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Inspector General

OFFICE OF INSPECTOR GENERAL PALM BEACH COUNTY



Inspector General
Accredited

“Enhancing Public Trust in Government”

Investigative Report

2020-0007

Delray Beach Reclaimed Water Reporting

May 6, 2021



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SUMMARY

WHAT WE DID

In February 2020, the Palm Beach County Office of Inspector General (OIG) received a complaint from a whistleblower (WB) alleging City of Delray Beach (City) officials were intentionally concealing from state officials that reclaimed water had contaminated the City's drinking water system and that City residents reported being sickened by the contaminated water. We learned that the Florida Department of Health (FDOH) was actively reviewing the matter and spoke with FDOH officials. As a result, we determined that no OIG involvement was warranted at that time.

In August 2020, the OIG received information from the FDOH alleging there were significant issues with the reclaimed water processes in the City. Additionally, FDOH expressed concerns that City staff and/or elected officials concealed and/or misrepresented their knowledge of water issues to FDOH. Because the conduct of City staff and/or officials falls outside FDOH's review, the OIG coordinated with the FDOH to address FDOH's concerns and to ensure that an OIG investigation would not interfere with potential matters addressed by the FDOH. The OIG initiated an investigation of the following allegation:

Allegation: City staff and/or elected officials concealed and/or misrepresented their knowledge of issues with the drinking water when documenting and reporting the City's adherence to required protocols for the City's Water Program to FDOH.

Our investigation included review of City employees' emails; documentation related to the City's 2018 and 2019 Cross-Connection Control Program Annual Reports (Annual Report) provided by the City to the FDOH; the City's Cross-Connection/Backflow Prevention Program policy; the July 2020 warning letter from the FDOH to the City; the City's "Identified and Resolved Cross-Connection-After Action Additional Information" letter to the FDOH; applicable state statutes and rules found in the Florida Administrative Code (F.A.C); and interviews of City employees, the City Mayor, and City residents.

Our investigation focused on the City's reporting requirements to the FDOH¹ and the City staff and officials' responsibilities and conduct relating to the City's water supply system and use of reclaimed water.

¹ Our investigation does not overlap with matters under the FDOH's purview.

WHAT WE FOUND

The Allegation is supported: Upon discovery of a cross-connection, the City immediately notified FDOH and took steps to remedy the situation by turning off and flushing the water system and issuing a boil water order for the affected area. However, the OIG found evidence that certain City staff were aware of at least one report of sickness caused by the drinking water at the time the City falsely reported to FDOH on December 19, 2018 that no reports of sickness or illness had been received. During our investigation, we were unable to determine whether the

reported illness was actually caused by the City's drinking water.

The City provided a written response concurring with the finding. It is included in this report as Attachment A.

The WB's written response is included in this report as Attachment B.

WHAT WE RECOMMEND

We make three (3) recommendations that can assist the City in making its processes better. These recommendations are detailed at the end of this Report.

BACKGROUND

The Town of Delray was incorporated in 1911.² The land west of the Intracoastal was incorporated as Delray Beach in 1923, and the town and city merged to become the incorporated City of Delray Beach on May 11, 1927. The City is governed under a City Commission/City Manager form of government. All legislative powers of the City are vested in the City Commission.



The Commission is composed of five Commissioners elected at-large to a term of three years, one of whom is the duly elected Mayor. The Mayor presides at Commission meetings and represents the City in intergovernmental relationships. The City Manager is the chief administrative officer of the City and is appointed by the Commission. During the period covered by the OIG investigation, the City had four full-time or interim City Managers.

Reclaimed Water

Water reuse (also commonly known as water recycling or water reclamation) reclaims water from a variety of sources, then treats and reuses it for beneficial purposes such as agriculture and irrigation, potable water supplies, groundwater replenishment, industrial processes, and environmental restoration. Water reuse can provide alternatives to existing water supplies and be used to enhance water security, sustainability, and resilience.³

The Florida legislature amended⁴ section 403.086, Florida Statutes, in 2008 and noted in subsection (9) that discharge of domestic wastewater through ocean outfalls wastes valuable water supplies that should be reclaimed for beneficial purposes to meet public and natural systems demands. The legislature required that discharge of domestic wastewater through ocean outfalls meet advanced wastewater treatment requirements by December 2018; provided that each domestic wastewater facility that discharges through an ocean outfall on July 1, 2008, shall install a functioning reuse system no later than December 31, 2025; required all facilities that discharge domestic wastewater through ocean falls to achieve, at a minimum, 60% reuse of the annual flow by December 31, 2025; prohibited the construction of new ocean outfalls for domestic wastewater discharge and the expansion of existing ocean outfalls; and prohibited the discharge of

² <https://www.delraybeachfl.gov/our-city/things-to-know/about-delray-beach#ad-image-4>

³ <https://www.epa.gov/waterreuse/basic-information-about-water-reuse>

⁴ Chapter 2008-232, Laws of Florida

domestic wastewater through ocean outfalls after December 31, 2025, except as a backup discharge that is part of the reuse system.⁵

In 2013, the legislature enacted Chapter 2013-31, Laws of Florida, which amended section 403.086, Florida Statutes. Section 403.086(9)(c)1., Florida Statutes (2013) allowed utilities additional flexibility to meet the 60 percent reuse requirement by providing,

Each utility that had a permit for a domestic wastewater facility that discharged through an ocean outfall on July 1, 2008, must install, or cause to be installed, a functioning reuse system within the utility's service area or, by contract with another utility, within Miami-Dade County, Broward County, or Palm Beach County by December 31, 2025.

Reclaimed water is an excellent water source for:

- Irrigating golf courses, residences, highway and street medians and other landscaped areas
- Meeting urban demands for water to wash cars, flush toilets and maintain ponds and fountains
- Meeting industrial and commercial demands for water at power plants and for various processing and/or washing needs
- Irrigating food crops, such as citrus and soybeans, and irrigating crops and pastures for livestock
- Creating wetlands and enhancing restoration, and
- Recharging groundwater⁶

Numerous communities in Florida have been using reclaimed water for many years as a key part of their integrated water resource management plans. When reclaimed water is used, it eases the demand on traditional, often limited, sources of water. By recycling or reusing water, communities can still grow while minimizing or even reducing their impact on the water resources around them. Water reuse involves using highly treated domestic wastewater for a new purpose. Reclaimed water systems are continually monitored to ensure the health and welfare of the public and the environment are protected. Using reclaimed water also reduces discharges to deep injection wells, recharges ground water and postpones costly capital investments in the development of new, costlier water sources and supplies.⁷

⁵ A sewage pipe that discharged into the ocean off Delray Beach since the beginning of the Vietnam War was shut-down on April 1, 2009. <https://www.sun-sentinel.com/news/fl-xpm-2009-04-01-0903310461-story.html>

⁶ www.sfwmd.gov/our-work/alternative-water-supply/reuse#:~:text=When%20reclaimed%20water%20is%20used,wastewater%20for%20a%20new%20purpose.

⁷ <https://www.delraybeachfl.gov/government/city-departments/utilities/reclaimed-water>

The City's Reclaimed Water Program

Section 403.064(1), Florida Statutes, notes that the State of Florida encourages and promotes water conservation and reuse of reclaimed water, as within the public interest. Consequently, the City's code of ordinance section 59.05 states, "the rules and regulations appearing in Chapter 62-610, F.A.C., [dealing with the reuse of reclaimed water], as may be amended from time to time, are hereby adopted by reference as though fully set forth within this article and shall apply within the City as an ordinance."

On September 18, 2007, the City passed and adopted Ordinance 43-07, amending Chapter 59, Reclaimed Water, section 59.06, to state:

Sec. 59.06. - Use of reclaimed water within the City of Delray Beach service area

....(C) Connection to the City's reclaimed water system for irrigation used shall be mandatory. If the City's reclaimed water system is available for connection for irrigation users, no other sources of irrigation water will be permitted. Upon notification from the City of service availability, customers shall have ninety (90) days to connect irrigation systems to the reclaimed water system with no fees assessed by the City. Customers connecting after that time will be assessed meter installation charges. After the stated 90 days period, existing irrigation connections to the City's drinking water system will be disconnected.....

The City has been supplying residents with reclaimed water since 2008.⁸ Reclaimed water meeting the requirements of Chapter 62-610, F.A.C. is not meant for drinking water purposes. Since, it is often impossible to distinguish reclaimed water from drinking water, it is important that cross-connections between reclaimed water lines and drinking water lines be prevented in order to protect public health.

Cross-Connections

The City's code of ordinance section 59.04 defines a "cross connection" as "any physical arrangement whereby a potable and/or reclaimed water supply is connected, directly or indirectly, with any other system capable of imparting contamination to the potable and/or non-potable water supply as the result of backflow." Contaminants may enter the potable water system when the pressure of a polluted source exceeds the pressure of the potable source. The direction of flow under these conditions is opposite to that of normal flow. This action is called back-siphonage or backflow. Backflow protection is required to prevent backflow through the cross-connection into the public water system.⁹

⁸ <https://www.delraybeachfl.gov/government/city-departments/utilities/reclaimed-water>

⁹ Rule 62-555.360, F.A.C.

Rule 62-610.469(7), F.A.C. prohibits cross-connections to potable drinking water systems. Each community water system must establish and implement a cross-connection control and inspection program for all public water supply systems located within the area to be served by reclaimed water. The system should utilize backflow prevention devices to protect against contamination caused by cross-connections on customers' premises.¹⁰

The City's citizens are required to have an approved backflow prevention device installed on their drinking water system before they can receive reclaimed water. This device is installed next to the drinking water meter to prevent reclaimed water from entering the public drinking water system should the pipelines accidentally cross connect. City records show that as of December 2020, there were 596 meters connected to reclaimed water. Per the WB, the program is geared toward high volume use customers such as; golf courses, parks, and high water-usage homes on large parcels of land. The City extended reclaimed water to the larger parcels of land located on the Barrier Island/S. Ocean Blvd in 2017.

Community water systems serving more than 10,000 persons must prepare and submit cross-connection control program annual reports to the appropriate DEP district office or approved county health department. Upon discovery of a prohibited or inappropriately protected cross-connection, public water systems either shall ensure that the cross-connection is eliminated, shall ensure that appropriate backflow protection is installed to prevent backflow into the public water system, or shall discontinue water service.¹¹ A public water supply system that is not in compliance with the state drinking water regulations must notify the local public health department or the DEP district office. Within Florida, the Department of Environmental Protection is the primary agency responsible for enforcing the Federal Safe Drinking Water Act. However, the FDOH implements the program in seven counties. In these counties (Hillsborough, Lee, Miami-Dade, Palm Beach, Polk, Sarasota, and Volusia), the County Health Department is responsible for oversight of construction and operation of all public water systems.¹²

OIG Interview of Florida Department of Health Environmental Health Director Rafael Reyes

Director Reyes told the OIG that the FDOH's drinking water program has full autonomy on how to enforce the Federal Safe Drinking Water Act. Through delegation by the DEP, the Palm Beach County Health Department is one of seven approved drinking water programs in Florida that directly regulate public water systems. The City, as a public water purveyor, is part of the systems that FDOH regulates.

