OFFICE OF INSPECTOR GENERAL
PALM BEACH COUNTY

John A. Carey
Inspector General

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Accredited

"Enhancing Public Trust in Government"

Investigative Report

2024-0006

City of Riviera Beach Failure to Report Water Contamination

November 18, 2024

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INVESTIGATIVE REPORT
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CITY OF RIVIERA BEACH FAILURE TO REPORT WATER CONTAMINATION

SUMMARY

WHAT WE DID

The Palm Beach County Office of Inspector General (OIG) reviewed media reports and had subsequent conversations with the Florida Department of Health (FDOH) and the Mayor of the City of Riviera Beach, Florida (City) regarding the City Utility Special District (Utility District) staff's possible misconduct, mismanagement of the City Utility District, and failure to ensure compliance with the monitoring, reporting, and public notification provisions of the Federal and State Safe Drinking Water Acts.

Based upon our review of information regarding the management and operation of the City Utility District and our initial discussions with the City's Mayor and the FDOH, the OIG initiated an investigation of the following allegation:

Allegation (1):

City Utility Special District staff failed to comply with required water testing, reporting, and public notification protocols, and provided inaccurate or misleading information to the FDOH and/or the public regarding E.

We found that on at least 130 occasions between January and September 2023, City Utility District staff failed to report, or adequately supervise other employees responsible for reporting, water testing results for wells and water distribution points to the FDOH, as required.

Additionally, City Utility District staff failed to immediately report "present" E. coli results for Well #14 and a distribution point on Caribbean Boulevard, and submitted false, altered, and/or misleading test results to the FDOH for Wells #861 and #862. As a result, Wells #861 and #862 were improperly reactivated for use as part of the City's drinking water system.

We also found that on multiple occasions, City Utility District senior staff willfully ignored, instructed other staff to ignore, or provided misleading information about the water testing results to the FDOH and the public.

coli/fecal contamination or Total Coliform contamination.

During this investigation, our office regularly coordinated with the FDOH on matters falling within both offices' jurisdiction. The OIG identified potential violations that contributed to the FDOH's issuance of Warning Letter WP-085-24 dated July 22, 2024 and Warning Letter WP-134-24 dated October 28, 2024, which are attached to this report as Appendix 2 and Appendix 3.

This OIG Report addresses alleged misconduct by City employees; it does not address matters under the purview of the FDOH, such as compliance inspections, enforcement actions, or the administration of the public drinking water systems program.

Our investigation centered on whether City Utility District staff failed to adequately supervise and manage the City Utility District or sufficiently ensured regulatory requirements were met.

During our investigation we examined over ten thousand emails; hundreds of water testing results; and written communications between City Utility District employees, the FDOH, and Advanced Innovations, LLC d/b/a Capzer Pharmaceuticals (Capzer). We also interviewed current and former employees of the City Utility District, the FDOH, and Capzer.

Regular and repeat water testing, accurate reporting of results to the FDOH, and compliance with public notice provisions in the Federal and State Safe Drinking Water Acts are paramount to ensuring that public water systems provide customers with drinking water that is free of harmful contaminants and safe for public consumption. Compliance with applicable regulatory provisions minimizes health risks resulting from poor operating procedures and management. Accordingly, public water systems have a critical duty to hire and retain qualified and knowledgeable staff who are competent to manage the operation and maintenance of water distribution and collection systems.

WHAT WE FOUND

Allegation (1) is supported.

We found that City Utility District staff failed to perform their duties and/or failed to adequately supervise the performance of other employees responsible for compliance with the Federal and State Safe Drinking Water Acts.

Specifically, we found that City Utility District staff, on an ongoing and systemic basis, failed to follow required water testing, reporting, and public notification protocols, and on several occasions provided false or misleading information to the FDOH and the public regarding possible E. coli/fecal contamination or Total Coliform contamination.

City Utility District Executive Director Michael Low failed to provide adequate supervision over the City Utility District. He did not implement adequate internal controls to ensure accurate and complete reporting of water testing results to the FDOH before or after former City Compliance Manager Williams separated from the City Utility District, and did not ensure that employees within his direct chain of command were assigned to

tasks they were both willing and able to perform. Additionally, he misled the public, his supervisors, and the FDOH by stating, without any regulatory or technical basis, that a water sample that tested "present" for Total Coliform at a Caribbean Boulevard distribution point was a "false present."

City Utility District Assistant Executive Director Steven Doyle failed to provide adequate supervision over the City Utility District. Mr. Doyle directly supervised key employees, yet did not take steps to ensure that City Utility District staff adhered to water monitoring and reporting requirements.

City Utility District Compliance Manager Anthony Williams repeatedly and intentionally failed to report water testing results to the FDOH and provided false, altered, or misleading information to the FDOH regarding Wells #862 and #861, which resulting in those wells being improperly placed in service in the water distribution system.

City Utility District Water Treatment Plant Superintendent Melvin Pinkney failed to provide adequate supervision and to ensure that testing results were reported to the FDOH. He failed to timely report fecal contamination results for Well #14 and the distribution point at 4822 Caribbean Boulevard. The fecal contamination test results for Well #14 and the Caribbean Boulevard distribution point should have been immediately reported to the FDOH, and a public boil water notice should have been issued. Instead, the contamination was reported weeks later, with no boil water notice issued.[1]

As a direct result of the City Utility District staff's lack of compliance with required water testing, reporting, and public notification protocols, as well as the staff's provision of inaccurate, altered, or misleading information to the FDOH and/or the public, the safety of City water for public consumption could not be accurately assessed.

We found sufficient information to warrant referring our findings to the FDOH for administrative review and to law enforcement (with copy to the State Attorney's Office) for determination of whether the facts arise to a criminal act under Florida Statutes.

WHAT WE RECOMMEND

We make the following recommendations:

1. The City Utility District implement internal processes and controls requiring dual acknowledgment of receipt and review of water sample results from laboratories prior to submission to the FDOH. This measure aims to minimize the risk of fraudulent reporting; improve timely and appropriate response and remediation; and enhance the transparency, integrity, and reliability of reporting.

2. The City Utility District institute regular training requirements for all City Utility District employees relating to the rules and regulations for the operation of the City Utility District.

3. The City Utility District institute a policy requiring the creation of a process for resolving complaints regarding the

[1] As of the November 18, 2024, Mr. Low, Mr. Doyle, Dr. Williams, and Mr. Pinkney have all left City employment. Mr. Low, Doyle, and Pinkney were all City employees at the time of their OIG interviews.

City Utility District, to include but not limited to, a) allegations of violations of City Utility District rules, b) lack of compliance with the Federal and State Safe Drinking Water Act or other rules and regulations applicable to the operation of the City Utility District and the City's public drinking water distribution system, and/or c) staff's failure to report accurate information to the City Utility District Management, the public, or any oversight authority.

4. The City take appropriate personnel action.

The City's response to our recommendations is provided in Attachment A.

The FDOH was provided a copy of our report for comment and its response is provided in Attachment B.

Mr. Low's response is provided in Attachment C.

Mr. Doyle's response is provided in Attachment D.

Dr. Williams' response, submitted by his attorney, is provided in Attachment E.

Mr. Pinkney was provided a copy of our report but did not respond.

BACKGROUND

The City of Riviera Beach

The City was incorporated in 1922. The City Charter was initially adopted by referendum on April 17, 1973, and subsequently revised by referendum on March 11, 2008 to create a new, revised City Charter that generally superseded and replaced the earlier charter, and which has been amended from time to time. The City is located along the Atlantic shore of southeast Florida in Palm Beach County and has a population of approximately 34,093.

The City operates under the Council-Mayor-Manager form of government. The City Council is comprised of a mayor and five (5) voting members. The Council Members are elected to three-year staggered terms and are responsible for the legislative and policy making authority for the City. The Mayor is head of the City government for all ceremonial purposes, and is a non-voting council member.

The City Manager is appointed by the City Council and is responsible for the proper administration of all affairs of the City. The Mayor must report to the City Manager violations or neglect of duty on the part of employees of the City that may come to the Mayor's knowledge, and must report to the City Council all violations and neglect of duty of any official that may come to the Mayor's knowledge.

The City of Riviera Beach Utility Special District

The City created the City of Riviera Beach Utility Special District in 2004 pursuant to City Ordinance No. 2972; Chapter 189, Florida Statutes; and other applicable laws, as a separate legal entity and special district with the purpose to: (i) acquire[2] the City's utility facilities, and to make improvements and extensions to such facilities; (ii) construct, own, improve, expand, operate, manage and maintain the facilities; (iii) provide the most economic and efficient water, wastewater, and reclaimed water utility services to retail and bulk service customers; and (iv) make provision for rates, fees, and charges. The City Utility District's Policy manual acknowledges that in addition to providing potable water and/or wastewater service, the City Utility District has the ability to provide fire protection service to customers.

The City Council members serve as the five (5) member City Utility District Board of Directors, and the mayor of the City serves as an ex-officio member. The City Utility District Charter provides that the City will provide operating and management personnel to the City Utility District and that pursuant to an agreement



[2] The City Utility District acquired water and wastewater facilities, property, and assets owned by the City.

between the two entities, the City Clerk, City Finance Director, and City Attorney act as the City Utility District Clerk, City Utility District Finance Director, and City Utility District Attorney, respectively. On September 23, 2004, the City Utility District and the City entered into a Service Agreement establishing that the City would provide a City Utility District Director.

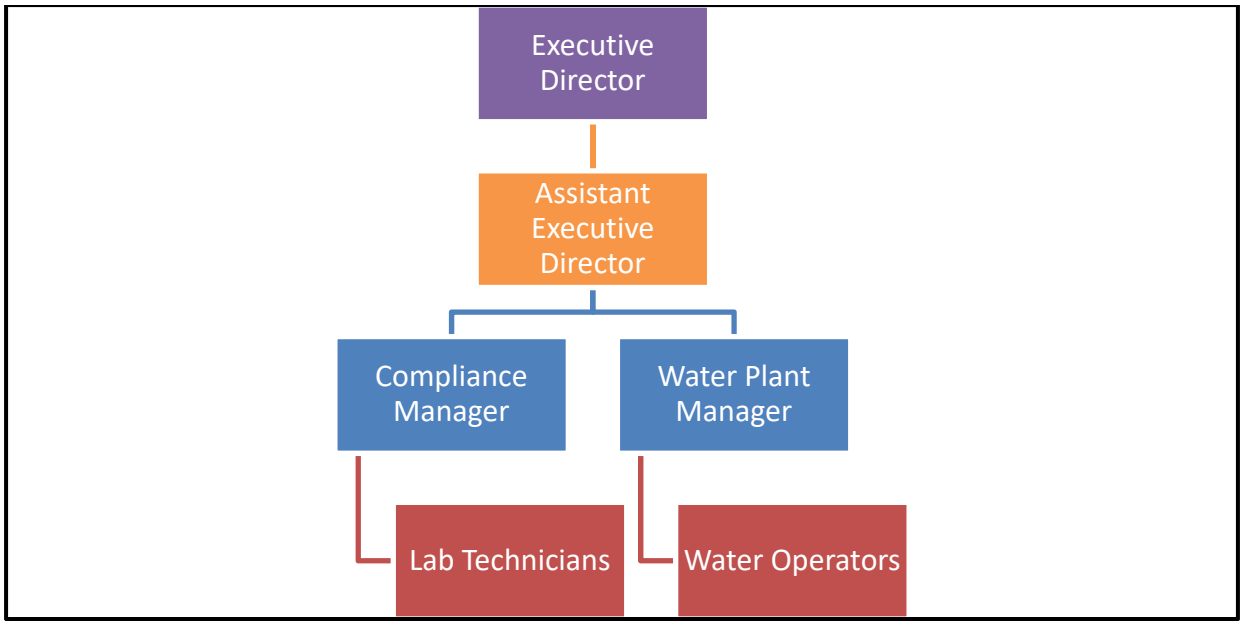
The City Utility District states on its website that its mission is "[t]o provide safe, reliable and quality water and wastewater services for our customers."[3] Additionally, the website states,

> The Utility Special District department works daily with city officials and public health partners to prepare for impacts to our customers. Administration, Water Treatment Plant, Water Distribution and Wastewater Collection divisions within the Utility Special District continues to develop Continuity of Operation Plans to ensure our operations continue in the event of an emergency.
>
> Utilities Administration provides executive oversight and administrative support to all departments within the Utility Special District so that the Utility functions as a single, cohesive operation to better serve our customers. It provides personnel administration and development, records management, and project planning, funding, and management for all major water and sewer capital improvements. The Utilities Administration also acts as a liaison with other City departments, as well as Federal, State, and local organizations and regulatory agencies on all water and sewer issues.
>
> The Utility Special District's service area encompasses a wide swath from Silver Beach Road south to 45th Street and the Florida Turnpike east to the Atlantic Ocean.

The City provided the OIG with an organizational chart for the City Utility District. The portion of that chart relevant to this report[4] is as follows:

[3] https://www.rivierabch.com/government/utility

[4] The pictured organizational chart does not list every position within the City Utility District. Multiple positions that are not relevant to the matters addressed in this report are not pictured.



The City Utility District Water Treatment Facility



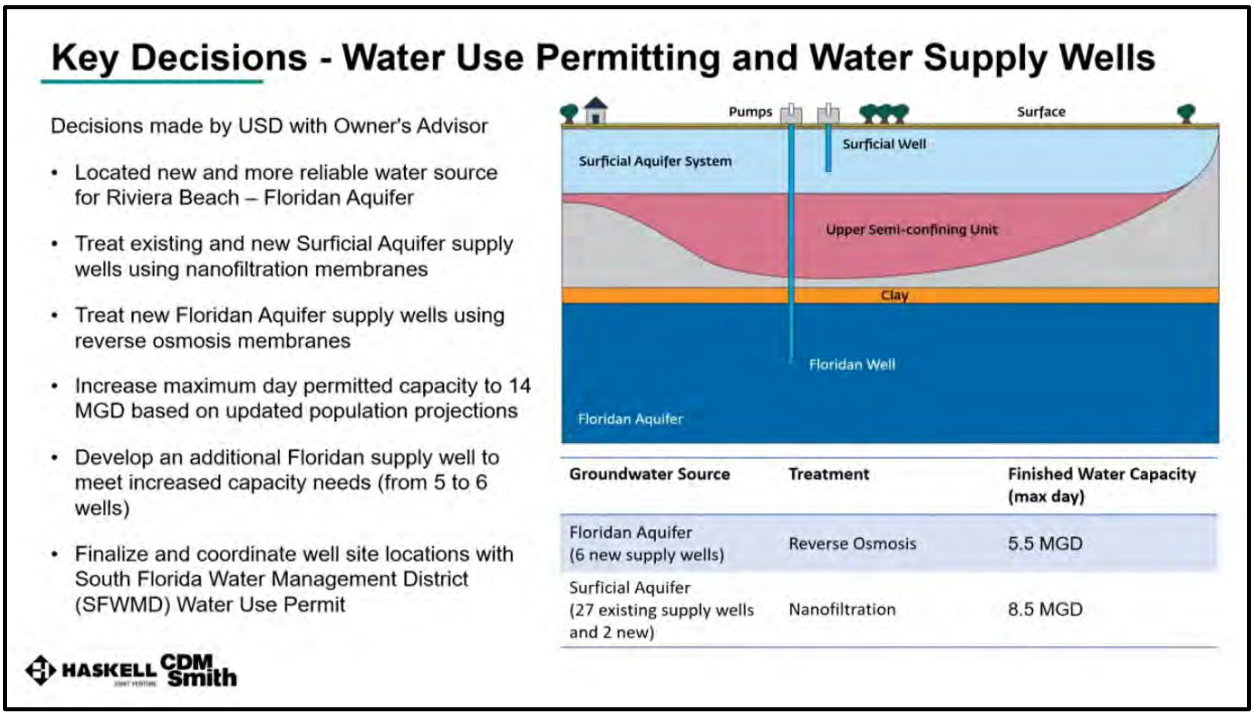
The Water Treatment Division of the City Utility District is responsible for the daily operation of the City's water system. The City's drinking water is obtained from raw water from the East Coast Surficial aquifers, and pumps this water out of the ground through 27 ground supply production wells located throughout the City and three re-pump stations and transported to the water treatment[5] facility through a network of pipelines. The 27 wells within the City Utility District distribtion system include Wells #14, #861, #862, and #961.

The current water treatment facility was built in 1958, and was acquired by the City Utility District after its creation in 2004. Eventually, the City Utility District Board determined a new treatment facility is needed. In November 2021, the Board selected the Haskell Company and CDM Smith, Joint Venture (Joint Venture), to replace its water treatment plant at 800 Blue Heron Blvd. The Joint Venture received a Notice to Proceed on January 18, 2023.

In February 2024, the Joint Venture briefed the City Utility District Board Members on the Progress Update regarding the Water Treatment Plant Replacement Project and indicated that the estimated cost of the project could exceed $200 million. During the April 2024 City Utility District meeting, the Joint Venture presented three design concepts

[5] "Water treatment plant" means those components of a public water system used in collection, treatment, and storage of water for human consumption. *See* §403.866, F.S.

(baseline, 40% over baseline, and 100% over baseline) and estimated that the cost to complete the entire project for the construction of the water treatment plant at Blue Heron and Avenue L, drill nine additional supply wells in the surficial and Florida aquifer systems, and upgrade the distribution system could exceed $300 million.



Florida's Safe Drinking Water Act Program

Congress originally passed the Federal Safe Drinking Water Act (SDWA) in 1974 to protect public health by regulating the nation's public drinking water and its sources—rivers, lakes, reservoirs, springs, and ground water wells. The United States Environmental Protection Agency (EPA) administers the SDWA.

The SDWA gives primary responsibility for public water systems[6] programs to states to implement the program. The Florida legislature enacted the Florida Safe Drinking Water Act (sections 403.850-.864, F.S.), and gave the Florida Department of Environmental Protection (FDEP) authority to serve as the primary agency responsible for enforcing the SDWA and authority to adopt and enforce the Florida Safe Drinking Water Act drinking

[6] Section 403.852(2), F.S. defines a "public water system" or "PWS" as a system for the provision to the public of water for human consumption through pipes or other constructed conveyances if such system has at least 15 service connections or regularly serves at least 25 individuals daily at least 60 days out of the year. A public water system is either a community water system or a non-community water system. The term "public water system" includes:
(a) Any collection, treatment, storage, and distribution facility or facilities under control of the operator of such system and used primarily in connection with such system.
(b) Any collection or pretreatment storage facility or facilities not under control of the operator of such system but used primarily in connection with such system."
A "community water system" (CWS) means a public water system that serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents. *See* §403.852(3), F.S.

water regulations (Chapters 62-550[7], 62-555[8], and 62-560[9], Florida Administrative Code (F.A.C.)) that are no less stringent than the SDWA.

The FDEP and the FDOH entered into an Interagency Agreement authorizing the FDOH to oversee construction and operation of public water systems and to implement the safe drinking water program under the SDWA and the corresponding Florida Safe Drinking Water Act in six counties (Hillsborough, Miami-Dade, Palm Beach, Polk, Sarasota, and Volusia).[10]

Well

Public water systems can draw from various sources, including surface water (lakes, rivers, reservoirs) and groundwater through wells. Rule 62-550.200(123), F.A.C. defines a "well" as follows:

> "Well" means any excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed when the intended use of such excavation is to conduct ground water from a source bed to the surface, by pumping or natural flow, when ground water from such excavation is used or is to be used for a public water supply system.

In 1984, the State of Florida created what is now the Well Surveillance Program to ensure that potentially contaminated wells are located and tested. The Well Surveillance Program protects public health by monitoring and identifying threats to the drinking water supply, ensuring that contaminated sites posing the greatest risk get cleaned up first, and preventing long-term consumption of contaminated drinking water. The Program is composed of well surveys, complaint sampling, monitoring areas of concern due to known contamination, public information, and remediation. The FDOH and FDEP have responsibility for the Program.

Distribution

Section 403.866(5), Florida Statutes, defines "water distribution system" as those components of a public water system used in conveying water for human consumption from the water treatment plant to the consumer's property, including pipes, tanks, pumps, and other constructed conveyances.

[7] Chapter 62-550, F.A.C. sets forth set drinking water standards; monitoring requirement; maximum contaminant levels (MCLs) and treatment techniques to be met by public water systems; and the testing protocol required for certified laboratories.
[8] Chapter 62-555, F.A.C. sets forth the permitting requirements for public water systems, including the location and construction of wells and the treatment plant.
[9] Chapter 62-560, F.A.C. gives the description of the violations of Chapters 62-550, 62-555, and 62-560, F.A.C. and resulting penalties and notice requirements.
[10] Section 403.862(1)(c), F.S

The Federal EPA's website states,[11]

> Drinking water distribution systems connect water treatment plants or water sources (in the absence of treatment) to customers via a network of pipes, storage facilities, valves, and pumps. In addition to providing water for domestic use, distribution systems may supply water for fire protection, agricultural, and commercial uses. Public water systems are responsible for operating and maintaining their distribution systems, which extend from the designated entry point to the distribution system – typically the source or water treatment plant - up to the service connection, after which the piping is the property owner's responsibility.
>
> **Distribution systems represent the vast majority of the physical infrastructure for water systems and serve as the final barrier against contamination. Distribution systems must be operated and maintained to reduce the risk of contamination from external sources or internal sources such as microbial growth or corrosion within the system.** [Emphasis added]

Coliforms

Currently, approximately 90 contaminants are regulated under national primary drinking water regulations established by the EPA. Total coliforms are a group of related bacteria found in plant material, water, and soil. Coliforms are also present in the digestive tracts and feces of humans and animals. Most of these bacteria are not harmful to humans. The EPA considers total coliforms a useful indicator of possible water contamination from other pathogens. Total coliforms are used to determine the adequacy of water treatment and the integrity of the distribution system.[12]

Public water systems must take total coliform bacteria samples at regular intervals at sites that are representative of water throughout the distribution system and in numbers proportionate to the population served by the system in accordance with a written sampling plan that addresses location, timing, frequency, and rotation period.[13]

If any routine or repeat water sample is total coliform positive or "present," the system (i.e., the lab) must further analyze that sample to determine if E. coli are present. Within 24 hours the owner or operator of the system must collect a set of repeat total coliform samples in the distribution system under the Revised Total Coliform Rule[14]; additionally, all groundwater sources must be sampled for E. coli under the Ground Water Rule.

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[11] https://www.epa.gov/dwreginfo/drinking-water-distribution-system-tools-and-resources
[12] https://www.epa.gov/dwreginfo/revised-total-coliform-rule-and-total-coliform-rule
[13] Rule 62-550.830, F.A.C.; 40 C.F.R. §141.858
[14] The Environmental Protection Agency (EPA) published the Revised Total Coliform Rule (RTCR) in the Federal Register on February 13, 2013 (78 FR 10269) and minor corrections on February 26, 2014 (79 FR 10665). The RTCR is the revision to the 1989 Total Coliform Rule (TCR) and is intended to improve public health protection. Florida adopted the RTCR by Rule 62-550.830, F.A.C.

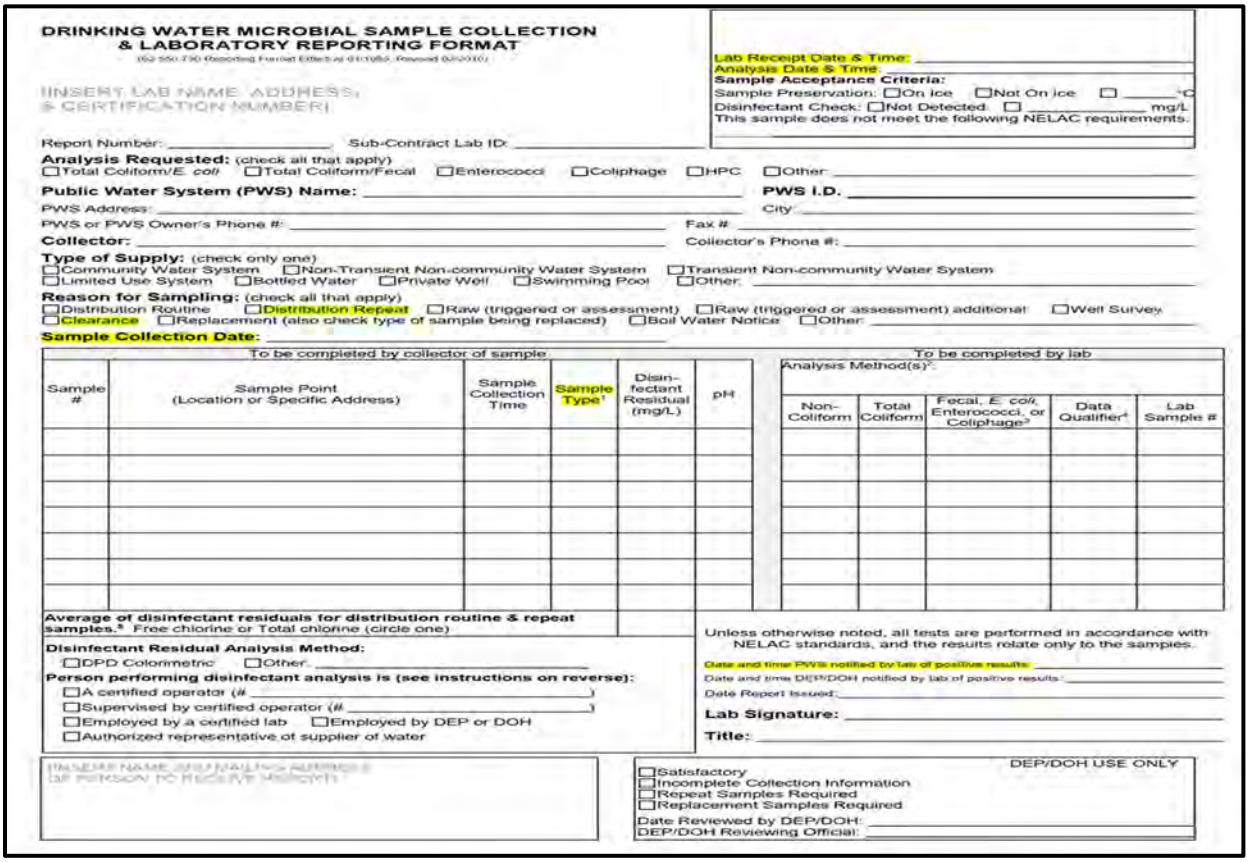
E. coli

Escherichia coli (E. coli) is a species of fecal coliform bacteria. Fecal coliform tests are a more specific indicator of water contamination. E. coli come from the feces of humans and warm-blooded animals and is considered the best indicator of fecal water contamination. If E. coli is present, harmful bacteria or other pathogens may also be present. Not all E. coli make people sick. Some rare types of E. coli, such as O157:H7, can cause serious illness.[15]

Public water systems must comply with the maximum contaminant levels (MCL) for E. coli for water within the system and treatment technique requirements established in 40 C.F.R. Part 141, which is incorporated by reference in Rule 62.550.830, F.A.C.

