

WHEREAS, the Respondent did not notice the error by EMC during its daily routine inspections of the lift station, nor did the Withlacoochee WPCP report the observed dropoff of approximately 50% in flow until six (6) days later, on Monday December 9, 2019; and

WHEREAS, while performing a visual inspection of the stream and river banks downstream of the spill on Tuesday December 10, 2019, the Respondent identified multiple dead fish in the Withlacoochee River and contacted the Fisheries Management Section of the Georgia Department of Natural Resources' Wildlife Resources Division to perform a Fish Kill Investigation (Attachment C); and

WHEREAS, in a phone call between representatives of the Respondent and the Division on December 13, 2019, the Respondent provided updates to the list of ongoing and planned projects; and

WHEREAS, the Respondent on October 2, 2019, submitted a Design Development Report (DDR) and Plans and Specifications for an additional 7.26 million gallon equalization basin to be constructed at the Withlacoochee WPCP as a temporary measure to mitigate the impact of stormflows and I/I; and

WHEREAS, the Division approved the DDR on December 11, 2019 and the Plans & Specs on December 13, 2019; and

WHEREAS, a meeting was held between the Division and the Respondent on February 27, 2020 and a follow-up letter was sent to the Division on March 5, 2020, wherein the Respondent proposed the implementation of two SEPs to offset a portion of the monetary penalties in this Consent Order (Attachment J); and

WHEREAS, the proposed SEPs have been reviewed and approved; and