¹⁰ Rule 62-610.469(7)(a), F.A.C.; Rule 62-555.360, F.A.C.

¹¹ Rule 62-555.360, F.A.C.

¹² <http://www.floridahealth.gov/environmental-health/drinking-water/public-drinking-water-systems.html>

Director Reyes stated that Rule 62.555, Florida Administrative Code primarily deals with cross-connection control for public water systems. Part of the FDOH's job is to review annual reports from the City. The Annual Report should contain the following information: the number of cross-connections, the type and amount of backflow preventers,¹³ how often the preventers are tested, whether or not cross-connections have been found, and what type of corrective actions they have taken to remedy any issues. The City is required to report anything to the FDOH that deviates from these rules and regulations.

ALLEGATIONS AND FINDINGS

Allegation:

City staff and/or elected officials concealed and/or misrepresented their knowledge of issues with the drinking water in the City when documenting and reporting the City's adherence to required protocols for the City's Water Program.

Governing Directive:

Section 403.859, Florida Statutes,

The following acts and the causing thereof are prohibited and are violations of this act:

...

5) Submission by any person of any false statement or representation in any application, record, report, plan, or **other document filed**, or required to be filed by this act or rules adopted by the department pursuant to its lawful authority. [Emphasis added]¹⁴

Rule 62-560.310, F.A.C. – Violations

(1) Prohibited Acts

(e) Submission by any person of **any false statement or representation** in any application, record, report, plan or **other document filed**, or required to be filed by the Florida Safe Drinking Water Act, or rules adopted by the Department pursuant to its lawful authority. [Emphasis added]

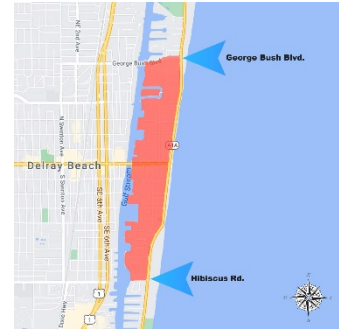
Finding:

The allegation is **supported**

¹³ Per the EPA, backflow is any unwanted flow of used or non-potable water, or other substances from any domestic, industrial, or institutional piping system back into the potable water distribution system.

¹⁴ Section 403.852(5), Florida Statutes, defines "person" as an individual, public or private corporation, company, association, partnership, municipality, agency of the state, district, federal agency, or any other legal entity, or its legal representative, agent, or assigns.

On December 11, 2017, the City Commission awarded a contract to Lanzo Construction (Lanzo) to expand the City's reclaimed water system to the Barrier Island/S. Ocean Boulevard area, where the majority of the large parcels of land are located. This project came to be known as the "12C Project." Lanzo started work in the spring of 2018 and in the fall of 2018, Lanzo started connecting the customers on the Barrier Island to the reclaimed water system. Lanzo's responsibilities included:



- Installing water pipes;
- Installing and replacing water meters;
- Testing the water system;
- Removing and replacing the existing sewer system;
- Replacing sewer laterals which connect private properties to the mainline city system; and
- Installing storm drainage.

The WB complained to the OIG that the 12C Project resulted in prohibited cross-connections and that City officials intentionally concealed from state officials that residents were sickened when reclaimed water contaminated the City's drinking water system.

OIG Examination of City Resident Complaints

The OIG reviewed phone messages from multiple S. Ocean Boulevard residents who complained to the City in October and November 2018 of poor water quality. The residents complained of household water that was foul smelling, discolored, and contained particles such as sand and algae.

OIG Analysis of City Emails

During its investigation, the OIG, using multiple keyword searches, reviewed over 4,000 City emails to determine whether there were any complaints of sickness in City reclaimed water areas.

We located an email from November 26, 2018 showing that a resident asked the City whether the contractor hired by the City improperly connected the backflow preventers, and asserting that he and wife got sick. Angela Franz reported to then Water and Sewer Manager Scott Solomon and then Assistant Manager of Water and Sewer Angel Farinas:

From: [Frantz, Angela](#)
To: [Solomon, Scott](#)
Cc: [Farinas, Angel](#); [n"Gurumo, Lanshina](#)
Subject: [REDACTED] S Ocean
Date: Monday, November 26, 2018 9:26:39 AM
[REDACTED] Please call after 11:30

The water is brown and he is wondering if the contractor connected the reclaimed water wrong.
he and his wife got sick last week

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OIG examination shows that Mr. Solomon did not forward this email to any other City employees, including his supervisors, then Utility Deputy Director Victor Majtenyi and Utility Director Marjorie Craig. The OIG was not presented with any information showing that Mr. Solomon advised Ms. Craig verbally or in writing that he was notified of reports of illnesses. Mr. Solomon assigned several employees to inspect the water quality at the households complaining of poor water quality.

Cross-Connection on S. Ocean Blvd.

The City discovered a cross-connection on S. Ocean Blvd. on December 6, 2018. According to Mr. Solomon, as soon as the cross-connection was discovered, the reclaimed water system was turned off. Within hours of the discovery of the cross-connection, Ms. Craig notified the FDOH and Florida Department of Environmental Protection (FDEP) via telephone that the City discovered a cross-connection, turned off the system, and was in the process of flushing the system. Mr. Solomon recalled being present for one of the phone calls Ms. Craig made to FDOH. Per Mr. Solomon, Ms. Craig also asked FDOH what steps the City should take next. At first, FDOH wanted the City to issue a boil water notice for the entire City, but with FDOH concurrence, the boil water notice was issued solely for the Barrier Island. The cross-connection was fixed within 48-72 hours of its discovery.

On December 7, 2018, the day following the discovery of the cross-connection, then City Manager Mark Lauzier sent an email to the City Police Department, Commissioners, and Mayor Petrolia notifying them that a cross-connection had been discovered, notifying them of the boil water notice, and stating that the City was in the process of issuing door notices to the residents of the Barrier Island/S. Ocean Blvd. That email made no mention of water-related sickness.

¹⁵ Ms. n"Gurumo and Ms. Frantz were City staff who had clerical responsibilities in the City Water Department. Mr. Farinas was a subordinate of Mr. Solomon. Mr. Farinas told the OIG he did not recall this email or reports of people getting sick.

The City followed up the December 6, 2018 phone call to FDOH with a December 19, 2018 letter to FDOH Water Programs Administrator Jorge Patino notifying the FDOH of the actions the City took to identify and remedy the cross-connection. Ms. Craig signed the letter on behalf of the City and copied the City Deputy Director for Utilities Victor Majtenyi; City Lab Manager Juan Manzano; then City Water and Sewer Manager Scott Solomon; then City Acting Deputy Director for Water and Sewer Ed Soper; then City Water Treatment Plant Manager John Bullard; and City Maintenance Manager Harold Williams. In that letter, the City described the cross-connection as follows:

Customer's irrigation system was connected to both a potable water meter and a reclaimed water meter on the customer's side of the system. Some confusion since the customer has "two addresses" (owns two adjacent parcels with one large house on one of them.....). Prior to this reclaimed construction project there were a total of three potable water meters at the combined property Under the construction scope of work, each property received a reclaimed connection, however, only the one was needed and connected. The [other] one....., at this point, is only a service connection (no meter) and is physically locked out.

...

On November 15, 2018, as part of our reclaimed water expansion efforts and a part of Reclaimed Area 12C, a City contractor installed reclaimed water meter boxes at both, thinking they were two separate residences (within the concrete walled and gated compound).

However, the December 19, 2018 letter to FDOH contained no disclosure of the November 26, 2018 email to Mr. Solomon and cc'd to Mr. Farinas. The letter had attachments that included "Follow up with Additional Information for the Florida Department of Health" detailing the nature of the cross-connection and how it happened. The letter also stated, **"No reports of sickness or illness have been received."** [Emphasis added]

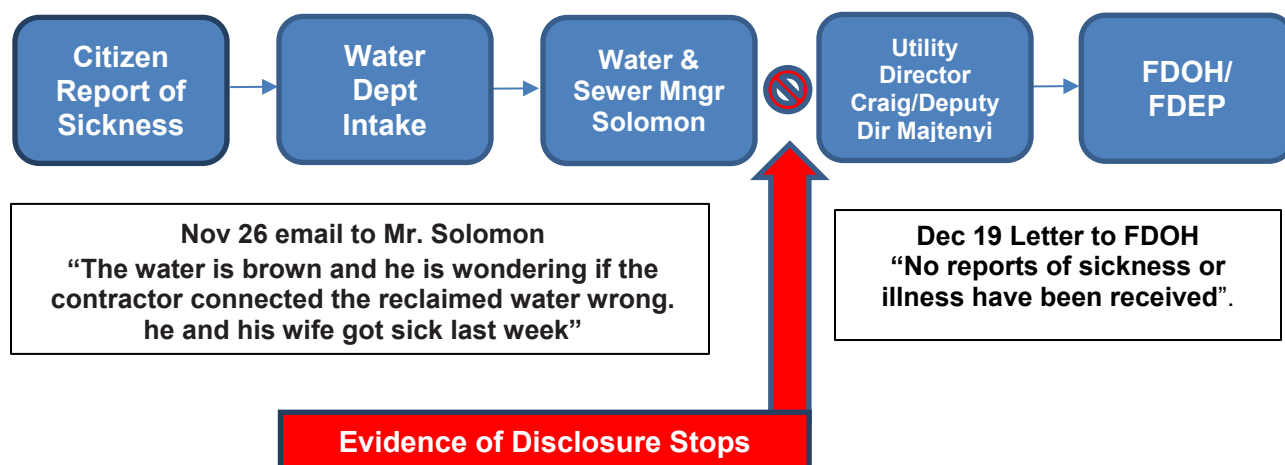
City Reporting Requirements for Reclaimed Water Sickness

The flow chart below depicts the appropriate progression for City disclosure to FDOH and FDEP of reports of sickness from reclaimed water:



November and December 2018 City Reporting

The flow chart below depicts the progression of City disclosure to FDOH and FDEP after the November 2018 receipt of information that a residence had reported sickness from reclaimed water:



OIG Review of Cross-Connection Inspection Forms

The OIG obtained six inspection forms for the November 2018 cross-connection. These were forms that were created by City Water and Sewer Inspector Christine Ferrigan and not official City forms. Three of the six forms by Ms. Ferrigan listed residents who reported sickness. However, during an OIG interview, Ms. Ferrigan acknowledged that she did not submit these forms to any other City employee, including her supervisor.

Annual Report to FDOH

The FDOH requires the City to submit an Annual Report for each calendar year. These reportable events are for specific water issues including cross-connections and water contamination. The FDOH requires that the Annual Report be submitted within three months after the end of the calendar year covered by the report.

In August 2019, the City submitted the signed annual 2018 report to FDOH.¹⁶ The City's Annual Report to FDOH stated "people claimed to ill feeling".

Section VI - Additional information of the City's 2018 Annual Report contained the following:

¹⁶ Mr. Reyes told the OIG that the City's Annual Report for 2018 was submitted late.

PWS Identification Number: 45-00351

V. Discovered Cross-Connections

- How many prohibited or inadequately protected cross-connections were discovered during the calendar year covered by this report? 1
- If one or more**, provide in Part VI of this report a description of the discovered cross-connection(s) and an explanation of how the cross-connection(s) was(were) eliminated or adequately protected.

VI. Additional Information (attach supplementary pages if necessary)

A cross connection was found at a residential home when a contractor connected reclaimed water to existing potable irrigation system (dual plumbed) and failed to install a backflow preventer on the potable water service. Backsiphonage/back pressure was found to be the cause of several reports from residents who initially complained about water quality in the potable water downstream from the cross connection, claimed to ill feeling. The reclaimed meter from the cross connection was turned off and locked out and a backflow preventer was installed on the potable meter. Deficiencies were also found including illegal hose bibs and lack of cross connection inspections to prevent further violations. A reclaimed/cross connection program was enhanced with inspections for backflows on all reclaimed users.

VII. Certification by CWS⁷
I am duly authorized to sign this report on behalf of the CWS identified in Part I of this report. I certify that the information provided in this report is true and accurate to the best of my knowledge and belief.

VICTOR MAJENY DEP. DIR. OF UTILITIES [Signature] 8/16/19
Name Title Signature & Date

The OIG also obtained an unsigned document that showed a different version of Section VI illustrated above. In this version, instead of "...residents who...claimed to ill feeling" it stated "residents...reported getting sick," and instead of "Deficiencies were also found..." it stated, "Significant deficiencies were also found..."

CROSS-CONNECTION CONTROL PROGRAM ANNUAL REPORT

PWS Identification Number: 45-00351

V. Discovered Cross-Connections

- How many prohibited or inadequately protected cross-connections were discovered during the calendar year covered by this report? 1
- If one or more**, provide in Part VI of this report a description of the discovered cross-connection(s) and an explanation of how the cross-connection(s) was(were) eliminated or adequately protected.

VI. Additional Information (attach supplementary pages if necessary)

A cross connection was found at a residential home when a contractor connected reclaimed water to existing potable irrigation system (dual plumbed) and failed to install a backflow. Backsiphonage/back pressure was found to be the cause of several reports from residents who drank the potable water downstream from the cross connection and reported getting sick. The reclaimed water meter from the cross connection was turned off and locked out and a backflow preventer was installed on the potable meter. Significant deficiencies were also found including inadequate or no backflow protection, illegal hose bibs and lack of cross connection inspections to prevent further violations. A reclaimed/cross connection program was implemented with regularly inspections for back flow and reclaimed users.

VII. Certification by CWS⁷
I am duly authorized to sign this report on behalf of the CWS identified in Part I of this report. I certify that the information provided in this report is true and accurate to the best of my knowledge and belief.

Name Title Signature & Date

OIG interview of Ms. Ferrigan

Ms. Ferrigan told the OIG that the City did not have a database to keep track of cross-connection inspections. Consequently, she created an excel file to keep track of all inspections she did regarding the reclaimed water distribution system. The database has been accessible to all City Water and Sewer Department employees since January 2020. The database created by her does not include any references to customers getting ill from the water. Ms. Ferrigan acknowledged that cross-connection inspection forms prepared by her were not turned in to management. She stated that she verbally told Mr. Solomon that customers complained of illness from reclaimed water contamination, but no one in management asked her for backup documentation. Ms. Ferrigan stated that she had the forms with her when she reported the issue to Mr. Solomon, but he did not ask to see them and she did not offer to give them to him.

Shortly after the November 2018 cross-connection was discovered, numerous meetings were held with City employees to make decisions on what had happened, but Ms. Ferrigan stated she was not invited.

OIG Examination of City Resident Properties

The OIG obtained six inspection forms for five residences that detailed City residents who complained about water quality issues in reclaimed water-service areas. Three of those forms reported resident sickness.

Resident A

Per a City phone message received by the OIG¹⁷, Resident A's husband called the City on November 26, 2018 to complain about the water. In connection with that residence, two cross-connection inspection forms reflected the following:

- Form 1: completed and signed by the WB on November 26, 2018 stated "Wife reported being sick, worried about grandchildren over Thanksgiving, husband was not, dog sick"
- Form 2: completed and signed by the WB on November 29, 2018 stated "Wife was sick, husband was not"

OIG interview of Resident A

Resident A was interviewed by the OIG and said she had no recollection of her husband's report of sickness from City water. Resident A's spouse is deceased. Resident A did recall that her spouse began noticing that City water coming into their house was cloudy and gold in color in November of 2018. The water was so discolored that even after it was run through her kitchen's filtration system, it was still noticeably discolored and murky. The water was also turning her towels yellow. Resident A's first complaint made to the City

¹⁷ This phone message was documented in the email shown on page 10 of this Report.

about the water was on November 26, 2018 via telephone call. Resident A estimates that it was either days or a few weeks of discolored water that prompted the call.

Resident A told the OIG that during a call to the City, she and her husband reported that they did not have any health related symptoms or sickness from the water. They asked if there could be residual symptoms from drinking the water and were told "maybe" by City Inspectors.

Resident B

According to a cross-connection inspection form, Resident B complained to the WB about an undefined water quality issue on November 27, 2018.

OIG Interview of Resident B

The OIG made multiple attempts to contact Resident B for an interview. Resident B did not return any attempts by the OIG.

Resident C

According to a cross-connection inspection form, the property manager for Resident C complained about the entire family having stomach issues, and went on antibiotics on December 3, 2018. Per a phone message left by Resident C with the City on December 1, 2018, the residence had "water flowing out yellow of customer home."

OIG interview of Resident C

The OIG made several attempts to interview Resident C. The OIG was referred to Resident C's Chief Legal Counsel, who advised the OIG she would relay the message to Resident C. Neither the resident nor any representative would interview with the OIG.

Resident D

Per the cross-connection inspection form dated December 4, 2018 the property manager for Resident D complained about his/her kids being sick from water issues.

OIG Interview of Resident D

The OIG interviewed Resident D, while in the presence of Resident D's attorney, Resident D's wife, and their property manager.

Resident D stated that his property manager and wife contacted the City about the water about two years ago. The property manager had brought it to Resident D's attention because they could not use the reclaimed water for irrigation, and there were other issues such as discolored and smelly water coming out of the faucets in the home.

Resident D did not think anyone at his household became ill because of the water. He does not recall if anyone got sick, nor whether they would have made the connection between the illness and the water at the time. Resident D's attorney stated that none of the area residents at the time knew there was an issue with the water overall, just that they had personal issues with the water at their individual homes.

Resident E

According to a cross-connection inspection form dated December 27, 2018 Resident E on January 1, 2020 complained to the FDOH that she was not properly notified by the City of the cross connection.

OIG Interview of Resident E

Resident E told the OIG that sometime in October, November, or December of 2018, Resident E called the City Water Department because of an issue with the sprinklers, hose bibs and water billing at one of her residences on S. Ocean Blvd. The City came out and told her that there had been some sort of cross-connection. The City closed off the reclaimed water meter and reconnected everything to the City water. Believing this was a City-wide issue, she became concerned and had the same thing done at her other residence.

The reclaimed water had a sewer smell. She could not attribute any illness she may have experienced to the reclaimed water, but stated she was fearful of getting sick.

OIG Interviews of City Employees

OIG Interview of Then Water and Sewer Manager Scott Solomon

Mr. Solomon told the OIG that a City Water Inspector who directly reported to him began performing inspections for cross-connections in the area of the new construction that Lanzo was performing. After that was completed, that City Water Inspector did inspections of the older reclaimed water areas because of new regulations that were put in place. According to Mr. Solomon, no City Water Inspector submitted anything in writing to him regarding those inspections. The Inspector who performed cross-connection inspections verbally told Mr. Solomon what they had found and told him that forms associated with the verbally apprised information were "insignificant."

We showed Mr. Solomon the November 26, 2018 email to him that detailed two residents getting sick from reclaimed water. Mr. Solomon stated that he had no memory of that email or its contents.

We also showed Mr. Solomon copies of the cross-connection inspection forms obtained by the OIG regarding cross-connections and residents getting sick, and he stated that he never saw them before and that he never had access to them. Mr. Solomon told the OIG

that he was not aware of any reports of residents getting sick from reclaimed City water in 2018.

OIG Interview of Deputy Director Victor Majtenyi

The OIG interviewed City Water Department Deputy Director Majtenyi. He stated that he never heard of any complaints of resident illness. He indicated that a City employee within the Water Department had voiced concerns about the water in 2019. The only complaints that he was aware of prior to 2019 were of water discoloration and odor. He stated that historically, the City has had a color issue with its water due to the lime softening system the City uses.

OIG Interview of Then-City Deputy Director Ed Soper

The City hired Mr. Soper on October 8, 2018 as a Water Treatment Plant Deputy Director. Mr. Soper became a part-time employee as a City Water Seasonal Project Manager in January 2019. He stated that his involvement in the cross-connection was a one-time occurrence when he went with City Lab Director, Juan Manzano to sample water at the home of Resident C on S. Ocean Blvd, before they knew of a cross-connection. Mr. Soper believes that on this occasion the property manager said the owner felt ill, but he was unsure if the illness was associated with the water. Mr. Manzano stated that at that time, he drank the water and nothing happened to him. Mr. Soper did not recall when the City notified outside agencies of a cross-connection after it was discovered on December 6, 2018. He knew at some point that FDOH was notified of the cross-connection.

Mr. Soper said he has never seen the cross-connection forms. Mr. Soper stated that though a City inspector accompanied him to an inspection on December 3, 2018, that inspector never entered the residence during that inspection. He recalled seeing that inspector outside of that property as he and Mr. Manzano were looking at the property's sprinkler system.