Laboratory Testing

For the purpose of determining compliance with standards in Chapter 62-550, F.A.C, water testing samples must be analyzed by a laboratory certified in drinking water by the FDOH. Analytical results for samples must be reported by the laboratory in a format specified in Rule 62-550.730, F.A.C. and in accordance with Chapter 62-160, F.A.C., as reflected below.



DRINKING WATER MICROBIAL SAMPLE COLLECTION & LABORATORY REPORTING FORMAT

(62-550.730 Reporting Format Effective 01/1/05, Revised 02/2010)

[INSERT LAB NAME, ADDRESS, & CERTIFICATION NUMBER]

Lab Receipt Date & Time: _____
Analysis Date & Time: _____
Sample Acceptance Criteria:
Sample Preservation: ☐On ice ☐Not On ice ☐ _____ °C
Disinfectant Check: ☐Not Detected ☐ _____ mg/L
This sample does not meet the following NELAC requirements:

Report Number: _____ Sub-Contract Lab ID: _____

Analysis Requested: (check all that apply)
☐Total Coliform/*E. coli* ☐Total Coliform/Fecal ☐Enterococci ☐Coliphage ☐HPC ☐Other: _____

Public Water System (PWS) Name: _____ **PWS I.D.** _____

PWS Address: _____ City: _____

PWS or PWS Owner's Phone #: _____ Fax #: _____

Collector: _____ Collector's Phone #: _____

Type of Supply: (check only one)
☐Community Water System ☐Non-Transient Non-community Water System ☐Transient Non-community Water System
☐Limited Use System ☐Bottled Water ☐Private Well ☐Swimming Pool ☐Other: _____

Reason for Sampling: (check all that apply)
☐Distribution Routine ☐Distribution Repeat ☐Raw (triggered or assessment) ☐Raw (triggered or assessment) additional ☐Well Survey
☐Clearance ☐Replacement (also check type of sample being replaced) ☐Boil Water Notice ☐Other: _____

Sample Collection Date: _____

To be completed by collector of sample						To be completed by lab				
Sample #	Sample Point (Location or Specific Address)	Sample Collection Time	Sample Type[1]	Disinfectant Residual (mg/L)	pH	Analysis Method(s)[2]: Non-Coliform	Total Coliform	Fecal, *E. coli*, Enterococci, or Coliphage[3]	Data Qualifier[4]	Lab Sample #

Average of disinfectant residuals for distribution routine & repeat samples.[5] Free chlorine or Total chlorine (circle one)

Disinfectant Residual Analysis Method:
☐DPD Colorimetric ☐Other: _____

Person performing disinfectant analysis is (see instructions on reverse):
☐A certified operator (# _____)
☐Supervised by certified operator (# _____)
☐Employed by a certified lab ☐Employed by DEP or DOH
☐Authorized representative of supplier of water

Unless otherwise noted, all tests are performed in accordance with NELAC standards, and the results relate only to the samples.

Date and time PWS notified by lab of positive results: _____
Date and time DEP/DOH notified by lab of positive results: _____
Date Report Issued: _____
Lab Signature: _____
Title: _____

[INSERT NAME AND MAILING ADDRESS OF PERSON TO RECEIVE REPORT]

DEP/DOH USE ONLY
☐Satisfactory
☐Incomplete Collection Information
☐Repeat Samples Required
☐Replacement Samples Required
Date Reviewed by DEP/DOH: _____
DEP/DOH Reviewing Official: _____

[15] https://www.cdc.gov/ecoli/about/kinds-of-ecoli.html

For the purpose of reporting, a result marked “A” means “absent” for a contaminant, and “P” means “present” for a contaminant.

Training

Water systems must employ or contract with a certified operator[16] licensed by the FDEP. The mission of the Florida Operator Certification Program is to promote public health and safety by ensuring that all persons working in drinking water and water distribution meet the highest standards as determined by the rules and regulations of the FDEP under the guidelines of the EPA. A "Continuing Education Unit" is required at each renewal cycle.

The EPA provides free trainings and webinars for drinking water professionals, public officials, and anyone interested in gaining knowledge and skills related to compliance with the Safe Drinking Water Act, Building the Capacity of Drinking Water Systems, Drinking Water Grant Opportunities, Water Technical Assistance, and more.[17]

OIG Interview of Rafael Reyes, the FDOH - Environmental Public Health and Communications Director

Mr. Reyes told the OIG that the FDOH’s drinking water program has full autonomy to enforce the Federal Safe Drinking Water Act. The City’s water system, as a public water purveyor, is part of the systems that the FDOH regulates.

Mr. Reyes stated that wells are overseen under the Federal Ground Water rules. Under those rules, there is a requirement to collect well samples on a monthly basis. The federal rule requires municipalities to analyze for one of the three fecal indicators: coliphage, enterococci or E.coli. Most utilities systems analyze for E.coli because of the federal fecal indicator tests, it is the least expensive method.

If an active well tests “present” for E.coli, the well should be disconnected from the water distribution system, and a Tier 1 public notice should be issued within 24 hours of finding out the result. Once the well has been disconnected, the utilities system is then to collect five additional samples and analyze them. If the contamination still persists, the utilities system should take corrective action to eliminate any sanitary problems. Mr. Reyes stated the utilities system can leave the well on and still take the five samples, but if any of the five samples come back “present,” another Tier 1 public notice would have to be issued.

In Florida, in addition to the fecal indicator, water systems also have to be analyzed for Total Coliform. Total Coliform testing details whether there is bacteria present that could

[16] Section 403.866(3), F.S. states, “operator” means any person, including the owner, who is in onsite charge of the actual operation, supervision, and maintenance of a water treatment plant, water distribution system, or domestic wastewater treatment plant and includes the person in onsite charge of a shift or period of operation during any part of the day.
[17] https://www.epa.gov/dwreginfo/drinking-water-training

lead to fecal contamination. When a sample is "present" for Total Coliform, any of three fecal indicators need to be tested for; most systems then test for E.coli.

If an active well tests "present" for Total Coliform, the utilities system has to retest the well per Chapter 62.555 and 62.550 of the Florida Administrative Code. Those rules state that a utilities system with a "present" Total Coliform test, must collect two additional samples from the well within 24 hours. If the well keeps testing present for Total Coliform, the utilities system should disinfect the well and then start collecting a new bacteriological survey.

Mr. Reyes stated that for a distribution point to be put back in service after a "present" Total Coliform sample there needs to be three repeat samples; one at the original site, one upstream within five connection points, and one downstream within five connection points.[18]

If a well has been disconnected for less than six months, a utilities system has to do five consecutive samples of negative results. If a well has been disconnected for more than six months, it has to get 10 to 20 consecutive samples of negative results.

These requirements are part of public water systems' training and detailed responsibilities. As public water systems notify the FDOH, they should also be working on a public notice to provide to the FDOH for review, approval, or changes. Boil water notices depend on the severity of the contamination.

Mr. Reyes stated that the FDOH issues warning letters which state potential violations. Utility districts have a chance to request a meeting with the FDOH and discuss the validity of alleged violations. On occasion violators plead ignorance. In that case, there is a statutory obligation for the FDOH to provide information and guidance to individuals and that utility district.

Mr. Reyes stated that the term "false present" is not a proper term for E. coli and Total Coliform tests; the proper term is "invalid sample." An invalid sample occurs when there is a second "present" sample at the original site and the other two resampling points are negative.

OIG Interview of Emmanuel Peters, FDOH Environmental Health Specialist

Mr. Peters told the OIG that any City Utility District employee who collects and submits bacteriological reports to the FDOH needs to have knowledge of the Florida Department of Environmental Protection Drinking Water Program and the Federal Safe Drinking Water Act. Compliance managers, Assistant Directors, and Executive Directors of a utility district should have knowledge of the Safe Drinking Water Act policies and procedures in order to run a safe utility district. Mr. Peters stated that he usually provides training and guidance when he conducts inspections or site surveys at utility districts. He recalls conducting a

[18] "Connection points" are usually distinct property addresses.

site survey for the City Utility District in January 2023 and meeting City Utility District employees Melvin Pinkney, Anthony Williams, and David Salas.

ALLEGATIONS AND FINDINGS

Allegation (1):

City *Utility District staff failed to comply with required water testing, reporting, and public notification protocols, and provided inaccurate or misleading information to the FDOH and/or the public regarding E. coli/fecal contamination or Total Coliform contamination.*

Governing Directives:

The governing directives relevant to this report are detailed in full in Appendix 1. The directives are listed as follows:

Federal "Safe Drinking Water Act:"

Title 40 C.F.R. Ch. 1, Subchapter D, Part 141 National Primary Drinking Water Regulations.

Subpart A- General
- 40 C.F.R. §141.1 Applicability.

Subpart D- Reporting and Recordkeeping
- 40 C.F.R. §141.31 Reporting requirements

Subpart Q—Public Notification of Drinking Water Violations
- 40 C.F.R § 141.201 General public notification requirements
- 40 C.F.R. §141.202 Tier 1 Public Notice- Form, manner, and frequency of notice.
- 40 C.F.R. §141.203 Tier 2 Public Notice—Form, manner, and frequency of notice.

Subpart S—Ground Water Rule
- 40 C.F.R. §141.400 -General requirements and applicability.
- 40 C.F.R. §141.402- Ground Water Source Microbial Monitoring and Analytical Methods.
- 40 C.F.R. §141.403 Treatment Technique Requirements for Ground Water Systems.

Subpart Y—Revised Total Coliform Rule
- 40 C.F.R. §141.851 – General.
- 40 C.F.R. § 141.853 - General monitoring requirements for all public water systems.
- 40 C.F.R. §141.857 Routine monitoring requirements for public water systems serving more than 1,000 people.
- 40 C.F.R. §141.858 Repeat monitoring and E. coli requirements.
- 40 C.F.R. §141.859 Coliform treatment technique triggers and assessment requirements for protection against potential fecal contamination.

Florida Safe Drinking Water Act and Implementing Regulations

Part VI. Water Supply; Water Treatment Plants (403.850 to 403.892)
- Section 403.850., F.S.- Short title
- Section 403.853, F.S. – Drinking Water Standards
- Section 403.857, F.S.- Notification of users and regulatory agencies.

Title 62. Department of Environmental Protection

Chapter 62–550. Drinking Water Standards, Monitoring, and Reporting (62–550.102 to 62–550.830)
- Rule 62-550.102, F.A.C.- Intent and Scope
- Rule 62-550.310, F.A.C.- Primary Drinking Water Standards: Maximum Contaminant Levels and Maximum Residual Disinfectant Levels.
- Rule 62-550.730, F.A.C.- Reporting Requirements for Public Water Systems
- Rule 62-550.828, F.A.C. – Ground Water Rule.
- Rule 62-550-830, F.A.C. – Revised Total Coliform Rule.

Chapter 62-555, F.A.C.- Permitting, Construction, Operation, and Maintenance of Public Water Systems (62–555.310 to 62–555.900)
- Rule 62-555.310, F.A.C.- Source and Sitting Requirements for Public Water Systems.
- Rule 62-555.315- Public Water System Wells—Security; Number; Capacity; Under the Direct Influence of Surface Water; Control of Copper Pipe Corrosion and Black Water; and Disinfection and Bacteriological Surveys and Evaluations.

Chapter 62-560, F.A.C. – Requirements for Public Water Systems that Are Out of Compliance (62–560.310 to 62–560.700)
- Rule 62-560.310, F.A.C. Violations.
- Rule 62-560.400, F.A.C. - Scope of Drinking Water Public Notification Rules.
- Rule 62-560.410, F.A.C. - Public Notification - Primary Standards.

The FDOH issued multiple warning letters to the City Utility District, including Warning Letter WP-085-24, dated July 22, 2024 and Warning Letter WP-134-24, dated October 28, 2024, which are attached to this report as Appendix 2 and Appendix 3, noting potential violations of the Florida and Federal Safe Drinking Water Acts. This OIG Investigative Report is not a final adjudication of the matters under the jurisdiction of the FDOH. Instead, this Report addresses our findings relating to alleged mismanagement, misconduct, and other abuses by individual City or City Utility District employees that created conditions within the organization that would allow those potential violations to occur.

Finding:

The information obtained **supports** the allegation.

We found that City Utility District staff failed to perform their duties and/or failed to adequately supervise the performance of other employees responsible for compliance with the Federal and State Safe Drinking Water Acts.

Specifically, City Utility District staff did not comply with required water testing, reporting, and public notification protocols, and provided inaccurate or misleading information to the FDOH and/or the public regarding E. coli/fecal contamination or Total Coliform contamination.

OIG Methodology for Examination of Water Testing Results

During the course of our investigation, the OIG received and compared Drinking Water Microbial Sample Collection & Laboratory Reporting forms (Water Sample Result Forms) for the City's water samples from three sources:

- Business for Advanced Innovations, LLC d/b/a Capzer Pharmaceuticals (Capzer), a Lake Worth, Florida lab services company entrusted with testing City water during the time period of this investigation,
- The City Utility District, and
- The FDOH.

The City Utility District is required to routinely test finished[19] water for potential contaminants. Water samples are taken from the entry point to the distribution system and at various points within the distribution system.

1. City Utility District Lab Technicians collected water samples for testing. Lab Technician is an entry-level technical position responsible for collecting and analyzing samples for environmental and monitoring purposes, as required by the FDOH and the FDEP. Currently, the position requires an associate's degree from an accredited college or university with major coursework in biology, chemistry, or a closely related field and six (6) months experience in an environmental laboratory performing sampling or analysis of drinking water or closely related experience. The Lab Technicians work under the general supervision of the Compliance Manger and Water Treatment Superintendent. The Lab Technicians prepare and complete chain of custody forms for documentation of field analysis, fill out fields of the Water Sample Result Form to be completed by the sample collector, and deliver samples to outside laboratories such as Capzer for testing.[20]
2. Capzer is a laboratory certified by the FDOH (Certificate #E86109601) under the National Environmental Laboratory Accreditation Program (NELAP). Capzer is authorized to conduct water testing for detection of Coliform, Total Aerobic Microbial Count, Total Coliform, Fecal Coliform, and Escherichia coli. Capzer tests water samples received from the City Utility District, fills out fields on the Water Sample Result Form that are to be completed by the laboratory (including lab receipt date and time, analysis date and time, and presence/absence of contaminants), and provides water testing results to the City Utility District.

[19] Rule 62-550.200(45), F.A.C. defines "finished water" as the water that is introduced into the distribution system of a public water system and is intended for distribution and consumption.
[20] On less than ten occasions since 2015, the City USD sent water test samples to a different lab services company. Analysis of those tests are not relevant to the actions addressed in our investigation.

3. Thereafter, the City Utility District submits the Water Sample Result Form with the information from the City Utility District and Capzer to the FDOH. The FDOH adds its notations to the Form in an area titled “DEP/DOH USE ONLY.”

To gauge the City Utility District’s compliance with reporting requirements, the OIG reviewed and compared the Water Sample Result Forms the OIG received from Capzer, the City Utility District, and the FDOH for the same dates, times, and sample points. The objective of the analysis was to evaluate the timeliness and accuracy of and to detect any irregularities in the reports.

OIG Interview of Lisa Fiedor, Capzer Pharmaceuticals Project Manager

The OIG interviewed Capzer Pharmaceuticals Project Manager Lisa Fiedor. Ms. Fiedor told the OIG that Capzer started its business in 2011, analyzing water and performing microbial testing for Total Coliform and E. coli, and started the business relationship with the City in 2015. She stated that to her knowledge, the City Utility District went elsewhere for lab services about twice since 2015, but during 2023 solely used Capzer to test bacteriological samples for Total Coliform and E. coli. Ms. Fiedor is the primary Capzer contact for the City Utility District.

Ms. Fiedor explained Capzer’s process for testing Utility District samples:

- The City Utility District filled out the sample collection date, time, location, who the collector was, and whether there was chlorine residual and PH, on the Water Sample Results Form.
- The term “Distribution Repeat” is used after a test sample fails; the next sample is then checked on the form as a Distribution Repeat.
- The “Sample Type” code[21] on the form can show that the sample collection is not the first sample, it is a repeat sample from a failure sample.
- The term “Clearance” indicates a two day or five day consecutive clearance for a well or distribution location.
- The “Sample Collection Date” on the form indicates the date the water sample is collected by the utility.
- The top right section of the form that contains the “Lab Receipt Date, Time and Temperature[22],” is filled out by Capzer with City Utility District staff present when samples are dropped off.
- The “Analysis Date & Time” is filled out by Capzer when the water sample analysis is completed

[21] The Water Sample Results Form indicates “Sample type” codes are: D = Distribution (routine compliance), C = Repeat/Check, R = Raw, N = Entry Point to Distribution, P = Plant Tap, S = Special (clearance, etc.).
[22] The Water Sample Results Form contains the term “Sample Preservation,” which indicates whether or not the samples were on ice and the temperature of the samples.

Ms. Fiedor stated that if a sample was "absent" for Total Coliform or E. coli, Capzer would write "A" in the appropriate column on the Water Sample Results Form. If E. coli or Total Coliform was "present" in the water sample, Capzer would write "P" on the form.

The section labeled "Date and Time PWS notified by lab of present results" details the date and time Capzer notifies the City Utility District of a "present" result. The notification is always verbal and sometimes is followed by an email. Capzer processed reports with a "present" result within two days of the notification, including notification on Saturdays.

Until City Utility District Compliance Manager Anthony Williams left the district in 2023, Ms. Fiedor sent test results to him, along with City Utility District Water Superintendent Melvin Pinkney.

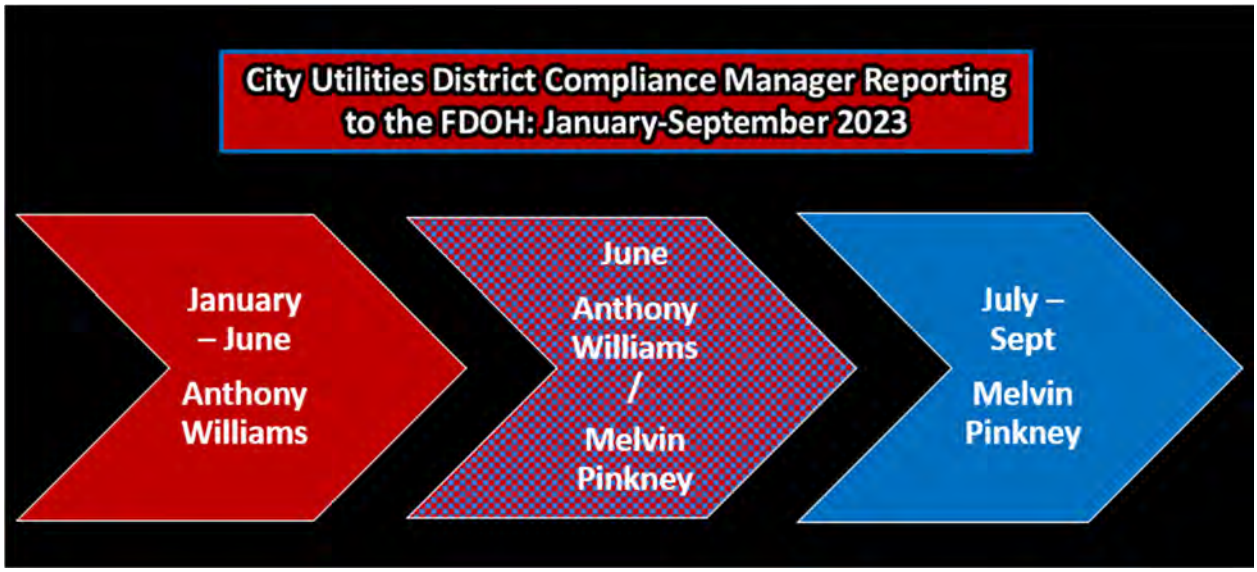
Ms. Fiedor stated that she has 100% belief in the accuracy of Capzer's test methods and results. Ms. Fiedor is the final form reviewer. When a mistake is made on a form, Ms. Fiedor crosses out the error, and initials and dates next to the error. A new form would never be used to correct an error; the original form with the corrected, initialed, dated mistake will always be used.

A. Staff Failed to Timely Report Test Results

OIG Laboratory Report Analysis

The OIG examined the entirety of City Utility District water testing laboratory reports from January of 2023 through December of 2023. We found that 151 of those laboratory results, all between January and September 2023,[23] may not have been reported to the FDOH within the first ten days following the month in which the result was received, as required in 40 C.F.R. §141.31(a) and Rule 62-550.730(1)(a), F.A.C.[24] The OIG-identified potential violations contributed to the FDOH's issuance of Warning Letter WP-085-24[25] dated July 22, 2024 to Riviera Beach. A copy of the Warning Letter is attached hereto as Appendix 2. The FDOH Warning Letter notes 151 possible violations for failure to report water testing results. However, the FDOH notified the OIG that the City Utility District produced evidence after its Warning Letter was issued, which resulted in the FDOH reducing the number of reporting violations to 130 (Attachment B). Thus, this report reflects this additional information.

[23] On one additional occasion in December of 2023, the City USD reported a present test for Total Coliform to the FDOH after its required submission date.
[24] In October of 2023, many of these Total Coliform-present reports were submitted, upon Marjorie DeBerry's appointment as the new City USD Compliance Manager. This OIG Report discusses in detail the circumstances that led to the eventual submission of these *'Presence of Total Coliform'* reports.
[25] The EPA generally characterizes Warning Letters as informal enforcement actions.



OIG Interview of Rafael Reyes, FDOH - Environmental Public Health and Communications Director

During this investigation we regularly communicated with the FDOH and provided them with records that the City Utility District failed to submit or altered. Mr. Reyes told us that based on these OIG-provided records, they found additional violations.

Mr. Reyes told the OIG that he has thirty (30) years of experience working with various health departments throughout the State of Florida. He stated that after Marjorie DeBerry was appointed the new City Utility District Compliance Manager, Ms. DeBerry provided documents to him which should have been provided prior to her appointment. After receiving and reviewing the information and records provided by the OIG prior to Ms. Deberry's provision, the FDOH concurred that between January and September of 2023, the City Utility District did not submit 151[26] laboratory test results to the FDOH, as required. The laboratory tests results that were not sent to the FDOH as required included lab test results that showed the presence of contaminants as well as results that showed the absence of any contaminants.

OIG Interview of Swan Allen-Davis, City Utility District Laboratory Technician

The OIG interviewed Swan Allen-Davis, a City Utility District Laboratory Technician. Ms. Allen-Davis told the OIG that she has worked as a lab technician for the City of Riviera Beach from November 2022 to present. Ms. Allen-Davis received her Associates of Science Degree in 2012. Ms. Allen-Davis stated she had "some background" in volatile organics training, documentation and completion for balances, conversions, calibrations, on logging water reports, water and soil testing.

[26] Per the previous page of this report, the number of non-submitted tests was later established by the FDOH as 130.

Ms. Allen-Davis' said her duties and responsibilities at the City Utility District include laboratory calibrations for equipment, monthly sampling the City's 42 sites within the distribution system and 27 ground production wells, laboratory drop-offs, special samplings, and sending samples to the appropriate labs to be tested. Ms. Allen-Davis explained that all distribution sites and wells are sampled at least once a month and the testing is spread out over the month. When Lab Techs collect samples, they label a bottle, disinfect the spigot, collect samples in bottles, bag the samples, and immediately put the samples on ice. The collected samples are then sent to Capzer. This testing is designed to detect E. coli and Total Coliform.

She stated that Anthony Williams served as Compliance Manager until June 12, 2023. According to Ms. Allen-Davis, upon his departure, Dr. Williams told the lab technicians that Melvin Pinkney would be their supervisor until a new Compliance Manager was hired. She stated that two days prior to his scheduled departure, Dr. Williams was training Mr. Salas and Mr. Pinkney on how to send reports to the FDOH. Ms. DeBerry was appointed Compliance Manager in October 2023.

Ms. Allen-Davis stated when Dr. Williams worked for the City Utility District, Lab Techs would respond in two different ways to a "present" result for Total Coliform at active distribution sites. Dr. Williams would either have the lab technicians re-sample the same sites, or he would have them perform testing within five service connections upstream and downstream from the sample points for distribution sites only.

Ms. Allen-Davis stated that solely re-sampling the same site was not the correct way of addressing a "present" test. Ms. Allen-Davis told the OIG that she questioned Dr. Williams on why he instructed them to do the re-samplings solely at the same sites instead of the required upstream and downstream testing. In response, Dr. Williams told her that in any given month the City Utility District could only have a maximum of two "present" test results at a site for it to be compliance with the FDOH.

