



## REGION 4

ATLANTA, GA 30303

### **ELECTRONIC MAIL**

### **CONFIRMATION OF EMAIL RECEIPT REQUESTED**

The Honorable Ronnie L. Felder  
Mayor  
City of Riviera Beach  
600 West Blue Heron Boulevard  
Riviera Beach, Florida 33404  
rfelder@rivierabeach.org

Re: Notice of Noncompliance and Concerns Pursuant to Section 1414(a)(1)(A) and Request for Information Pursuant to Section 1445(a)(1) of the Safe Drinking Water Act, 42 U.S.C. §§ 300g-3(a)(1)(A) and 300j-4(a)(1), City of Riviera Beach Utility Special District Public Water System, Riviera Beach, Palm Beach County, Florida, PWS ID Number: FL4501229

Dear Mayor Felder:

The U.S. Environmental Protection Agency is responsible for assuring public water systems (PWSs) provide safe drinking water in accordance with the Safe Drinking Water Act (SDWA), 42 U.S.C. § 300f et seq., and the regulations promulgated thereunder. According to the information in the EPA's Safe Drinking Water Information System, the City of Riviera Beach Utility Special District Public Water System (Riviera Beach PWS or System) serves a population of approximately 31,500 with 13,525 service connections and is therefore a community water system (CWS), pursuant to Section 1401(15) of the SDWA, 42 U.S.C. § 300f (15).

A community water system is subject to the requirements of the National Primary Drinking Water Regulations (NPDWRs), 40 C.F.R. Part 141; and the Florida Primary Drinking Water Regulations (FPDWRs), promulgated at F.A.C. 62-550 *et. seq.*, pursuant to Fla. Stat., Title XXIX, Ch. 403, Part VI, §§ 403.850 to 403.892. Pursuant to SDWA Section 1413, 42 U.S.C. § 300g-2, the Florida Department of Environmental Protection (FDEP) has primary responsibility for the implementation and enforcement of the public water supply program in Florida. The Riviera Beach PWS is located in Palm Beach County, where the authority for the regulation of public water supply systems has been delegated by FDEP to the Florida Department of Health in Palm Beach County (FDOH-PBC). See Fla. Stat. §§ 403.852(1), 403.862; F.A.C. 62-113.100(1)(d)

On October 16 – 17, 2023, a Drinking Water Inspection was conducted by the EPA, Region 4 - Drinking Water Enforcement Section. An Inspection Report based on the findings of the Inspection was provided to the System on November 21, 2023. A copy of this Inspection Report was also provided to FDEP and FDOH-PBC.

### **Notice of Noncompliance**

Based on information observed during the Inspection, the EPA alleges that the System is in noncompliance with the SDWA, the NPDWRs, and the FPDWRs, as described below:

1. Pursuant to 40 C.F.R. § 141.86(b)(2), each first-draw tap sample for lead and copper shall have stood motionless in the plumbing system of each sampling site for at least six hours. First-draw tap samples may be collected by the System, or the System may allow residents to collect first draw samples after instructing the residents of the sampling procedures specified in 40 C.F.R. § 141.86(b)(2).

At the time of the Inspection, the System was unable to produce the customer collection forms for the 2023 Lead and Copper Rule (LCR) sampling cycle that document sample collection instructions and procedures, including the required six-hour hold time prior to collection. Without the customer collection forms, the EPA is unable to determine if the samples were collected in accordance with SDWA regulations.

Therefore, the System is in noncompliance with 40 C.F.R. § 141.86(b)(2) for failure to ensure that samples are collected according to LCR requirements.

2. Pursuant to 40 C.F.R. § 141.85(d)(1), all water systems must provide a notice of the individual tap results from lead tap water monitoring carried out under the requirements of 40 C.F.R. § 141.86 to the persons served by the water system at the specific sampling site from which the sample was taken.

Pursuant to 40 C.F.R. § 141.85(d)(2)(ii), a water system must provide the consumer notice for individual samples that exceed 15 µg/L of lead as soon as practicable but no later than three calendar days after the water system learns of the tap monitoring results.

At the time of the Inspection, the Inspection Team observed one result from the 2023 LCR sampling cycle at 196 µg/L for lead, exceeding the level for notice of 15 µg/L. System staff stated that the customer served at that location had not been notified of the result despite the System receiving the customer's result on October 9, 2023.

Therefore, the System is in noncompliance with 40 C.F.R. § 141.85(d)(1) and 40 C.F.R. § 141.85(d)(2)(ii) for failure to provide notification within three calendar days of the sampling result to the customer whose result exceeded 15 µg/L.

3. Pursuant to 40 C.F.R. § 141.853(a)(1), systems must develop a written sample siting plan that identifies sampling sites and a sample collection schedule that are representative of water throughout the distribution system.