OIG Interview of Environmental Laboratory Manager Juan Manzano

Mr. Manzano was shown a copy of a cross-connection inspection form for Resident C's house on S. Ocean Blvd. Mr. Manzano did not recall ever seeing the form; however, he recalled accompanying a City inspector to that residence.

Mr. Manzano could not recall anyone at the residence reporting that they felt sick from the water but did vaguely recall the mention of the dog in the household being sick. After the OIG interview with Mr. Manzano, he referred back to his own notes, which did not indicate that any resident complained of illness. He also recalled it was at this residence where he drank a sample of the water and the resident was astounded that he did so. The water tasted good to Mr. Manzano. He asked the accompanying inspector if the inspector conducted a cross-connection inspection at that residence. The inspector stated that the inspector did and that everything was fine. It was later found that backflow prevention devices were missing and there was a cross-connection at another residence.

OIG Interview of Mayor Shelly Petrolia

Mayor Petrolia told the OIG that the only issue she was aware of regarding reclaimed water was the cross-connection that happened on the Barrier Island/S. Ocean Blvd. in December 2018. Mayor Petrolia did not find out about this issue immediately; she stated that she learned the facts in approximately January or February of 2020. Mayor Petrolia remembers there was a problem on how the City communicated the boiled water notice from FDOH in December 2018 to residents. Her office was getting calls from all over the City as residents were not sure why the order was being issued and which areas were affected.

In late January 2020, Mayor Petrolia received a call from a constituent who asked if there was a boil water notice issued to the residents on the Barrier Island. Mayor Petrolia immediately texted then City Manager George Gretsas to inquire about the boiled water notice. She stated that Mr. Gretsas was hired in early January 2020 and was not too sure himself, but he advised Mayor Petrolia that he would find out. Mr. Gretsas called Mayor Petrolia and asked who was inquiring about the boiled water notice. She told the OIG that Mr. Gretsas also assured the Mayor that nothing was wrong, and residents must have been confused with a water issue that was going on in Fort Lauderdale at the time.

The phone conversation happened two days prior to a meeting the FDOH had with City employees in February 2020. It was after that meeting Mayor Petrolia stated that she learned that the City was going to have to issue a new boiled water notice. Between December 2018 and January 2020, Mayor Petrolia said she did not know anything about reclaimed water issues. Mayor Petrolia's office did not receive calls about residents being sick nor could she ever remember that being discussed at a City Commission meeting.

Mark Lauzier was the City manager in 2018; however, Mayor Petrolia thought only those within the City Water Department would have knowledge about what happened with a cross-connection in 2018.

Mayor Petrolia was shown a copy of a text message from February 2020 between herself and Mr. Gretsas that stated, "Whatever goes out, needs to include information that doesn't implicate this administration. It's news to all of us. That didn't happen on our watch. We are going to be creamed otherwise." Mayor Petrolia stated that she and Mr. Gretsas had just found out about the cross-connection discovered in 2018, and how backflow prevention devices were not installed from the beginning of the project. She told the OIG that she wanted to make sure that Mr. Gretsas understood when he was explaining things that he should let everybody know that the water was more of a systematic issue or they would get "creamed". Mayor Petrolia said she sent the text to Mr. Gretsas after she had learned from him that they were going to shut down the reclaimed water system in February 2020. In the text string, Mr. Gretsas told Mayor Petrolia that it was related to something that happened in 2018. Mayor Petrolia said that this text "may give the impression that there was a cover-up, which was not the case at all."

Mayor Petrolia said Mr. Gretsas never told her that there were people complaining of sickness. She believed Mr. Gretsas was downplaying that part a little bit and thought that it may have been made up.

OIG Interview of Then-Utility Director Marjorie Craig

The OIG attempted to interview Ms. Craig. When contacted by telephone, Ms. Craig made an unsolicited statement that she did not know that people got sick from the water. She then informed the OIG that she never did anything wrong and worked many hours while a City Director. Ms. Craig stated that she already answered questions by an independent City investigator. Thereafter, the OIG received a text message from Ms. Craig stating "Hi! Thank you for the opportunity to speak to you, but I gave everything to the independent investigator. I don't have any other information or anything to add."

Other Related Issue

A December 7, 2018 email to Mr. Solomon stated that a resident complained of headaches and attributed them to drinking the City water at a business on Atlantic Avenue in Delray Beach. OIG review of the resident's business address determined that this location was not connected to the reclaimed water system in the City.

OIG Conclusion

The City was required to disclose prohibited or inadequately protected cross-connections to the FDOH. Then Water and Sewer Manager, Mr. Solomon received an email on November 26, 2018 detailing that a resident asked the City whether the contractor retained by the City improperly connected the reclaimed water supply and asserted that two residents reported sickness from the drinking water. Mr. Solomon advised our office that he has no memory of that email. We have no record of Mr. Solomon disclosing the report to his supervisor Ms. Craig verbally or in writing. Additionally, Ms. Ferrigan advised our office that she verbally reported to Mr. Solomon complaints of illness caused by the reclaimed water. Mr. Solomon refutes this.

In response to residents' complaints of poor water quality, Mr. Solomon did send inspectors to the affected area, who discovered an issue with a cross-connection. The City reported the cross-connection to the FDOH, the City Manager, and the City Commission. Additionally, the City turned off and flushed the system, and issued a boil water order.

On December 19, 2018, however, the City reported to FDOH in writing that there were no reports of sickness. Although, we cannot conclude that Ms. Craig intentionally made a false statement to FDOH, the OIG found evidence that certain City staff responsible for managing the Water and Sewer program were, in fact, notified of at least one report of sickness caused by the drinking water prior to the City's false statement/misrepresentation to FDOH on December 19, 2018 that no reports of sickness

or illness had been received. During our investigation, we were unable to determine whether the reported illness was actually caused by the City's drinking water. The allegation is **supported**.

ACKNOWLEDGEMENT

The Inspector General's Investigations Division would like to thank the City of Delray Beach and the FDOH for their cooperation throughout this investigation.

RECOMMENDED CORRECTIVE ACTIONS

We make several recommendations that could improve the City's reclaimed water processes:

1. Consider implementing an on-line, telephone, or text alert system that could notify residents of any reclaimed water issues as soon as they are identified.
2. Consider improving outreach and awareness to residents informing them of the City's reclaimed water processes.
3. Consider providing annual training to Water and Sewer Department employees regarding the City's reclaimed water documentation processes. These processes should include concurrent documentation and submission of inspection forms.

RESPONSE FROM MANAGEMENT

Pursuant to Article XII, Section 2-427 of the Palm Beach County Code, the City of Delray Beach was provided the opportunity to submit a written explanation or rebuttal to the findings as stated in this Investigative Report within twenty (20) calendar days. The City's written response is attached to this report as Attachment A.

RESPONSE FROM WHISTLEBLOWER

Pursuant to Section 112.3189, Florida Statutes, the WB was provided the opportunity to review the OIG's findings and provide a written response within twenty (20) calendar days.

The OIG has addressed all of the viable initial investigative allegations by the WB. The attached response from the WB has not identified any new areas of OIG investigative interest. A letter containing the WB's response is provided as Attachment B. The WB submitted over 180 pages of supporting documents with the WB's response letter. Those supporting documents are available upon request and are posted on the OIG website.

RESPONSE FROM MR. SOLOMON

Pursuant to Article XII, Section 2-427 of the Palm Beach County Code, Mr. Solomon was provided the opportunity to submit a written explanation or rebuttal to the findings as

stated in this Investigative Report within twenty (20) calendar days. Mr. Solomon notified the OIG that he would not be submitting a response.

This Investigation has been conducted in accordance with the ASSOCIATION OF INSPECTORS GENERAL Principles & Quality Standards for Investigations.

ATTACHMENT A



CITY OF DELRAY BEACH

CITY MANAGER'S OFFICE

100 N.W. 1ST AVENUE • DELRAY BEACH • FLORIDA 33444 • (561) 243-7015



VIA e-mail: inspector@pbcgov.org

April 18, 2021

Stuart Robinson, Director of Investigations
Office of Inspector General
P.O. Box 16568
West Palm Beach, FL 33416

Re: OIG# 2020-0007 City of Delray Beach Reclaimed Water Reporting

Dear Mr. Robinson:

The City of Delray Beach (City) has reviewed the Office of Inspector General's (OIG) draft investigative report regarding the City's Reclaimed Water Reporting (Report). Thank you for the opportunity to respond.

While the City understands that the OIG finds support for the allegation that "City staff and/or elected officials concealed and/or misrepresented their knowledge of issues with the drinking water when documenting and reporting the City's adherence to required protocols for the City's Water Program to FDOH," the City notes the following. As the OIG stated, there was no evidence that Scott Solomon, the City's Water Sewer Manager, advised Marjorie Craig, the Utility Director, that he was notified of any reports of illnesses, despite receiving an e-mail days prior alleging a possible report of illness. As the flow chart provided in the Report depicts, the breakdown in communication occurred with mid-level of management thereby preventing members of upper management, as well as the City Manager and the City Commission, from having this critical information. Thus, at the time that Ms. Craig made the City's disclosure to FDOH and FDEP, there is no basis to conclude that Ms. Craig's disclosure was untruthful or false based on the information available to her at that time. So, while the OIG may impute knowledge possessed by a City employee to the City as a whole, because of Mr. Solomon's failure to disclose the contents of the November 2018 email to his superiors, there is no evidence that the actions of Ms. Craig concealed or misrepresented her knowledge of the issues concerning the reporting of illness at the time the disclosure was made.

The City appreciates the thoroughness of the OIG in its determination that there was no evidence that reported illness was linked to the City's drinking water. The extent of the OIG's investigation of this matter is clear in the information produced.

In response to the findings and recommendations provided in the Report, the City provides the following replies:

SERVICE • **P**ERFORMANCE • **I**NTEGRITY • **R**ESPONSIBLE • **I**NNOVATIVE • **T**EAMWORK

OIG Recommendation No. 1:

Consider implementing an online, telephone, or text alert system that could notify residents of any reclaimed water issues as soon as they are identified.

City Response:

The City concurs with the recommendation. The City utilizes the CodeRED system for notifications via voice calls, e-mails, and text messages. The system allows the City the ability to provide real-time alerts to customers within defined geographic areas or city-wide, as needed. The City also uses social media platforms, Facebook and Twitter, to disseminate information regarding emergency situations or scheduled disruptions to service. Additionally, on March 12, 2021, the City mailed each reclaimed water customer a letter which included a link to the City's website where customers could sign up to receive future reclaimed water notifications and updates via an email newsletter.