Every time Ms. Allen-Davis solely resampled a site without performing the upstream and downstream testing it was at the direction of Dr. Williams. When Ms. Allen-Davis would do the resampling on active distribution lines, it would usually retest as "present." If it retested "negative," Dr. Williams would then report it to the FDOH.

Ms. Allen-Davis recalled getting a lot of "presents" for Total Coliform tests results during her first six months with the City Utility District. Dr. Williams told her they "had to do something" because they could not keep getting "present" test results.

Ms. Allen-Davis stated that when Well #961 tested "present" for Total Coliform on June 13, 2023 she tested it again on June 14, 2023. Dr. Williams told her to retest before knowing the results of the prior retest. She stated that the only way for her to know if a testing she did was "present" was when the Compliance Manager informed her.

Ms. Allen-Davis stated that on numerous occasions an original lab form that showed a "present" result for Total Coliform would be discarded; Dr. Williams would instruct her to

retest all the sites again that tested “present” for Total Coliform. Often no one would know when a lab form had a “present” Total Coliform result because only the negative forms were submitted. Ms. Allen-Davis has reviewed all Capzer lab reports that were submitted to the FDOH with new Compliance Manager DeBerry. After this review, Ms. Allen-Davis now believes that during Dr. Williams’ time at the City Utility District only the absent/negative results were sent to the FDOH for clearance.

Ms. Allen-Davis stated that Ms. DeBerry informed her that re-testing the same site in the way that Dr. Williams instructed them before should never have been done.

OIG Interview of Melvin Pinkney, City Utility District Water Plant Superintendent

According to the job description for the City Utility District, the Water Plant Superintendent maintains accurate and detailed plant records; communicates with State, local, and county agencies to ensure the City Utility District is following all guidelines and rules of operations; and directs work assignments to make sure they are carried out timely. The Water Treatment Plant Superintendent must hold a water plant operator’s license.

The OIG interviewed Melvin Pinkney. Mr. Pinkney has been employed with the City Utility District since 2017. He was a Water Plant Operator until 2021, when he was promoted to Plant Superintendent. Mr. Pinkney holds a water plant license from the State of Florida, which qualifies him to be a superintendent or supervisor. He attends yearly training courses but has not received training on reporting bacteriological lab reports, Total Coliform reporting rules, or ground water rules.

His responsibilities while employed with the City as a Water Plant Operator included managing the plant, treating the water to make sure the water was safe to drink, maintaining chlorine residuals, making sure all of the equipment at the plant worked, and retaining necessary information. Mr. Pinkney said that since he became the Plant Superintendent, the Lead Operator, Mr. Salas, has performed all reporting and clerical duties for Mr. Pinkney.

Mr. Pinkney told the OIG that while employed as the Compliance Manager, Dr. Williams acted upon any “present” results for main water source lines or wells. When Mr. Pinkney received test results, he would sometimes look at them, but sometimes he would not. Dr. Williams communicated with Mr. Pinkney to inform him of wells that had failed or needed to be shut off. When a well failed during Dr. Williams’ tenure, Dr. Williams notified Mr. Pinkney, who then had it shut off. The City Utility District then would sample the well again to see if it would pass.

Mr. Pinkney stated he was not tasked with becoming the interim Compliance Manager upon Dr. Williams’ departure and was not tasked with reporting to the FDOH at that point. Mr. Pinkney said that Dr. Williams told him that City Utility District Assistant Director Steven Doyle and Mr. Salas would be in charge of compliance upon Dr. Williams’ departure.

Mr. Pinkney told the OIG that in June 2023, reports to the FDOH were submitted late due to Mr. Salas being out on leave. Mr. Pinkney tried to fill in during Mr. Salas' leave and sent the reports to the FDOH in Mr. Salas' absence.

Despite his representation to our office, on July 19, 2023, upon submitting the Utilities District monthly water testing report to the FDOH, Mr. Pinkney emailed Mr. Peters of the FDOH and stated "…Mr. Peters please bear with I am doing the compliance manager position now…"

OIG Interview of David Salas, City Utility District Lead Operator

Mr. Salas told the OIG that he has been the Lead Operator at the City Utility District water plant since 2007. He has reported to Mr. Pinkney for about six years and acts as a liaison between Mr. Pinkney and the other water plant operators. Mr. Salas has not received training in bacteriological reporting rules; those rules are handled by City Utility District compliance staff.

Mr. Salas stated that the Compliance Manager responds and acts on the monthly Capzer test results by instructing Mr. Pinkney of the results and of what action to take in order to make contaminated wells again safe for use. Dr. Williams did not discuss "present" test results with Mr. Salas; Dr. Williams discussed these things with Mr. Pinkney, who sometimes then discussed them with Mr. Salas.

Prior to the City Utility District creating a compliance department, Mr. Salas responded to the FDOH with the City's test lab results. That changed when Dr. Williams joined the City as Compliance Manager in 2021. When Dr. Williams left City employment in June of 2023 until the City hired Ms. DeBerry in October 2023, the City Utility District did not have a Compliance Manager.

Starting on July 7, 2023 Mr. Salas took an approximately two month leave of absence from his City employment. Mr. Salas has no personal knowledge of who assumed the role of Compliance Manager for the time period between Dr. Williams leaving and Ms. DeBerry's hire. Mr. Salas said that he never assumed the role of interim Compliance Manager.

Mr. Salas stated that he never had the City Utility District duty of reporting of laboratory test results after 2021. Mr. Salas stated that he had no knowledge of altered test results and that he never altered lab results. Mr. Salas stated that he had no knowledge that lab reports were not submitted as they should have been.

OIG Interview of Dr. Anthony Williams, former City Utility District Compliance Manager – May 8, 2024

OIG NOTE: At the time of this first OIG interview of Dr. Williams, the OIG had yet to receive laboratory testing reports from Capzer.

Dr. Williams worked as the Compliance Manager for the City Utility District from February of 2021 until June 16, 2023.[27] At the time of this interview, he was working for the City of Delray Beach Water Utilities Department as its Compliance Manager. The Water Utilities Department job description for the Compliance Manager states that the individual "under general supervision, creates and leads the District's compliance program to ensure regulatory requirements for water and sewer operations are met."

He has a doctorate in public administration and a master's degree in business administration. He also received training from University of Florida TREEO[28] program on water cross connections, how to conduct survey inspections, and how to write ordinances. He told the OIG that his supervisors provided him with rules and regulations relating to water quality, and he also learned through conferences and job experience.

Dr. Williams provided training to City lab technicians, including field sampling techniques, aseptic techniques, proper laboratory calibrations, and requirements under Florida Administrative Code Rules 62-550 and 62-555. He stated that FAC 62-550 covers standards for primary and secondary contaminants, microbiological testing, reporting requirements to the FDOH, and record keeping. Dr. Williams also provided lab technicians at the City Utility District with the rules that govern proper reporting requirements of "present" Total Coliform and E coli test results.

The City Utility District utilized Capzer to conduct its water lab tests. The City Utility District sampled 42 drinking water samples a month and all of the wells that were in service.

Mr. Pinkney was the City Utility District Water Plant Superintendent during Dr. Williams' tenure with the City. According to Dr. Williams, Mr. Pinkney would determine if a well should stay in service or out of service once it tested "present" for E. coli. If Mr. Pinkney was not available, Mr. Salas took over plant operations.

Dr. Williams told the OIG that there are two different processes for lab testing and procedures to take after a "present" E. coli lab test. With drinking water that is going through distribution systems and customer homes, if there is a "present" E. coli test at a house or distribution sample, it is necessary to conduct an upstream and downstream

[27] According to the City Utility District's current job description, the Compliance Manger creates and leads the Utility District's program to ensure regulatory requirements for water and sewer operation are met, including "ensuring zero non-compliance with permits and regulations." During Dr. Williams' time as Compliance Manager, the job description stated, "[t]he purpose of this position is to investigate, address and enforce City ordinances and protect the health and safety of the City's citizens."

[28] The University of Florida Training, Research and Education for Environmental Occupations (UF TREEO) is the University's environmental training center providing certification courses and continuing education for essential workers. https://treeo.ufl.edu/

sample within five service connections, as well as another test at the original service location. If the subsequent lab results come back negative after a “present” test, there is no a need to report anything to the public.

A “present” E. coli test on a ground water well is considered an automatic E. coli violation. The requirement is then to take five water samples from the well within 24 hours. Dr. Williams stated that in that circumstance it is necessary to inform the FDOH and the public (with a public Tier 1 Notification) that there was a “present” E. coli test result. Dr. Williams stated that a well must be in service and part of the public water distribution system in order for the notification requirement to take effect. Wells that have been out of service for more than six months require ten consecutive absent bacteria results for the FDOH to clear them back into service. The samples can be taken once a day for ten days or two a day for five days. Dr. Williams stated that if there is one “present” bacteria sample in a well’s ten day test period, it can still be cleared if the last two samples are negative.

Dr. Williams could not recall any “present” E. coli tests in either the City Utility District water main distribution system or ground water wells during his employment with the City Water Utility. Dr. Williams stated the he was responsible for notifying the FDOH of any “present” E. coli test results. If he was not available, Mr. Pinkney or Mr. Salas had the notification responsibility.

Mr. Low would also have to be notified of a “present” E. coli test result. Dr. Williams stated that if there were any instances where present lab results were not provided to the FDOH it would have been at the direction of Mr. Low. Dr. Williams stated that he tried to change or add sample locations for retesting but his attempts were shut down by Mr. Low. Dr. Williams did not expound on specifics of these attempts during this interview.

Dr. Williams said that City Utility District laboratory technician Jasmin Holland was familiar with the re-sampling rule for E.coli “present” water test results and would perform the required five service connection upstream and downstream re-samplings.

OIG Re-Interview of Dr. Anthony Williams, former City Water Utility Compliance Manager – August 13, 2024

After the OIG’s interviewed Dr. Williams in May 2024, our office received copies of the City Utility District water testing laboratory results for January to December 2023 directly from Capzer. Our office examined the entirety of the laboratory reports and compared them with the reports the City Utility submitted to the FDOH for the same period. After the OIG’s comparison of the reports, we re-interviewed Dr. Williams.

Dr. Williams stated that his listed job duties did not include the reporting of water testing results to the FDOH; however, he was assigned and performed this task during his time as City Utility District Compliance Manager, primarily because Mr. Pinkney was not capable of performing that task. Dr. Williams told the OIG that Capzer emailed him the test results from the City’s water samples, but that he did not review every single email because there were so many of them.

Dr. Williams stated that sometimes the City Utility District laboratory technicians would verbally tell him that the integrity of the samples they took and submitted to Capzer were in question. Dr. Williams acknowledged that on those occasions, even if those water sample tested “present” for contaminants by Capzer, he at times would not submit those samples to the FDOH. Dr. Williams said that he did not document those occasions or communicate those issues to the FDOH; instead, the “present” samples were never sent to the FDOH. Dr. Williams stated that he was aware that Capzer or the FDOH could invalidate samples, but he was not sure whether he was allowed to invalidate samples. Dr. Williams said that eventually, he told the City Utility District laboratory technicians that they should notate potentially compromised water samples on the chain of custody forms, but he was “not sure” if they ever did so.

Dr. Williams stated that at times he would accompany the City Utility District lab technicians to testing locations to see if they were using proper test taking procedures, and if he felt the lab technicians were performing their job property, he would have those samples submitted in their entirety.

Dr. Williams also questioned whether Capzer’s “present” test results were always accurate. On one occasion, Dr. Williams said that he telephoned Capzer to inquire about a clearance well that had a succession of “present” Total Coliform tests. Capzer told him that the tests were accurate.

Dr. Williams does not think that he ever communicated to the FDOH that he failed to submit “present” water test results on the basis that he worried about the integrity of those tests. Dr. Williams added that “it probably would have been best to do it that way, to get their (the FDOH’s) guidance on that.”

When asked “why wouldn’t you just disclose that to them, to the Department of Health?” Dr. Williams responded “I didn’t, I didn’t know I had to.”

Dr. Williams initially denied only submitting “absent” results for water samples while not submitting “present” results for water samples as a tactic to open a well or to keep a well open.

Dr. Williams was asked to assess his responsibility for not reporting “present” test results to the FDOH:

> OIG: At some point somebody's responsible for this and, and you're the compliance manager.
>
> Dr. Williams: I'm not trying to say that I'm not responsible, but in a lot of these instances, the results were given to me from the lab tech. It was scanned into the computer, and after scanning it into the computer, I would formulate the file to send to the health department by putting all of the different weeks together.
>
> OIG: Would you say you're somewhat responsible?

Dr. Williams: I wouldn't say that.

OIG: You're the compliance manager that deals with this.

Dr. Williams: I understand.

…

Dr. Williams: I don't know if I submitted all of those, so I can't really say.

OIG: But that was your job, was submitting it. You already said that.

Dr. Williams: Well, it wasn't my job. I assumed the responsibility.

OIG: Okay, okay, okay. You assumed the responsibility of submitting these reports to the Department of Health.

Dr. Williams: Yeah.

OIG: Do you know why you're only submitting negatives and not "presents"? I mean, this is happening over and over again. I'm not showing just one instance.

Dr. Williams: Not too sure.

Dr. Williams then told the OIG that his process of not sending "present" test results to the FDOH occurred because of the guidance of City Utility District Director Low and Mr. Pinkney. Dr. Williams said that Mr. Low did not directly give this direction to him; the direction came "more from" Mr. Pinkney, who received the direction from Mr. Low. Dr. Williams stated that Mr. Pinkney gave this direction around the time that Dr. Williams began reporting test results.

Dr. Williams: I think that they were telling me to do that primarily because of the condition of the wells and they said it was mostly because the wells, they had a lot that were out of service and I guess whenever they lose a well, forces them to open up the interconnect and stuff like that, which would end up costing the city more money to buy water from Seacoast Utilities. So they were pretty much telling me, hey, let's make sure we get the [absent]. Let's get the results into the health department to kind of clear wells so that they can get wells back in service.

OIG: Is that wrong?

Dr. Williams: I was following direction.

OIG: No, but is it wrong? I understand you're following the right direction.

Dr. Williams: Based on the rules, it definitely would be wrong.

…

Dr. Williams: So I really trusted what they were saying, and when they showed me what the rule says, and they showed me that that's how they typically would do it, I thought, okay, that's okay. And like I said, when I spoke to the health department, especially regarding the clearance wells, I spoke to them directly and they [FDOH employees] told me that regarding the clearance wells because they said that they didn't need all of those samples; that they needed to see two passing results. Just make sure that you show them the two passing results because that's what the requirement was to get it cleared.

OIG: We understand that, but as you can see[29], on the same day there was a "present" and a negative and only the "absent" one, the "present" and an "absent," excuse me, and only "absent" ones are being submitted because you wanted the well to get open. That's what you're telling me. That's correct?

Dr. Williams: That's when the direction was given to me to submit those samples that way.

…

OIG: You were told to do that by? ... Who in particular?

Dr. Williams: Mr. Pinkney. And he said he got his direction from Mr. Low to prevent opening the area… just to make sure we get "absent" samples to the health department. So I didn't hear directly from Mr. Low.

OIG: Did at any point you think that was wrong and maybe you should stop?

Dr. Williams: Yeah.

OIG: Was that maybe a reason why you left?

Dr. Williams: Yeah. A big reason.

OIG Interview of Steven Doyle, former City Utility District Assistant Executive Director

According to the City Utility District's job description in effect at the time relevant to this matter, the Utility District Assistant Director helps relieve the department director of the day to day technical and supervisor detail work of the assigned divisions, by overseeing the dealings with the FDEP and the FDOH and ensuring that the water and wastewater systems and laboratories are operating in compliance with the FDEP guidelines.

[29] During this portion of the interview, Dr. Williams was examining an OIG spreadsheet detailing the OIG-discovered 151 potential instances of non-reporting of water contamination. That number of non-reporting instances was later re-established by the FDOH as totaling 130.

Mr. Doyle became the City Utility District Assistant Executive Director in February of 2023.[30] He stated that he has no knowledge or training about bacteriological water sampling or lab reporting because that is not his area of responsibility.

Mr. Doyle stated that as Compliance Manager, Dr. Williams spoke with Mr. Pinkney and Mr. Salas to coordinate water samplings at wells and main distribution systems. According to Mr. Doyle, it was Dr. Williams' responsibility to report any "present" bacteriological lab reports to the FDOH. Mr. Doyle believes Mr. Pinkney had knowledge of the "present" test results because the lab would call the operators on a "present" result and the operators would report to Mr. Pinkney and Dr. Williams.

Mr. Doyle told the OIG that upon Dr. Williams' departure from City employment, reporting was late because Mr. Salas was out on leave and Mr. Pinkney was assigned to submit the City reports to the FDOH, but was not competent to do that job. Mr. Doyle remembered a conversation with Mr. Low relating to the lab reporting violations that the FDOH discovered. Mr. Low told Mr. Doyle that he was not surprised because the FDOH was looking at everything relating to the City Utility District.

OIG Interview of Michael Low, former City Utility District Executive Director

Mr. Low told the OIG that after approximately 15 years with the City of Boynton Beach Utility District Department, primarily as that department's Deputy Director, in January of 2021, he began working as a consultant to the City Utility District. In January of 2022, Mr. Low began his employment at the City Utility District as Executive Director, responsible for improvement projects and day-to-day operations of the utility.

Mr. Low stated that when he started with the City, the Utility District was "a disaster;" there were extensive issues, but no action was being taken. He said he identified problems with wastewater pumping, the condition of the pumping stations, and he saw a report saying the City Utility District needed $45 million to fix those problems and another $30 million to fix the City well field. Mr. Low had both weekly and monthly meetings with his managers, during which they were responsible for disclosing well conditions and "present" tests for bacteria. Mr. Low added that he hoped that urgent issues of "present" tests would be brought to his attention immediately, not just during weekly manager meetings. While Mr. Low expected the managers to bring key issues to his attention, he stated that as Executive Director he could not monitor routine day-to-day operations. Mr. Low stated that he expected to be notified of any test results that were "present" for E. coli or Total Coliform.

Mr. Low stated that Dr. Williams was the employee primarily assigned to reporting to the FDOH, with Mr. Pinkney and Mr. Salas also occasionally handling that duty. Dr. Williams left City employment in early June 2023. After Dr. Williams left Mr. Pinkney reported test results to the FDOH. Mr. Pinkney could delegate that responsibility to Mr. Salas, but

[30] Mr. Doyle's OIG interview took place on August 6, 2024, when he was a City employee. He resigned later in August of 2024.

ultimately Mr. Pinkney had the responsibility. Additionally, Mr. Low stated that Mr. Salas went out on leave soon after Dr. Williams departed.

Mr. Low attributed problems with water reporting to poor management by City Utility District department heads. Mr. Low stated that he did not know how things were run; he stated he had multiple responsibilities including trying to build a new water plant and he had managers that were responsible for operations.

Mr. Low stated that Mr. Pinkney did not perform his work up to expectations. Mr. Low characterized Mr. Pinkney as someone who could keep up with a functioning system, but not a system that needed improvement. He had conversations with both City Manager Evans and Mayor Felder about replacing Mr. Pinkney. Nothing came of those conversations.

Mr. Low stated that he never instructed City Utility District staff to fail to submit present bacteriological test results, and never instructed City Utility District staff to alter test results.

OIG Interview of Marjorie DeBerry, Current City Utility District Compliance Manager

Ms. DeBerry stated that on October 9, 2023 she started working as City Utility District Compliance Manager. Soon thereafter, the FDOH asked the City Utility District if they had submitted all required reports. Ms. DeBerry requested water test results for the City Utility District directly from Capzer and reviewed the designated network folder assigned to Dr. Williams prior to his separation from the City. The files in Dr. Williams' network folder appeared to include water testing results Dr. Williams had submitted to the FDOH. Ms. DeBerry also went on the City's network system shared folders and downloaded reports that were submitted to the FDOH.

Ms. DeBerry told the OIG that Ms. Allen-Davis had her own folder because Mr. Pinkney had instructed her to help with keeping track of the reports. There were reports that Ms. Allen-Davis had that Ms. DeBerry did not receive from the lab. Ms. DeBerry spoke to Mr. Low regarding the reports from Ms. Allen-Davis and suggested to Mr. Low that they contact the lab. Mr. Low agreed with the suggestion. Ms. DeBerry contacted Capzer and Florida-Spectrum[31] laboratories to request a copy of every test report for the period from January to September 2023. She found that some results that the laboratories sent to the City Utility District had not been provided to the FDOH. She then suggested to Mr. Low that the City Utility District report to the FDOH that additional test reports existed; however, Mr. Low instructed her to wait. She then asked Mr. Doyle's opinion, and he agreed that the City should immediately send these previously unreported laboratory test reports to the FDOH.

Ms. DeBerry submitted these test reports to Mr. Reyes of the FDOH, but she did not initially tell Mr. Low. Ms. DeBerry said that to keep her from "getting into trouble," Mr.

[31] On less than ten occasions during our investigative period, the City used Florida-Spectrum Environmental Services, Inc. for water testing. None of those tests presented information relevant to the issues examined in this OIG Report.

Reyes independently reached out to Mr. Low requesting the reports. Mr. Low did not ask Ms. DeBerry whether she had submitted the records to the FDOH.

Ms. DeBerry told the OIG she asked Ms. Allen-Davis why repeat samples were not collected and sent to the lab. She told Ms. DeBerry that Dr. Williams gave the lab technicians their instructions. Ms. Allen-Davis also stated that when they got "present" results from the lab, Dr. Williams instructed them to re-do the whole list again. Thereafter, he would solely report lab reports with "absent" test results.

B. Well #862- Staff Submitted Altered Test Results and Inaccurate Information to the FDOH

Well #862 – May 2023 Testing

At the beginning of May 2023, City Well #862 was out of service.

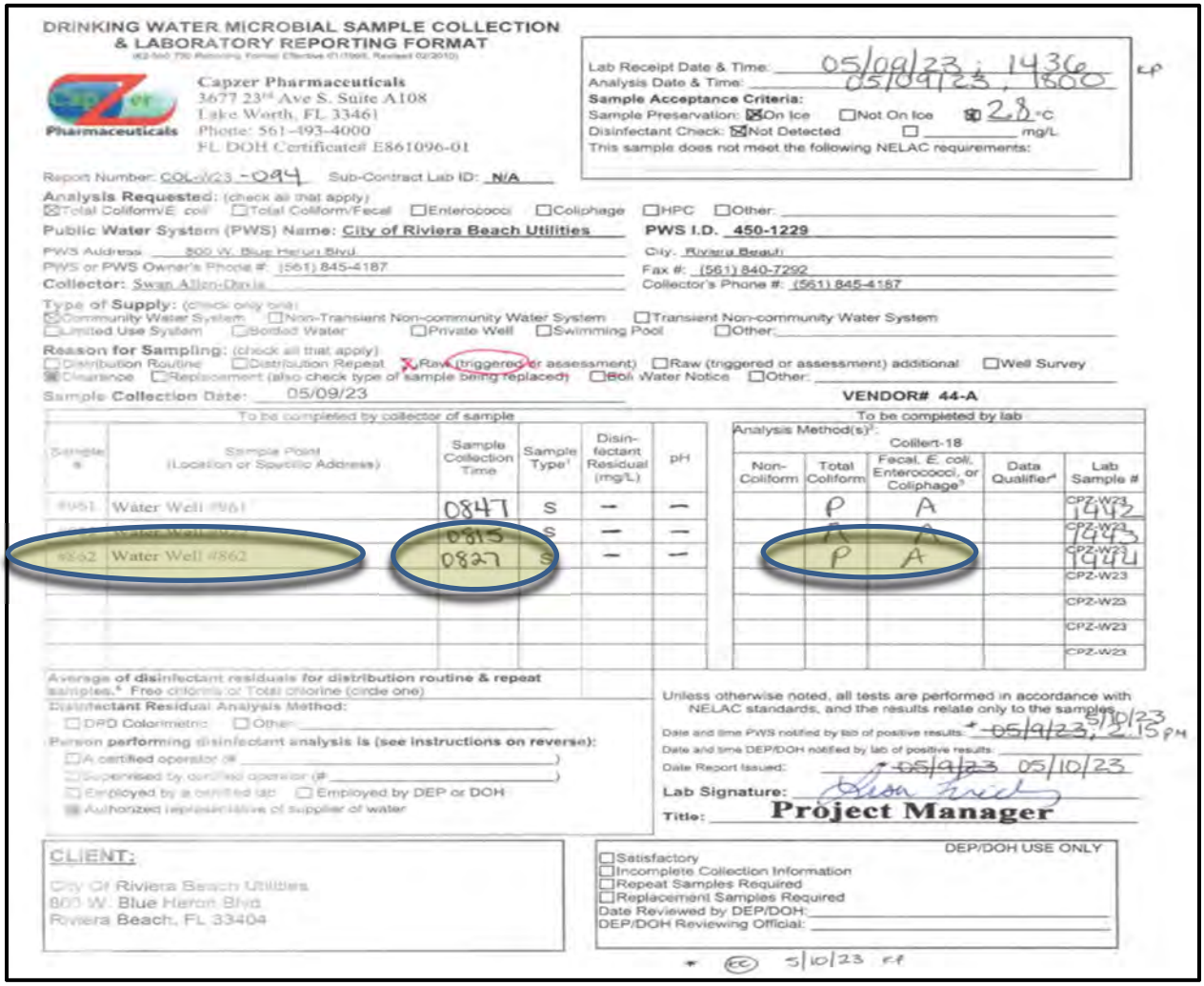
The OIG obtained records showing the City Utility District collected water samples from Well #862 on 12 occasions (two samples per day on six separate days) from May 2 to 12, 2023, and sent them to Capzer for testing. Capzer Project Manager Lisa Fiedor emailed the test results for each of these samples to Dr. Williams, Mr. Pinkney, and Utility District lab technician Jasmin Holland.

