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| **Multi-Sector Generic Permit (MSGP)** | |
| Violation | Corrective Action |
| A review of the Facility's DMRs indicated the Respondent exceeded the cut-off concentrations for x at Outfall x during year x (calendar year x) of their permit cycle.  The Department finds that the following violation occurred: Respondent failed to revise the Facility's Storm Water Pollution Prevention Plan ("SWPPP") in response to the benchmark exceedances detailed in paragraph x of this Order. This is a violation of the MSGP under Rule 62-621.300(5)(a), F.A.C. and Federal Register, Vol. 60, Number 189, pages 50804-51319, published on September 29, 1995, Part IV and Part IV.C | From the effective date of this Order, Respondent shall begin collecting quarterly stormwater discharge samples from Outfall x and have them analyzed for x by a laboratory that has been certified by the Department of Health Environmental Laboratory Certification Program (DOH ELCP). This additional analytical monitoring shall be conducted once per calendar quarter after a qualifying rain event, as defined in Federal Register, Vol. 60, Number 189, pages 50804-51319, published on September 29, 1995, Part XI.C.6.a.(2), for four consecutive quarters (during the periods of January through March, April through June, July through September, and October through December).  Every calendar quarter after the effective date of this Order, Respondent shall submit in writing to the Department a report containing complete and accurate DMRs that include analytical monitoring results as required in paragraph x. |
| Respondent failed to amend the Facility’s Stormwater Pollution Prevention Plan (SWPPP) in response to the benchmark exceedances reported in the previous permit cycle’s Discharge Monitoring Reports (DMRs), as outlined in  paragraph x of this Order. The foregoing is a violation of Florida Administrative Code Rule 62-621.300(5)(a) and Federal Register, Vol. 60, Number 189, pages 50804-51319, published on September 29, 1995, Part IV and Part IV.C.. | Within 15 days of the effective date of this Order, the Respondent shall revise its SWPPP and best management practices to address the benchmark  exceedances reported in its DMRs. Respondent shall ensure that all best management practices are implemented and maintained as detailed in the SWPPP. |
| Best management practices were not sufficient to protect surface waters. Specifically, notable quantity of accumulated metal was rusting from exposure, petroleum-stained soil was observed, and past analytical monitoring data from  Year-2 (20XX) revealed exceedances of benchmark concentration of Chemical  Oxygen Demand, Total Suspended Solids, Aluminum, Iron and Zinc. This is a  violation of Florida Administrative Code Rule 62-621.300(5)(a), F.A.C. and …etc. | Within 30 days of the effective date of this Order, Respondent shall remove all visible stained soil and dispose of it properly at a facility permitted to accept this type of waste. Upon completion, receipts and/or shipping manifests shall be  provided to the Department. |
| The majority of the recovered materials were not being sold, used or reused within a year. Accumulation beyond this timeframe is not permissible without Departmental authorization. The foregoing is a violation of Florida  Administrative Code Rule 62-701.220 (c). | Within 30 days of the effective date of this Order, Respondent shall develop a plan to manage and achieve a reduction in the volume of material on-site. Upon completion this plan shall be submitted to the Department for approval.  Within a year of the effective date of this Order, Respondent shall submit to the Department site photographs as well as a written report of the amount of materials processed & received over the past year to demonstrate that the majority, at least 51%, of the recovered materials have been sold, reused, or otherwise removed  from the site as specified in the plan referenced in subpart x of this Consent Order. |
| Respondent was unable to provide records of Quarterly Visual Monitoring (QVMs) for the Facility. The foregoing is a violation of Florida  Administrative Code Rule 62-621.300(5)(a). F.A.C. and Federal Register, Vol. 60, Number 189, pages 50804-51319, published on September 29, 1995, Part XI.N.5.(3.)c. | On a quarterly basis for four consecutive calendar quarters after the effective date of this Order, Respondent shall submit to the Department records of the quarterly inspections, quarterly visual monitoring, and annual assessments as required by the MSGP. |
| Respondent failed to develop a Stormwater Pollution Prevention Plan ("SWPPP") as required by the Permit. [Rule 62-621.300(4)(a) F.A.C., and Federal Register, Vol. 60, Number 189, pages 50804-51319, published on September 29, 1995, Part IV]; | Effective immediately, Respondent shall comply with all of the conditions contained in Permit No. x and shall comply with all rules, statutes and/ or regulatory requirements applicable to the Facility and its operations, including all applicable sections of Chapters 403, F.S., and Chapters 62-620 and 621, F.A.C.; |