OIG Recommendation No. 2:

Consider improving outreach and awareness to residents informing them of the City's reclaimed water processes.

City Response:

The City concurs with the recommendation. The City created an educational brochure which provides customers with information about reclaimed water, including its proper use and environmental benefits. The brochure was mailed to each reclaimed water customer on March 12, 2021 (please see the enclosed letter and educational brochure). The letter also includes the link where customers can sign up to receive future reclaimed water notifications and updates via an email newsletter. Further outreach has been done on the City's website with several pages devoted to explaining the uses for reclaimed water and its benefits, as well as sections for backflow cross-connection control, reporting water issues, and the Utilities Department's Progress Reports which outlines many of the initiatives the department is undertaking.

OIG Recommendation No. 3:

Consider providing annual training on Water and Sewer Department employees regarding the City's reclaimed water documentation processes. These processes should include concurrent documentation and submission of inspection forms.

City Response:

The City concurs with the recommendation. The City Utilities Department has implemented a process where all customer complaints/inquiries are documented. All calls, even if the issue was addressed/resolved over the phone, are documented, and tracked in CityWorks, the City's computerized maintenance management system (CMMS). Those calls that did not require

service request or a work order, are tracked in a customer spreadsheet.

A Reclaimed Water Certification Course will be provided for all employees directly involved with the Utilities' cross connection control. Standard Operating Procedures, including proper documentation and inspection reports, will also be reviewed, and discussed, annually, with all employees in the cross-connection control section.

Additionally, Utilities staff were directed to track all customer concerns and inquiries, including the service request or work order number, in a custom spreadsheet.

Additionally, the City is exploring the possibility of using call capturing services that would allow customer calls to the Utilities Department to be recorded and archived, ensuring better oversight and monitoring of customer concerns and inquiries.

The City of Delray Beach truly welcomes your professional and detailed review, and as always, we appreciate the opportunity to continue to strengthen our procedures and controls.

Should you have any additional questions, please call me at (561) 243-7015.

Sincerely,


Jennifer Alvarez
Interim City Manager

Enclosure



CITY OF DELRAY BEACH

UTILITIES DEPARTMENT

434 S. SWINTON AVE • DELRAY BEACH • FLORIDA 33444 •
(561) 243-7000



March 12, 2021

Subject: Public Advisory Notice of Reclaimed Water Use

Dear HOA President/Facility Manager:

You are receiving this letter because the property you manage receives reclaimed water service from The City of Delray Beach Utilities Department (DBUD) for irrigation purposes ONLY.

The purpose of this notice is to ensure that all reclaimed water customers are aware of the origin, nature and characteristics of reclaimed water, the manner in which reclaimed water can safely be used, and limitations of reclaimed water use.

All property owners, users and residents within the area where reclaimed water is used should be notified of the safety requirements for using reclaimed water for irrigation purposes only. This information may be delivered via newsletters, mail, e-mail, posting advisory, signage, brochures, radio/TV, or website.

Please include the enclosed information with any materials sent to property owners, users and residents receiving reclaimed water for irrigation.

We are requesting that you submit proof of said notification to DBUD and the method that it was conveyed to the homeowners, residents and users no later than May 10, 2021. You may submit this proof to the address or e-mail shown below.

Delray Beach Utilities Department
c/o Alicia Magloire
434 S Swinton Ave.
Delray Beach, FL 33444

or Alicia Magloire
magloirea@mydelraybeach.com

If you would like to receive future updates via email, please opt-in to the Reclaimed Water Customer Updates email distribution list at <http://bit.ly/reclaimedwaterupdates>.

If you have any questions or require any additional information you may visit <http://bit.ly/reclaimedwaterupdates>, call me at 561-243-7000 ext. 7177 or e-mail me at magloirea@mydelraybeach.com.

Sincerely,

Alicia Magloire
Water Resources/Environmental Affairs Administrator

Enclosure



CITY OF DELRAY BEACH

UTILITIES DEPARTMENT

434 S. SWINTON AVE • DELRAY BEACH • FLORIDA 33444 •
(561) 243-7000



March 12, 2021

Subject: Public Advisory Notice of Reclaimed Water Use

Dear Homeowner:

You are receiving this letter because you receive reclaimed water service from The City of Delray Beach Utilities Department (DBUD) for irrigation purposes ONLY.

The purpose of this notice is to ensure that all reclaimed water customers are aware of the origin, nature and characteristics of reclaimed water, the manner in which reclaimed water can safely be used, and limitations of reclaimed water use.

Enclosed, please find a brochure explaining the safety requirements for using reclaimed water for irrigation purposes only. If you would like to receive future updates via email, please opt-in to the Reclaimed Water Customer Updates email distribution list at <http://bit.ly/reclaimedwaterupdates>.

If you have any questions or require any additional information you may visit <http://bit.ly/reclaimedwaterupdates>, call me at 561-243-7000 ext. 7177 or e-mail me at magloirea@mydelraybeach.com.

Sincerely,

Alicia Magloire
Water Resources/Environmental Affairs Administrator

Enclosure

FOLLOW THE RULES

Reclaimed water shall only be used for irrigating turf/landscaping. If you are using reclaimed water, follow the safety requirements listed below. If these requirements are not followed, violations will be enforced and your reclaimed water service will be suspended until violations are corrected.

RECLAIMED WATER

SAFETY REQUIREMENTS

Don't use reclaimed water:

- On edible crops/garden
- To wash your pets or equipment such as cars, boats, driveways, structures, pressure washing
- Through hose bibs, faucets, quick couplers, or hoses
- To fill swimming pools, hot tubs, spas, decorative pools/fountains, or similar
- To augment lake or pond levels
- In air cooling systems (A/C units)

Do not:

- Share common reclaimed services or connections between properties
- Allow overspray or runoff to enter a stream, storm drain, or street
- Connect reclaimed water to a dwelling for toilet flushing or any other household use
- Allow inter-connections with other water sources
- Consume reclaimed water or allow pets to consume it

DO PRACTICE GOOD HYGIENE

If you do come in contact with reclaimed water, please wash with soap and potable water immediately.

**RECLAIMED WATER IS
FOR IRRIGATION ONLY.
DO NOT DRINK.**

ROUTINE INSPECTIONS FOR

POTENTIAL CROSS CONNECTIONS

Routine inspections for potential cross-connections will be conducted by the City of Delray Utilities Department staff for all homes and businesses that use reclaimed water to better ensure you are informed about proper use and to minimize any potential cross-connections.

For more information about the City of Delray Beach's Reclaimed Water System and Cross Connection Prevention Program, call 561-243-7312 or visit www.delraybeachfl.gov.

TALK TO US

City of Delray Beach
Utilities Department
434 South Swinton Avenue,
Delray Beach, Florida
(561) 243-7312



CITY OF DELRAY BEACH RECLAIMED WATER (REUSE) SYSTEM AND CROSS-CONNECTION PROGRAM



An Environmentally Responsible Community
and an All-American City, in 1993, 2001, and 2017.

PROTECTING OUR LIMITED

GROUNDWATER RESOURCES

As the demand for freshwater increases in Florida, the challenge to develop alternative water resources to satisfy future needs has become critical. Reclamation or reuse of treated wastewater is now recognized as a viable resource in water management and a proven method in conserving freshwater. Water use studies reveal that in many communities like the City of Delray Beach, up to 70 percent of the water that flows through our water meters each month is used to maintain landscape and turfgrass. Using reclaimed water conserves valuable potable water resources.

WHAT IS RECLAIMED WATER?

Reclaimed water is highly treated and disinfected wastewater that is intended for irrigation only and meets the Florida Administrative Code Chapter 62-610 water quality criteria. It contains low levels of nitrogen and phosphorus, which are beneficial to plant and turf growth and may reduce the amount of fertilizer needed to maintain lawns and landscape.

IS RECLAIMED WATER SAFE?

Reclaimed water must meet strict standards established and regulated by the Florida Department of Environmental Protection. These standards require high levels of treatment, including filtration and disinfection, and continuous monitoring of water quality.

Drinking reclaimed water is not allowed under current regulations and ordinances; however, there is no known danger to an individual's health from contact when reclaimed water is used for its intended purpose.



Reclaimed water is distributed via purple-colored pipes to distinguish it from drinking water and all associated meter boxes and signs are also purple. Properties using reclaimed water for irrigation are required to have the appropriate signage informing reclaimed water is being used for irrigation.

RECLAIMED WATER IS AN EXCELLENT WATER SOURCE FOR:

- Irrigating golf courses, residential properties, highway and street medians, and other landscaped areas
- Recharging groundwater

IRRIGATING OR WATERING WITH RECLAIMED WATER

To irrigate with reclaimed water, you must have access to the City's reclaimed water system in your area. Existing sprinkler or irrigation systems can normally connect with modifications.

Unlike potable water, especially during drought periods, there are typically no restrictions on the use of reclaimed water. It is recommended that irrigating your lawn and landscape with any source of irrigation should occur in the morning before 7 a.m. so you can allow the sun to dry up any residual water on sidewalks and driveways. Do not allow standing water on your property.

COST SAVINGS

Customers using reclaimed water for irrigation should have lower water bills than those who continue to use drinking water for irrigation. The City has adopted customer rates for reclaimed water that are set at a lower cost than drinking water. In the long-term, the use of reclaimed water allows for drinking water plant capacity to be stretched further and more of the water produced to be used for drinking and household purposes. This will help keep future water bills low.

For more information, contact the Delray Beach Utilities billing at 561-243-7101 or UtilitiesCustomerService@mydelraybeach.com

ATTACHMENT B

This is my response to the Investigative Report 2020-0007 Delray Beach Reclaimed Water Reporting XXXX,2021.

OIG Allegation: City staff and/or elected officials concealed and/or misrepresented their knowledge of issues with the drinking water when documenting and reporting the City's adherence to required protocols for the City's Water Program to FDOH.

My response:

Did Utilities Services have knowledge of the rules and regulations to protect the public health and safety of the distribution system, the public or the residents? Did the city conceal or misrepresent their knowledge of the issues?

Answer: Yes

Proof:

The DOH required that The City of Delray Beach submit a Cross Connection Control Plan (CCCP) and an ordinance relating to the Reclaimed/Cross Connection and Backflow Prevention of contaminants into the community water system for their program. Exhibit 1

Utilities Services Department had their Cross Connection Control Plan and ordinance submitted and approved on July 2, 2008. Exhibit 2. The Plan was reviewed and submitted by City staff that included Richard Hasko-Director, Environmental Services of Delray Beach, Victor Majtenyi, Deputy Director of Public Utilities and Scott Solomon, Manager, Compliance. Exhibit 2. This CCC Plan acknowledges that it is the City's responsibility for providing water and wastewater service in the City of Delray Beach. Exhibit 3 The plan recognizes the obligation to ensure the health, safety and welfare of our customers by making a continuous effort to provide total quality services. The focus of this document is to assure protection of water quality throughout the water distribution system and to our customers.

