



OFFICE OF ENFORCEMENT AND COMPLIANCE ASSURANCE

WASHINGTON, D.C. 20460

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

November 26, 2024

VIA EMAIL

**Stock Development/SD on the Roof, LLC
2639 Professional Circle, Suite 101
Naples, FL 34119**

Re: Request for Information Pursuant to the Safe Drinking Water Act and the Lead-Free Plumbing Products Rule

Dear Stock Development/SD on the Roof, LLC:

The United States Environmental Protection Agency (EPA) is responsible for assuring plumbing products that are used in the installation or repair of (1) any public water system or (2) any plumbing in a residential or non-residential facility providing water for human consumption is “lead free” in accordance with the Safe Drinking Water Act (SDWA or Act), 42 U.S.C. Sections 300f - 300j-26, and the regulations promulgated pursuant to the Act, including the Lead Free Plumbing Products Rule, 40 C.F.R. Sections 143.10-143.20 (“Lead Free Rule”). The enclosed information request is directed to Stock Development/SD on the Roof LLC [Naples, FL] (“Stock”) and is issued pursuant to the SDWA Section 1445, 42 U.S.C. Section 300j-4, and 40 C.F.R. Section 143.20. On a case-by-case basis, the EPA is authorized to require the submittal of information from regulated parties to determine compliance with the Act and federal drinking water regulations.¹

The SDWA Section 1417, 42 U.S.C. Section 300g-6, and the Lead Free Rule, prohibit a person from using any pipe, pipe or plumbing fitting or fixture, solder, or flux, after June 19, 1986, in the installation or repair of any public water system or any plumbing in a residential or non-residential facility providing

¹ This information request is exempt from the Paperwork Reduction Act, 44 U.S.C. § 3501, *et seq.*

water for human consumption that does not meet the statutory definition of “lead free.”² For the SDWA purposes, the EPA interprets “human consumption” to include “potable uses.” In 40 C.F.R. Section 143.11, EPA defines “potable uses” as “services or applications that provide water for human ingestion, such as for drinking, cooking, food preparation, dishwashing, teeth brushing, or maintaining oral hygiene.”

With the 2011 Reduction of Lead in Drinking Water Act, Congress amended the SDWA Section 1417 and incorporated a more stringent definition of “lead free” that took effect January 4, 2014. As defined in the SDWA, “lead free” means not containing more than a weighted average of 0.25 percent lead when used with respect to the wetted surfaces of pipes, pipe fittings, plumbing fittings, and fixtures. 42 U.S.C. Section 300g-6(d). Additionally, under the EPA’s Lead Free Rule, effective September 1, 2023, manufacturers and importers that introduce plumbing products into commerce must meet the statutory definition of “lead free” and are required to obtain third-party certification or, if appropriate, self-certify that their products meet the “lead free” standard. 40 C.F.R. Section 143.19.

Pursuant to the SDWA Section 1445 and 40 C.F.R. Section 143.10, the EPA requires Stock to provide the information requested in Enclosure 1 Part C within **15 business days** of the date of this information request. Compliance with this information request is required by law. Failure to provide a timely, complete, and truthful response to this information request may subject Stock Development to an enforcement action by the EPA, which could result in the imposition of injunctive relief and civil penalties. Please note that the Agency will consider responses that are incomplete, ambiguous, or evasive as a failure to respond to this information request. False, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. Section 1001. The information you provide may be used in the EPA administrative, civil, or criminal proceedings.

Additionally, in accordance with the provisions of 40 C.F.R. Section 2.203, you may assert a business confidentially claim covering part or all the information submitted by clearly identifying it as “confidential.” If no such claim accompanies the information when it is received by the EPA, then it may be made available to the public without further notice.

If you or your staff would like an opportunity to confer, have any questions, or would like to schedule a meeting relating to this information request, please contact Megan Knight at Knight.Megan@epa.gov.

Thank you for your cooperation in this matter.

Sincerely,

Megan Knight, Attorney-Advisor
Water Enforcement Division
Office of Civil Enforcement

² This general prohibition is subject to a few statutorily provided exemptions. 42 U.S.C. § 300g-6(a)(4). Additionally, solder and flux that is not lead free may not be introduced into commerce unless it bears specified labeling. 42 U.S.C. § 300g-6(a)(4).