At the time of the Inspection, the Inspection Team observed that the System did not have a complete bacteriological sampling plan onsite. The System's partial plan included a list of sampling locations but was missing required sample collection schedule.

Therefore, the System is in noncompliance with 40 C.F.R. § 141.853(a)(1) for failure to include a sample collection schedule in the bacteriological sample siting plan.

4. Pursuant to F.A.C. 62-555.350(2), suppliers of water shall keep all necessary public water system components in operation and shall maintain such components in good operating condition, so the components function as intended.

At the time of the Inspection, the Inspection Team observed the following at the System:

- a) The pressure gauges at Wells 5 and 2004 were nonfunctional.
- b) There were holes in the well casings at Wells 4 and 6.
- c) The casing vent at Well 14 had a large hole in the base.
- d) Well 851 was leaking.
- e) The access covers to the clearwell located beneath the filter galleries were unsecured and not properly sealed.
- f) There were multiple holes on the top of the clearwell hatch in the gallery of filters 1 – 8.
- g) Based on the service date stickers on the chlorine and ammonia analyzers at the water treatment plant, the analyzers were overdue for service, which should have occurred before April 2023 and July 2023, respectively. Both analyzers were also using expired reagents for analysis.
- h) The altitude valve pit at the Singer Island ground storage tank was full of water and there was significant vegetation growth in the pit.
- i) There was significant corrosion on high service pump 7.
- j) High service pump 2A, which pumps raw water from the clearwell to the air strippers, was leaking from the packing. The leak was causing water to pool on the clearwell roof.

Therefore, the System is in noncompliance with F.A.C. 62-555-350(2) for failure to maintain System components in good operating condition.

5. Pursuant to F.A.C. 62-555-350(5), drinking water treatment or pumping facilities shall be enclosed by fences with lockable access gates, housed in lockable buildings or enclosures, or otherwise protected to prevent tampering, vandalism, and sabotage.

At the time of the Inspection, the Inspection Team observed that the fence around Well 6 was in disrepair and did not provide adequate security to the well site. In addition, the ground storage tanks near the water treatment plant and at the Singer Island repump station lacked lockable cages on the ladders of the tanks.

Therefore, the System is in noncompliance with F.A.C. 62-555-350(5) for failure to protect the pumping facilities and the storage tanks near the water treatment plant and at the Singer Island repump station from tampering, vandalism, and sabotage.

6. Pursuant to F.A.C. 62-555-320(8)(b)(2), the discharge piping from each well pump shall include a smooth-nosed tap for sampling raw well water.

At the time of the Inspection, the Inspection Team observed that Wells 4, 9A, and 801 had threaded sampling taps.

Therefore, the System is in noncompliance with F.A.C. 62-555-320(8)(b)(2) for failure to use smooth-nosed sampling taps.

### **Notice of Concerns**

During the October 2023 inspection, the Inspection Team identified several areas of concern. An area of concern may include a defect in design, operation, and/or maintenance; or a failure or malfunction of the sources, treatment, storage, and/or distribution system that is causing, or has the potential for causing, the introduction of contamination into the water delivered to consumers.

The following areas of concern were noted in the inspection report, which the EPA recommends Riviera Beach PWS take immediate action to address:

1. The Inspection Team observed that the overflows at all four ground storage tanks, the Singer Island hydropneumatic tank, and the clearwell serving the air-strippers lacked 24-mesh screen.

It is recommended that the System install non-corrosive 24-mesh on all tank and clearwell overflows to ensure that finished water is safeguarded against contamination.

2. The Inspection Team observed that the air relief valves and/or casing vents lacked 24-mesh on Wells 4, 5, 13, 14, 15, 801, 851, 852, 861, 922, and 2004.

It is recommended that the System install non-corrosive 24-mesh on all air relief valves and casing vents on wells to ensure the raw water is safeguarded against contamination.

3. The Inspection Team observed that the old sample line at the Avenue U ground storage tank was leaking at the time of the Inspection.

It is recommended that the System repair the leak on the sample line.

4. The Inspection Team observed that the System's repump stations were being used to store old chemical drums, and electrical lines and conduits were left onsite at multiple well locations.

It is recommended that staff keep repump stations and well sites free of extraneous items to prevent the possibility of cross contamination of chemicals and limit tripping hazards.

5. The Inspection Team observed that the System does not keep records of maintenance performed.

It is recommended that the System maintain records of all maintenance activities performed at the System to ensure assets are receiving proper and timely upkeep.