1-B Purpose

The purpose of this program is to protect the public water supply of the City of Delray Beach from the possibility of contamination: to promote the elimination or control of actual or potential cross connections in public water supply; and provide for the maintenance of a continuing program of cross connection control which will systematically and effectively prevent the contamination of potable water. More exactly, the program is intended to prevent delivered water that has passed beyond the public water system into private distribution systems of consumers-from re-entering the public distribution system and being subsequently delivered to consumers, and to allow persons active in piping design and installation to incorporate and install appropriate backflow prevention devices correctly.

11-B Method of Control

The AWWA recognizes that the water provider has a responsibility to provide its consumers at the service connection with water that is safe under all foreseeable circumstances. Thus, in the exercise of this responsibility Environmental Service Department (Now called Utilities Services) must take reasonable precaution to protect the distribution system from hazards originating on the premise of its consumers that may degrade the water in the distribution system.

111-B Water Provider (LSCA)

1. Environmental Services Department (Utilities Services) has established and is operating this Cross Connection/Backflow Prevention Program to be consistent with the extent of the system and the class of customers served. This program includes one dedicated individual who is responsible for the Cross Connection Control/Backflow Prevention Program. This designated individual who is responsible for the Cross Connection Program/Backflow Prevention Program with assistance of as needed from Environmental Services Department (US) Director who will ensure completion of all initial inspections, follow-up and testing as well as investigation of backflow incidents. This program is carried out in accordance with the CBD minimum construct standards specified with Palm Beach County Health Department and is a continuing program. The Directors under this would be Marjorie Craig, PE, Susanne Fisher (Acting), Caryn Gardner-Young (Acting) and Hassan Hadjimiry. The City never hired an employee for this position until 4/1/2021.

111-F Organization

1. The basic responsibility for the Cross Connection/Backflow Prevention Program is in the City of Delray Beach Operation & Maintenance Division under the City of Delray Beach Manager. This fell under past Manager Scott Solomon(retired), Ralph Lugo and Alicia Magloire.
2. Individuals(s) assigned to this activity full time shall be designated member(s) of the Field Service Department (Utilities Services). Individual(s) shall provide overall coordination of the program and shall be responsible for and preform the inspections, surveillance and maintenance programs as well as maintain records.
3. All new connections to the authority water system will be inspected for cross connectors by the City of Delray Beach, prior to service. City of Delray Beach will also inspect all new connections on service lines and fire services at the time the meter is installed.

The DOH (Florida Department of Health) requested again a copy of our most recent Cross Connection Control plan on July 2, 2019 and this was submitted on or after July 2, 2019. Exhibit 4 Did City staff look at the CCC Plan at the time they submitted it to DOH? If they did, City staff would have recognized that the CCC Plan was not being followed.

OIG statement on page 6/23.

Our investigation focused on the City's reporting requirements to DOH. The City staff and officials' responsibilities and conduct relating to the City's water supply system. Exhibit 5 Job Descriptions

OIG Statement from page 8/23 Governing Directive:

Section 403.859, Florida Statutes,

The following acts shall cause thereof are prohibited and are violations of this act:

5) Submission by any person of any false statements or representation in any application, record, report, plan, or other document filed, or required to be filed by this actor rules adopted by the department pursuant to its lawful authority.

Rule 62-560.310, F.A.C.-Violation

- (1) Prohibited Acts Submission by and person of any false statement or representation in any application, record, report, plan or other documents filed, or required to be filed by the Florida Safe Drinking water Act, or rules adopted by the department pursuant to its lawful authority.

My response:

1. The City of Delray Beach is required to submit two annual reports to the regulatory agencies, The Annual Reuse Report which is submitted to the FDEP under NPDES Permit. This information is given to the Chief Operator of the South-Central Regional Wastewater and Reclamation Facility which is co-owned by both City of Delray Beach and City of Boynton Beach. The Chief Operator combines each city's information each year and transfers it to the one report submitted to the FDEP as required under NPDES. The City of Delray Beach Utilities Director/Managers collect and review and send this to the Chief Operator with all the required information. This information is submitted each year. Exhibit 6. This information submitted is not correct because the City never implemented and enforced their CCC Plan. A total of 1078 inspections that I submitted to DOH during 2020 were all first-time inspections. Exhibit 7 These reports included many violations, cross connections and most locations did not have the backflow protection. City staff that reviewed for submittal are Scott Solomon, Victor Majtenyi, Bryan Heller, Ralph Lugo, Alicia Magloire, Juan Guevarez and Hassan Hadjimiry.

Page 7/9 Part VIII-Cross Connection Control Activities in the Annual Reuse Report.

- 1) Are all public water supply systems serving the areas that are within the general reuse service area? The city checks Yes
- 2) How many illegal cross connections have been identified during the reporting period? City answers zero but there were no inspections done during this reporting periods. How many of these cross connections have been eliminated? City answer zero, but no inspections were completed.
- 3) How many new connections were made? How many of the new reclaimed water connections were inspected at the time of initial connection? No documentation to support answer. City failed to inspect new connections. No inspections were made at the time of initial connection. All inspections submitted in 2020 were first time inspections.
- 4) How often are the reclaimed water connections of existing non-residential reclaimed water customers inspected? Answer from the City- annually or bi-annually There is no documentation to show that initial or routine inspections were done. All inspections reported in 2020 were first

time inspections. How often are the reclaimed water connections of existing non-residentials reclaimed water customers inspected? Answer from City annually or bi-annually. There is no documentation to show routine inspections were done. All inspections reported in 2020 were first time inspections.

- 5) In additions to the number of the new connections inspected in items 3 above, how many existing connections were inspected during the reporting year? The City answers annually or bi-annually. No documentation to support this. All inspections submitted in 2020 were first time inspections.
- 6) All 1078 inspections that were reported to DOH in 2020 were first time inspections. Exhibit 7

The second Annual Report is called the Cross-Connection Control Program Annual Report which is required by the DOH and submitted yearly. This report is also incorrectly reported. See II. Written Cross-Connection Control Plan Question: Does the CWS identified in Part 1 of this report have a written Cross-connection control plan that includes the components described in Table 62-555.360-1, which appears at the end of Rule 62-555.360, F.A.C.? The city answers Yes. If no, provide in Part VI of this report a description of a revisions or actions necessary to bring the CWS's written cross-connection control plan into conformance with Table 62-555.360-1 and a schedule for completing such a revisions or actions.

The City is not following any of these rules and fails to inform the DOH of this noncompliance. Exhibit 8

Florida statue 403.161(1)(a), Fla. Stat. prohibits causing harm or injury to human health by causing pollution.

403.161(1)(b) outlaw's failure to abide by the rules.

403.161(3), Fla Stat. makes it a felony to violate 403.161(1)(a). Jail time for up to five years and/or \$50,000 fine. By having illegal cross-connections that caused people to become ill. The DOH recognizes that the City was willful and intentional for these reasons.

The OIG obtained an unsigned document that showed a different version of VI Exhibit 9. In this version, it states residents claimed ill feeling. I was asked to submit my information and wrote residents were reported getting sick. This was changed and removed by Utilities Deputy Director and Managers. This was eventually signed and submitted with a date of 8/16/19 by Victor Matenjiy Deputy Director Exhibit 9

OIG: The City's Reclaimed Water Program page 5/23

Section

403.064(1), Florida Statutes, notes that the State of Florida encourages and promotes water conservation and reuse of reclaimed water, as within the public interest. This does not state it is Mandatory and the wording is clear "encourages". This could have been a successful program if implemented correctly from the start.

On September 18, 2007, the City and adopted Ordinance 43-07, amending Chapter 59, Reclaimed Water section 59.06, to state: Sec. 59.06-Use of reclaimed water within the City of Delray Beach service area.

(C) Connection to the city's reclaimed water system for irrigation used shall be mandatory. If the City's reclaimed water system is available for connection for irrigation users, no other sources of irrigation

water will be permitted. There are two problems with this section, first it was never submitted to the Regulatory Agencies for prior approval as required. The City is the Control Authority, and the Regulatory Agencies are the Approval Authority. During this process, everything must go through the Regulatory Agencies with final approval before it is submitted to the City Commissioners. City staff made changes on their own and submit it to Commissioners for approval.

Second, if this was in the ordinance that the connection to reclaimed water was mandatory then why did the city allow an opt out form? Some residents could convert back to potable water for irrigation and some residents had this done at the city's expense. The city hired a contractor to complete these conversions in 2020. Other residents were allowed to convert back at their expense, and some were refused completely. The OIG never mentions this information in this report. Exhibit 10

OIG page 9/23 The WB complained to the OIG that the 12C Project resulted in prohibited cross-connections and that City officials intentionally concealed from state officials that residents were sickened when reclaimed water contaminated the City's drinking water system.

My response: As I inspected the reclaimed locations, I reported back daily on my finding including violations. The City Managers at Utilities did not require me to enter my cross-connection inspections in my monthly report, but all pretreatment inspections were required to be submitted in my monthly report. I believe the reason why they did not acknowledge that I told them that people were getting sick is because they knew that the City had a CCC Plan approved and was not being implemented especially Majtenyi and Solomon who were copied on the CCC Plan submitted to DOH. I was also not invited to any meetings after the cross connection was found and management never requested my inspections forms to discuss or review in their meetings. This report will show that they should have known or ignored that there was a problem.

OIG page 10/23 Email

OIG reports this email dated Monday, November 26, 2018 concerns a resident that called in to complain about water is brown and is wondering if the contractor connected the reclaimed water wrong. He and wife get sick. This information was entered in the record, but it never was addressed and was ignored.