The testing for that eleven-day period produced Total Coliform "present" results for ten of the twelve testing samples, with no two consecutive samples testing "absent," as required by Rule 62-555.315(6), F.A.C. The water sample collected at 2:26 PM on May 2 tested "present" for E. coli, and the other eleven samples tested "absent" for E. coli.

Well #862 Test Results – May 2023				
Date	**Time**	**Total Coliform Test Result**	**E. coli Test Result**	**Did City Utility *Timely* Submit Test Results to the FDOH?**
5/2/2023	8:52 AM	**Present**	**Absent**	**No**
5/2/2023	2:26 PM	**Present**	**Present**	**No**
5/8/2023	9:11 AM	**Present**	**Absent**	**No**
5/8/2023	3:01 PM	**Present**	**Absent**	**No**
5/9/2023	8:27 AM	**Present**	**Absent**	**Yes**
5/9/2023	1:55 PM	**Present *altered to reflect no entry***	**Absent**	**No**
5/10/2023	9:08 AM	**Present**	**Absent**	**Yes**
5/10/2023	3:12 PM	**Absent**	**Absent**	**Yes**
5/11/2023	8:50 AM	**Present**	**Absent**	**Yes**
5/11/2023	1:27 PM	**Present *altered to Absent***	**Absent**	**Yes**
5/12/2023	8:05 AM	**Absent**	**Absent**	**Yes**
5/12/2023	2:24 PM	**Present**	**Absent**	**No**

Well #862 – May 9, 2023 Testing

According to the Water Sample Results Form prepared by Capzer that the OIG received directly from the lab, the City Water Utility collected water samples at Well #862 in the morning and afternoon on May 9, 2023 (at 8:27 am and at 1:55 pm). The Water Sample Results Forms also included the results for Well #961[32] and Well #922. On both occasions, Well #862 tested "present" for Total Coliform and "absent" for E. coli.



DRINKING WATER MICROBIAL SAMPLE COLLECTION & LABORATORY REPORTING FORMAT

Capzer Pharmaceuticals
3677 23rd Ave S. Suite A108
Lake Worth, FL 33461
Phone: 561-493-4000
FL DOH Certificate# E861096-01

Lab Receipt Date & Time: 05/09/23 ; 1436
Analysis Date & Time: 05/09/23 ; 1800
Sample Acceptance Criteria:
Sample Preservation: ☒On Ice ☐Not On Ice 2.8 °C
Disinfectant Check: ☒Not Detected ☐ _____ mg/L
This sample does not meet the following NELAC requirements:

Report Number: COL-0523-094 Sub-Contract Lab ID: N/A

Analysis Requested: (check all that apply)
☒Total Coliform/E. coli ☐Total Coliform/Fecal ☐Enterococci ☐Coliphage ☐HPC ☐Other:

Public Water System (PWS) Name: City of Riviera Beach Utilities PWS I.D. 450-1229
PWS Address: 600 W. Blue Heron Blvd City: Riviera Beach
PWS or PWS Owner's Phone #: (561) 845-4187 Fax #: (561) 840-7292
Collector: Swan Allen-Davis Collector's Phone #: (561) 845-4187

Type of Supply: (check only one)
☒Community Water System ☐Non-Transient Non-community Water System ☐Transient Non-community Water System
☐Limited Use System ☐Bottled Water ☐Private Well ☐Swimming Pool ☐Other:

Reason for Sampling: (check all that apply)
☐Distribution Routine ☐Distribution Repeat ☒Raw (triggered or assessment) ☐Raw (triggered or assessment) additional ☐Well Survey
☒Clearance ☐Replacement (also check type of sample being replaced) ☐Boil Water Notice ☐Other:

Sample Collection Date: 05/09/23 VENDOR# 44-A

To be completed by collector of sample | To be completed by lab

Sample #	Sample Point (Location or Specific Address)	Sample Collection Time	Sample Type[1]	Disinfectant Residual (mg/L)	pH	Analysis Method(s)[2]: Colilert-18 Non-Coliform	Total Coliform	Fecal, E. coli, Enterococci, or Coliphage[3]	Data Qualifier[4]	Lab Sample #
#961	Water Well #961	0847	S	—	—		P	A		CPZ-W23-1442
[illegible]	[illegible]	0815	S	—	—		A	A		CPZ-W23-1443
#862	Water Well #862	0827	S	—	—		P	A		CPZ-W23-1444
										CPZ-W23
										CPZ-W23
										CPZ-W23
										CPZ-W23

Average of disinfectant residuals for distribution routine & repeat samples.[5] Free chlorine or Total chlorine (circle one)
Disinfectant Residual Analysis Method:
☐DPD Colorimetric ☐Other:
Person performing disinfectant analysis is (see instructions on reverse):
☐A certified operator (# _____)
☐Supervised by certified operator (# _____)
☐Employed by a certified lab ☐Employed by DEP or DOH
☒Authorized representative of supplier of water

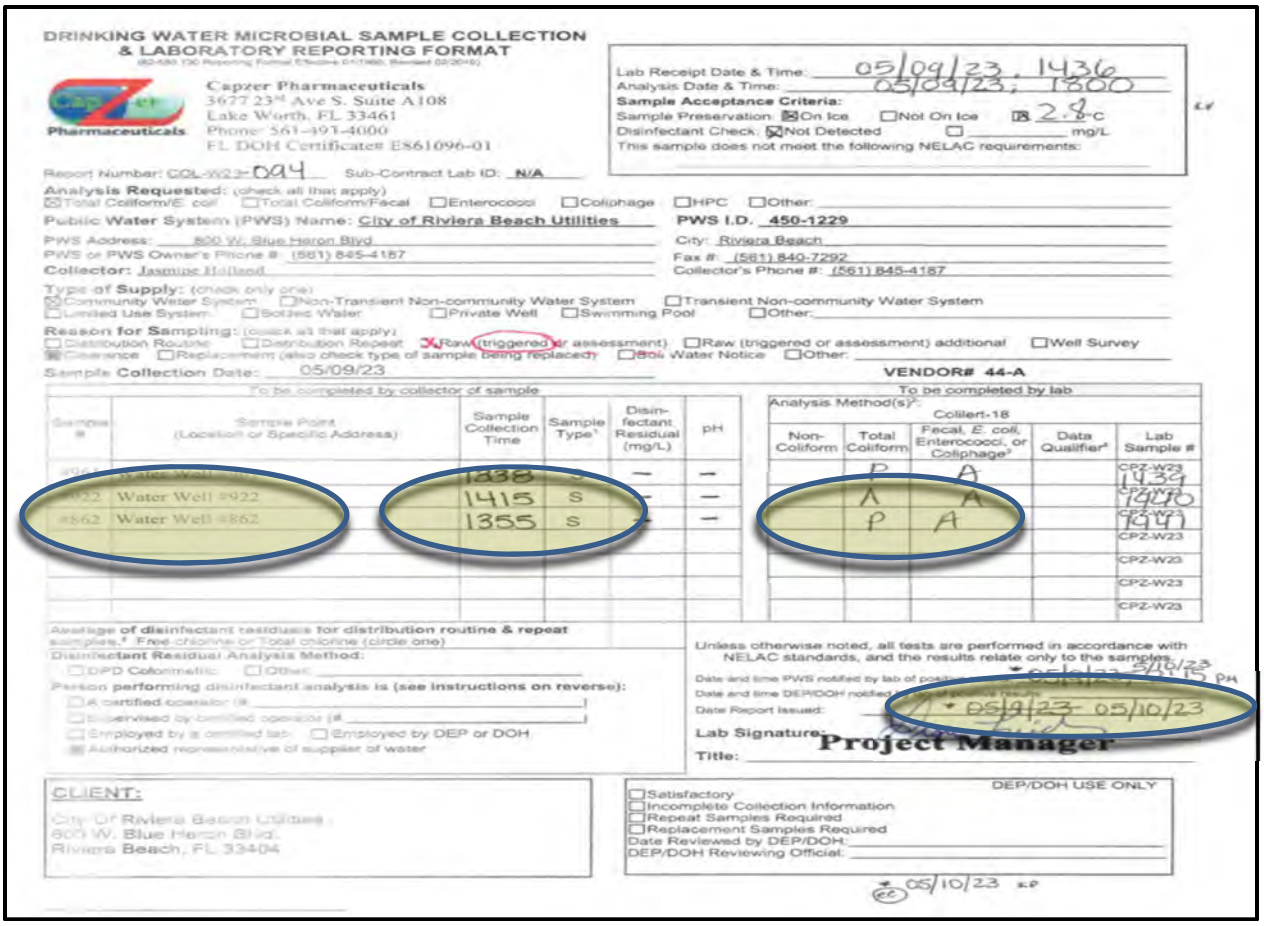
Unless otherwise noted, all tests are performed in accordance with NELAC standards, and the results relate only to the samples.
Date and time PWS notified by lab of positive results: ~~05/9/23~~ 5/10/23, 2:15 PM
Date and time DEP/DOH notified by lab of positive results: _____
Date Report Issued: ~~05/9/23~~ 05/10/23
Lab Signature: [signature]
Title: Project Manager

CLIENT:
City Of Riviera Beach Utilities
600 W. Blue Heron Blvd.
Riviera Beach, FL 33404

DEP/DOH USE ONLY
☐Satisfactory
☐Incomplete Collection Information
☐Repeat Samples Required
☐Replacement Samples Required
Date Reviewed by DEP/DOH:
DEP/DOH Reviewing Official:

EE 5/10/23 EP

[32] There is no evidence that Well 961 was inappropriately returned to service.



DRINKING WATER MICROBIAL SAMPLE COLLECTION & LABORATORY REPORTING FORMAT

Capzer Pharmaceuticals
3677 23rd Ave S. Suite A108
Lake Worth, FL 33461
Phone: 561-493-4000
FL DOH Certificate# E861096-01

Lab Receipt Date & Time: 05/09/23, 1436
Analysis Date & Time: 05/09/23, 1800
Sample Acceptance Criteria:
Sample Preservation: ☒On Ice ☐Not On Ice 2.8 °C
Disinfectant Check: ☒Not Detected ☐ _____ mg/L
This sample does not meet the following NELAC requirements:

Report Number: COL-W23-094 Sub-Contract Lab ID: N/A

Analysis Requested: (check all that apply)
☒Total Coliform/E. coli ☐Total Coliform/Fecal ☐Enterococci ☐Coliphage ☐HPC ☐Other:

Public Water System (PWS) Name: City of Riviera Beach Utilities PWS I.D. 450-1229
PWS Address: 600 W. Blue Heron Blvd City: Riviera Beach
PWS or PWS Owner's Phone #: (561) 845-4187 Fax #: (561) 840-7292
Collector: Jasmine Holland Collector's Phone #: (561) 845-4187

Type of Supply: (check only one)
☒Community Water System ☐Non-Transient Non-community Water System ☐Transient Non-community Water System
☐Limited Use System ☐Bottled Water ☐Private Well ☐Swimming Pool ☐Other:

Reason for Sampling: (check all that apply)
☐Distribution Routine ☐Distribution Repeat ☒Raw (triggered or assessment) ☐Raw (triggered or assessment) additional ☐Well Survey
☐Clearance ☐Replacement (also check type of sample being replaced) ☐Boil Water Notice ☐Other:

Sample Collection Date: 05/09/23 VENDOR# 44-A

To be completed by collector of sample

Sample #	Sample Point (Location or Specific Address)	Sample Collection Time	Sample Type[1]	Disinfectant Residual (mg/L)	pH
[illegible]	[illegible] Water Well	1338	S	—	—
922	Water Well #922	1415	S	—	—
862	Water Well #862	1355	S	—	—

To be completed by lab

Analysis Method(s)[2]: Colilert-18

Non-Coliform	Total Coliform	Fecal, E. coli, Enterococci, or Coliphage[3]	Data Qualifier[4]	Lab Sample #
	P	A		CPZ-W23-1439
	A	A		CPZ-W23-1440
	P	A		CPZ-W23-1441
				CPZ-W23
				CPZ-W23
				CPZ-W23
				CPZ-W23

Average of disinfectant residuals for distribution routine & repeat samples.[5] Free chlorine or Total chlorine (circle one)

Disinfectant Residual Analysis Method:
☐DPD Colorimetric ☐Other:

Person performing disinfectant analysis is (see instructions on reverse):
☐A certified operator (# _____)
☐Supervised by certified operator (# _____)
☐Employed by a certified lab ☐Employed by DEP or DOH
☒Authorized representative of supplier of water

Unless otherwise noted, all tests are performed in accordance with NELAC standards, and the results relate only to the samples.

Date and time PWS notified by lab of positive: 5/10/23 5/11/15 PH
Date and time DEP/DOH notified:
Date Report Issued: 05/9/23 05/10/23

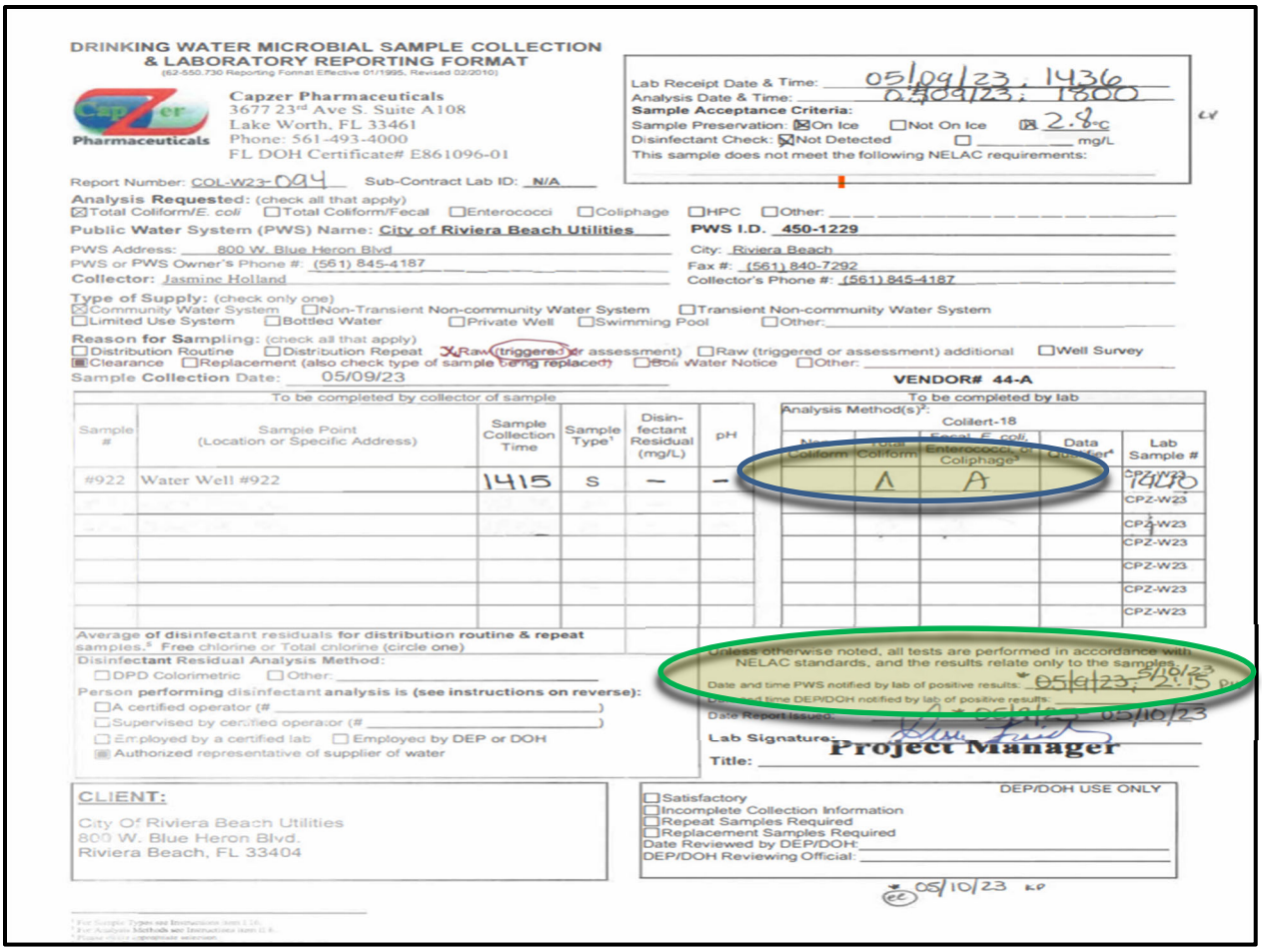
Lab Signature: Project Manager
Title:

CLIENT:
City Of Riviera Beach Utilities
600 W. Blue Heron Blvd.
Riviera Beach, FL 33404

DEP/DOH USE ONLY
☐Satisfactory
☐Incomplete Collection Information
☐Repeat Samples Required
☐Replacement Samples Required
Date Reviewed by DEP/DOH:
DEP/DOH Reviewing Official:

05/10/23

However, Dr. Williams sent an email to the FDOH on June 5, 2023, which included an altered version of the Water Sample Results Form for the samples collected in the afternoon on May 9, 2023, in that the results for the sample collection at Well #862 at 1:55 p.m. had been completely removed and not reported. (Additionally, the Results for Well #961 were also missing from the Water Sample Results Form. However, Well #961 was not returned to service.) Instead, the form submitted to the FDOH only included the "absent" for Total Coliform and E. coli results for the water sample collected at Well #922 at 2:15 p.m.



DRINKING WATER MICROBIAL SAMPLE COLLECTION & LABORATORY REPORTING FORMAT

(62-550.730 Reporting Format Effective 01/1995, Revised 02/2010)

Capzer Pharmaceuticals
3677 23rd Ave S. Suite A108
Lake Worth, FL 33461
Phone: 561-493-4000
FL DOH Certificate# E861096-01

Lab Receipt Date & Time: 05/09/23: 1436
Analysis Date & Time: 05/09/23: 1800
Sample Acceptance Criteria:
Sample Preservation: ☒On Ice ☐Not On Ice 2.9°C
Disinfectant Check: ☒Not Detected ☐ _____ mg/L
This sample does not meet the following NELAC requirements:

Report Number: COL-W23-094 Sub-Contract Lab ID: N/A

Analysis Requested: (check all that apply)
☑Total Coliform/E. coli ☐Total Coliform/Fecal ☐Enterococci ☐Coliphage ☐HPC ☐Other:

Public Water System (PWS) Name: City of Riviera Beach Utilities PWS I.D. 450-1229

PWS Address: 800 W. Blue Heron Blvd City: Riviera Beach
PWS or PWS Owner's Phone #: (561) 845-4187 Fax #: (561) 840-7292
Collector: Jasmine Holland Collector's Phone #: (561) 845-4187

Type of Supply: (check only one)
☒Community Water System ☐Non-Transient Non-community Water System ☐Transient Non-community Water System
☐Limited Use System ☐Bottled Water ☐Private Well ☐Swimming Pool ☐Other:

Reason for Sampling: (check all that apply)
☐Distribution Routine ☐Distribution Repeat ☒Raw (triggered or assessment) ☐Raw (triggered or assessment) additional ☐Well Survey
☒Clearance ☐Replacement (also check type of sample being replaced) ☐Boil Water Notice ☐Other:

Sample Collection Date: 05/09/23 VENDOR# 44-A

To be completed by collector of sample / To be completed by lab

Sample #	Sample Point (Location or Specific Address)	Sample Collection Time	Sample Type[1]	Disinfectant Residual (mg/L)	pH	Analysis Method(s)[2]: Colilert-18 Total Coliform	E. coli	Enterococci, or Coliphage[3]	Data Qualifier[4]	Lab Sample #
#922	Water Well #922	1415	S	—	—	A	A			CPZ-W23-1400
										CPZ-W23
										CPZ-W23
										CPZ-W23
										CPZ-W23
										CPZ-W23
										CPZ-W23

Average of disinfectant residuals for distribution routine & repeat samples.[5] Free chlorine or Total chlorine (circle one)

Disinfectant Residual Analysis Method:
☐DPD Colorimetric ☐Other:

Person performing disinfectant analysis is (see instructions on reverse):
☐A certified operator (# _____)
☐Supervised by certified operator (# _____)
☐Employed by a certified lab ☐Employed by DEP or DOH
☒Authorized representative of supplier of water

Unless otherwise noted, all tests are performed in accordance with NELAC standards, and the results relate only to the samples.

Date and time PWS notified by lab of positive results: 05/9/23: 2:15 PM 5/10/23

Date and time DEP/DOH notified by lab of positive results: _____

Date Report Issued: 05/10/23

Lab Signature: Project Manager

Title: _____

CLIENT:
City Of Riviera Beach Utilities
800 W. Blue Heron Blvd.
Riviera Beach, FL 33404

DEP/DOH USE ONLY
☐Satisfactory
☐Incomplete Collection Information
☐Repeat Samples Required
☐Replacement Samples Required
Date Reviewed by DEP/DOH: _____
DEP/DOH Reviewing Official: _____

05/10/23

With the exception of the information about the results for the sample points collected in the afternoon on May 9, 2023, all other content and notations reflected on the version of the Water Sample Results forms Capzer sent to Dr. Williams and the version that Dr. Williams sent to the FDOH were identical, including the following words: "Date and time PWS notified by lab of present test results: "05/10/23, 2:15p." (indicated by green circle on above illustration).

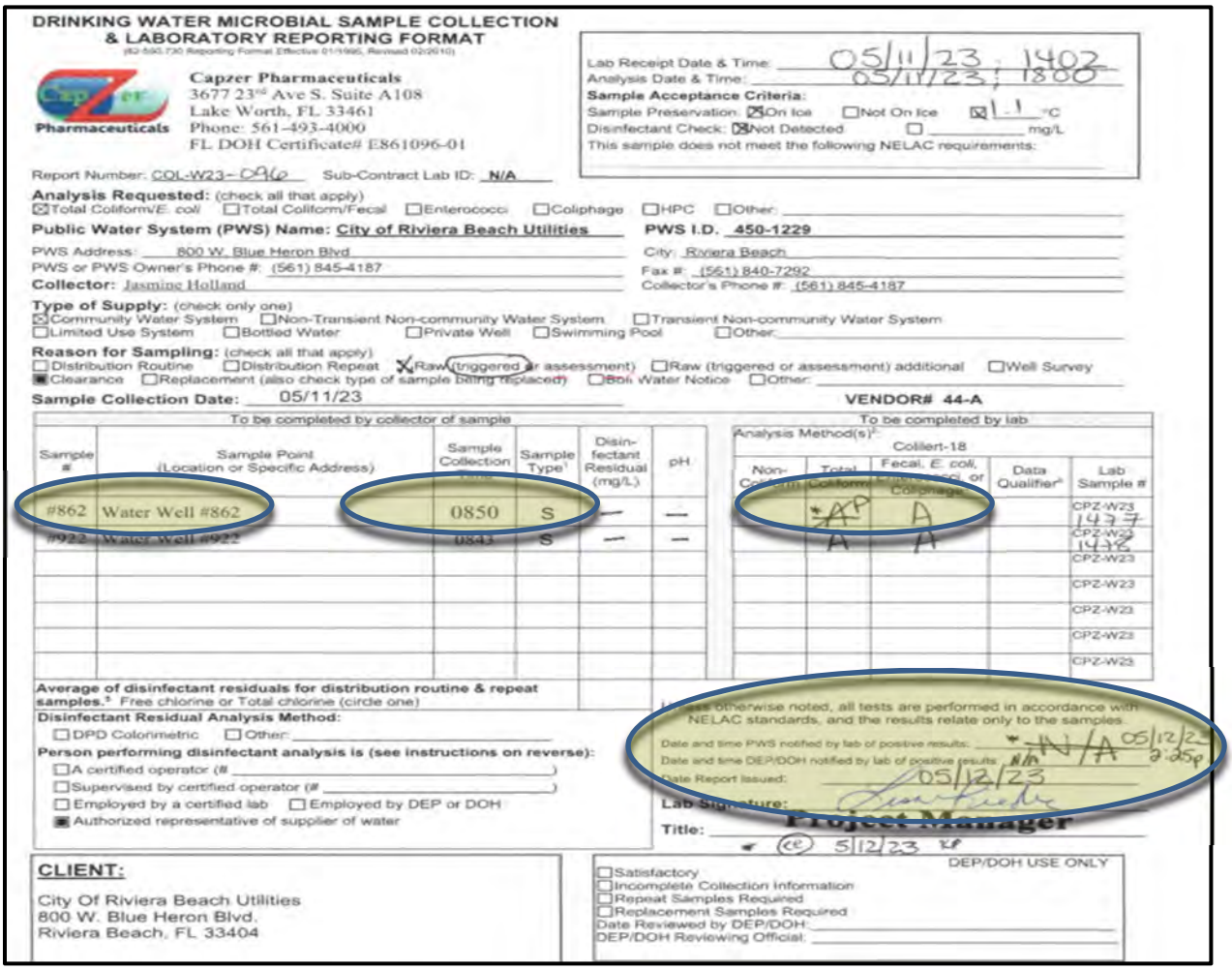
Well #862 – May 10, 2023 Testing

The City Utility Districted collected water samples from Well #862 at 9:08 a.m. and 3:12 p.m. on May 10, 2023. According to the Water Sample Results the OIG received from Capzer, the morning sample tested "present" for Total Coliform and "absent" for E. coli, and the afternoon sample tested "absent" for both Total Coliform and E. coli.

