

Discharge Monitoring Report (“DMR”) detailing all monitoring data collected during the previous month, in accordance with Permits requirements in Part I.B; and

WHEREAS, Part I.C.2 of the Permit No. GA0033235 requires the Respondent to report a monthly Discharge Monitoring Report (“DMR”) detailing all monitoring data collected during the previous month, in accordance with Permit requirements in Part I.B; and

Civil Penalty

WHEREAS, O.C.G.A. § 12-5-52 provides that any person violating any provision of the Water Quality Act or any National Pollutant Discharge Elimination System Permit issued or established pursuant to the Water Quality Act, Water Quality Rules, or negligently or willfully failing or refusing to comply with any final order of the Director shall be liable for a civil penalty not to exceed \$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 twelve (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

Background

WHEREAS, National Pollutant Discharge Elimination System (“NPDES”) Permit No. GA0020222 and NPDES Permit No. GA0033235 (the “Permits”) were most recently reissued to the Respondent on May 1, 2020 and November 1, 2016 to discharge from the Mud Creek WPCP and Withlacoochee WPCP respectively; and

WHEREAS, the Respondent is currently operating in compliance with Consent Order EPD-WP-8904, which was executed on August 11, 2020 and amended on January 12, 2022 to address violations that occurred from April 9, 2014 to December 31, 2019; and

WHEREAS, EPD most recently transmitted a Letter of Noncompliance (LON) on September 22, 2022 to the Respondent to address four (4) spills of raw sewage to waters of the State and five (5) effluent limit violations, one of which was an Ammonia violation at the Mud Creek WPCP, that occurred between January 2022 and August 2022; and

WHEREAS, from September 1, 2022 to February 28, 2023, the Respondent reported a total of six (6) instances of spills of raw sewage into waters of the State, the details of which are provided in Attachment A; and

WHEREAS, the Respondent reported the corrective action taken to stop each of the reported spill and steps taken to prevent reoccurrences; and

WHEREAS, from September 1, 2022 to February 28, 2023, the Respondent reported six (6) permit limit violations at the Mud Creek WPCP, including Ammonia weekly average loading and concentration violations during September 2022, January 2023, and February 2023, as indicated in Attachment B; and

WHEREAS, the Respondent notified EPD via email for each month during which Ammonia violations occurred, indicating that they believed them to be caused by a seasonal spike in ammonia influent levels from pretreatment industries, but the Respondent was not able to provide additional information to identify the specific industries causing the violations or how the issue had been permanently addressed, as indicated in Attachment C; and

WHEREAS, on September 24, 2022, the Respondent notified the EPD Emergency Response Team of a fish kill in One Mile Branch; and

WHEREAS, on September 24 and September 25, 2022, the Fisheries Department of the Wildlife