Mr. Solomon did not forward this email to any other city employee according to the OIG report, but did Mr. Solomon verbally inform his Supervisor? OIG was not presented with any information showing that Mr. Solomon advised the Utility Director Marjorie Craig, but Mr. Solomon did send several employees to inspect the water quality at the household complaining of poor water quality. Where is the report or documentation showing a city employee went out and was that employee qualified to investigate? This call was in the same area of the cross connection where residents were calling in about water quality issues dealing with the drinking water. Another call came in on Dec. 1, 2018 but this call was not entered in the OIG report. The call came in on 12/1/2018 at 10:15 pm to the Water Treatment Operators Control Room and dispatched to William Barr who was on call that day. Mr. Barr called the resident back to get additional information and was told by the resident that the members in his house are getting sick and it is from the drinking water from their tap. Mr. Barr immediately

calls Mr. Solomon to report what he was told by the resident. Mr. Solomon informs Mr. Barr that he will handle the call. OIG never contacts Mr. Barr to verify this information, but this piece is especially important in this matter because now we are showing a pattern of people calling in sick or concerned about water quality and this no longer is an isolated case. I did make a copy of this from the logbook before the City threw out the logbook along with other documents. I was later asked to produce my copy in a meeting on Thursday Nov 26, 2020 with attendees Hassan Hadjimiry, Victor Majtenyi, Juan Guevarez, Alicia Magloire, Ralph Lugo and Ferrigan.

A records request came into the City and since these documents were thrown out, (this was openly discussed) Hassan Hadjimiry and Juan Guevara asked me for my copy. I told them they need to report this. It was never reported. I did submit my copy to Juan Guevarez on 11/30/2020 as requested but this was never submitted to the Coastal Star. I verified this. Exhibit 11.

The destruction or removal of the logbook is a destruction of a public record, which is illegal. Since this was an operator's logbook it is required to be maintained by the Regulatory Agencies and EPA could require these documents when they do compliance evaluation inspections. Did OIG talk to any Regulatory Agencies about this matter? That would be the FDEP and DOH.

OIG Page 12/23

City Reporting Requirements for Reclaimed Water Sickness Charts: OIG states that the evidence of disclosure stops after the Nov 26, 2018 email claiming he and his wife got sick last week from drinking the water. But there was a least one more call documented and possibly more, but the City no longer has the documents to verify this because the logbooks were thrown out.

OIG review of Cross-Connection Inspection forms page 12/23 and 13/23

The OIG obtained six forms for the November 2018 cross-connection. These were forms that were created by City Water and Sewer Inspector Christine Ferrigan and not official forms according to the OIG. These forms are official permanent records that document the inspections.

While it is true that Christine Ferrigan never physically submitted the six inspection forms to the Managers, the inspection in the forms were discussed in detail in Scott Solomon office with Victor Majtenyi present. These forms were shown to Mr. Solomon and Mr. Majtenyi but neither asked for a copy then or in the future for meetings.

Every document that I created had approval from my Supervisor Scott Solomon, Victor Majtenyi and Marjorie Craig. Remember that 10 years prior to this meeting with Scott Solomon and Victor Majtenyi, they were responsible for submitting the CCC Plan to DOH that detailed the City's responsibility. Both Mr. Solomon and Mr. Majtenyi had to be aware of this liability with the requirement to hire a qualified individual to oversee this program but that never happened.

OIG page 13/23 Annual Report to FDOH

The city submits a late report signed by Victor Majtenyi removing the information that residents were getting sick to people claiming ill feelings. This was on 8/16/19, 8 months after the Craig report was submitted informing the DOH no reported sickness. The city staff are reminded continuously of this issue but claim they did not know. Victor Majtenyi was copied on cross connection reports that Craig submitted to DOH and claimed no reports of sickness and now he reports that people claim ill feelings. Majtenyi still does not contact DOH with an update on this discrepancy from the original report.

OIG interview of Ms. Ferrigan

OIG reports that Ferrigan told OIG that the city did not have a database to keep track of cross-connections regarding the reclaimed water and sewer department and consequently, she created an excel file to keep track of all inspections she did regarding inspections, and it was not accessible until Jan 2020 that this was in the system. This is a false statement. Upon doing the inspections Ferrigan created an excel database because there were no records, and it was Scott Solomon who came into the office and transferred this database to the public drive for all to see. Sometime in Dec 2020/Jan 2021, Juan Guevarez required another transfer to a reclaimed water file in the public drive so everything was included in one section of the public drive. This excel data base was submitted to DOH in Feb 2020.

OIG page 15/23

OIG acknowledged that numerous meetings were held at Utilities Department concerning the cross connection at 801 S Ocean Blvd including an employee from City of Boca Raton that had no knowledge of this matter. Ferrigan was never invited.

OIG interview of resident A

OIG states that resident A had no recollection of her husbands' s report of sickness from the city water. This is partially true statement, but OIG fails to report that the wife reported stomach issue, and this was documented but not reported. This resident first complaint was on 11/26, 2018 and resident estimates that it was either days or a few weeks of discolored water that prompted the call. Exhibit 12

Resident B

Page 16/23 OIG made multiple attempts to contact Resident B for an interview, but Resident B did not return attempts by OIG.

Resident C

According to the cross-connection inspector form noted that the property manager for Resident C complained about entire family having stomach aches and went on antibiotics during this time and the water was flowing out yellow at the customer's home.

OIG could not confirm this because Resident C did not respond back but this resident did talk to DOH.

There were other residents that complained of getting sick in this area that were not reported. Residents at 1020 S Ocean Blvd did contact DOH to report getting sick. This location at 1020 S Ocean Blvd was allowed by the City to be removed from reclaimed water for irrigation and placed back on domestic water for irrigation. This conversion back to potable water for irrigation was paid for by the city. Others in this

area could convert back at city's expense, others were not allowed, and some residents did it on their own.

Resident D

OIG states that they did have issues with the water such as discolored and smelly water coming out of the faucets in the home. Resident D owner did not think anyone at his household became ill because of the water. It was the property manager at the time of the cross-connection inspection that informed me that the kids had stomach issues. This was backed up by the wife and additional staff at this location. The property manager did not get sick along with additional staff because they do not drink the water. This location had a water purification system which the property manager suspected it was the water cartridges needing replacement but after replacement the water remained yellow with a strong odor. Exhibit 13

OIG page 18/23 states Mr. Solomon told OIG that a city water inspector who directly reported to him began performing inspections for cross-connection in the area of the new construction that Lanzo Construction was working on. This would be known as area 12 C. After that was completed, the city water inspector was re-assigned to older reclaimed water areas because of new regulations that were in place. What new regulations that were put in place? There were no new regulations but existing regulations that states everyone must have a preliminary, initial, and routine inspection. The rules were already in place from July 2, 2008 with his name as contact. OIG also showed Mr. Solomon copies of the cross-connection inspection forms obtained by OIG regarding cross-connections and residents getting sick. Mr. Solomon stated that he never saw them before and that he never had access to them. He was the Manager of this program and one of the Utilities staff members that reviewed and submitted the CCC Plan to the DOH. Mr. Solomon also states that the forms associated with the verbally appraised information were "insignificant". This information is not "insignificant". Reclaimed water went to outside showers, docks, pool refills, lack of backflows, several cross connections were found and people getting sick is not "insignificant". It is significant and they are violations.

OIG Interview of Deputy Director Victor Majtenyi page 18/23

The OIG interviewed City Water Department Deputy Director Matenjiy. He stated that he never heard of any complaints of resident's illness, he indicated that a City employee within the Water Department had voiced concerns about the water in 2019. The only complaints that he was aware of prior to 2019 was water discoloration and odor. Exhibit 14, email requesting Information for a meeting on 3/21/19 and look at # 1- 1171 S Ocean Blvd is first on list claiming people got sick. Mr. Matenjiy also signed off on the CCI annual report to DOH on 8/16/19 to report that there were people with "ill feelings".

See Exhibit 15 email - On Dec. 7, 2018 I sat with Victor Majtenyi and reviewed the map that would go to DOH. We discussed that the people that called in concerned about the water quality and reports of people getting sick were downstream of the cross connection located at 801 S Ocean Blvd. I told Victor Majtenyi not to focus on 801 S. Ocean Blvd home because no one was there but to focus on the people downstream that got sick. Exhibit 15

OIG interview of Mayor Petrolia page 19/23

The Mayor told OIG that the only issue she was aware of regarding reclaimed water was the cross connection that happened on the barrier island in Dec 2018. But in Jan 2019 the Mayor was sent emails regarding water quality issues that were forwarded to the Utilities Department for investigation.

Did Lynn Gelin, City Attorney keep the Commissioners informed? Lynn Gelin was included in on reclaimed meetings, reports and according to Bryan Heller and Victor Majtenyi was the contact person to inform DOH that the City failed to report people getting sick from the cross connection in Dec. 2018. Bryan Heller told me that a new letter was sent but according to the DOH this letter was never sent informing DOH that people did get sick during the cross connection that happened in 12/2018.

3/13/19 A meeting is held with City Attorney, with Public Works, Utilities, Caryn Gardner-Young and CEI Mathews Consulting to gather information concerning the cross connection. They determined that the finding was not enough to be substantiated for further action (no medical or hospital records) and decided no further action was needed. This is according to Public Utility Management Planning Services, INC. that was hired by the City for an independent report. It was not the City's job to determine this but to report it. They are not qualified to determine if a person got sick from drinking the water but the DOH is.

On May 5 ,2019 I saw the final Cross Connection Report submitted to DOH on 12/19/2018 that said no reports of sickness. I contacted Caryn Gardner-Young to report that people reported getting sick during the cross connection. Gardner-Young sends me an email that same day and states "Thank you for reaching out and I am taking your information very seriously". Gardner-Young requests a timeline which is hand delivered to her on May 17,2019. I never heard anything back from Gardner-Young even after several attempts to reach out to her. Exhibit 16

Jan. 16, 2020 Lynn Gelin calls the person who filed the complaint to DOH on 1/2/2020 and reports to the resident the drinking water is fine, the reclaimed program is fine and the city always follows the proper protocols. This resident is Assistant Attorney General who immediately informed the DOH lead counsel about this discussion. This is on record. This is not included in the OIG and is important to acknowledge in this report.

OIG Statement page 22/23

OIG statement that during our investigation, we were unable to determine whether the reported illness was caused by the City's drinking water.

My Response: If a situation like this happens, people calling in claiming they are getting sick it should be investigated immediately and reported to the DOH for further investigation. That is the job of the DOH to further investigate and not the City. The procedure is to notify the DOH immediately so they can determine the cause. In this situation the cross connection at 801 S Ocean Blvd was missing a backflow and due to backpressure, all the reclaimed water was contaminating the city's distribution water causing a sewer smell, sand and grit from taps at homes and residents were reporting getting of sick.

The OIG determined that the city was required to disclose prohibited or inadequately protected cross-connection but fails to mention that a CCC Plan was approved on July 2, 2008 and from that time forward accountability starts. The city continues with the falsification of annual reports and does not report the missing documents. The people hired or promoted that had this program under their job description had no reclaimed experience but instead of admitting that there was a problem they continued to hide this.