Well #862 – May 11, 2023 Testing

According to Water Sample Results the OIG received from Capzer, the following day, on May 11, 2023, the City Utility District collected water samples from City Well #862 at 8:50 a.m. and 1:27 p.m. Both samples tested "present" for total coliform and "absent" for

E. coli. On May 12, 2023, Capzer emailed the results to Dr. Williams, Mr. Pinkney, and Ms. Holland.



DRINKING WATER MICROBIAL SAMPLE COLLECTION & LABORATORY REPORTING FORMAT

Capzer Pharmaceuticals
3677 23rd Ave S. Suite A108
Lake Worth, FL 33461
Phone: 561-493-4000
FL DOH Certificate# E861096-01

Lab Receipt Date & Time: 05/11/23 ; 1402
Analysis Date & Time: 05/11/23 ; 1800
Sample Acceptance Criteria:
Sample Preservation: ☒On Ice ☐Not On Ice ☒ 1.1 °C
Disinfectant Check: ☒Not Detected ☐ _____ mg/L
This sample does not meet the following NELAC requirements:

Report Number: COL-W23-0960 Sub-Contract Lab ID: N/A

Analysis Requested: (check all that apply)
☒Total Coliform/E. coli ☐Total Coliform/Fecal ☐Enterococci ☐Coliphage ☐HPC ☐Other:

Public Water System (PWS) Name: City of Riviera Beach Utilities PWS I.D. 450-1229

PWS Address: 800 W. Blue Heron Blvd City: Riviera Beach
PWS or PWS Owner's Phone #: (561) 845-4187 Fax #: (561) 840-7292
Collector: Jasmine Holland Collector's Phone #: (561) 845-4187

Type of Supply: (check only one)
☒Community Water System ☐Non-Transient Non-community Water System ☐Transient Non-community Water System
☐Limited Use System ☐Bottled Water ☐Private Well ☐Swimming Pool ☐Other:

Reason for Sampling: (check all that apply)
☐Distribution Routine ☐Distribution Repeat ☒Raw (triggered or assessment) ☐Raw (triggered or assessment) additional ☐Well Survey
☒Clearance ☐Replacement (also check type of sample being replaced) ☐Boil Water Notice ☐Other:

Sample Collection Date: 05/11/23 VENDOR# 44-A

To be completed by collector of sample						To be completed by lab				
Sample #	Sample Point (Location or Specific Address)	Sample Collection Time	Sample Type	Disinfectant Residual (mg/L)	pH	Analysis Method(s): Colilert-18 Non-Coliform	Total Coliform	Fecal, E. coli, EC(+) or Coliphage	Data Qualifier	Lab Sample #
#862	Water Well #862	0850	S	—	—		*AP	A		CPZ-W23-1437
#922	Water Well #922	0843	S	—	—		A	A		CPZ-W23-1438
										CPZ-W23
										CPZ-W23
										CPZ-W23
										CPZ-W23
										CPZ-W23

Average of disinfectant residuals for distribution routine & repeat samples.[5] Free chlorine or Total chlorine (circle one)

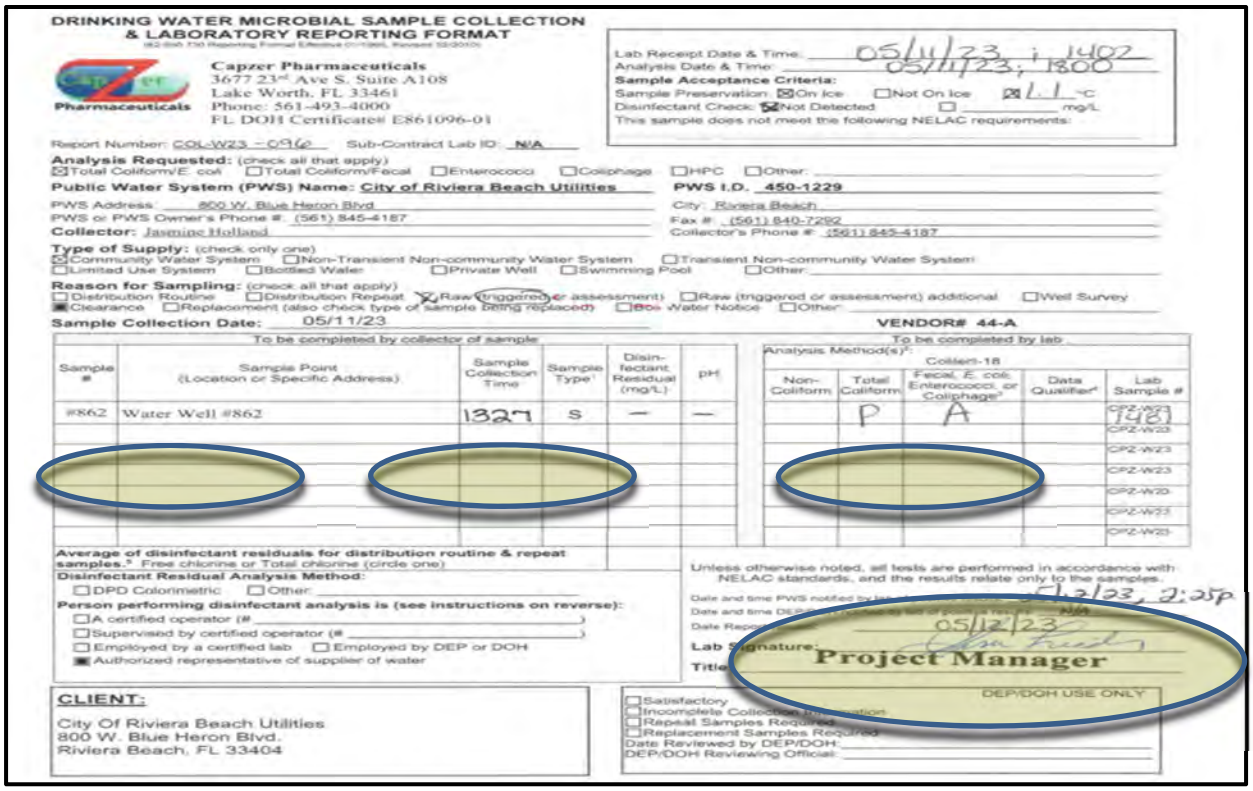
Disinfectant Residual Analysis Method:
☐DPD Colorimetric ☐Other:

Person performing disinfectant analysis is (see instructions on reverse):
☐A certified operator (# _____)
☐Supervised by certified operator (# _____)
☐Employed by a certified lab ☐Employed by DEP or DOH
☒Authorized representative of supplier of water

Unless otherwise noted, all tests are performed in accordance with NELAC standards, and the results relate only to the samples.
Date and time PWS notified by lab of positive results: *N/A 05/12/23 3:25p
Date and time DEP/DOH notified by lab of positive results: N/A
Date Report Issued: 05/12/23
Lab Signature:
Title: Project Manager
(cc) 5/12/23 KP

CLIENT:
City Of Riviera Beach Utilities
800 W. Blue Heron Blvd.
Riviera Beach, FL 33404

DEP/DOH USE ONLY
☐Satisfactory
☐Incomplete Collection Information
☐Repeat Samples Required
☐Replacement Samples Required
Date Reviewed by DEP/DOH:
DEP/DOH Reviewing Official:



DRINKING WATER MICROBIAL SAMPLE COLLECTION & LABORATORY REPORTING FORMAT

Capzer Pharmaceuticals
3677 23rd Ave S. Suite A108
Lake Worth, FL 33461
Phone: 561-493-4000
FL DOH Certificate# E861096-01

Lab Receipt Date & Time: 05/11/23 ; 1402
Analysis Date & Time: 05/11/23; 1800
Sample Acceptance Criteria:
Sample Preservation: ☒On Ice ☐Not On Ice ☒ 1.1 °C
Disinfectant Check: ☒Not Detected ☐ _____ mg/L
This sample does not meet the following NELAC requirements:

Report Number: COL-W23 - 0916 Sub-Contract Lab ID: N/A

Analysis Requested: (check all that apply)
☒Total Coliform/E. coli ☐Total Coliform/Fecal ☐Enterococci ☐Coliphage ☐HPC ☐Other:

Public Water System (PWS) Name: City of Riviera Beach Utilities PWS I.D. 450-1229

PWS Address: 800 W. Blue Heron Blvd City: Riviera Beach
PWS or PWS Owner's Phone #: (561) 845-4187 Fax #: (561) 840-7292
Collector: Jasmine Holland Collector's Phone #: (561) 845-4187

Type of Supply: (check only one)
☒Community Water System ☐Non-Transient Non-community Water System ☐Transient Non-community Water System
☐Limited Use System ☐Bottled Water ☐Private Well ☐Swimming Pool ☐Other:

Reason for Sampling: (check all that apply)
☐Distribution Routine ☐Distribution Repeat ☒Raw (triggered or assessment) ☐Raw (triggered or assessment) additional ☐Well Survey
☒Clearance ☐Replacement (also check type of sample being replaced) ☐Boil Water Notice ☐Other:

Sample Collection Date: 05/11/23 VENDOR# 44-A

To be completed by collector of sample

Sample #	Sample Point (Location or Specific Address)	Sample Collection Time	Sample Type	Disinfectant Residual (mg/L)	pH
#862	Water Well #862	1327	S	—	—

To be completed by lab

Analysis Method(s): Colilert-18

Non-Coliform	Total Coliform	Fecal, E. coli, Enterococci, or Coliphage	Data Qualifier	Lab Sample #
	P	A		CPZ-W23 1421

Average of disinfectant residuals for distribution routine & repeat samples.: Free chlorine or Total chlorine (circle one)

Disinfectant Residual Analysis Method:
☐DPD Colorimetric ☐Other:

Person performing disinfectant analysis is (see instructions on reverse):
☐A certified operator (# _____)
☐Supervised by certified operator (# _____)
☐Employed by a certified lab ☐Employed by DEP or DOH
☒Authorized representative of supplier of water

Unless otherwise noted, all tests are performed in accordance with NELAC standards, and the results relate only to the samples.

Date and time PWS notified by lab: 5/12/23, 2:25p
Date and time DEP notified by lab: N/A
Date Reported: 05/12/23
Lab Signature: _____
Title: Project Manager

CLIENT:
City Of Riviera Beach Utilities
800 W. Blue Heron Blvd.
Riviera Beach, FL 33404

DEP/DOH USE ONLY
☐Satisfactory
☐Incomplete Collection Information
☐Repeat Samples Required
☐Replacement Samples Required
Date Reviewed by DEP/DOH: _____
DEP/DOH Reviewing Official: _____

The May 12, 2023 water sample collected at 8:05 a.m. at Well #862 tested "absent" for both Total Coliform and E. coli, but again tested "present" for Total Coliform at 2:24 p.m. on May 12. Despite the two May 11 "present" results for Total Coliform and the afternoon "present" result on May 12, on Saturday, May 13, 2023, Compliance Manager Williams emailed the FDOH at their designated agency reporting email address, with Mr. Pinkney and Mr. Salas copied, the following:

> "Riviera Beach Utility Special District (PWS 4501229) received confirmation from our laboratory that Well #862 has passed the required 2-day consecutive testing."

Dr. Williams did not attach any test results to this May 13 email. As of that date, Dr. Williams was fully aware that Well #862 had not tested "absent" for Total Coliform on two consecutive occasions from May 2 to May 12.

On Tuesday, May 16, 2023, the FDOH Environmental Specialist II Emmanuel Peters responded to Dr. Williams' May 13 email, stating "Good afternoon Anthony, You may place those wells[33] back into service based on the successful bact results."

As a result, Well #862 was placed back in service within the water distribution system.

Review of the City Utility's Network Folders

[33] In Dr. Williams' May 13 email, he also submitted results of Well #922. The OIG does not question the absence of contamination in that well.

At the OIG's request, the City Information Technology (IT) Department searched the entire City network system to determine whether the May 11, 2023 test results for Well #862 that Capzer email to Dr. Williams, Mr. Pinkney, and Ms. Holland had been saved in any location.

The City's IT staff determined that the result for the water samples collected on May 11 had been saved in a shared network folder and in Dr. Williams' assigned employee-specific network folder. A review of Dr. Williams's employee-specific network folder showed that on May 23, 2023 at 9:16 a.m., Dr. Williams saved the two May 11 (8:50 a.m. and 1:27 p.m.) Water Sample Results for Well #862. Additionally, Dr. Williams saved the test results from the water sample collected at Well #862 at 1:55 p.m. on May 9.

The City's IT staff did not find the May 11 test results on any employee-specific network folder *other than Dr. Williams'*. Based upon the information the OIG received and reviewed, Dr. Williams is the only City employee who saved the May 11, 2023 Capzer test results for Well #862 to an employee-specific network folder. The only other City accounts that were able to access Dr. Williams' employee-specific network folder were the City IT Administrators.

On June 5, 2023, Dr. Williams emailed an altered version of the May 11 afternoon (1:27 p.m.) test results to the FDOH, along with test result for the morning (8:05 a.m.) of May 12. The May 12 test result Dr. Williams sent to the FDOH is the same document Capzer emailed to Dr. Williams, Mr. Pinkney, and Ms. Holland reflecting that the sample was "absent" for Total Coliform. However, the May 11 afternoon test result differed from the document Capzer emailed to Dr. Williams, Mr. Pinkney, and Ms. Holland, in that the result of "present" for Total Coliform had been altered to "absent." Had Dr. Williams submitted accurate versions of the results from Capzer, Well #862 could not have been reactivated.

The City's IT staff determined that the altered version of this report was not located on the City's shared network drive.

Our office provided the FDOH copies of the May water testing results showing the results Dr. Williams received from Capzer differed from those submitted to the FDOH. As a result, the FDOH issued Warning Letter WP-134-24 dated October 28, 2024, to the City Utility District. Warning Letter WP-134-24 is attached hereto as Appendix 3.__

OIG Interview of Keith Hampshire, City Information Technology Department Systems Administrator

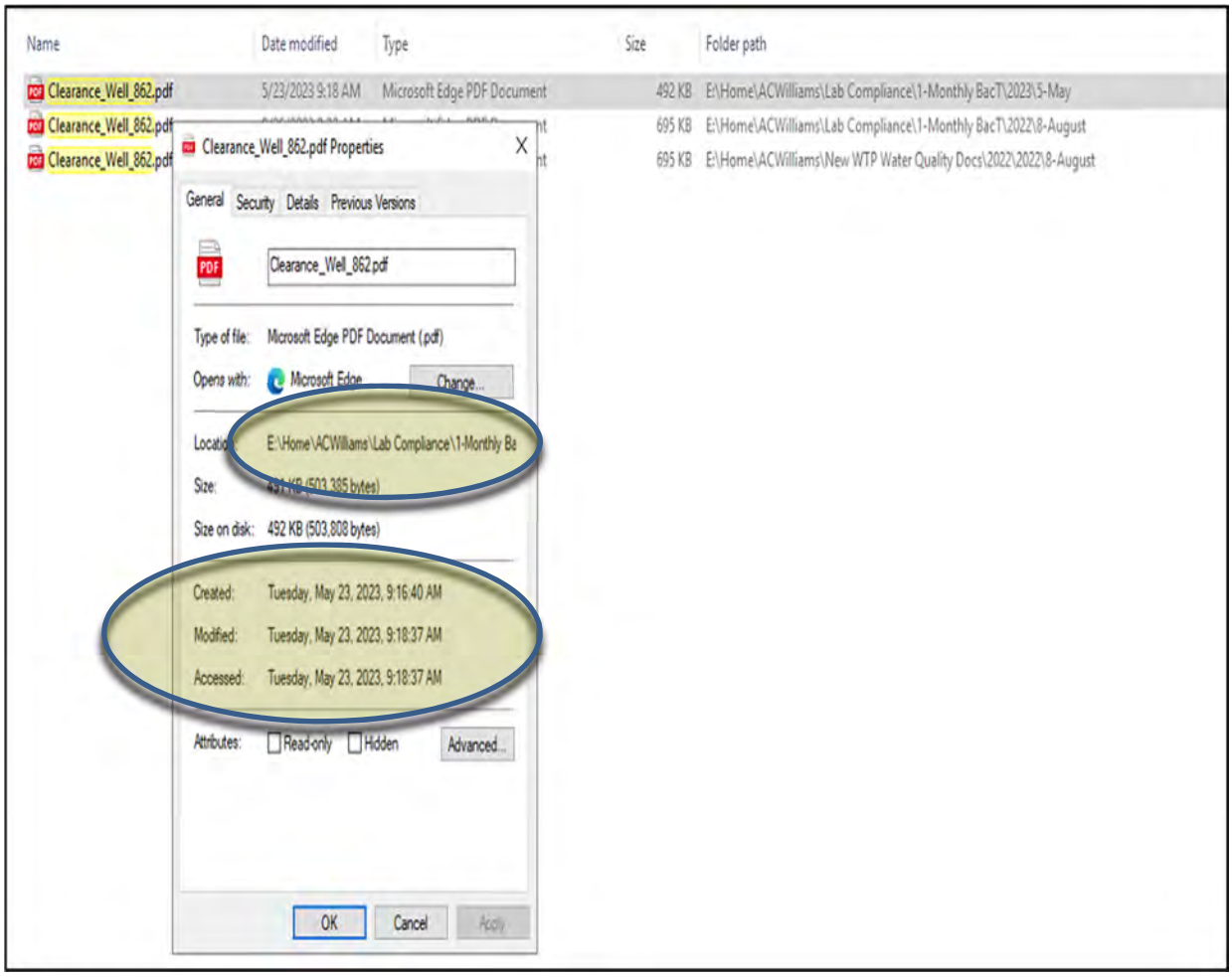
Mr. Hampshire stated that he can determine when a file on the City's network was originally saved and when or whether it was modified.

The document identified by the OIG as the May 11, 2023 water test results from Capzer Laboratory was originally saved in the City shared system on May 12, 2023, with the name Clearance_Well_862.pdf. A document with the same name was saved in then-City employee Anthony Williams' employee-specific City network folder at

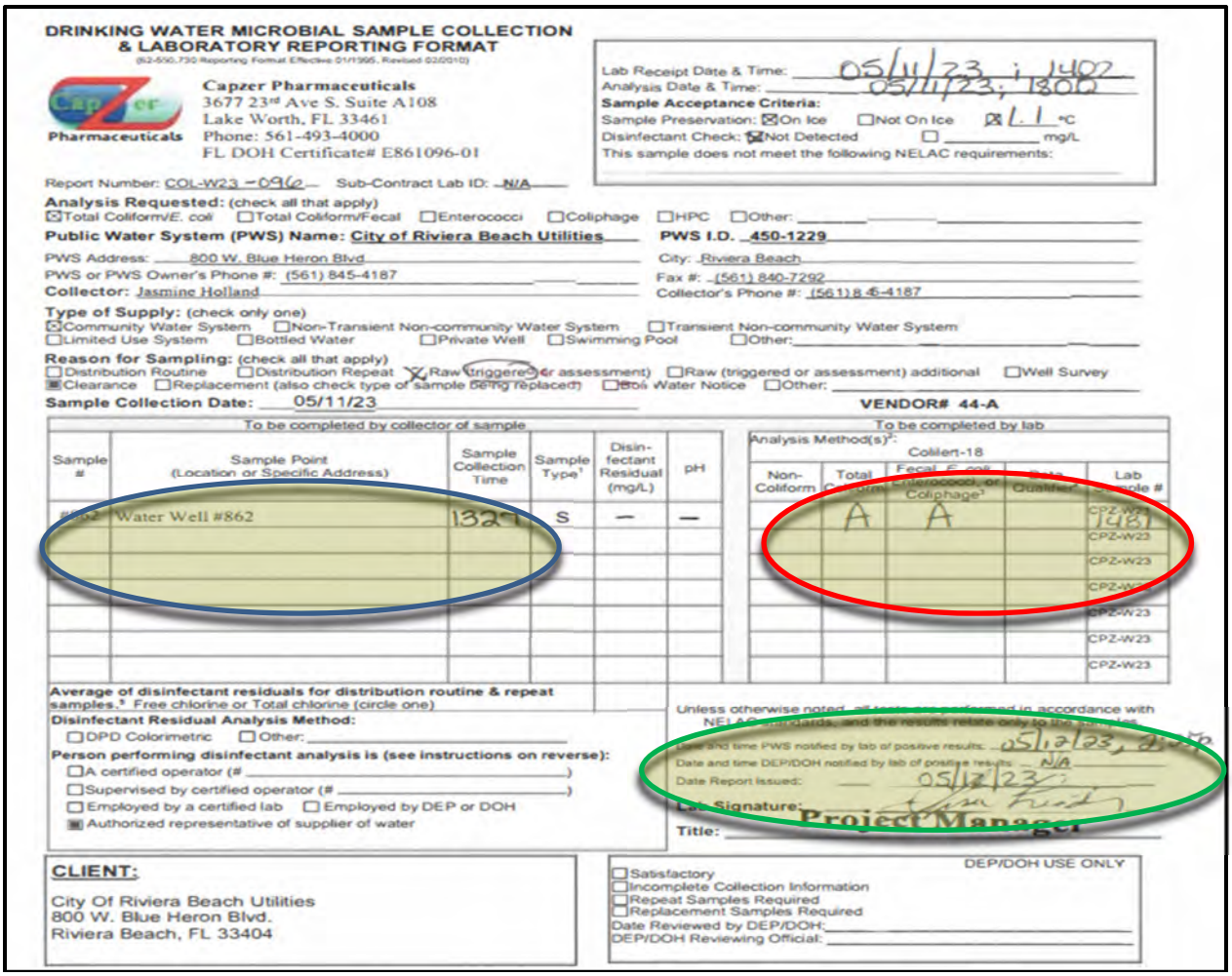
"E:\Home\ACWilliams\Lab Compliance\1-Monthly BacT" at approximately 9:16:40 am on May 23, 2023.

The same document was modified and re-saved in Dr. Williams' same employee-specific City network folder on May 23, 2023 at 9:18:37 am.

The OIG examined screen shots of activity in the drive assigned to Dr. Williams. At 9:18 a.m. on May 23, 2023, Dr. Williams modified and then re-saved the May 2023 Capzer test result document:



In addition to the results from the water sample collected on May 9 with all information regarding Well #862, including the “present” for Total Coliform result removed, Dr. Williams also sent for the first time on June 5, 2023, the purported Capzer test results for water samples collected from Well #862 on May 11 at 1:27 p.m. and May 12 at 8:05 a.m. Although the documentation the OIG received directly from Capzer-- which Capzer had sent to and Dr. Williams received -- showed the samples tested “present” for Total Coliform, the document Dr. Williams sent to the FDOH reflected “absent” for Total Coliform:



DRINKING WATER MICROBIAL SAMPLE COLLECTION & LABORATORY REPORTING FORMAT

Capzer Pharmaceuticals
3677 23rd Ave S. Suite A108
Lake Worth, FL 33461
Phone: 561-493-4000
FL DOH Certificate# E861096-01

Lab Receipt Date & Time: 05/11/23 ; 1402
Analysis Date & Time: 05/11/23; 1800
Sample Acceptance Criteria:
Sample Preservation: ☒On Ice ☐Not On Ice ☒ 1.1 °C
Disinfectant Check: ☒Not Detected ☐ _____ mg/L
This sample does not meet the following NELAC requirements:

Report Number: COL-W23 – 0960 Sub-Contract Lab ID: N/A

Analysis Requested: (check all that apply)
☒Total Coliform/E. coli ☐Total Coliform/Fecal ☐Enterococci ☐Coliphage ☐HPC ☐Other:

Public Water System (PWS) Name: City of Riviera Beach Utilities **PWS I.D.** 450-1229

PWS Address: 800 W. Blue Heron Blvd City: Riviera Beach
PWS or PWS Owner's Phone #: (561) 845-4187 Fax #: (561) 840-7292
Collector: Jasmine Holland Collector's Phone #: (561) 845-4187

Type of Supply: (check only one)
☒Community Water System ☐Non-Transient Non-community Water System ☐Transient Non-community Water System
☐Limited Use System ☐Bottled Water ☐Private Well ☐Swimming Pool ☐Other:

Reason for Sampling: (check all that apply)
☐Distribution Routine ☐Distribution Repeat ☒Raw (triggered or assessment) ☐Raw (triggered or assessment) additional ☐Well Survey
☒Clearance ☐Replacement (also check type of sample being replaced) ☐Boil Water Notice ☐Other:

Sample Collection Date: 05/11/23 **VENDOR# 44-A**

To be completed by collector of sample

Sample #	Sample Point (Location or Specific Address)	Sample Collection Time	Sample Type[1]	Disinfectant Residual (mg/L)	pH
#862	Water Well #862	1327	S	—	—

To be completed by lab

Analysis Method(s)[2]: Colilert-18

Non-Coliform	Total Coliform[3]	Fecal E. coli / Enterococci or Coliphage[3]	Data Qualifier	Lab Sample #
	A	A		CPZ-W23-1487
				CPZ-W23
				CPZ-W23
				CPZ-W23
				CPZ-W23
				CPZ-W23
				CPZ-W23

Average of disinfectant residuals for distribution routine & repeat samples.[5] Free chlorine or Total chlorine (circle one)

Disinfectant Residual Analysis Method:
☐DPD Colorimetric ☐Other:

Person performing disinfectant analysis is (see instructions on reverse):
☐A certified operator (# _____)
☐Supervised by certified operator (# _____)
☐Employed by a certified lab ☐Employed by DEP or DOH
☒Authorized representative of supplier of water

Unless otherwise noted, all tests were performed in accordance with NELAC standards, and the results relate only to the samples.
Date and time PWS notified by lab of positive results: 05/12/23, 8:30
Date and time DEP/DOH notified by lab of positive results: N/A
Date Report Issued: 05/12/23
Lab Signature: [signature]
Title: Project Manager

CLIENT:
City Of Riviera Beach Utilities
800 W. Blue Heron Blvd.
Riviera Beach, FL 33404

DEP/DOH USE ONLY
☐Satisfactory
☐Incomplete Collection Information
☐Repeat Samples Required
☐Replacement Samples Required
Date Reviewed by DEP/DOH: _____
DEP/DOH Reviewing Official: _____

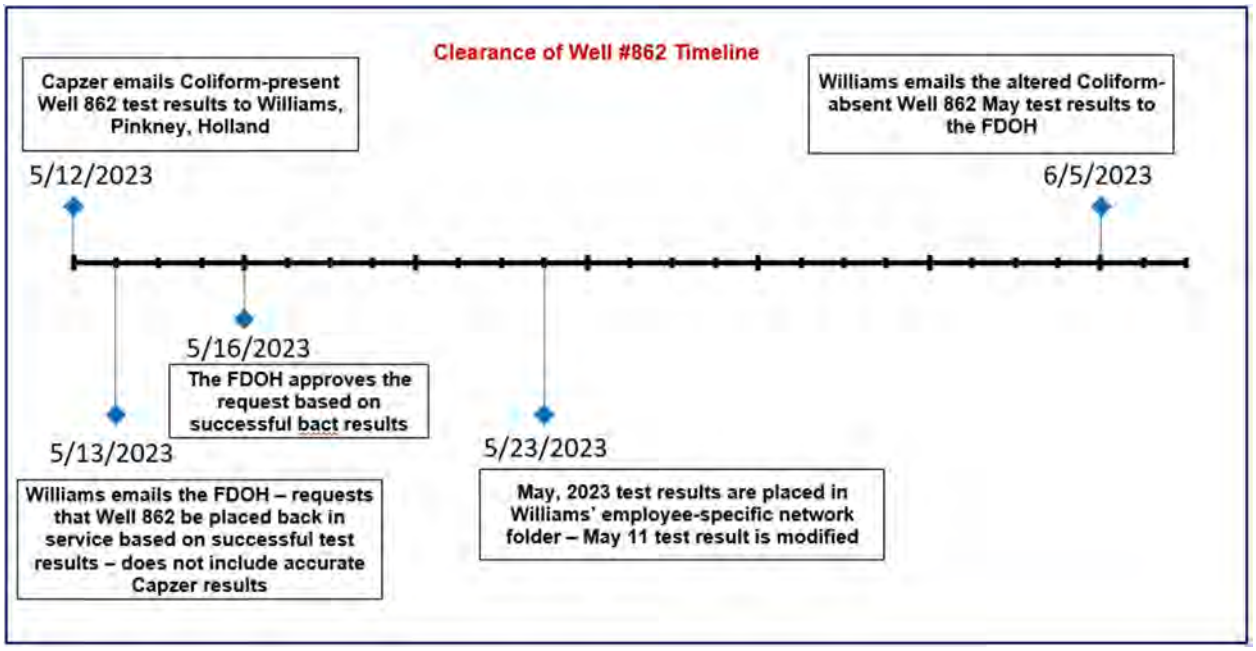
The OIG's review of the lab results attached to Dr. Williams' June 5 email to the FDOH and the lab results Capzer sent to him regarding the results of the water samples collected on May 11 showed:

- The results form Capzer prepared and sent to Dr. Williams for the water samples collected on May 11, 8:50 a.m. that showed "present" for Total Coliform was not attached to the email. Based upon a review of Dr. Williams' emails and the documents our office received from the FDOH and Capzer, it does not appear that Dr. Williams ever sent this test result to the FDOH during his tenure at the City Utility District.

