

in-kind project. The value of the in-kind penalty project shall be one and a half times the civil penalty offset amount, which in this case is the equivalent of at least \$36,000.00. If Respondent chooses to implement an in-kind project, Respondent shall notify the Department of its election by certified mail within 15 days of the effective date of this Consent Order. Notwithstanding the election to implement an in-kind project, payment of the remaining \$750.00 in costs must be paid within 30 days of the effective date of this Consent Order. If Respondent elects to implement an in-kind project as provided in paragraph 12, then Respondent shall comply with all of the requirements and time frames found in Exhibit A: In-Kind Projects.

13. Respondent agrees to pay the Department stipulated penalties in the amount of \$200.00 per day for each and every day Respondent fails to timely comply with any of the requirements of this Order. The Department may demand stipulated penalties at any time after violations occur. Respondent shall pay stipulated penalties owed within 30 days of the Department's issuance of written demand for payment and shall do so as further described in paragraph 14 below. Nothing in this paragraph shall prevent the Department from filing suit to specifically enforce any terms of this Order. Any stipulated penalties assessed under this paragraph shall be in addition to the civil penalties agreed to in paragraph 10 of this Order. In lieu of making cash payment of the amount required under this paragraph (stipulated penalties) above, the Department, at its discretion, may allow Respondent to offset this amount by implementing an in-kind project, which must be approved by the Department.

14. Except as otherwise provided, all submittals and payments required by this Order shall be sent to Wastewater, Compliance Assurance Program, Department of Environmental Protection, 8800 Baymeadows Way West Suite 100, Jacksonville, Florida 32256.

15. Respondent shall allow all authorized representatives of the Department access to the Facility and the Property at reasonable times for the purpose of determining compliance with the terms of this Order and the rules and statutes administered by the Department.

16. The Department, for and in consideration of the complete and timely performance by Respondent of all the obligations agreed to in this Order, hereby conditionally waives its