

at the Withlacoochee WPCP during September and October 2021, and these violations were addressed in Letters of Noncompliance (LONs) sent in November 2021 and February 2022, respectively; and

WHEREAS, on October 3, October 5, October 12, October 20, and October 31, 2022, the Respondent notified EPD of BOD permit limit violations during September and October at the Withlacoochee WPCP, as required; and

WHEREAS, in the notifications of noncompliance submitted during October 2022, the Respondent outlined the steps taken to determine the cause of these violations, including implementation of process control adjustments in each sequencing batch reactor (SBR) at the facility and additional BOD monitoring within the treatment from each SBR, as indicated in Attachment F; and

WHEREAS, on November 8, 2022, the Respondent notified EPD of an additional BOD violation that occurred in October and identified responsive steps taken to return to compliance, including implementing operational adjustments of the SBRs to enable equipment repairs, replacing filters, and analyzing additional samples from each SBR, as indicated in Attachment G; and

WHEREAS, on November 16, 2022, the Respondent notified EPD of a fourth October 2022 BOD violation and noted that improvements in BOD levels had been observed since making the operational adjustments explained in the November 8, 2022 noncompliance notification; and

WHEREAS, on December 7, 2022, EPD sent an email to the Respondent requesting status updates on its projects to regain compliance with the BOD limits at the Withlacoochee WPCP, including any additional actions implemented since the last reported noncompliance notification on November 16, 2022; and

WHEREAS, on December 7, 2022, the Respondent replied that it would maintain adjusted operations until equipment repairs were completed and no additional BOD violations occurred; and

Alleged Violations

WHEREAS, the Respondent's six (6) reported spills of raw sewage into waters of the State, three (3) of which are major spills, are in violation of the Permits, the Water Quality Rules, and the Water Quality Act; and

WHEREAS, the one (1) fish kill is in violation of the Water Quality Rules and the Water Quality Act; and

WHEREAS, the Respondent's one (1) unpermitted discharge is in violation of Permit No. GA0020222, the Water Quality Rules, and the Water Quality Act; and

WHEREAS, the Respondent's six (6) exceedances of effluent limits at the Mud Creek WPCP are in violation of Permit No. GA0020222; and

WHEREAS, the Respondent's six (6) exceedances of effluent limits at the Withlacoochee WPCP are in violation of Permit No. GA0033235; and

Conditions

WHEREAS, the Director has determined that an amicable disposition of the alleged violations set forth herein is in the best interest of the citizens of the State of Georgia.

NOW THEREFORE, before the taking of any testimony and without adjudicating the merits of the parties' positions, the parties hereby resolve the allegations in this matter upon order of the Director and consent of Respondent as follows: