

commenced; and

WHEREAS, on January 1, 2023, the Respondent notified EPD that the sewer line repair work was slated to be completed throughout February 2023 and the bypass sewer line and pump system would resume usage from February 6 through February 22, or until the construction work was completed; and

WHEREAS, on January 6, 2023, the Respondent notified EPD that the bypass system would be in-use starting that day and that operation of the bypass pump would be monitored daily by the contractors and the Respondent; and

WHEREAS, on February 23, 2023, EPD sent an email to the Respondent to determine if the bypass system was still in-use and repairs still underway, and the Respondent responded on the same day stating that the construction work at the site had been completed and the bypass system was no longer in use; and

WHEREAS, EPD alleges that the available documentation and information reviewed by EPD do not provide sufficient evidence that raw sewage was not a contributing factor to the September 2022 fish kill ; and

WHEREAS, the Fish Kill Report acknowledges that a discharge of hydraulic fluid from a location within the area of the observed fish kill could have been a contributing factor of the September 2022 fish kill; and

WHEREAS, the Respondent owns and operates the collection system in the area in which the September 2022 fish kill occurred; and

WHEREAS, on November 4, 2022, the Respondent notified EPD of a pass-through flow event at the Mud Creek WPCP resulting in the effluent and receiving stream to have a bright green color when under direct light and that they were investigating the cause; and

WHEREAS, on November 7, 2022, the Respondent notified EPD that the receiving stream no longer had a green color; and

WHEREAS, on November 15, 2022, the Respondent notified EPD that an industry of interest had been identified as a likely cause of the green effluent and receiving stream and requested EPD authorization of a controlled discharge from the industry of interest to verify the cause; and

WHEREAS, EPD did not authorize the controlled discharge and stated to the Respondent that such a pass-through occurrence would be considered a water quality violation; and

WHEREAS, on November 15, 2022, the Respondent sent email notification to the industry of interest identified as the cause of the pass-through event, requesting that it stop use of the product believed to be the source of the violation for the near future, and forwarded the notification to EPD; and

WHEREAS, on December 7, 2022, EPD sent an email to the Respondent requesting status updates on City projects to include an update since the discontinuance of the product of concern; and

WHEREAS, on December 7, 2022, the Respondent replied that there had been no reoccurrence of the appearance of green influent, effluent, or a green color in the receiving stream; and

WHEREAS, from September 1, 2022 to February 28, 2023, the Respondent reported six (6) effluent limit violations of biochemical oxygen demand ("BOD") at the Withlacoochee WPCP, including monthly average concentrations, weekly average concentrations, monthly average loading, and weekly average loading occurring during September and October 2022, as indicated in Attachment E; and

WHEREAS, the Respondent had previously reported seven (7) effluent limit violations of BOD