Consistent with Section 1414(a)(1)(A) of the SDWA, 42 U.S.C. § 300g-3(a)(1)(A), the EPA is hereby notifying the Riviera Beach PWS of the noncompliance it observed during its inspection. This Notice of Noncompliance shall not be construed as a final agency action subject to judicial review under Section 1414(g) of the SDWA, 42 U.S.C. § 300g-3(g). The EPA reserves its rights to take any appropriate enforcement action, which may include issuance of administrative compliance orders under Section 1414(g) of the SDWA, 42 U.S.C. § 300g-3(g) or commencement of civil judicial actions under Section 1414(b) of the SDWA, 42 U.S.C. § 300g-3(b).

### **Request for Information**

Section 1445(a)(1) of the SDWA, 42 U.S.C. § 300j-4(a)(1), and 40 C.F.R. § 141.31 authorize the EPA to require the submittal of information to determine whether a public water system is in compliance with federal drinking water regulations. Pursuant to this authority, the EPA hereby requests that the System provide the EPA with documentation of any actions that the System has taken to address each instance of noncompliance alleged herein within 14 calendar days of receipt of this letter. Such documentation may include, but need not be limited to, contracts, scopes of work, additional capital improvement project plans and/or evidence of actions taken to address these observations.

The EPA encourages the submission of this information in electronic format to Whitney Buehler, Drinking Water Enforcement Officer, at [buehler.whitney@epa.gov](mailto:buehler.whitney@epa.gov). If portions are too large, or responsive documents are unavailable in electronic format, please notify Whitney Buehler in your electronic submission that additional information needs to be sent and to plan for an alternative submission method.

Please be advised that, under Section 1445(c) of the SDWA, 42 U.S.C. § 300j-4(c), as amended by 40 C.F.R. § 19.4, Table 2 (Adjustment of Civil Monetary Penalties for Inflation), failure to provide the information required by this letter may result in a civil penalty of up to \$69,733. In addition, under SDWA Section 1414(g), 42 U.S.C. § 300g-3(g), failure to provide the information required by this letter may result in an order requiring compliance. Violation of such order may lead to sanctions under SDWA Section 1414, 42 U.S.C. § 300g-3(g)(3)(A) and 40 C.F.R. § 19.4, Table 2, which may include penalties of up to \$69,733 per day of violation. The information provided in response to this letter may be used by the United States in any enforcement proceeding related to this matter.

The System may, if it so desires, assert a confidential business information (CBI) claim covering any or all the information furnished to the EPA in response to this letter. Every CBI claim must be made in a manner described in 40 C.F.R. § 2.203 and must be fully substantiated with documentary evidence which shows how the claim meets every criterion listed in 40 C.F.R. §§ 2.208 and 2.304. If no CBI claim accompanies the System's information when it is received by the EPA, it may be made available to the public by the EPA without further notice to the PWS. Further details, including how to make a business confidentiality claim, are included in Enclosure A.

Consistent with Sections 1414(a)(1) and 1445(a)(1)(B) of the SDWA, 42 U.S.C. §§ 300g-3(a)(1) and 300j 4(a)(1)(B), the EPA is also providing a copy of this Notice and Request for information to FDEP and FDOH-PBC. If you have any questions regarding this matter and/or to schedule a meeting to discuss, please contact Ms. Buehler, EPA Drinking Water Enforcement Officer, at (404) 562-9739 or at the email address listed above. For legal inquiries, please have your attorneys contact Jay Khuti, Assistant Regional Counsel, at (404) 562-8390 or [khuti.jay@epa.gov](mailto:khuti.jay@epa.gov).

Sincerely,

**KERIEMA NEWMAN**

Digitally signed by KERIEMA  
NEWMAN  
Date: 2024.02.14 12:52:19 -05'00'

Keriema S. Newman  
Acting Director  
Enforcement and Compliance Assurance Division

cc: Ronald McCulley, FDEP  
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**ENCLOSURE A**  
**RIGHT TO ASSERT BUSINESS CONFIDENTIALITY CLAIMS**

(40 C.F.R. Part 2)

Except for information which deals with the existence, absence, or level of contaminants in drinking water, you may, if you desire, assert a business confidentiality claim as to any or all of the information that the EPA is requesting from you. Applicable EPA regulations relating to business confidentiality claims are at 40 C.F.R. Part 2 and 40 C.F.R. § 2.304(e).

If you assert such a claim for the requested information, the EPA will only disclose the information to the extent and under the procedures set out in the cited regulations. If no business confidentiality claim accompanies the information, the EPA may make the information available to the public without any further notice to you.

40 C.F.R. § 2.203(b). **Method and time of asserting business confidentiality claim.** A business which is submitting information to the EPA may assert a business confidentiality claim covering the information by placing on (or attaching to) the information, at the time it is submitted to the EPA, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as “trade secret,” “proprietary,” or “company confidential.” Allegedly confidential portions of otherwise non-confidential documents should be clearly identified by the business and may be submitted separately to facilitate identification and handling by the EPA. If the business desires confidential treatment only until a certain date or until the occurrence of a certain event, the notice should so state.