My Account of the Timeline:

- 7/2/2008 A CCC plan is submitted to DOH.
- 2007 City starts connecting customers up to reclaimed water prior to approval from DOH on July 2, 2008. City does not inform DOH that this happened.
- A requirement of the approved program is to hire a full time reclaimed/cross connection person to implement program and will answer to the Director and Manager of Utilities Services. This was not done until 4/1/21.
- Ordinances were changed to include mandatory connections even though the State encourages but does not mention mandatory connections. This ordinance was never submitted to the Regulatory Agencies for proper approval. No prior approval from Regulatory Agencies but Utilities submits to Commissioners for approval.
- 2018 Inspections start. Program is implemented on paper only, no follow through on CCC Plan, no individual in charge or hired. I volunteer to help.
- 6/2018 cross connections inspections start for the 1st time, violations are found.
- 11/2018 people call in complaining about water quality issues and some claimed they were getting sick all in the reclaimed water areas. Information is received by in person inspections, calls and document in emails, water treatment plant logbook, (that was thrown out). Manager sends out inspector and inspector report back to Manager with findings, but no forms are asked from Manager to bring to meetings to discuss.
- 11/2018 cross connection inspections are done with documentation to show water quality issue and people reporting getting sick.
- 11/26/2018 resident calls in from the S. Ocean Blvd area reporting husband and wife were sick, they think it is the water. No contact made or follow up done at all.
- 12/1/18 resident calls into water treatment plant on 12/1/2018 at 10:15pm to report sickness. Call goes to person on call and the resident is contacted to find out what is the issue. On call employees is informed by head of household that family is getting sick. On call person calls Manager and relays information. Manager says he will handle it. Manager sends inspector out to inspect 3 days later. This information written in logbook was thrown out.
- City ignores or delays responses or does not respond to calls at all. No reporting to DOH for further follow up on claims as required.
- City claims it is ground disruption as explanation for calls from residents. Exhibit 17
- Several people in 12 C want to switch back to domestic water for irrigation, city allows some to do this and pays for the conversions and others are not allowed.
- 12/6/2018 Cross connections is found.

- 12/8/2018 home gets flushed to eliminate contaminants.
- Several meetings are held and Ferrigan is not invited.
- 12/18/2018 City Manager informs Mayor and Commissioners of cross connection
- 12/19/2018 Final Cross Connection report submitted to DOH, no report of sickness.
- Utilities Director Craig hires new position that includes responsibility of reclaimed/cross connection and backflow oversight. The program is not addressed.
- 3/13/19 Meeting involving Gelin, Public Works, Utilities, Mathews Consulting, Caryn Gardner-Young, Susanne Fisher to discuss cross connection incident and their finding. No minutes or documentation provided. This meeting was held after DOH Director Rafael Reyes noted that data submitted in mid-2019 indicating that people may have been ill and multiple cross connections may have existed. They City still had an obligation to report to DOH but did not.
- 3/2019 Cross connection home that was contaminated is requesting payment for damages. Lynn Gelin is now contact for this issue.
- 3/21/2019 Reclaimed water meeting is set with Utilities management team including City Attorney and staff from Utilities Department. Victor Majtenyi requests information to bring in to discuss at meeting. Exhibit 14 Look at first listed address it is 1171 S Ocean Blvd claiming that they were sick from drinking the water. This location is several homes down from the cross-connection home.
- 5/6/2019 I find out that cross connection report submitted to DOH failed to include people reporting getting sick. Call goes into Assistant City Manager/Acting Utilities Director to report situation.
- 5/17/2019 hand delivered timeline to Caryn Gardner-Young to inform her that people got sick. Young acknowledges this is a serious matter and will investigate and get back with me. Never heard back from her. Management team now denies ever knowing about people getting sick.
- 5/28/19 Gardner-Young requests meeting about reclaimed issues with Utilities Staff. Exhibit 31
- Solomon retires and Gardner-Young appoints Ralph Lugo as Water Sewer Manager
- 6/3/19 several reclaimed water meetings are held with Utilities Staff. I am not invited to attend.
- 6/6/19 another cross connection is found at 120 N Ocean Blvd.
- 6/21/19 Juan Manzano requests meeting to discuss backflows/reclaimed issues, nothing accomplished. I was invited to this meeting-first time since I started working on the reclaimed program. Exhibit 18
- 7/7/19 Bryan Heller is hired as second Deputy Director, Soper leaves the city.
- 7/17/19 I approach Bryan Heller to have meeting to discuss people getting sick, Heller says get with Lugo to discuss issue he has no time. Exhibit 19
- 7/17/19 Ralph Lugo informs me to back off on reclaimed issues, but I push for meeting, meeting is set that day. Heller, Lugo and Ferrigan have meeting. Heller agrees that this needs to be reported and contacts Victor Majtenyi to meet with Lynn Gelin, City Attorney to re-write letter to DOH to explain the discrepancy from original report about cross connection that will include reporting people getting sick.
- Heller informs me that meeting was held at Gelin's office to discuss DOH letter. Heller informs me that this is a delicate situation because it could open others claiming they got sick.
- Letter never goes out to DOH to inform them that people got sick.
- Several more reclaimed meetings are held.

- The dates for additional meetings are:
 - 6/3/2019
 - 6/4/2019-City never placed backflows in ground as required. Exhibit 21
 - 6/24/2019
 - 7/3/2019
 - 7/31/2019
 - 9/11/19
 - 10/1/2019 Ralph Lugo writes email that City is not in compliance with federal, state and local regulations for cross connection control. Exhibit 20
 - Gene Tarvier is promoted from Backflow Inspector to Water Utilities Supervisor. Tarvier had repeatedly asked for additional help with the Backflow program but is denied each time. Tarvier also requests to go to Cross Connection Inspector Class along with other employees and is repeatedly denied. Tarvier decides to move to another section at Utilities. Upper management continues to hire two Assistant Deputy Directors, Second Water and Sewer Manger and other upper-level Management.
 - 8/2019 I contact Heller to see what the status is on the letter to DOH to explain people had gotten sick and Heller informs me that letter was sent but does not think DOH will do anything. DOH confirms it was never sent a letter.
 - Jan 2, 2020, a resident calls the DOH in Tallahassee to report that she was never properly informed of cross connection issue.
 - Jan 2, 2020 DOH calls me to ask questions and requests to meet me.
 - Jan10, 2020 Gelin has another meeting with Utilities staff.
 - Jan 15 ,2020 Gelin has a second meeting with Utilities staff.
 - Jan 16, 2020 Gelin calls resident who is an Assistant Attorney General to let her know that the drinking water is fine, the reclaimed water program is fine and that the city always follows proper protocols.
 - End of Jan. 2020 I meet with FDOH and give them documents
 - 2/3/2020 I inform ICM Neil DeJesus and newly hired City Manager George Gretsas about the DOH investigation. Exhibit 22
 - 2/3/20 DOH requests meeting with Majtenyi, Heller, Lugo and Assistant City Attorney Bennett. This meeting was the trigger for OIG investigations. Utilities staff changes story, identifies cross connections and then claims nothing is wrong with the reclaimed/cross connection program. Exhibit 23
 - 2/4/20 City Manager Gretsas sends email to ask if I need anything, I reply a meeting. He was the only City official to meet with me, not one Utilities Department Staff, Commissioner or City Attorney ever asked me for a meeting to get my information.
 - City begins door to door inspection on all residential/commercial locations. City starts to find that there are no backflows as required, many violations, some cross connections. All locations never had an inspection even though city submits yearly annual reports claiming city is effectively implementing CCC Plan with numbers to make it look like there is work being done. 3/2020 Gretsas calls me and says he is doing his own investigation about this issue and the City Management/Officials keep changing their stories about reclaimed water issues. He says he thinks they are all lying and covering up. Gretsas is terminated months later.

- June 2/2020 Hassan Hadjimiry is hired as Utilities Director.
- Dual check valves are installed in Pines of Delray West Exhibit 24
- 6/10/2020 Hassan Hadjimiry has first meeting with staff, and he informs us that he will create a new compliance division. We inform him that the City had a compliance division but in 2006 the compliance section was dismantled because the Chemist in charge brought up similar water quality issues and was terminated.
- 7/ 15/2020 Hassan Hadjimiry instructs me to train the new person in the Compliance Manager Position. The position is official in 9/2020.
- 9/11/2020 A meeting was requested by Hassan Hadjimiry and Alicia Magloire to instruct me to remove all history of several locations that have shown prior reclaimed violations/cross connections to the DOH. I am only allowed to report what I find that day and was informed that I do not know how to do compliance work. I informed them both that I was instructed by the DOH before their involvement with this issue to give full disclosure on each applicable site- full compliance history. Any omissions may be construed as reporting violations. I request clarification in an email from DOH Director Rafael Reyes and Reyes states that the DOH has been clear on this in their previous communications with city staff and will reiterate it again in a forthcoming message. Exhibit 30
- 9/21/2020 The OIG sends ICM Jennifer Alvarez a notice of investigation informing the City that the investigation will focus on individual responsibilities and conduct. Exhibit 26
- 11/2020 It was discussed that the phone logbooks were thrown out in a meeting. I was asked for my copy. No employee was held responsible, and city never reports this to any agencies. I was in this meeting that included Majtenyi, Lugo, Hassan Hadjimiry, Juan Guevarez, Magloire.
- Two annual reports are submitted with false information to regulatory agencies.
- The DOH recognizes that the City's actions were willful and intentional with economic gain. DOH will require the City to publicly acknowledge that for 13 years the drinking water was probably not safe to drink.
- This program had a series of failures. An independent report that was submitted even states that there was gross oversight with no institutional knowledge and no one in charge. Millions have been spent to clean up this reclaimed issue that will include hefty fines. The city will need to work hard to try to regain the trust from the public and the regulatory agencies. This will take some time. Some employees involved have left (terminated for other reasons or retired) but a few are still employed.
- On Sep. 21, 2020 OIG sends letter to ICM Jennifer Alvarez stating the investigation will focus on individual responsibilities and conduct regarding established policies, ordinances, regulations, rules and statutes. This will be done regarding the conduct of staff and officials in their record submissions and statements about water safety, quality, and management. Exhibit 27
- These employees below one way or another had responsibility or involvement in the reclaimed/cross connection issues. They all were in positions to make the change and could have made a difference, but they did not.
 1. Richard Hasko,
 2. Victor Majtenyi
 3. Marjorie Craig
 4. Lynn Gelin
 5. Caryn Gardner-Young

6. Susanne Fisher
7. Missie Barletto
8. Bryan Heller
9. Ralph Lugo
10. Alicia Magloire
11. Hassan Hadjimiry
12. Juan Guevarex
13. Ed Soper