



FLORIDA DEPARTMENT OF Environmental Protection

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

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

May 24, 2024

Seán Twomey, President
Sunshine Water Services Company
200 Weathersfield Ave.
Altamonte Springs, FL 32714
Sean.Twomey@nexuswg.com

Re: Wekiva Hunt Club
DW Facility ID # FL0036251
OGC Case No: 23-0392
Seminole County

Dear Mr. Twomey:

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

Should you have any questions or comments, please contact Nathan Hess at 407-897-4140 or via e-mail at Nathan.Hess@FloridaDEP.gov.

Your cooperation in this matter will be appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "Aaron Watkins".

Aaron Watkins
Director, Central District

Enclosure

cc: FDEP: Kirk White, Lea Crandall, Anitra Spencer, Jenny E. Farrell, David Smicherko
Kellie Scott, Kellie.Scott@nexuswg.com

BEFORE THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

STATE OF FLORIDA DEPARTMENT)	IN THE OFFICE OF THE
OF ENVIRONMENTAL PROTECTION)	CENTRAL DISTRICT
)	
v.)	OGC FILE NO. 23-0392
)	
SUNSHINE WATER SERVICES)	
COMPANY)	
_____)	

CONSENT ORDER

This Consent Order (Order) is entered into between the State of Florida Department of Environmental Protection (Department) and Sunshine Water Services Company (Respondent) to reach settlement of certain matters at issue between the Department and Respondent.

The Department finds 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 the Wekiva Hunt Club Wastewater Treatment Facility, a 2.9 million gallon per day (MGD) annual average daily flow activated sludge domestic wastewater treatment facility consisting of influent screening, flow equalization, three 0.97 MGD design capacity package plants connected in parallel with aeration, clarification, chemical feed facilities, filtration, and disinfection by chlorine; with a 0.87 MGD surface water discharge to a NPDES outfall (D-001), a 0.400 MGD rapid infiltration basin system (R-001), and a 2.9 MGD slow-rate public access reuse system (R-002); (Facility). The Facility is operated under Wastewater Permit No. FL0036251 (Permit), which was issued on November 3, 2021 and will expire on November 2, 2026. The Facility is located at 144

Ledbury Dr., in Seminole County, Florida (Property). Respondent owns the Property on which the Facility is located.

4. The Department conducted facility inspections on March 31, April 1, April 14, May 4, May 19, and May 24, 2022 and finds that the following violation(s) occurred and have all since been corrected:

- a) The online chlorine analyzer was not functioning in violation of Rule 62-620.610(7), F.A.C.
- b) SCADA trend charts were not reporting correct information for 65 instances in violation of Rule 62-600.650(5), F.A.C.
- c) Effluent quality of unauthorized bypasses to onsite rapid infiltration basins was not monitored for 43 days in violation of Rule 62-600.650(4), F.A.C.
- d) Turbidity and chlorine bench meter records revealed a comparison over 20% and no corrective action was taken for 2 instances in violation of Rule 62-160.210(1), F.A.C.
- e) Incorrect NTU standard was recorded for 4 months in violation of Rule 62-160.240(1), F.A.C.
- f) Turbidity primary standards being used were expired in violation of Rule 62-160.210(1), F.A.C.
- g) Records indicate that pH in-line meter and bench meter were not within .2 SU for 86 days in violation of Rule 62-160.210(1), F.A.C.
- h) Three pH records did not include the buffer value and expiration date information in violation of Rule 62-160.210(1), F.A.C.
- i) Chlorine bench meter and gel standard information was not recorded on 3 calibration records in violation of Rule 62-160.210(1), F.A.C.
- j) The February 2022 chlorine verification sheet was not available in violation of Rule 62-160.210(1), F.A.C.
- k) The March 2022 chlorine comparison records indicate six instances of meter malfunction in violation of Rule 62-620.610(7), F.A.C.

