



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4

ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

ELECTRONIC MAIL
CONFIRMATION OF EMAIL RECEIPT REQUESTED

The Honorable Dean J. Trantalis
Mayor of City of Fort Lauderdale
City Hall, 8th Floor
100 North Andrews Avenue
Fort Lauderdale, Florida 33311
dtrantalis@fortlauderdale.gov

Re: Notice of Noncompliance and Concerns Pursuant to Section 1414(a)(1)(A) of the Safe Drinking Water Act, 42 U.S.C. § 300g-3(a)(1)(A), City of Fort Lauderdale Public Water System in Fort Lauderdale, Florida. PWS ID Number: FL4060486

Dear Mayor Trantalis:

The U.S. Environmental Protection Agency (EPA) is responsible for assuring public water systems (PWS) 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 Fort Lauderdale Public Water System (Fort Lauderdale PWS or System) serves a population of approximately 250,000 individuals. Pursuant to Section 1401(15) of the SDWA, 42 U.S.C. § 300f (15), it is therefore a community water system. A community water system is subject to the requirements of the National Primary Drinking Water Regulations 40 C.F.R. Part 141, and the Florida Primary Drinking Water Regulations (FPDWRs), promulgated at Florida Administrative Code (F.A.C.) 62-555 *et seq.*, pursuant to FL Statute, Title XXIX, Ch. 403, Part VI.

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. See F.A.C. § 62-550.102(1).

On November 14-17, 2022, a drinking water inspection was conducted jointly by the EPA's National Enforcement Investigations Center (NEIC), The EPA Region 4's Drinking Water Enforcement staff, and FDEP. The EPA subsequently sent an inspection report to the City of Fort Lauderdale on January 12, 2023 (Inspection Report), based on observations made by the EPA inspection team, and records and reports maintained by the System.

While the EPA commends the City of Fort Lauderdale for already addressing a number of observations noted in the Report. This notice addresses outstanding observations of alleged noncompliance and additional areas of concern.

Notice of Noncompliance

As detailed in the Inspection Report, the EPA alleges that the System is in noncompliance with the SDWA, the National Primary Drinking Water Regulations, and the Florida Rules for Safe Drinking water as described below:

1. Pursuant to F.A.C. 62-555.315 (1) “Wellheads shall be enclosed by fences with lockable access gates, housed in lockable buildings or enclosures, or otherwise protected against tampering, vandalism, and sabotage.”

and

Pursuant to F.A.C. 62-555.320 (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 access issues in the perimeter fencing at the Prospect well field. Therefore, the System is in non-compliance with F.A.C. 62-555.315 and F.A.C. 62-555.320 for inadequate well security.

2. Pursuant to F.A.C. 62-555.350 (2) “Suppliers of water shall:
 - a. Keep all necessary public water system components in operation and
 - b. Maintain such components in good operating condition, so the components function as intended.
 - c. Perform preventive maintenance on electrical or mechanical equipment – including exercising of auxiliary power sources
 - d. Check the calibration of finished-drinking-water meters at treatment plants,
 - e. Test air and or pressure relief valves for hydropneumatic tanks
 - f. Exercise isolation valves – shall be performed in accordance with the equipment manufacturer’s recommendations or in accordance with a written preventive maintenance program established by the supplier of water.”

At the time of the Inspection, the inspection team observed the following filter operational issues:

- a. The inspection team observed the inlet valve on filter 1 at the Fiveash Water Treatment Plant (WTP) was leaking.
- b. The inspection team observed several issues during the backwash of filter 12 at the Fiveash WTP.

At the time of the Inspection, the inspection team observed multiple water system components not operating as intended:

- a. The inspection team observed wells 27, 31, 32 and 34 were not in operation at the time of the inspection.
- b. The inspection team observed a flow inequality between hydrotreaters 3 and 4 at the Fiveash WTP.
- c. The inspection team observed the recarbonation basins at the Fiveash WTP were not operating as designed.

- d. The inspection team observed the bulk sulfuric acid storage tank at the Peele-Dixie WTP was empty due to a leak in the tank. Due to this, PWS operators have been feeding sulfuric acid into the treatment system through a hose from a chemical tanker trailer parked outside the treatment building.
- e. The inspection team observed the valve on the finished water pipe in the chlorine room at the Fiveash WTP had been removed. This valve allows the operators to configure flows through the chlorine feed process.

At the time of the Inspection, the inspection team observed multiple water system components not maintained in good operating conditions:

- a. The inspection team observed the transformer located outside the Dixie well field generator building has sunk into the sand.
- b. The inspection team observed gaps between the bottom of south tank 1 (finished water storage tank 3) and its foundation at the Fiveash WTP.
- c. The inspection team observed areas of weeping concrete on the exterior of the Poinciana ground storage tank.

Therefore, the System is in non-compliance with F.A.C 62-555.350 for failure to properly maintain all water system components in good operating condition.

Notice of Concerns

During the November 2022 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 the City of Fort Lauderdale PWS take immediate action to address:

1. At the time of the Inspection, PWS operators were unable to provide the average age of the water in the distribution system.

The average age of finished water is important to accurately monitor storage tank turnover time and to ensure chlorine residuals remain adequate within the distribution system.

2. At the time of the Inspection, the System did not have an asset management plan. An asset management plan provides a PWS with an understanding of what assets make up the System and provides a proactive plan for replacements or repairs based on risk prioritization.
3. At the time of the inspection, the inspection team was verbally told that the Fiveash WTP regularly uses operators from the Peele-Dixie WTP to meet the minimum operator coverage.

It is recommended to consider obtaining additional personnel to ensure the treatment plant is adequately staffed and all required tasks can be completed.

4. At the time of the Inspection, well 29 was operational and running despite the wellfield map provided by PWS operators indicating it had been abandoned.

It is important to ensure all documentation is updated to accurately represent current system components and help avoid confusion between operators.

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 City 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). Within **seven** calendar days of receipt of this letter, the City must contact the EPA to arrange a meeting to show cause why the Agency should not initiate legal proceedings against the City for these alleged violations. In lieu of appearing in the EPA's offices for this meeting, a video or telephone conference may be scheduled. The City should be prepared to provide all relevant information with documentation pertaining to the above alleged violations. The City is encouraged to provide documentation of such actions to the EPA upon receiving this letter, or at the arranged meeting. The EPA's legal counsel may also be present at this meeting. Accordingly, the City has the right to have its legal counsel present.

The City 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 City'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.

If you have any questions regarding this matter or to schedule a show cause meeting, please contact Brianna LaPapa, EPA Enforcement Officer, at (404) 562-8165, or lapapa.brianna@epa.gov. For legal inquiries, please have your attorney(s) contact Kavita K. Nagrani, Associate Regional Counsel, at (404) 562-9697, or at nagrani.kavita@epa.gov. Please be advised that if the City fails to contact Brianna LaPapa within **seven** calendar days of receiving this letter to schedule a meeting/conference, the EPA may proceed with a formal enforcement action against the City without further notice.

Sincerely,

KERIEMA NEWMAN  Digitally signed by KERIEMA NEWMAN
Date: 2023.05.12 14:30:29 -04'00'

Carol L. Kemker
Director
Enforcement and Compliance Assurance Division

Enclosure

cc: Ron McCulley, FDEP Ronald.McCulley@FloridaDEP.gov
Dee Dee Thomas, FDEP dierdra.thomas@floridadep.gov
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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.