions set forth in this permit are binding and enforceable pursuant to Chapter 403, F.S. Any permit noncompliance constitutes a violation of Chapter 403, Fla. Stat., and is grounds for enforcement action, permit termination, permit revocation and reissuance, or permit revision.

b) In addition, the following Best Management Practices/pollution control device issues were noted:

i) Wastewater from the Topi No. 2 weir system was observed discharging to Topi No. 3 to the sinkhole and ultimately the Floridan aquifer. This was noted during each of the Department's site visits conducted on November 20, December 1, December 8, December 12, and December 18, 2023.

- ii) Topi No. 2 experienced lateral seepage to Topi No. 3, which ultimately discharged to the sinkhole. This was observed during the Department's site visits conducted on November 20, December 1, December 8, December 12, December 18, 2023, January 10, and January 30, 2024.
- iii) After implementation of the alternative discharge method, leaks in the hosing were observed during the site visits conducted on December 12, December 18, 2023, and January 10, 2024.

These pollution control issues are in violation of Rule 62-620.100(3)(m), F.A.C., which contain guidelines for requiring best management practices (BMPs) for facilities and activities regulated under Section 403.0885, F.S. Additionally, these are in violation of Permit Condition Part IX.7, which states, in part, that the permittee shall at all times properly operate and maintain the facility and systems of treatment and control, and related appurtenances, that are installed and used by the permittee to achieve compliance with the conditions of this permit. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to maintain or achieve compliance with the conditions of the permit.

c) On December 8, 2023, the Department approved the alternative discharge proposed by the facility that included bypassing Topi No. 3 and sending effluent from Topi No. 2 through the UV disinfection system to Outfall D-002. The Department notified the facility on December 8, 2023, that effective immediately, the facility shall start sampling for field parameters at the time of offsite alternative discharge. The facility started the alternative discharge on December 8, 2023, but failed to take field parameter readings from December 9 to December 11, 2023. This is a violation of Rule 62-4.246(1) F.A.C., which states, in part, that the Department shall require monitoring and sampling for pollutants reasonably expected to be contained in the discharge and to violate the water quality criteria in Chapter 62-302, F.A.C.

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) Within 30 days of the Effective Date of this Order, the Respondent shall propose a detailed Corrective Action Plan ("CAP") containing a schedule for corrective action(s) to address all violations noted in paragraph 5 above. The CAP shall also include details and due dates for the following corrective actions: immediate sinkhole repairs in Topi No. 3, a detailed geophysical evaluation of Topi No. 3 to determine the cause of the sinkhole and determining a possible wastewater treatment alternative for Topi No. 3.

b) If the Department requires additional information during the review of the CAP, the Department will notify the Respondent in writing by issuing a Request for Additional Information ("RAI"). The Respondent shall submit the information identified in the RAI within 30 days of receipt of such an RAI.

c) Upon receipt of the Department's approval of the CAP, Respondent shall implement the CAP by conducting the work specified therein. All work shall be completed within the timeframes contained in the approved CAP or by December 31, 2025, whichever is sooner.

d) If any construction or modification of the Facility is needed per the Department approved CAP, the Respondent shall contact the Department's wastewater permitting section and submit a complete application for the wastewater permit modification by December 31, 2024.

7. Within 60 days after completion of the construction, Respondent shall submit to the Department a Certification of Completion, prepared and sealed by a professional engineer registered in the State of Florida, stating that modifications to the Facility, effluent disposal system have been constructed in accordance with the provisions of the Permit, or, if no Permit is required, the design modification(s) submitted pursuant to paragraph 6(d).

8. The facility shall take biweekly readings for field parameters and sample biweekly for other parameters identified in the permit until all corrective actions identified in paragraphs 6 and 7 of this Order have been completed. Once all corrective actions have been completed and

the facility can demonstrate meeting all permit conditions, including at least three consecutive months of passing effluent results, the facility can request to resume monitoring and sampling frequency as identified in their effective industrial wastewater permit at that time.

9. Every 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 on 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 6-9 within the respective deadlines specified thereunder shall constitute full compliance with Rules 403.161(1)(a) F.S., 62-620.300(5), 62-620.610(1), 62-620.100(3)(m), and 62-4.246(1) F.A.C.

11. Within 30 days of the Effective Date of this Order, Respondent shall pay the Department \$65,420.20 in settlement of the regulatory matters addressed in this Order. This amount includes \$64,000.00 for civil penalties, \$420.20 for economic benefit and \$1,000.00 for costs and expenses incurred by the Department during the investigation of this matter and the preparation and tracking of this Order. The civil penalty in this case includes 5 violations that warrant a penalty of \$3,000.00 or more.

12. Respondent agrees to pay the Department stipulated penalties in the amount of \$1000.00 per day for each and every day Respondent fails to timely comply with any of the requirements of paragraph(s) 6-9 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 13, 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.

13. In lieu of making cash payment of \$64,420.20 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 \$96,630.30. 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 \$1,000.00 in costs must be paid within 30 days of the effective date of the Consent Order.**

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

14. 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.

15. Except as otherwise provided, all submittals and payments required by this Order shall be sent to Industrial Wastewater Section, Compliance Assurance Program, Department of Environmental Protection, 13051 North Telecom Parkway, Suite 101, Temple Terrace, Florida 33637-0926.

16. 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.

17. 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.

18. 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.

19. 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.

20. 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.

21. 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.

22. 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.

23. 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.

24. 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.

25. 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.

26. 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.

27. Respondent shall publish the following notice in a newspaper of daily circulation in Hillsborough County, Florida. The notice shall be published one time only within 10 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 SEAWORLD PARKS & ENTERTAINMENT, LLC pursuant to section 120.57(4), Florida Statutes. The Consent Order addresses the unauthorized discharge to the sinkhole, observed Best Management Practices/pollution control device deficiencies and failure to implement daily field parameter readings when requested by the Department at 3605 East Bougainvillea Avenue, Tampa, in Hillsborough County, Florida. 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, Southwest District, 13051 North Telecom Parkway, Suite 101, Temple Terrace, Florida 33637-0926.

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:

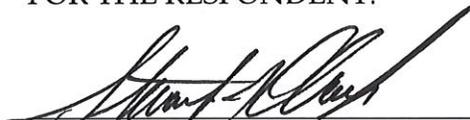
- a) The name and address of each agency affected and each agency's file or identification number, if known;
- b) The name, address, any e-mail address, any facsimile number, and telephone number of the petitioner, if the petitioner is not represented by an attorney or a qualified representative; the 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 Southwest District, 13051 North Telecom Parkway, Suite 101, Temple Terrace, Florida 33637-0926. Failure to file a petition within the 21-day period constitutes a person's waiver of the right to request an

administrative hearing and to participate as a party to this proceeding under sections 120.569 and 120.57, Florida Statutes. Before the deadline for filing a petition, a person whose substantial interests are affected by this 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:

  
\_\_\_\_\_  
Stewart Clark  
Park President, SeaWorld Parks & Entertainment, LLC

04/09/24  
Date

-----FOR DEPARTMENT USE ONLY-----

DONE AND ORDERED this 12 day of April, 2024, in  
Hillsborough County, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

Pamala Vazquez  
for Ms. Kelley M. Boatwright  
District Director  
Southwest District

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

Jessica Mahoney  
Clerk

4/12/2024  
Date

Final Furnished 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, electronically or 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.

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, electronically or by certified mail, all requested additional information, clarification, and modifications within 15 days of receipts 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, electronically or 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 the Consent Order, 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 the Consent Order, 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 2(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 civil penalty, no additional penalties shall be assessed for failure to complete the requirement of this paragraph.

i. Within 15 days of completing the in-kind project, Respondent shall notify the Department, electronically or 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, electronically or 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 civil penalty no additional penalties shall be assessed for failure to complete the requirements of this paragraph.