

Violations

WHEREAS, the spills from the sanitary sewer system and WPCP to waters of the State from April 8, 2014 through December 31, 2019 (Attachment A) are violations of the Water Quality Act and the Water Quality Rules; and

WHEREAS, for fourteen (14) months following the modification of NPDES Permit No. GA0020222, the Mud Creek WPCP failed to observe the increased sampling frequency for Total Phosphorus, and has since reported five additional sampling and procedural violations (Attachment B.3) which are violations of Part 1.A.2 of NPDES Permit No. GA0020222; and

WHEREAS, the Department of Natural Resources' Wildlife Division finds the fish kill in Sugar Creek and Withlacoochee River to have resulted in a fish kill of an estimated 1,536 fish (Attachment C) which is a violation of the Water Quality Act and the Water Quality Rules; and

WHEREAS, from April 8, 2014 through November 30, 2019, additional narrative and effluent permit violations have been reported at the Withlacoochee and Mud Creek WPCPs (Attachment B), which are violations of Part 1.A.2 and 1.B of NPDES Permits No. GA0020222 and GA0033235; and

Civil Penalties

WHEREAS, O.C.G.A. § 12-5-52 provides that any person violating any provision of the Act or any permit condition or limitation established pursuant to the Act or, negligently or intentionally, failing or refusing to comply with any final order of the Director shall be liable for a civil penalty of not more than \$50,000.00 per day for each day during which such violation continues provided, however, that a separate and later incident creating a violation within a 12 month period shall be liable for a civil penalty not to exceed \$100,000.00 per day for each day during which such violation continues; and