- l) Dissolved oxygen calibration records were not documented as required in violation of Rule 62-160.210(1), F.A.C.
- m) The influent compositor was not flow paced in violation of Rule 62-160.210(1), F.A.C.
- n) A plant operational failure was not reported to the Department for 73 days in violation of Rule 62-620.610(20), F.A.C.
- o) Unauthorized bypasses were not reported to the Department for 43 days in violation of Rule 62-620.610(22)(b), F.A.C.
- p) Operator log book entries did not reflect operational issues occurring from January 1, 2022 through April 5, 2022 in violation of Rule 62-602.650(4), F.A.C.
- q) SCADA trend chart showed 61 instances of effluent not being rejected for turbidity and chlorine in violation of Rule 62-610.320(6)(a), F.A.C.
- r) Correction fluid was improperly used on three documents in violation of Rule 62-160.210(1), F.A.C.
- s) DMR Transcription errors were noted in violation of Rule 62-620.610(18)(a), F.A.C.
- t) Twelve instances of SCADA communication failures were noted in the operator logbook in violation of Rule 62-610.463(2), F.A.C.
- u) Flows reported on 14 DMRs did not match SCADA data in violation of Rule 62-620.610(18)(a), F.A.C.
- v) The EQ tank was crusted over with solids and vegetation and no active mixing was observed in violation of Rule 62-620.610(7), F.A.C.
- w) Solids were observed in the clarifier and chlorine contact chamber in violation of Rule 62-620.610(7), F.A.C.
- x) The Department observed two instances of objectionable odors leaving the facility in violation of Rule 62-600.400(2)(a), F.A.C.
- y) The EQ mixers were out of service for 77 days in violation of Rule 62-620.610(7), F.A.C.

- z) SCADA data review showed 61 instances of facility not rejecting water as described in the operation protocol in violation of Rule 62-610.320(6)(e) and (f), F.A.C.
- aa) Two instances of the facility pumping effluent from rapid infiltration basins to the head of the filters were observed in violation of Rule 62-610.320(6)(e) and (f), F.A.C.
- bb) Thirteen instances of clogged inline meters due to poor effluent quality were observed in violation of Rule 62-610.320(6)(e) and (f), F.A.C.
- cc) Solids were observed in the rapid infiltration basins in violation of Rule 62-610.523(6), F.A.C.
- dd) Rapid infiltration basins were overloaded and caused offsite flooding of nearby properties for seven days in violation of Rule 62-620.610(7), F.A.C.
- ee) One instance of daylighting was observed in rapid infiltration basin one with a stream of water entering a nearby wooded area in violation of Rule 62-620.610(7), F.A.C.
- ff) Department sampling of effluent on April 5, 2022 revealed TSS, CBOD, total phosphorous, and ammonia exceeding permit limits in violation of Permit Condition I.A.1
- gg) Permit limit exceedances for TSS average and maximum, Total Phosphorous average and maximum, Total Phosphorous monthly load, and Ammonia average and maximum were reported on the March 2022 DMR in violation of Permit Condition I.A.1
- hh) Effluent with low chlorine was discharged to the rapid infiltration basins three times in January and March 2022 in violation of Permit Condition I.B.1
- ii) An Administrative Order summary report was due on March 1, 2022 and was received three months late in violation of Section 403.161(1)(b), F.S.
- jj) Monitoring well MWB-1 was not secured in violation of Rule 62-532.500(4)(a), F.A.C.

5. Subsequently, the following incidents occurred and the Department finds that the following violations occurred and have all since been corrected

- a) A sanitary sewer overflow of 10,000 gallons of untreated wastewater in the collection system due to a line break that occurred on August 7, 2022 in violation of Rule 62-604.130(1), F.A.C.
- b) A sanitary sewer overflow of 30,000 gallons of untreated wastewater in the collection system due to a line break that occurred on August 14, 2022 in violation of Rule 62-604.130(1), F.A.C.
- c) A sanitary sewer overflow of 500,000 gallons of partially treated wastewater occurred during Hurricane Ian on September 29, 2022 in violation of Rule 62-604.130(1), F.A.C.
- d) A sanitary sewer overflow of 250,000 gallons of partially treated wastewater occurred during Tropical Storm Nicole on November 10, 2022 in violation of Rule 62-604.130(1), F.A.C.
- e) Permit limit exceedances for CBOD maximum and average, Total Phosphorous average and maximum, Total Phosphorous monthly load, Ammonia average and maximum, pH maximum, and total residual chlorine minimum, were reported on the September, October, November, and December 2022, and January 2023 DMRs in violation of Permit Condition I.A.1.
- f) An unauthorized discharge of non-hazardous drilling mud by an external contractor occurred on February 1, 2023, in violation of Section 403.161(1) F.S.
- g) A sanitary sewer overflow of 10,000 gallons of untreated treated wastewater occurred after a sewer line was struck by an external contractor installing fiber optic cable on February 15, 2023, in violation of Rule 62-604.130(1), F.A.C.
- h) A sanitary sewer overflow of 5,000 gallons of untreated wastewater occurred due to a blockage caused by concrete and bricks found in the collection system on August 9, 2023, in violation of Rule 62-604.130(1), F.A.C.