| The Facility was unable to produce any records of required quarterly self-inspection(s), quarterly visual monitoring of stormwater discharge, and/ or annual comprehensive site compliance evaluation(s). (Rule 62- 621.300(5)(a), F.A.C., and Federal Register, Vol. 60, Number 189, pages 50804-51319, published on September 29, 1995, Part XI.N.3.a.(x), Part XI.N.5.c | Within 90 days of the effective date of this Order, Respondent shall conduct the following activities and submit the described documentation to the Department for review:  A quarterly Facility self-inspection; and A Quarterly Visual Monitoring ("QVM") report of stormwater discharge. If no discharge occurs from the Facility due to climatic conditions, the facility shall submit a QVM record indicating monitoring was not possible due to no discharge during the quarter. |
| The Facility failed to conduct and/ or maintain records of annual employee training related to the stormwater program. (Rule 62-621.300(5)(a), F.A.C., and Federal Register, Vol. 60, Number 189, pages 50804-51319, published on September 29, 1995, Part XI.N.3.a.(xi)]. | Within 30 days of the effective date of this Order, Respondent shall develop materials to be utilized in conducting the required annual employee SWPPP training, and submit the materials to the Department for review and approval;  Within 60 days of the effective date of this Order, Respondent shall conduct the required SWPPP training for all Facility employees. Within 7 days of all of the Facility's employees completing the required SWPPP training, Respondent shall provide written records/ documents to the Department, evidencing the Facility's conduction of the training and completion of the training by all Facility employees. Respondent shall continue to conduct the required SWPPP employee training annually thereafter. |
| **Construction Generic Permit (CGP)** | |
| Violation | Corrective Action |
| The Department finds that Respondent violated Section 403.161(1)(b) (F.S.) by not complying with the terms of the Permit. more specifically, on September 15, 2022, Department personnel visited the project site and observed that the Best Management Practices (“BMPs”) required by Part 5 of the Permit and implemented throughout the project site did not prevent offsite sedimentation and BMPs were not maintained and were inadequate, in violation of the Permit.  Stormwater Pollution Prevention Plan (SWPPP) did not meet Part 4 Permit requirements by not updating SWPPP to match current BMPs onsite. | Within 30 days of the effective date of this order, Respondent shall submit its updated Stormwater Pollution Prevention Plan ("SWPPP") as defined in Part 8 of the Permit to the Department for its approval. The SWPPP shall include all required elements listed in the Permit. Additionally, the SWPPP shall include Respondent’s plans to remove sediment from the on-site/off-site discharge, including the FDOT, and Escambia County MS4 Stormwater culverts, stormwater ponds, ditch systems, and any adjacent stormwater infrastructures that have been affected by sedimentation from the project site. Upon approval, the SWPPP shall become an enforceable part of this Consent Order.   1. In the event of a discharge of sediments or turbid water from the project site into   jurisdictional waters, FDOT or Escambia County MS4 Stormwater culverts, stormwater ponds and ditch systems, and any adjacent stormwater infrastructure that have been affected by sedimentation from the project site, Respondent shall monitor daily (in accordance with the approved plan) for turbidity until any sedimentation has been properly removed or until water quality standards for turbidity, as established in 62-302.530 (117), F.A.C., are met, whichever is sooner.  From the effective date of this Consent Order until Final Stabilization has been achieved as defined in Part 8 of the Permit, turbidity sampling results of greater than 29 NTUs above background shall be reported to the Department's NPDES Stormwater Program within 72 hours of learning of an exceedance by Respondent. Within one week of any such exceedance, Respondents will provide a written submission to the Department containing (i) sampling results, (ii) a description of the location of the exceedance, (iii) the breadth and location of any sedimentation, if applicable, (iv) the cause of the exceedance, (v) any steps taken reduce turbidity levels, (vi) the length of time the exceedance has and is expected to continue, and (vii) any steps planned to reduce turbidity levels and prevent recurrence of an exceedance. Respondents shall immediately take all steps necessary to eliminate water quality exceedances. Submissions under this paragraph shall be submitted to Florida Department of Environmental Protection, X District Office, District Address, City State Zip. |