- The results form Capzer prepared and sent to Dr. Williams for the water sample collected on May 11 at 1:27 p.m. that showed "present" for Total Coliform was not attached to the email. Instead, "present" result for Total Coliform had been altered to "absent." (see red circle on above illustration)

Below the altered "absent" for Total Coliform results for the collection at 1:27 p.m. on May 11, appear the following words: "Date and time PWS notified by lab of present test results: "05/12/23, 2:25p." (see green circle on above illustration)

The following OIG graphic details a timeline of the conveyance of information and the altered report sent for the clearance of Well #862:



OIG Interview of Melvin Pinkney, City Utility District Water Treatment Plant Superintendent

The OIG showed Mr. Pinkney the email from Capzer to Dr. Williams and cc'ing him with the results from the water sample collected from Well #862 on May 11, 2023, and the June 5, 2023 email from Dr. Williams to the FDOH which also cc'd Mr. Pinkney. Mr. Pinkney told the OIG that he did not alter the Well #862 test results, and he does not know who may have altered them.

Mr. Pinkney stated that he did not notice that the City Utility District may have sent an altered report, and he never discussed the reports with Dr. Williams.

OIG Interview of Dr. Anthony Williams, former Compliance Manager for City Utility District– May 8, 2024

The OIG showed Dr. Williams the Capzer form reflecting "present" for Total Coliform and E. coli for the water sample taken for City Well #862 on May 2, 2023 at 2:26 p.m. Dr. Williams stated that Well #862 was an out of service well at that time, and therefore not part of the City water distribution system. Dr. Williams did not recall if he notified the FDOH about the "present" E. coli test results for the sample collected from Well #862 on May 2.

OIG NOTE: At the time of this first interview of Dr. Williams, the OIG had yet to receive laboratory testing reports from Capzer which included the altered test report.

The OIG showed Dr. Williams the email from him to the FDOH dated June 5, 2023 attaching test results for samples collected on May 11th and 12th, 2023. He stated this email is similar to emails sent by him to the FDOH on a monthly basis relating to monthly lab test reports.

OIG Re-interview of Dr. Anthony Williams, former Compliance Manager for City Utility District – August 13, 2024

The OIG showed Dr. Williams:

- The documents we received directly from Capzer indicating that the sample collected on May 11, 2023 at Well #862 tested "present" for Total Coliform;
- An email from Capzer dated May 12 to him with the May 11 test results showing "present" for Total Coliform;
- The May 13 email that he sent to the FDOH requesting that Well #862 be put back in service with a notation the City Utility District "received confirmation….that Well #862 has passed the required 2-day consecutive testing";
- Information showing that the Water Testing Results forms with the results he received on May 12, 2023 from Capzer were saved and modified on his employee-specific folder on the City's network on May 23, 2023; and
- The June 5 email from his City email address to the FDOH that included a version of the May 11 test result that differed from the results he received from Capzer in that he emailed a document purporting to show that Well #862 had tested "absent" for Total Coliform.

Dr. Williams told the OIG that he probably did not open the May 12 email from Capzer containing the "present" for Total Coliform test result for the May 11 sample. He then stated that by the time he emailed the FDOH asking to reopen Well #862 on May 13, one of the laboratory technicians "must have" altered the May 11 Capzer test result and provided him with the altered version via a paper copy, which he would have scanned and saved. Ms. Holland was the senior laboratory technician at the time, and Dr. Williams stated that she "likely" brought the May 11 test results to him. He said that would explain why he emailed the altered version to the FDOH on June 5. Dr. Williams stated that he

does not necessarily compare what the lab technicians tell him and show him with the results attached to the emails Capzer sent to him.

Dr. Williams believes that on May 23, 2023, he saved the paper version potentially provided to him by Ms. Holland and sent it to the FDOH on June 5. Dr. Williams stated that he has never altered water testing records and has never had discussions with anyone about altering water testing result records. Dr. Williams stated that Ms. Holland became very disgruntled at some point during her employment with the City.

OIG Re-interview of Jasmin Holland, City Utility District Laboratory Technician – August 28, 2024

Ms. Holland stated that as a practice she opened testing results sent to her via email from the lab. She would then discuss the results of those opened lab results with Dr. Williams. She does recall hand delivering hard copies of lab results to Dr. Williams. This was done on rare occasions when she was not able to reach him via email or phone. The normal process was to advise Dr. Williams by call, text, or in-person that the lab results had arrived.

Ms. Holland stated she has notified Dr. Williams that a lab result may possibly have been "present" when she believed that rain or another contaminant affected the test sample. There also were instances during her samplings when she felt the lab did not practice proper aseptic techniques to perform lab samplings. For instance, there have been a few occasions when she dropped off samples at the lab and noticed lab staff not using gloves to receive or handle the samples, and she noticed lab staff not knowing how to properly take the temperature of the samples. She brought this to the attention of Dr. Williams.

Ms. Holland stated that she never omitted "present" lab testing results from Dr. Williams.

Ms. Holland stated that she never altered lab results, either on her own or under someone else's direction.

OIG Re-interview of Swan Allen-Davis, City Utility District Laboratory Technician – August 28, 2024

Ms. Allen-Davis stated she only began to receive completed lab reports via email from Capzer in the middle of August 2023. Mr. Pinkney, Mr. Salas and Mr. Low also received lab reports via email at that time. Ms. Allen-Davis recalled that Mr. Pinkney took over lab reporting duties when Dr. Williams resigned. Mr. Pinkney wanted Ms. Allen-Davis to submit the completed lab reports to the FDOH, but she felt uncomfortable doing this and she told Mr. Pinkney she would not. She collected the lab reports sent to her via email and stored them in a folder for Mr. Pinkney to review. Mr. Pinkney then reviewed and sent them to the FDOH. Ms. Allen-Davis never submitted hard copies of completed lab reports to Dr. Williams.

Ms. Allen- Davis stated that she never omitted "present" lab reports for Dr. Williams.

Ms. Allen-Davis told the OIG that she never altered lab results and never received instruction from others to alter lab reports.

C. Well #861- Staff Submitted Inaccurate Information to the FDOH

Well #861 – March, 2023 Testing

On March 17, 2023, the City Utility District collected a water sample from City Well #861 at 9:20 a.m. and sent it to Capzer for testing. Capzer Pharmaceuticals Project Manager Lisa Fiedor sent the Water Sample Results to Dr. Williams, Mr. Pinkney, and Ms. Holland. According to the documents Capzer provided directly to the OIG, Well #861 tested "present" for Total Coliform and "absent" for E. coli. Capzer notified the City Utility District of the results on March 20, 2023.

DRINKING WATER MICROBIAL SAMPLE COLLECTION & LABORATORY REPORTING FORMAT

Capzer Pharmaceuticals
3677 23rd Ave S. Suite A108
Lake Worth, FL 33461
Phone: 561-493-4000
FL DOH Certificate# E861096-01

Lab Receipt Date & Time: 03/17/23 ; 1507
Analysis Date & Time: 03/17/23 ; 1800
Sample Acceptance Criteria:
Sample Preservation: ☒On Ice ☐Not On Ice 2.3 °C
Disinfectant Check: ☒Not Detected ☐ _____ mg/L
This sample does not meet the following NELAC requirements:

Report Number: COL-W23 - 055 Sub-Contract Lab ID: N/A

Analysis Requested: (check all that apply)
☒Total Coliform/E. coli ☐Total Coliform/Fecal ☐Enterococci ☐Coliphage ☐HPC ☐Other:

Public Water System (PWS) Name: City of Riviera Beach Utilities **PWS I.D.** 450-1229
PWS Address: 800 W. Blue Heron Blvd City: Riviera Beach
PWS or PWS Owner's Phone #: (561) 845-4187 Fax #: (561) 840-7292
Collector: Jasmine Holland Collector's Phone #: (561) 845-4187

Type of Supply: (check only one)
☒Community Water System ☐Non-Transient Non-community Water System ☐Transient Non-community Water System
☐Limited Use System ☐Bottled Water ☐Private Well ☐Swimming Pool ☐Other:

Reason for Sampling: (check all that apply)
☐Distribution Routine ☐Distribution Repeat ☒Raw (triggered or assessment) ☐Raw (triggered or assessment) additional ☐Well Survey
☒Clearance ☐Replacement (also check type of sample being replaced) ☐Boil Water Notice ☐Other:

Sample Collection Date: 03/17/23 **VENDOR# 44-A**

To be completed by collector of sample						To be completed by lab				
Sample #	Sample Point (Location or Specific Address)	Sample Collection Time	Sample Type[1]	Disinfectant Residual (mg/L)	pH	Analysis Method(s)[2]: Colilert-18 Non-Coliform	Total Coliform	Fecal, E. coli, Enterococci, or Coliphage[3]	Data Qualifier[4]	Sample #
#861	Water Well #861	0920	R	–	–		P	A		CPZ-W23 0456
										CPZ-W23
										CPZ-W23
										CPZ-W23
										CPZ-W23
										CPZ-W23

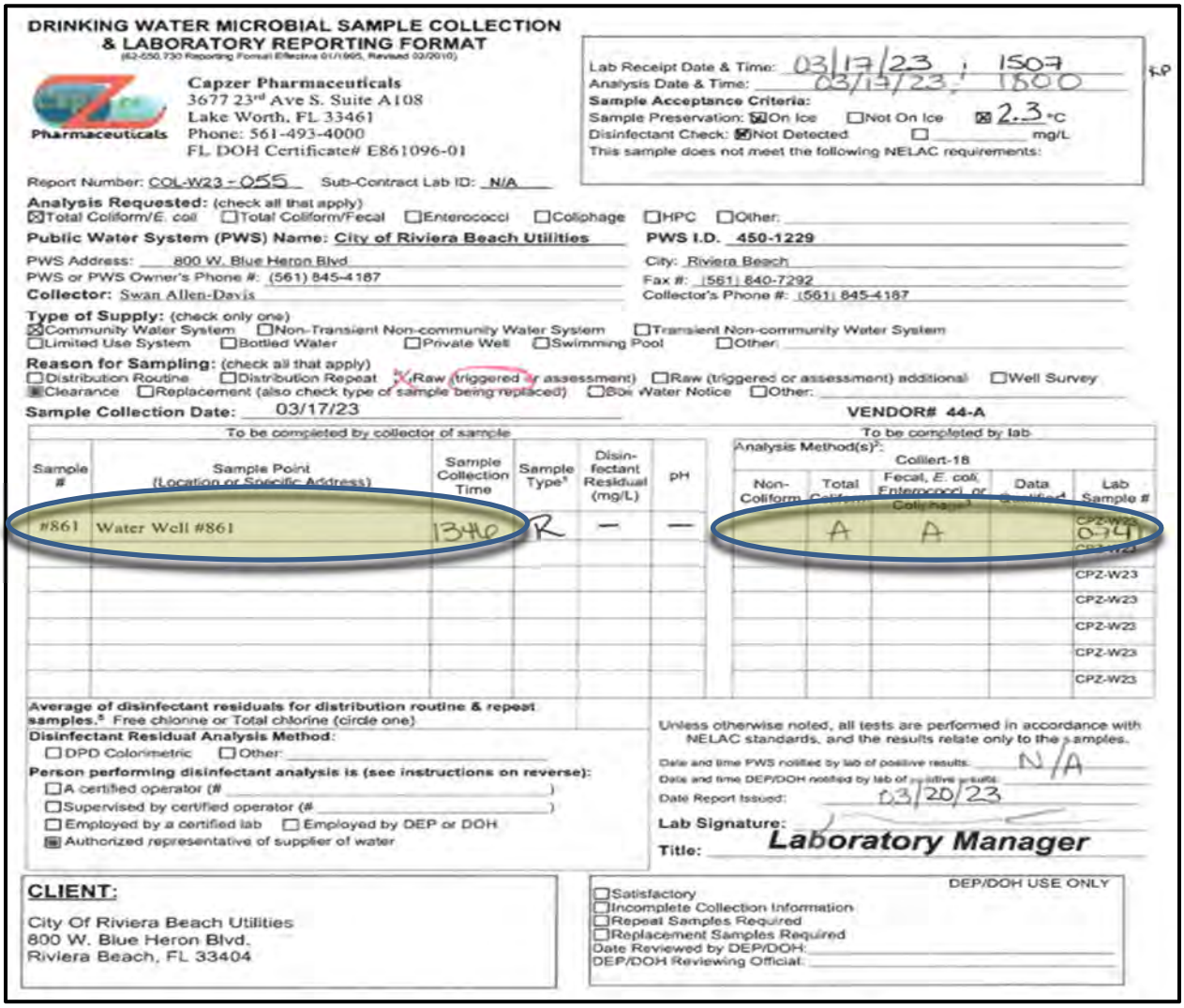
Average of disinfectant residuals for distribution routine & repeat samples.[5] Free chlorine or Total chlorine (circle one)
Disinfectant Residual Analysis Method:
☐DPD Colorimetric ☐Other:
Person performing disinfectant analysis is (see instructions on reverse):
☐A certified operator (# _____)
☐Supervised by certified operator (# _____)
☐Employed by a certified lab ☐Employed by DEP or DOH
■Authorized representative of supplier of water

Unless otherwise noted, all tests are performed in accordance with NELAC standards, and the results relate only to the samples.
Date and time PWS notified by lab of positive results: 03/20/23, 1:00 pm
Date and time DEP/DOH notified by lab of positive results:
Date Report Issued: 03/20/23
Lab Signature: _____
Title: Laboratory Manager

CLIENT:
City Of Riviera Beach Utilities
800 W. Blue Heron Blvd.
Riviera Beach, FL 33404

DEP/DOH USE ONLY
☐Satisfactory
☐Incomplete Collection Information
☐Repeat Samples Required
☐Replacement Samples Required
Date Reviewed by DEP/DOH:
DEP/DOH Reviewing Official:

Well #861 was out of service on the March 17 sample collection date; therefore Well #861 needed two consecutive tests reflecting "absent" for Total Coliform and E.coli before it could be returned to operational service.
Per Capzer test results received by the FDOH, the City Utility District re-tested Well #861 later that same day at 1:46 pm. This time, Well #861 tested "absent" for Total Coliform and E. coli.



DRINKING WATER MICROBIAL SAMPLE COLLECTION & LABORATORY REPORTING FORMAT

Capzer Pharmaceuticals
3677 23rd Ave S. Suite A108
Lake Worth, FL 33461
Phone: 561-493-4000
FL DOH Certificate# E861096-01

Lab Receipt Date & Time: 03/17/23 ; 1507
Analysis Date & Time: 03/17/23 ; 1800
Sample Acceptance Criteria:
Sample Preservation: ☑ On Ice ☐ Not On Ice ☒ 2.3 °C
Disinfectant Check: ☑ Not Detected ☐ _____ mg/L
This sample does not meet the following NELAC requirements:

Report Number: COL-W23 - 055 Sub-Contract Lab ID: N/A

Analysis Requested: (check all that apply)
☒ Total Coliform/E. coli ☐ Total Coliform/Fecal ☐ Enterococci ☐ Coliphage ☐ HPC ☐ Other:

Public Water System (PWS) Name: City of Riviera Beach Utilities **PWS I.D.** 450-1229
PWS Address: 800 W. Blue Heron Blvd City: Riviera Beach
PWS or PWS Owner's Phone #: (561) 845-4187 Fax #: (561) 840-7292
Collector: Swan Allen-Davis Collector's Phone #: (561) 845-4187

Type of Supply: (check only one)
☒ Community Water System ☐ Non-Transient Non-community Water System ☐ Transient Non-community Water System
☐ Limited Use System ☐ Bottled Water ☐ Private Well ☐ Swimming Pool ☐ Other:

Reason for Sampling: (check all that apply)
☐ Distribution Routine ☐ Distribution Repeat ☒ Raw (triggered or assessment) ☐ Raw (triggered or assessment) additional ☐ Well Survey
☒ Clearance ☐ Replacement (also check type of sample being replaced) ☐ Boil Water Notice ☐ Other:

Sample Collection Date: 03/17/23 **VENDOR# 44-A**

To be completed by collector of sample / To be completed by lab

Sample #	Sample Point (Location or Specific Address)	Sample Collection Time	Sample Type	Disinfectant Residual (mg/L)	pH	Analysis Method(s): Colilert-18 Non-Coliform	Total Coliform	Fecal, E. coli, Enterococci or Coliphage	Data Qualified	Lab Sample #
#861	Water Well #861	1346	R	—	—		A	A		CPZ-W23 0-74
										CPZ-W23
										CPZ-W23
										CPZ-W23
										CPZ-W23
										CPZ-W23

Average of disinfectant residuals for distribution routine & repeat samples.[5] Free chlorine or Total chlorine (circle one)
Disinfectant Residual Analysis Method:
☐ DPD Colorimetric ☐ Other:
Person performing disinfectant analysis is (see instructions on reverse):
☐ A certified operator (# _____)
☐ Supervised by certified operator (# _____)
☐ Employed by a certified lab ☐ Employed by DEP or DOH
☒ Authorized representative of supplier of water

Unless otherwise noted, all tests are performed in accordance with NELAC standards, and the results relate only to the samples.
Date and time PWS notified by lab of positive results: N/A
Date and time DEP/DOH notified by lab of positive results:
Date Report Issued: 03/20/23
Lab Signature:
Title: Laboratory Manager

CLIENT:
City Of Riviera Beach Utilities
800 W. Blue Heron Blvd.
Riviera Beach, FL 33404

DEP/DOH USE ONLY
☐ Satisfactory
☐ Incomplete Collection Information
☐ Repeat Samples Required
☐ Replacement Samples Required
Date Reviewed by DEP/DOH:
DEP/DOH Reviewing Official:

This "absent" test for Total Coliform fulfilled only the first of two consecutive absent tests required to bring Well #861 back into service. Nevertheless, on March 18, 2023 Dr. Williams emailed the FDOH at its designated agency reporting email address, with Mr. Pinkney and Mr. Salas copied and stated:

> Riviera Beach Utility Special District (PWS 4501229) received confirmation from our laboratory that Well #861 in our wellfield has passed the required 2-day consecutive testing. The well has been out of service less than 6-months. Would the Department clear this well for service? Results will be sent in once received.

However, according to Utilities District well logs, on March 15 and March 16, 2023, ***prior to this notification to the FDOH***, Well 861 was placed back into service. Thereafter, City Utility District logs detail that Well 861 again closed from March 17 through March 21, 2023, and re-opened thereafter.

On Monday, April 3, 2023, Dr. Williams emailed to the FDOH test results for Well #861, which included "absent" test results for Total Coliform and E. coli for March 16, and for Total Coliform and E. coli for the water sample collected at 1:46 p.m. on March 17. Dr. Williams did not attach the intervening Water Sample Results for the sample collected from City Well #861 on March 17 at 9:20 a.m., which showed "present" for Total Coliform.

OIG Re-interview of Dr. Anthony Williams, former City Utility District Compliance Manager – August 13, 2024

The OIG questioned Dr. Williams regarding his submission and omission from his email to the FDOH of results for samples collected from Well #861 on March 16 and March 17, 2023. Dr. Williams stated that he sent only the "absent" test results and not the "present" test result because of how he was "trained to do things as far as submitting results." **When asked, Dr. Williams stated that if he had included the "present" result from the sample collected at 9:20 a.m. on March 17, 2023, "I pretty much, I assume they would not" clear the well. When asked if this was the right way to do things, Dr. Williams responded "No, it isn't because this is not obviously appropriate if they're calling it a violation."**

Dr. Williams added:

> So during this time frame, this, in the month of March, this was one of those times where to, where we were having a very hard time with keeping wells in service and the inter-connect was obviously gonna be a big thing. So this is where that pressure did come on as well.
>
> …
>
> So again, I was directed to a part of the rule that says that when it comes to wells that were not in their original integrity or something, I can't explain how the rule explains it, word for word, but it pretty much says that if the wells are not in service, you don't have to submit everything.
>
> …
>
> OIG: So you omitted the present one and you gave the absent? You see what I'm saying?
>
> Dr. Williams: Yes, I do see what you're saying. Yes, I'm doing what I was told to do, though.
>
> OIG: If the health department sees that you have a present, you're going to have to restart all over again. So you can't pick and choose which consecutive days you

want to pick. I mean, now reflecting back, I think you realize that it's wrong what you were doing.

Dr. Williams: Yes. But again, this is what I was told to do. You know, this is the instruction that I was given because the wells were out of service. They were afraid that they would have to open up the inter-connect and the condition of the wells was so bad that we couldn't afford to lose any more wells. So this is what I was told to do.

D. Distribution Point at 4822 Caribbean Boulevard – Staff Failed to Properly Repeat Test and Issue Notice to Public[34]

June 2023 Testing

In May of 2023, City Utility District Laboratory Technician Allen-Davis went to a location within the City to obtain a water sample for submission for testing. She noticed a man staring at her, who then walked into his house and walked out with a gun in pocket.[35] City Utility District staff discussed the incident with the City Police Department. On May 17, 2023, City Assistant Police Chief Michael Madden emailed Mr. Low and Mr. Doyle with the email subject title "Safety Concerns with staff." The email from Assistant Chief Madden stated:

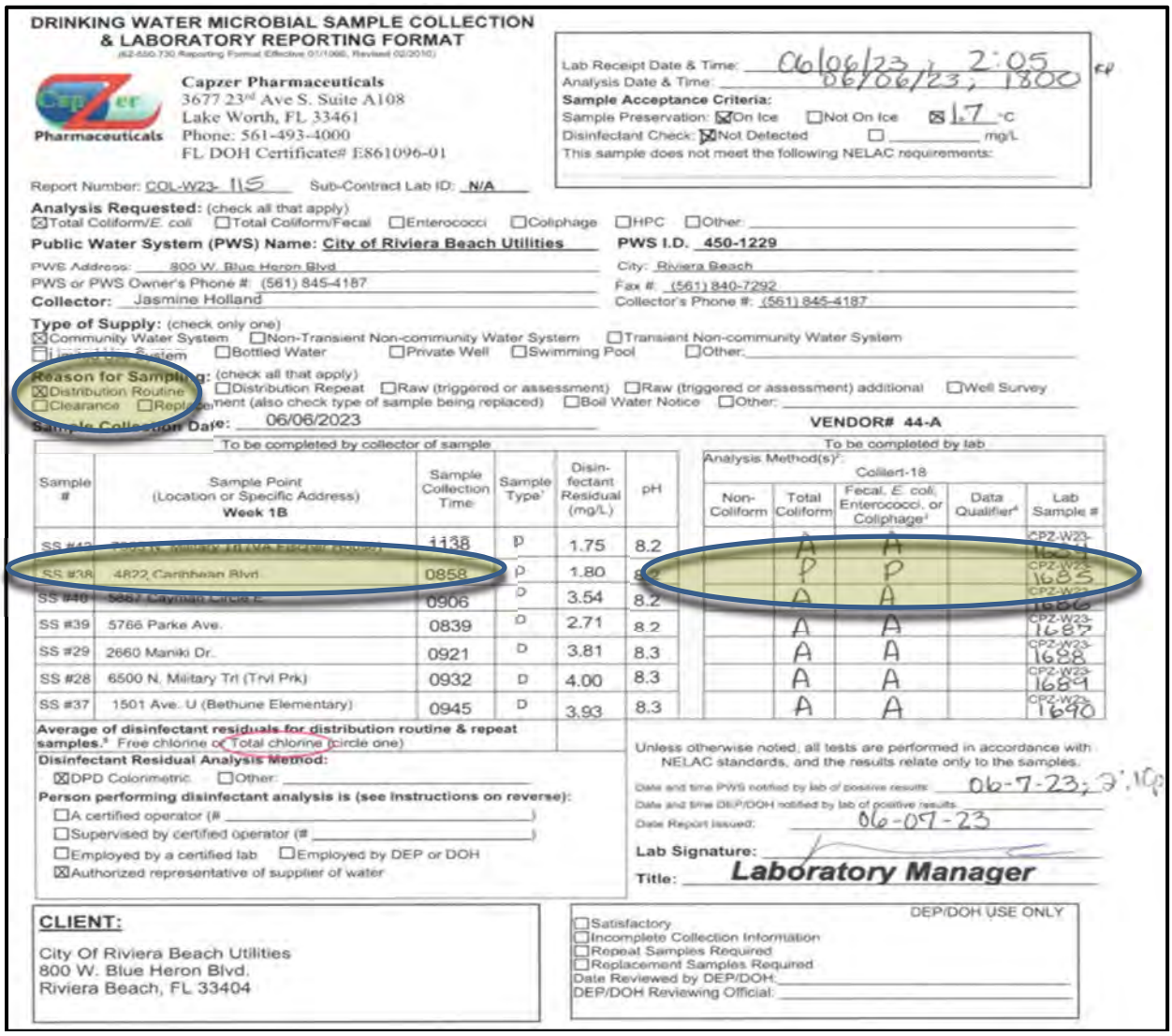
> As a follow-up to today (sic) meeting, I am providing some recommendation that UD may want to consider and/or do additional research:
>
> 1. Training For Employees that test water at residences (likely similar to meter reader training)
> 2. Review industry standards for PPE for employees who test water at residences (likely similar to meter reader PPE)
> a. PPE for situations they may encounter like angry residents, snakes, wild animals, dogs, insects, etc.
> 3. Consider removing residential properties from the testing list
> 4. Consider revisiting the notification frequency for impact properties, to include neighbors
> 5. Consider highly visible markings on vehicles and/or A-Frame signs that state "Water Testing in Progress"
> 6. Examine the documents signed by those establishing water accounts to consider language that states that water testing may occur (language to address the 5 minutes of running water and walking on private property to access spigot attached to the house).

[34] On July 31, 2024, the City Utility District and the FDOH entered into a settlement of the matters relating to the failure to collect repeat samples Caribbean Boulevard water distribution point and Well #14 and the failure to provide public notice, in violation of 40 C.F.R. Part 141, Subparts Q, S, and Y.
[35] This incident did not occur at 4822 Caribbean Boulevard.

Additionally, Officers responded and met with your employees to take an incident report. A copy will be provided once complete.

Let me know if you need additional information.
Thank you

The following month, on June 7, 2023, Capzer notified the City Utility District of the analysis of water samples City Utility District Laboratory Technician Ms. Holland had collected at 8:58 a.m. on June 6 at 4822 Caribbean Boulevard. The samples came back "present" for both E. coli and Total Coliform:



DRINKING WATER MICROBIAL SAMPLE COLLECTION & LABORATORY REPORTING FORMAT

Capzer Pharmaceuticals
3677 23rd Ave S. Suite A108
Lake Worth, FL 33461
Phone: 561-493-4000
FL DOH Certificate# E861096-01

Lab Receipt Date & Time: 06/06/23, 2:05
Analysis Date & Time: 06/06/23, 1800
Sample Acceptance Criteria:
Sample Preservation: ☒On Ice ☐Not On Ice ☒1.7 °C
Disinfectant Check: ☒Not Detected ☐ _____ mg/L
This sample does not meet the following NELAC requirements:

Report Number: COL-W23- 115 Sub-Contract Lab ID: N/A

Analysis Requested: (check all that apply)
☒Total Coliform/E. coli ☐Total Coliform/Fecal ☐Enterococci ☐Coliphage ☐HPC ☐Other:

Public Water System (PWS) Name: City of Riviera Beach Utilities **PWS I.D.** 450-1229
PWS Address: 800 W. Blue Heron Blvd City: Riviera Beach
PWS or PWS Owner's Phone #: (561) 845-4187 Fax #: (561) 840-7292
Collector: Jasmine Holland Collector's Phone #: (561) 845-4187

Type of Supply: (check only one)
☒Community Water System ☐Non-Transient Non-community Water System ☐Transient Non-community Water System
☐Bottled Water ☐Private Well ☐Swimming Pool ☐Other:

Reason for Sampling: (check all that apply)
☒Distribution Routine ☐Distribution Repeat ☐Raw (triggered or assessment) ☐Raw (triggered or assessment) additional ☐Well Survey
☐Clearance ☐Replacement (also check type of sample being replaced) ☐Boil Water Notice ☐Other:

Sample Collection Date: 06/06/2023 **VENDOR# 44-A**

Sample #	Sample Point (Location or Specific Address) Week 1B	Sample Collection Time	Sample Type	Disinfectant Residual (mg/L)	pH	Non-Coliform	Total Coliform	Fecal, E. coli, Enterococci, or Coliphage	Data Qualifier	Lab Sample #
		1138	P	1.75	8.2		A	A		CPZ-W23-1684
SS #38	4822 Caribbean Blvd	0858	P	1.80	8.2		P	P		CPZ-W23-1685
SS #40	5867 Cayman Circle E	0906	D	3.54	8.2		A	A		CPZ-W23-1686
SS #39	5766 Parke Ave.	0839	D	2.71	8.2		A	A		CPZ-W23-1687
SS #29	2660 Maniki Dr.	0921	D	3.81	8.3		A	A		CPZ-W23-1688
SS #28	6500 N. Military Trl (Trvl Prk)	0932	D	4.00	8.3		A	A		CPZ-W23-1689
SS #37	1501 Ave. U (Bethune Elementary)	0945	D	3.93	8.3		A	A		CPZ-W23-1690

To be completed by collector of sample
To be completed by lab
Analysis Method(s): Colilert-18

Average of disinfectant residuals for distribution routine & repeat samples. Free chlorine or Total chlorine (circle one)
Disinfectant Residual Analysis Method:
☒DPD Colorimetric ☐Other:
Person performing disinfectant analysis is (see instructions on reverse):
☐A certified operator (# _____)
☐Supervised by certified operator (# _____)
☐Employed by a certified lab ☐Employed by DEP or DOH
☒Authorized representative of supplier of water

Unless otherwise noted, all tests are performed in accordance with NELAC standards, and the results relate only to the samples.
Date and time PWS notified by lab of positive results: 06-7-23; 7:10
Date and time DEP/DOH notified by lab of positive results:
Date Report Issued: 06-09-23
Lab Signature:
Title: Laboratory Manager

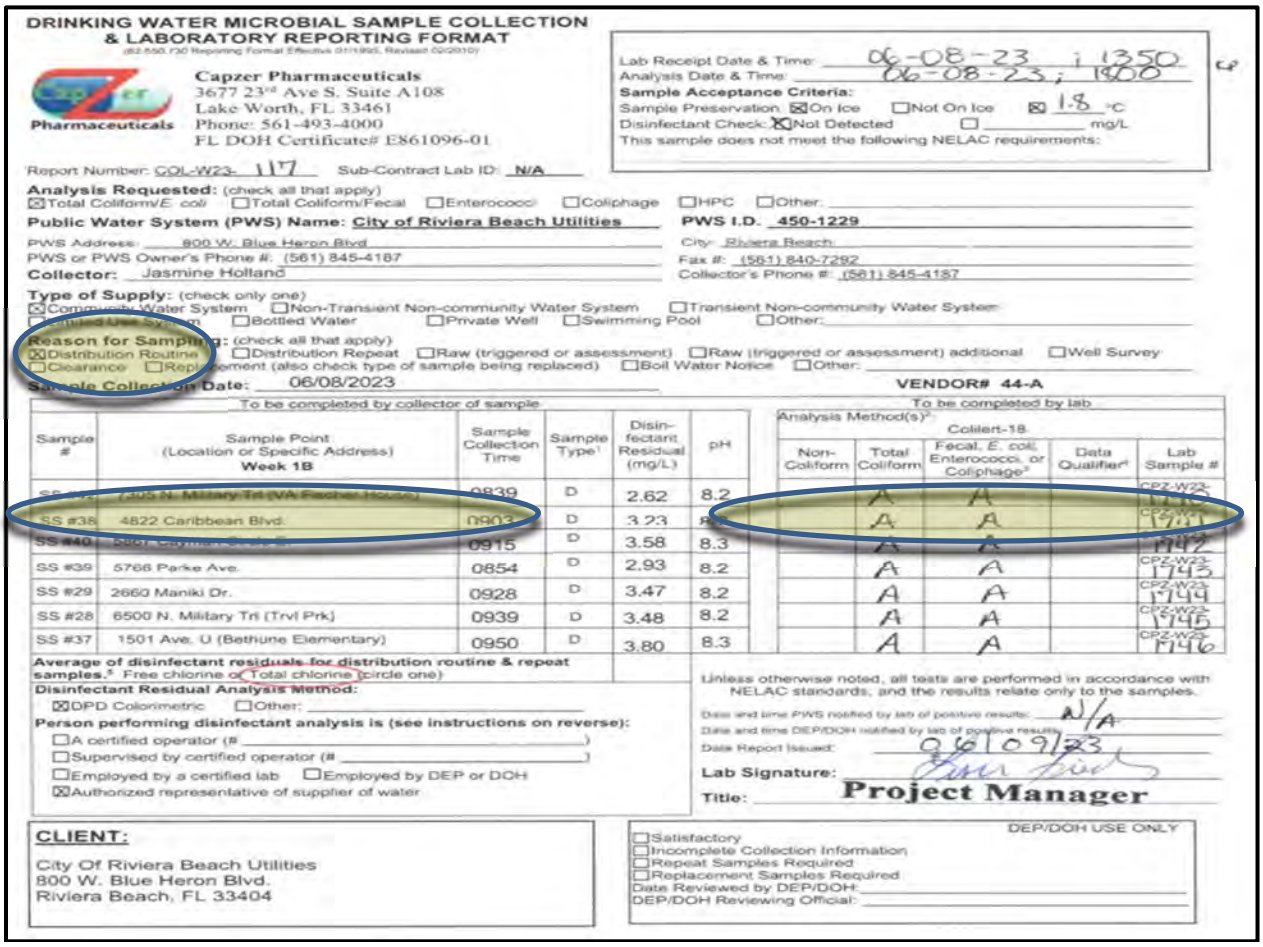
CLIENT:
City Of Riviera Beach Utilities
800 W. Blue Heron Blvd.
Riviera Beach, FL 33404

DEP/DOH USE ONLY
☐Satisfactory
☐Incomplete Collection Information
☐Repeat Samples Required
☐Replacement Samples Required
Date Reviewed by DEP/DOH:
DEP/DOH Reviewing Official:

Then, on June 8, 2023, Ms. Holland collected new water samples at 4822 Caribbean Blvd. at 9:03 a.m. and sent them to Capzer for testing. Although the June 8 samples constituted a re-test of the Caribbean Blvd. distribution point, Ms. Holland indicated the reason for sampling as "Distribution Routine" on the Water Sample Result Form (Report No. COL-

W23-117). Ms. Holland told the OIG the checked box signified that this test result applied only to the original sample location; not upstream nor downstream samples. The June 8 samples from the original location for Caribbean Blvd. tested "absent" for both Total Coliform and E. coli.

Mr. Pinkney sent this June 8 re-test of the original distribution point, along with all the June test results, to the FDOH on July 18, 2023.



DRINKING WATER MICROBIAL SAMPLE COLLECTION & LABORATORY REPORTING FORMAT

Capzer Pharmaceuticals
3677 23rd Ave S. Suite A108
Lake Worth, FL 33461
Phone: 561-493-4000
FL DOH Certificate# E861096-01

Lab Receipt Date & Time: 06-08-23 ; 1350
Analysis Date & Time: 06-08-23; 1900
Sample Acceptance Criteria:
Sample Preservation: ☒On Ice ☐Not On Ice ☒ 1.8 °C
Disinfectant Check: ☒Not Detected ☐ _____ mg/L
This sample does not meet the following NELAC requirements:

Report Number: COL-W23- 117 Sub-Contract Lab ID: N/A

Analysis Requested: (check all that apply)
☒Total Coliform/E. coli ☐Total Coliform/Fecal ☐Enterococci ☐Coliphage ☐HPC ☐Other:

Public Water System (PWS) Name: City of Riviera Beach Utilities **PWS I.D.** 450-1229
PWS Address: 800 W. Blue Heron Blvd City: Riviera Beach
PWS or PWS Owner's Phone #: (561) 845-4187 Fax #: (561) 840-7292
Collector: Jasmine Holland Collector's Phone #: (561) 845-4187

Type of Supply: (check only one)
☒Community Water System ☐Non-Transient Non-community Water System ☐Transient Non-community Water System
☐Bottled Water ☐Private Well ☐Swimming Pool ☐Other:

Reason for Sampling: (check all that apply)
☒Distribution Routine ☐Distribution Repeat ☐Raw (triggered or assessment) ☐Raw (triggered or assessment) additional ☐Well Survey
☐Clearance ☐Replacement (also check type of sample being replaced) ☐Boil Water Notice ☐Other:

Sample Collection Date: 06/08/2023 **VENDOR# 44-A**

To be completed by collector of sample. To be completed by lab.

Sample #	Sample Point (Location or Specific Address) Week 18	Sample Collection Time	Sample Type[1]	Disinfectant Residual (mg/L)	pH	Analysis Method(s)[2]: Colilert-18 Non-Coliform	Total Coliform	Fecal, E. coli, Enterococci, or Coliphage[3]	Data Qualifier[4]	Lab Sample #
SS [illegible]	[illegible] N. Military Trl (VA Fischer House)	0839	D	2.62	8.2		A	A		CPZ-W23- [illegible]
SS #38	4822 Caribbean Blvd.	0903	D	3.23	[illegible]		A	A		CPZ-W23- 1741
SS #40	[illegible]	0915	D	3.58	8.3		A	A		1742
SS #39	5766 Parke Ave.	0854	D	2.93	8.2		A	A		CPZ-W23- 1743
SS #29	2660 Maniki Dr.	0928	D	3.47	8.2		A	A		CPZ-W23- 1744
SS #28	6500 N. Military Trl (Trvl Prk)	0939	D	3.48	8.2		A	A		CPZ-W23- 1745
SS #37	1501 Ave. U (Bethune Elementary)	0950	D	3.80	8.3		A	A		CPZ-W23- 1746

Average of disinfectant residuals for distribution routine & repeat samples.[5] Free chlorine or Total chlorine (circle one)
Disinfectant Residual Analysis Method:
☒DPD Colorimetric ☐Other:
Person performing disinfectant analysis is (see instructions on reverse):
☐A certified operator (# _____)
☐Supervised by certified operator (# _____)
☐Employed by a certified lab ☐Employed by DEP or DOH
☒Authorized representative of supplier of water

Unless otherwise noted, all tests are performed in accordance with NELAC standards, and the results relate only to the samples.
Date and time PWS notified by lab of positive results: N/A
Date and time DEP/DOH notified by lab of positive results: _____
Date Report Issued: 06/09/23
Lab Signature: _____
Title: Project Manager

CLIENT:
City Of Riviera Beach Utilities
800 W. Blue Heron Blvd.
Riviera Beach, FL 33404

DEP/DOH USE ONLY
☐Satisfactory
☐Incomplete Collection Information
☐Repeat Samples Required
☐Replacement Samples Required
Date Reviewed by DEP/DOH: _____
DEP/DOH Reviewing Official: _____

The OIG was not provided with any Water Sample Result Forms from the City Utility District, Capzer, or the FDOH indicating that water samples from upstream or downstream had been collected and tested, as required by 40 C.F.R. §141.853.

On July 24, 2023 the FDOH sent Warning Letter WP-125-23 to the City Utility District, in which the FDOH inquired about the June 6 "present" test and the June 8 re-test showing "absent" for Total Coliform and E. coli at 4822 Caribbean Boulevard the FDOH received on July 18. Mr. Low did not respond to the FDOH until September 11, 2023. He emailed the FDOH Environmental Consultant-Enforcement Coordinator Pamela Lape (and cc'd Mr. Doyle and Assistant City Manager Deirdre Jacobs), stating:

> As you can note from the report the Utility Special District (Utility District) did in fact respond immediately to the finding at SP #38[36] on June 6, 2023 and immediately ordered a recheck. This sample point had not exhibited any issues prior to this result and the residuals in the system were good. Due to an incident where lab technicians had felt threatened by a resident when sampling from a home a program had been started to replace sample points at residential locations.
>
> …
>
> …In conclusion it is the Utility District's position that we did take immediate action to check the result following the adverse finding and that the recheck confirmed that it had been a "false present."[37] Due to the problems sampling at individual homes the entire area was rechecked immediately and no problems were found.

Later on September 11, 2023, Ewa Kudella-Leczynski, former Water Programs Manager[38] with the FDOH responded via email, stating:

> If Riviera Beach Utility provides us with an additional information proving that the repeat samples collected 06-08-2023 were upstream and downstream of the original TC+/FI+ within five service connections, we may accept it.

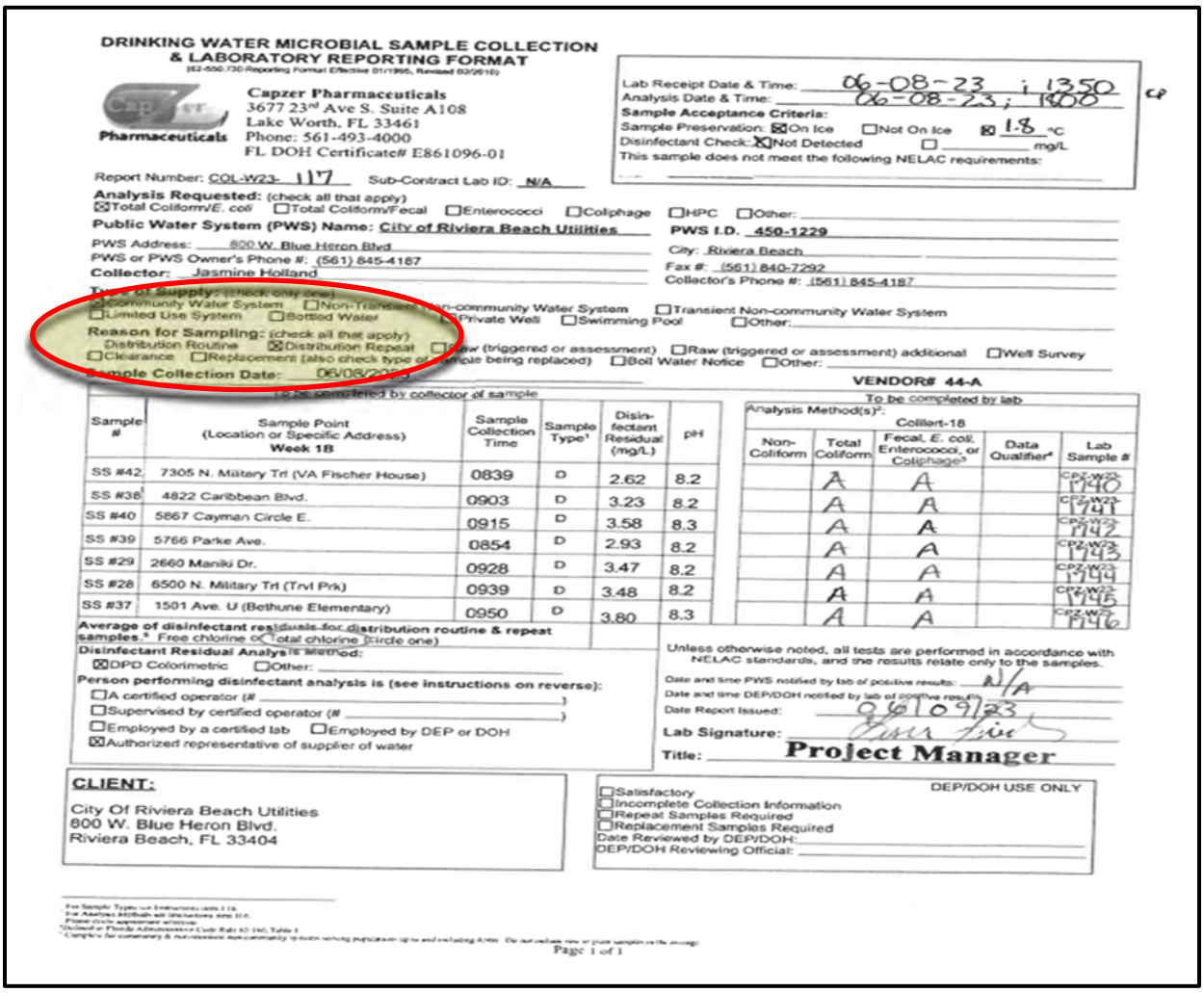
On September 29, 2023 Mr. Low emailed Ms. Kudella-Leczynski and stated:

> To clarify our position with regards to the resampling please note as follows. Due to threats when sampling at locations not normally used, as would be the case if the District were to try and sample within 5 service connections you proscribe, we instead immediately resampled the location that had the adverse result and also regular sampling stations on either side. All the samples were clear suggesting that the original was a "false present." On that basis we did not issue a Tier 1 notice.
>
> Going forward there is a problem in trying to conform to the rule without potentially risking the employees undertaking the sampling. We have a documented case in which our lab technicians felt threatened by an armed citizen who was questioning their presence at a home trying to get a supplemental sample…

On October 2, 2023, Mr. Low emailed Ms. Kudella-Leczynski and resubmitted the Water Sample Report for June 8, 2023, as what he described as "the corrected resample lab report for the June 6, 2023 retest as requested by your office." On this "corrected" Water Sample Report (Report No. COL-W23-117) for June 8, the box under "Reason for Sampling," which is checked by the sample collector, now contained a whited-out check box for "Distribution Routine," and a checked box for "Distribution Repeat." The original

[36] On the Capzer Water Sample Result Form, SP #38 is the test site at 4822 Caribbean Blvd.
[37] During his interview with the OIG, Mr. Reyes of the FDOH told our office that the term "false present" is not a proper term for E. coli and Total Coliform tests; the proper term is "invalid sample." Additionally, Mr. Low pointed to no regulatory or technical basis for such a conclusion. Indeed, the term "false present" does not appear in applicable regulations, neither Capzer nor the FDOH invalided the samples, and Mr. Low did not ensure that the sample point was tested upstream or downstream in order to support his position.
[38] Ms. Kudella-Leczynski no longer works with the FDOH. She is an environmental engineer.

Water Sample Report (Report No. COL-W23-117) and "corrected" Water Sample Report (Report No. COL-W23-117) had the same report number; sample collection dates, times, and sample points; lab receipt date and time, analysis date and time, and information in the fields to be completed by the laboratory. The only change was to the "Reason for Sampling" box.



DRINKING WATER MICROBIAL SAMPLE COLLECTION & LABORATORY REPORTING FORMAT

Capzer Pharmaceuticals
3677 23rd Ave S. Suite A108
Lake Worth, FL 33461
Phone: 561-493-4000
FL DOH Certificate# E861096-01

Lab Receipt Date & Time: 06-08-23 ; 1350
Analysis Date & Time: 06-08-23 ; 1900
Sample Acceptance Criteria:
Sample Preservation: ☒On Ice ☐Not On Ice ☒ 1.8 °C
Disinfectant Check: ☒Not Detected ☐ _____ mg/L
This sample does not meet the following NELAC requirements:

Report Number: COL-W23- 117 Sub-Contract Lab ID: N/A

Analysis Requested: (check all that apply)
☒Total Coliform/E. coli ☐Total Coliform/Fecal ☐Enterococci ☐Coliphage ☐HPC ☐Other:

Public Water System (PWS) Name: City of Riviera Beach Utilities PWS I.D. 450-1229

PWS Address: 800 W. Blue Heron Blvd City: Riviera Beach
PWS or PWS Owner's Phone #: (561) 845-4187 Fax #: (561) 840-7292
Collector: Jasmine Holland Collector's Phone #: (561) 845-4187

Type of Supply: (check only one)
☒Community Water System ☐Non-Transient Non-community Water System ☐Transient Non-community Water System
☐Limited Use System ☐Bottled Water ☐Private Well ☐Swimming Pool ☐Other:

Reason for Sampling: (check all that apply)
Distribution Routine ☒Distribution Repeat ☐Raw (triggered or assessment) ☐Raw (triggered or assessment) additional ☐Well Survey
☐Clearance ☐Replacement (also check type of sample being replaced) ☐Boil Water Notice ☐Other:

Sample Collection Date: 06/08/2023

VENDOR# 44-A

To be completed by collector of sample

Sample #	Sample Point (Location or Specific Address) Week 1B	Sample Collection Time	Sample Type¹	Disinfectant Residual (mg/L)	pH
SS #42	7305 N. Military Trl (VA Fischer House)	0839	D	2.62	8.2
SS #38	4822 Caribbean Blvd.	0903	D	3.23	8.2
SS #40	5867 Cayman Circle E.	0915	D	3.58	8.3
SS #39	5766 Parke Ave.	0854	D	2.93	8.2
SS #29	2660 Manilki Dr.	0928	D	3.47	8.2
SS #28	6500 N. Military Trl (Trvl Prk)	0939	D	3.48	8.2
SS #37	1501 Ave. U (Bethune Elementary)	0950	D	3.80	8.3

To be completed by lab

Analysis Method(s)²: Colilert-18

Non-Coliform	Total Coliform	Fecal, E. coli, Enterococci, or Coliphage³	Data Qualifier⁴	Lab Sample #
	A	A		CPZ-W23-1140
	A	A		CPZ-W23-1141
	A	A		CPZ-W23-1142
	A	A		CPZ-W23-1143
	A	A		CPZ-W23-1144
	A	A		CPZ-W23-1145
	A	A		CPZ-W23-1146

Average of disinfectant residuals for distribution routine & repeat samples.⁵ Free chlorine or Total chlorine (circle one)

Disinfectant Residual Analysis Method:
☒DPD Colorimetric ☐Other:

Person performing disinfectant analysis is (see instructions on reverse):
☐A certified operator (# _____)
☐Supervised by certified operator (# _____)
☐Employed by a certified lab ☐Employed by DEP or DOH
☒Authorized representative of supplier of water

Unless otherwise noted, all tests are performed in accordance with NELAC standards, and the results relate only to the samples.