- i) A sanitary sewer overflow of 2,500 gallons of untreated wastewater occurred due to a forcemain break on February 22, 2024 in violation of Rule 62-604.130(1), 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 actions within the stated time periods:
7. Within 180 days of the effective date of this Order, Respondent shall, in accordance with Rule 62-600.705(2), F.A.C., develop, submit to the Department, and begin to implement, a Collection System Action Plan.
8. Within 90 days of the effective date of this Order, Respondent shall update its Operations and Maintenance Manual, including the Emergency Response Plan therein, to be consistent with Rules 62-604.500 and 62-600.720, F.A.C. and submit a copy to the Department.
9. Within 90 days of the effective date of this Order, Respondent shall develop and submit to the Department an Operation and Maintenance Performance Report that meets the requirements of Rule 62-600.735, F.A.C.
9. Within 90 days of the effective date of this Order, Respondent shall submit an Initial Capacity Analysis Report for the Facility meeting all the requirements of Rule 62-600.405, F.A.C.
10. Every calendar quarter after the effective date of this Order and continuing until all actions in paragraphs 7-10 and 15 have been completed, Respondent shall submit to the Department a written report containing information about the status, incurred costs, and progress of projects being completed under this Order, information about compliance or noncompliance with the applicable requirements of this Order, including construction requirements and effluent limitations, and any reasons for noncompliance. These reports shall also include a projection of the work Respondent will perform pursuant to this Order during

the 12-month period which will follow the report. Respondent shall submit the reports to the Department within 30 days of the end of each calendar quarter.

11. Within 30 days of completion of all actions in paragraphs 7 through 10 of this Consent Order, Respondent shall submit to the Department a Report demonstrating that all conditions and actions of those requirements have been completed, and upon acceptance by the Department, those matters shall be closed.

12. The Department calculated a \$1,217,604.00 penalty against Respondent for the violations outlined in paragraphs 4 and 5. This calculation includes \$1,212,604.00 for civil penalties and economic benefit and \$5,000.00 for costs and expenses incurred by the Department during the investigation of this matter and the preparation and tracking of this Order.

13. In lieu of applying a \$1,212,604.00 penalty as set forth in paragraph 12 above, Respondent and the Department agree that the Respondent will implement an in-kind project, detailed in paragraph 14 below. In addition to implementation of the in-kind project, Respondent shall make a cash payment to the Department in the amount of \$318,772.00 in civil penalties economic benefit and \$5,000.00 in costs within 30 days of the effective date of the Consent Order.

14. Respondent has agreed to implement an in-kind project. 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 project shall be one and a half times the civil penalty off-set amount, which in this case is the equivalent of at least \$1,340,748.00. When the Respondent chooses an in-kind project, Respondent shall notify the Department of its election within 90 days of the effective date of this Consent Order. Respondent shall comply with all the requirements and time frames in Exhibit 1 entitled In-Kind Projects.

15. Respondent agrees to pay the Department stipulated penalties in the amount of \$1,000.00 per day for each and every day Respondent fails to timely comply with any of the

requirements of paragraph(s) 6 through 12 of this Order. Additionally, Respondent shall pay the Department stipulated penalties for any discharges of wastewater from the Wekiva WWTF in violation of the Permit, F.S. or F.A.C., and/or discharges of wastewater from the collection/transmission system in violation of F.S. or F.A.C. Respondent shall pay penalties as follows:

<u>Amount per day per Discharge</u>	<u>Discharge Volume</u>
\$1,000.00	up to 5,000 gallons
\$2,000.00	5,001 to 10,000 gallons
\$5,000.00	10,001 to 25,000 gallons
\$10,000.00	25,001 to 100,000 gallons
\$15,000.00	in excess of 100,000 gallons

The Department may demand stipulated penalties at any time after violations occur. Respondent shall pay the stipulated penalties owed within 30 days of the Department's issuance of written demand for payment and shall do so as further described in paragraphs 16 and 17, 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 referenced in paragraphs 13 and 14 of this Order.