CC:

Carol King (king.carol@epa.gov)

Lianna Kardeman (kardeman.lianna@epa.gov)

Zarina Patel (patel.zarina@epa.gov)

Dane Wilson (wilson.dane@epa.gov)

Enclosures:

- (1) Information Request
- (2) Statement of Certification
- (3) Confidential Business Information
- (4) Information Request Excel Attachment

Enclosure 1

Safe Drinking Water Act Section 1445 Information Request Directed to Stock

A. Instructions

1. Provide a separate narrative response to each request set forth below. Precede each response with the text and the number of the specific information request item, and its subpart if applicable, to which the response corresponds.
2. Any documents relied upon or used by you to answer any of the questions in this request must be copied and submitted with your response. All documents must be clearly labeled and contain a notation indicating the item and subpart of the item to which they are responsive, as well as the contents of the document.
3. If any item cannot be addressed in full, provide a response to the extent possible along with an explanation of why the item cannot be responded to in full. If your responses are qualified in any manner, please explain.
4. Provide the requested information in electronic format (*e.g.*, on compact disc or in a pdf) or written format.
5. Submit the information with an electronic file system that names each folder and file name in a manner that identifies the number of the corresponding request item and subpart to which it responds as well as a brief description of the contents of the individual file.
6. All records and documents that were created and/or relied upon in responding to any part of this request must be maintained until the EPA informs you that maintenance is no longer required.
7. All information submitted pursuant to this information request must be submitted to (email one complete copy to the individual identified below):
Megan Knight
U.S. EPA
Office of Enforcement and Compliance Assurance
Office of Civil Enforcement
Water Enforcement Division (Mail Code 2226-D2)
1200 Pennsylvania Avenue NW
Washington, D.C. 20460
Knight.Megan@epa.gov
8. If you find, at any time after the submission of your response, that any portion of the submitted information is no longer accurate, false, and/or incomplete, you must notify the EPA of this fact immediately and provide a corrected response.

9. All responses to this request must be accompanied by a certification that is signed and dated by you or the person who is authorized by you to respond to the request. The certification must state that the response is complete and contains all information and documentation available to you pursuant to the request. Enclosure 2 provides a Statement of Certification for this purpose.

B. Definitions

1. “Potable uses” means services or applications that provide water for human ingestion, such as for drinking, cooking, food preparation, dishwashing, teeth brushing, or maintaining oral hygiene.
2. “Introduce into commerce” or “introduction into commerce” means the sale or distribution of products or offering products for sale or distribution in the United States.

C. Information to be Provided

Pursuant to the SDWA Section 1445, 42 U.S.C. Section 300j-4, and 40 C.F.R. Section 143.20, **provide the EPA the following information within 15 business days of the date of this information request.**

1. Describe the relationship, including any contractual agreements, between Stock and Tranquility Plumbing (“Tranquility”).
2. Describe the relationship, including any contractual agreements, between Tranquility and Stock in relation to any contractual agreement carried out in Fiddlers Creek Community located in Naples, Florida.
3. Describe the relationship, including any contractual agreements, between Tranquility and Stock in the context of installing:
 - a. Zurn P1000AXL Temperature and Pressure and Pressure Relief Valves;
 - b. Cash Acme FWL-2 Pressure-Only Relief Valves; and
 - c. Watts Series 530C Calibrated Pressure Relief Valves.
4. Explain who/what company(-ies) designed the plumbing installations that convey water for potable uses using:
 - a. Zurn P1000AXL Temperature and Pressure and Pressure Relief Valves;
 - b. Cash Acme FWL-2 Pressure-Only Relief Valves; and
 - c. Watts Series 530C Calibrated Pressure Relief Valves.
5. Provide the engineering plans depicting where each of the three valves³ were to be installed in the plumbing installation.

³Three valves refer to the Zurn P1000AXL Temperature and Pressure and Pressure Relief Valves, Cash Acme FWL-2 Pressure-Only Relief Valves, and Watts Series 530C Calibrated Pressure Relief Valves.

6. Using the Excel Spreadsheet provided, for each of the three valves that were used in a potable plumbing installation at the direction of Stock, list the:
 - a. Name of the community where the valve was installed;
 - b. Primary address of the community where the valve was installed;
 - c. Date of installation; and
 - d. Who/what company carried out the installation.
7. Was approval of the design of the plumbing installations that convey water for potable uses using Zurn P1000AXL Temperature and Pressure and Pressure Relief Valves required? If so, what parties approved the use and installation of the valve in this potable plumbing installation?
8. Was approval of the design of the plumbing installations that convey water for potable uses using Cash Acme FWL-2 Pressure-Only Relief Valves required? If so, what parties approved the use and installation of the valve in this potable plumbing installation?
9. Was approval of the design of the plumbing installations that convey water for potable uses using Watts Series 530C Calibrated Pressure Relief Valves required? If so, what parties approved the use and installation of the valve in this potable plumbing installation?
10. Provide all communications between Stock and Collier County regarding the approval and inspection of potable plumbing installations that included the three valves.
11. Provide all communications, including but not limited to correspondences, between Stock and the distributor of the three valves.

Enclosure 2

STATEMENT OF CERTIFICATION

I certify that the information contained in or accompanying this submission is true, accurate, and complete.

As to the identified portion(s) of this submission for which I cannot personally verify truth and accuracy, I certify as the company official having supervisory responsibility for the person(s) who, acting under my direct instructions, made the submission, that this information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment.

By: _____
(Signature)

(Full Name Printed)

(Title)

(Date)

Enclosure 3

Confidential Business Information