16. 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 several days after this Order is final, effective, and filed with the Clerk of the Department before the ability to make online payment is available.

17. Except as otherwise provided, all submittals and payments required by this Order shall be sent to Jenny Farrell, Department of Environmental Protection, Central District

Office, 3319 Maguire Blvd, STE 232, Orlando, FL 32803 or by e-mail to
DEP_CD@FloridaDEP.gov.

18. 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.

19. 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.

20. 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.

21. 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 the terms of this Order.

22. 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 or admission 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.

23. 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.

24. 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.

25. 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.

26. 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.

27. 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.

28. 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.

29. Respondent shall publish the following notice in a newspaper of daily circulation in Seminole County, Florida. The notice shall be published one time only within 7 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 a Consent Order with SUNSHINE WATER SERVICES COMPANY pursuant to section 120.57(4), Florida Statutes. The Consent Order addresses the violations set forth above at the Wekiva Hunt Club Wastewater Treatment Facility. 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, Central District Office, 3319 Maguire Blvd, STE 232, Orlando, FL 32803.

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 the following information:

- a) The name and address of each agency affected and each agency's file or identification number, if known;
- b) The name, address, any e-mail address, any facsimile number, and telephone number of the petitioner, if the petitioner is not represented by an attorney or a qualified representative; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination;
- c) A statement of when and how the petitioner received notice of the agency decision;
- d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action;
- f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
- g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the agency to take with respect to the agency's proposed action.

The petition must be filed (received) at the Department's Office of General Counsel, 3900 Commonwealth Boulevard, MS# 35, Tallahassee, Florida 32399-3000 or received via electronic correspondence at Agency_Clerk@floridadep.gov, within 21 days of receipt of this notice. A copy of the petition must also be mailed at the time of filing to the District Office at 3319 Maguire Blvd., STE 232, Orlando, FL 32803. Failure to file a petition within the 21-day period constitutes a person's waiver of the right to request an administrative hearing and to participate as a party to this proceeding under sections 120.569 and 120.57, Florida Statutes. Before the deadline for filing a petition, a person whose substantial interests are affected by this Consent Order may choose to pursue mediation as an alternative remedy under section 120.573, Florida Statutes. Choosing mediation will not adversely affect such person's right to

request an administrative hearing if mediation does not result in a settlement. Additional information about mediation is provided in section 120.573, Florida Statutes and Rule 62-110.106(12), Florida Administrative Code.

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

FOR THE RESPONDENT:

Seán Twomey

Séan Twomey
President

Date 5/23/24

DONE AND ORDERED this 24th day of May, 2024, in Orange
County, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Aaron Watkins

Aaron Watkins
District Director
Central District

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

Mandakini Patel

Clerk

May 24, 2024

Date

Final Clerked Copies furnished to:

Lea Crandall, Agency Clerk
Mail Station 35

Exhibit 1

In-Kind Projects

I. Introduction

Proposal

- a. Within 90 days of the effective date of this Consent Order, Respondent shall submit 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 all requested additional information, clarification, and modifications within 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 the matters at issue and submit 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 remainder of the civil penalties as set forth in paragraph 12 above, within 30 days of Department notice.
- d. Within 180 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, 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 12 above, within 30 days of Department notice.

e. Within three years 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.

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 30 days of Department notice. If the in-kind penalty project is terminated and Respondent timely remits the \$893,832.00 penalty, no additional penalties shall be assessed under paragraph 15 for failure to complete the requirement of this paragraph.

i. Within 15 days of completing the in-kind project, Respondent shall notify the Department 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 of the reason(s) which prevent the acceptance of the project. Respondent shall correct and redress all the matters at issue and submit 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 \$893,832.00, no additional penalties shall be assessed under paragraph 15 for failure to complete the requirements of this paragraph.