Date and time PWS notified by lab of positive results: N/A
Date and time DEP/DOH notified by lab of positive results: _____
Date Report Issued: 06/09/23
Lab Signature: _____
Title: Project Manager

CLIENT:
City Of Riviera Beach Utilities
800 W. Blue Heron Blvd.
Riviera Beach, FL 33404

DEP/DOH USE ONLY
☐Satisfactory
☐Incomplete Collection Information
☐Repeat Samples Required
☐Replacement Samples Required
Date Reviewed by DEP/DOH: _____
DEP/DOH Reviewing Official: _____

Page 1 of 1

OIG Interview of Lisa Fiedor, Capzer Pharmaceuticals Project Manager

The OIG showed Ms. Fiedor the Capzer laboratory report form with sample collection date June 6, 2023, showing test results as present for both Total Coliform and E.coli, and the original laboratory report with the sample collection date of June 8, 2023 that is checked as a "Distribution Routine" under the "Reason for Sampling" section and showing 4822 Caribbean Boulevard as absent for both Total Coliform and E. coli.

Finally, the OIG showed Ms. Fiedor the October 2, 2023 email Mr. Low sent to the FDOH attaching what he described as "the corrected resample" lab report results for the sample collected date of June 8, 2023.

Ms. Fiedor stated after the lab results were done by Capzer, the City was not supposed to make any changes to the form. Ms. Fiedor explained if there were any changes made to that form by Capzer, those would have been attached with the original in the FDOH's files. In this case, she did not believe Capzer made any changes to the 4822 Caribbean Boulevard report form.

OIG Interview of Eva Kudella-Leczynski, former FDOH Water Programs Manager

The OIG showed Ms. Kudella-Leczynski an email dated October 2, 2023, where Michael Low attached a "corrected" Water Sample Form showing the retest on June 8, 2023 at the same location (4822 Caribbean Boulevard) with the "Reason for Sampling" section marked as "Distribution Repeat." The OIG also showed Ms. Kudella-Leczynski the June 6, 2023 "present" result from Capzer marked "Distribution Routine."

The OIG asked Ms. Kudella-Leczynski whether it would be a violation if a document was altered to say it was a "Distribution Repeat" and not a "Distribution Routine." She stated that doing so could have been an honest mistake considering Dr. Williams was about to leave the City Utility District and the main operator was on leave. She also stated someone should have initialed the change or made a note of the change. Ms. Kudella-Leczynski stated she would give the utilities system the benefit of the doubt and discuss who made the mistake with them. However, she also stated that whiting out the lab section and altering the form would raise questions about the form. Ms. Kudella-Leczynski then told the OIG that under proper protocol, only Capzer can correct a lab report. Ms. Kudella-Leczynski considers it a violation if the lab was not aware of the white-out change.

She explained it is important for the FDOH to know if the upstream was present in the repeat sample because that is how they know that there is a problem above the sampling point.

OIG Interview of Emmanuel Peters, FDOH Environmental Health Specialist

Mr. Peters stated that the bacteriological samples for the distribution point at 4822 Caribbean Boulevard tested "present" for both E. coli and Total Coliform in June 6, 2023. By not conducting the repeat samples, this distribution system had an acute maximum contaminant violation. This required notification within 24 hours by the City Utility District to the FDOH about the present E. coli test and a public boil water notice.

Mr. Peters stated that Total Coliform test samples for 4822 Caribbean Boulevard were taken intermittently in June 2023 and had to be reported to the FDOH by July 10, 2023. However, the City Utility District submitted the June 2023 bacteriological reports on July 18, 2023, and only then after the FDOH requested they be submitted. After these present Total Coliform samples, the City Utility District had to collect three samples; upstream and downstream within five connections, and at the sample site. The City Utility District never took the repeat samples as required.

OIG Interview of Jasmin Holland, City Utility District Laboratory Technician

Ms. Holland stated that the City Utility District tested 4822 Caribbean Boulevard as part of regular monthly testing. She reviewed a laboratory form dated June 6, 2023 for 4822 Caribbean Boulevard, and stated that the site tested "present" for Total Coliform and E coli on that date.

Ms. Holland said that if a test came back "present," there needed to be an upstream test within five connections, a downstream test within five connections, and a repeat sample point test. Performing all three of these tests constituted a "Distribution Repeat."

Ms. Holland stated that she never performed the required distribution repeat in June of 2023 for 4822 Caribbean Boulevard. Ms. Holland explained that she was told by Dr. Williams that they could solely resample the sample site, without performing the required upstream and downstream testing. According to Ms. Holland, Dr. Williams told her to list the June 8 tests as a "Distribution Routine" test; the accurate description of the test that solely had the test of 4822 Caribbean Boulevard, not the upstream or downstream tests.

Ms. Holland was shown the June 8 sampling for 4822 Caribbean Boulevard that listed the reason for sampling reclassified to "Distribution Repeat," with the original "Distribution Routine" checked box whited out. Ms. Holland stated that sampling documentations are considered official documents. If there were any changes to the sampling documentation, the error would be scratched out and accompanied with the person's name, date and the reason for the change. Ms. Holland stated that a form changed to "Distribution Repeat" by whiting out the true version would be considered a falsified document in her opinion.

OIG Interview of Swan Allen-Davis, City Utility District Laboratory Technician

On one occasion Ms. Allen-Davis said that she and Ms. Holland were out in the field when Ms. Allen-Davis noticed a man staring at her, and then walked into his house and walked out with a gun in pocket. Ms. Allen-Davis and Ms. Holland left the area without further incident. Ms. Holland wrote an email about the incident and sent it to the City Utility District Safety Coordinator and Risk Manager; Dr. Williams was not at the office at the time. Ms. Allen-Davis and Ms. Holland also had an in-person meeting with City Safety Coordinator Solomon Burgess, Risk Manager Steve Shields and Mr. Doyle. During that meeting it was agreed that the lab technicians were thereafter to go as a pair to collect samplings.

Dr. Williams was aware of this safety incident; he was copied on the email to the Safety Coordinator and Risk Manager. After the incident, Dr. Williams informed the lab technicians that they were not to go out as a pair to collect samples. Dr. Williams told Ms. Allen-Davis and Ms. Holland that his hands were tied due to the Assistant City Manager stating that working in pairs would decrease productivity. Routes were not changed for their safety.

OIG Interview of Steven Doyle, former City Utility District Assistant Executive Director

Mr. Doyle recalled that two City Utility District lab technicians encountered a safety issue while conducting water sampling collection; there was a customer at a testing site that showed them a handgun. Ms. Allen-Davis wanted to test with Ms. Holland thereafter, but the City Utility District decided against it because safety concerns could also be satisfied by a lab technician accompanied by a City Utility District operator or with a police escort. Mr. Doyle did not believe that a safety issue had anything to do with the lab technicians not properly doing the required testing after the June 6, 2023 present E. coli test at 4822 Caribbean Boulevard.

OIG Interview of Dr. Anthony Williams, former City Utility District Compliance Manager

Dr. Williams was shown the present E Coli test result for 4822 Caribbean Boulevard water lab testing site that was collected on June 6, 2023. Dr. Williams stated that during this time he was transitioning to leave the City Utility District and he programmed lab test related calls to go to voicemail. All of the direction that lab technicians were receiving came from Mr. Doyle at that time. He said that earlier in 2023, Ms. Holland and Ms. Davis-Allen encountered a safety issue while conducting water sampling collection. Ms. Holland and Ms. Davis-Allen felt unsafe because there was a customer at a testing site that showed them a handgun. The City Police Department recommended that the lab technicians should work together to collect water samples. Dr. Williams stated that the Utility District did not have the resources to collect water samples if the lab technicians worked as a pair, and he and Mr. Low felt the lab technicians should continue to work separately for efficiency. The lab technicians did not like this idea. Dr. Williams stated he was not familiar with the present E. coli test at 4822 Caribbean Boulevard in June of 2023.

OIG Interview of Michael Low, former City Utility District Executive Director

Mr. Low stated he first heard of a problem with 4822 Caribbean Boulevard test results when he received a FDOH Warning Letter WP-125-23 on July 29, 2023. He immediately told Assistant City Manager Deirdre Jacobs, and conferred with Mr. Doyle for a meeting with the FDOH in early September 2023.

Mr. Low recalled a safety issue with the City Utility District lab technicians prior to the failed Caribbean Boulevard test, during which a resident was armed with a gun and “a little aggressive” during a test. Subsequently, City Utility District staff met with and received input from the City Police Department, with Police Department recommendations provided to increase lab technician safety. Mr. Low could not remember which, if any of the police recommendations were implemented.

Mr. Low stated that because of this incident there was more of an attempt to go back to the water main so that they would not have to test at secondary sample points as frequently, but Mr. Low added:

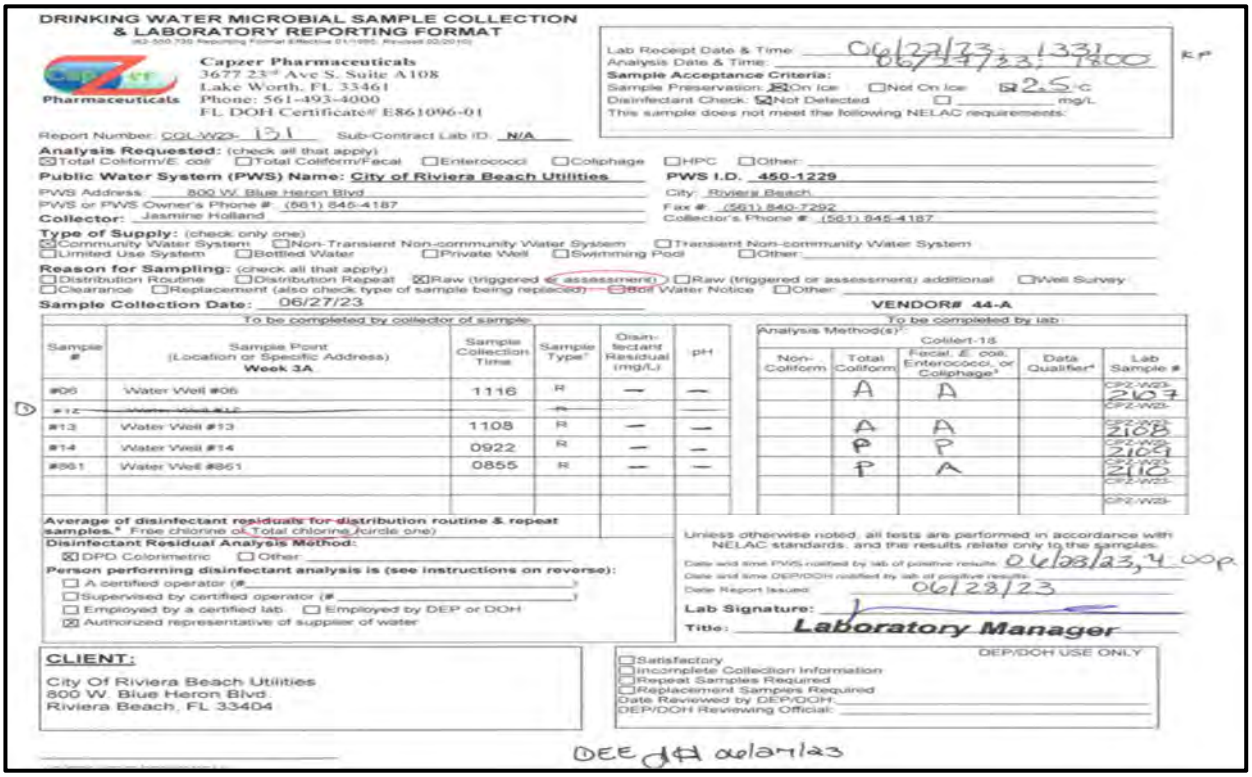
> …though if you get the hit of course you have to be within five connections here at the side and they've updated the rule so that now your sampling plan is supposed to clearly identify which are the secondary sample points if you have a hit at your main sample point.

Mr. Low stated that he knew that the City Utility District failed to follow the testing protocol for failed test resamples at 4822 Caribbean Boulevard. He knew that the City Utility District was required to sample within five points upstream and downstream, but did not. Mr. Low said that he responded to the warning letter by stating that the proper re-testing was not performed because of safety concerns and because Mr. Doyle told Mr. Low that he did an investigation and found that to be the reasoning for not performing the proper re-sampling.

E. Well #14 – Staff Failed to Properly Notify the FDOH of Testing Results or Issue Notice to Public

June 2023 Testing

On June 27, 2023, Capzer test results showed that at 9:22 a.m. in-service City Well #14 tested as contaminated with E. coli: the City Utility District did not notify the FDOH nor the public within 24 hours, as required in 40 C.F.R. § 141.201.



DRINKING WATER MICROBIAL SAMPLE COLLECTION & LABORATORY REPORTING FORMAT

Capzer Pharmaceuticals
3677 23rd Ave S. Suite A108
Lake Worth, FL 33461
Phone: 561-493-4000
FL DOH Certificate# E86096-01

Lab Receipt Date & Time: 06/27/23; 1331
Analysis Date & Time: 06/27/23; 1800
Sample Acceptance Criteria:
Sample Preservation: ☒On Ice ☐Not On Ice ☒ 2.5 °C
Disinfectant Check: ☒Not Detected ☐ _____ mg/L
This sample does not meet the following NELAC requirements:

Report Number: CQLW23- 1351 Sub-Contract Lab ID: N/A

Analysis Requested: (check all that apply)
☒Total Coliform/E. coli ☐Total Coliform/Fecal ☐Enterococci ☐Coliphage ☐HPC ☐Other:

Public Water System (PWS) Name: City of Riviera Beach Utilities PWS I.D. 450-1229
PWS Address: 800 W. Blue Heron Blvd City: Riviera Beach
PWS or PWS Owner's Phone #: (561) 845-4187 Fax #: (561) 840-7292
Collector: Jasmine Holland Collector's Phone #: (561) 845-4187

Type of Supply: (check only one)
☒Community Water System ☐Non-Transient Non-community Water System ☐Transient Non-community Water System
☐Limited Use System ☐Bottled Water ☐Private Well ☐Swimming Pool ☐Other:

Reason for Sampling: (check all that apply)
☐Distribution Routine ☐Distribution Repeat ☒Raw (triggered or assessment) ☐Raw (triggered or assessment) additional ☐Well Survey
☐Clearance ☐Replacement (also check type of sample being replaced) ☐Boil Water Notice ☐Other:

Sample Collection Date: 06/27/23 VENDOR# 44-A

To be completed by collector of sample:

Sample #	Sample Point (Location or Specific Address) Week 3A	Sample Collection Time	Sample Type*	Disinfectant Residual (mg/L)	pH
#06	Water Well #06	1116	R	—	—
#12	~~Water Well #12~~		R		
#13	Water Well #13	1108	R	—	—
#14	Water Well #14	0922	R	—	—
#861	Water Well #861	0855	R	—	—

To be completed by lab:

Analysis Method(s)*: Colilert-18				
Non-Coliform	Total Coliform	Fecal, E. coli, Enterococci, or Coliphage*	Data Qualifier*	Lab Sample #
	A	A		CPZ-WD- 2107 CPZ-WD-
	A	A		CPZ-WD- 2108 CPZ-WD-
	P	P		CPZ-WD- 2109 CPZ-WD-
	P	A		CPZ-WD- 2110 CPZ-WD-
				CPZ-WD-

Average of disinfectant residuals for distribution routine & repeat samples.* Free chlorine or Total chlorine (circle one)
Disinfectant Residual Analysis Method:
☒DPD Colorimetric ☐Other:
Person performing disinfectant analysis is (see instructions on reverse):
☐A certified operator (#_____)
☐Supervised by certified operator (#_____)
☐Employed by a certified lab ☐Employed by DEP or DOH
☒Authorized representative of supplier of water

Unless otherwise noted, all tests are performed in accordance with NELAC standards, and the results relate only to the samples.
Date and time PWS notified by lab of positive results: 06/28/23, 4:00p
Date and time DEP/DOH notified by lab of positive results:
Date Report Issued: 06/28/23
Lab Signature:
Title: Laboratory Manager

CLIENT:
City Of Riviera Beach Utilities
800 W. Blue Heron Blvd.
Riviera Beach, FL 33404

DEP/DOH USE ONLY
☐Satisfactory
☐Incomplete Collection Information
☐Repeat Samples Required
☐Replacement Samples Required
Date Reviewed by DEP/DOH:
DEP/DOH Reviewing Official:

DEE JH 06/29/23

Approximately three weeks later, on July 18, 2023, Mr. Pinkney attached the June 27, 2023 "present" E. coli test result as part of the monthly "City of Riviera Beach Utilities, Bacteriologicals, 6-2023" email to the FDOH.

OIG Interview of Dr. Anthony Williams, former City Utility District Compliance Manager

Dr. Williams stated that Mr. Pinkney called and emailed him after Dr. Williams left City employment in July of 2023 to ask what needed to be done about the Well #14 present E. coli test results from June of 2023. Dr. Williams stated he first became aware about Well #14's "present" test upon this July email and phone call. The email that Dr. Williams sent to Mr. Pinkney is dated July 20, 2023 and states:

> Mr. Pinkney,
>
> Without knowing the details or seeing official results, from the sound of it, Well #14 had a fecal indicator hit, which means it showed the presence of E. coli. So that's why she was asking for the 5 additional samples. This is a requirement under the Ground Water Rule. Also be mindful that public notice is required for a hit like this as Tier 1. This is what the rule states:
>
> According to FAC 62-550.518(10), "If fecal coliform or E. coli is present in any routine distribution system sample or if E. coli is present in any raw water sample that is representative of a well previously considered to be meeting the bacteriological requirements in paragraph 62-555.315(6), F.A.C., the system shall notify the appropriate Department of Environmental Protection (DEP) District Office or appropriate Approved County Health Department (ACHD) by the end of the day that the system learns of the test result unless the system learns of the result after the appropriate DEP District Office or appropriate ACHD is closed, in which case the system shall notify the appropriate DEP District Office or appropriate ACHD before the end of the next business day."

OIG Interview of Melvin Pinkney, City Utility District Water Treatment Plant Superintendent

Mr. Pinkney remembered seeing the June 27, 2023 test results report for Well #14. In June, he shut the well off and informed Mr. Doyle and Mr. Low; however, he stated that the failed test result was not reported within the required 24 hours. Mr. Pinkney stated he was not responsible for correcting issues in City Utility District reporting to the FDOH or the public; it was the responsibility of senior management.

OIG Interview of Michael Low, Former City Utility District Executive Director

The first time Mr. Low stated he heard of a problem with Well #14 test results was when he received a FDOH warning letter on July 29, 2023. Mr. Low told the OIG that he

described this non-reporting as a “false present” because E. coli in the water distribution system would be unlikely to have shown up in just one spot.

February 2024 On-Camera Interview of Michael Low, former City Utility District Executive Director

In February of 2024 WPTV News interviewed Mr. Low on-camera regarding the July 29, 2023 FDOH warning letter. The interview was broadcast to the public. When the reporter asked “Why didn’t you, though, notify people in Riviera Beach immediately?”

Mr. Low responded “Because there was no need because we have a treatment plant here. … So we followed all the rules that they asked us to follow.”

Interviews of City Senior Management

OIG Interview of Deirdre Jacobs, Assistant City Manager

Ms. Jacobs has been the Assistant City Manager since before 2023 through the present. Ms. Jacobs oversees the City Utility District. When he was Utility District Executive Director, Mr. Low reported directly to her; however, Mr. Low frequently conferred directly with Mr. Evans, bypassing Ms. Jacobs. Ms. Jacobs stated that because she was Mr. Low’s direct supervisor, he should have reported problems directly to her, but he did not.

She first heard of issues with the City Utility District in September of 2023, when an employee that worked in a different City department told Ms. Jacobs that the City Utility District was trying to hide problems with the FDOH. Ms. Jacobs emailed Mr. Low, asking him if there were problems with the FDOH. He minimized the problems, telling her that the water had no issues and any issues with the FDOH were being corrected. At that point, Mr. Low informed Ms. Jacobs that he was responding to a FDOH warning letter. Mr. Low told her that staffing issues at the FDOH had contributed to these problems.

In December of 2023 the City Utility District staff met with the FDOH; Ms. Jacobs and City Manager Evans did not attend the meeting. Afterward, Ms. Jacobs found out that Mr. Low did not attend the meeting, and therefore she and Mr. Evans resolved that they needed to learn more. The two of them set up a January meeting with the FDOH to learn about potential problems. Ms. Jacobs learned that the City had a well that tested present for E. coli, but that the City did not report the problem in a timely and accurate matter. Mr. Low told Ms. Jacobs that the steps that the City took had “cancelled out” the present test and that it was not really a present test, but the FDOH disagreed, telling the City that it failed to take the proper steps to rectify the problem.

At that point Ms. Jacobs knew that the City had “present” tests for E. coli and Total Coliform, but still did not know the procedures for reporting. Ms. Jacobs stated that staff should have informed her and Mr. Evans about those problems; she stated that the provision of water is the most essential and critical of basic services that the City provides to the public.

In August of 2024, Mr. Doyle first disclosed to Mr. Evans that test results submitted to the FDOH were altered by the City Utility District. That is when Ms. Jacobs learned of this issue, and when Ms. Jacobs learned about non-reporting of test results. Ms. Jacobs had no personal knowledge about who could have altered test results. She called Dr. Williams after hearing this and asked him how this could have happened. Dr. Williams told her he did not alter any test result documents.

Ms. Jacobs stated that she had no indication from staff in any way that the City Utility District would not be following testing protocols because of safety concerns.

Ms. Jacobs believed that upon Dr. Williams' departure from City employment, Mr. Doyle and Mr. Low would have been tasked with supervising compliance.

OIG Interview of Jonathan Evans, City Manager

Mr. Evans became the City Manager in 2019 and currently holds that position. He stated that Assistant City Manager Jacobs directly reports to him as the Assistant City Manager over infrastructure, and she oversees the City Utility District. Mr. Evans has an in-person meeting with City departments heads, including the Executive Director of the Utility District, every two weeks. During those meetings department heads are supposed to brief Mr. Evans about keys issues affecting their departments.

Mr. Low briefed Mr. Evans about some operational challenges maintaining the water plant infrastructure, but never gave Mr. Evans a sense of dire problems with the water infrastructure. Until he first heard about the FDOH issues with Well #14 and another well in approximately December 2023, Mr. Low never told Mr. Evans that the City bought water from other facilities to deliver enough clean water. Mr. Evans stated that he absolutely should have been informed about these things; because of the fiscal impact of needing to purchase water and for repairs, because Mr. Low also did not tell Mr. Evans that there were difficulties with water quality until then, and because Mr. Evans has a duty to brief elected officials of matters of critical importance. Mr. Evans considers knowledge of issues with City well water quality to be critical and absolutely something he should have known about. When these issues first arose in December of 2023, Mr. Low and Mr. Doyle were "very dismissive" of the importance of the FDOH's concerns.

In December 2023, Mr. Low characterized the FDOH's problems with the City Utility District as based on what he described as "moot" issues such as staff turnover, and that they were all solvable issues. When Mr. Evans heard about these issues he was upset that he was not informed sooner. In early 2024 Mr. Evans, Mr. Low, Mr. Doyle, Mr. Pinkney, Ms. DeBerry, Councilperson Lawson, and Mayor Felder discussed the City Utility District problems detailed by the FDOH. During this meeting Mr. Evans asked Mr. Low point blank if the water ever had E. coli or if the public water supply was ever compromised, and Mr. Low unequivocally said "no." When the media started to report about potential problems, Mr. Evans told Mr. Low that if Mr. Low felt that the media and the FDOH portrayed potential problems inaccurately, it was Mr. Low's responsibility to re-

assure the public and let them know that there were not problems. Mr. Low thereafter made public statements that contradicted the problems that had been publicly detailed.

After the reported information about Well #14, Caribbean Blvd and Well #961, the FDOH and Mr. Evans, Ms. Jacobs, Mr. Low, Mr. Doyle, Ms. DeBerry, and Mr. Pinkney scheduled a meeting. On the way to the meeting, Mr. Low called Mr. Evans, stating that the meeting needed to be cancelled because they found “more stuff.” Mr. Evans and Ms. Jacobs nevertheless went to the meeting, but no City Utility District staff went to the meeting. At that meeting the FDOH gave Mr. Evans and Ms. Jacobs information about non-reporting issues for the first time.

Mr. Evans stated that in approximately May 2023, Mr. Low and Mr. Doyle told Mr. Evans that a Utility District laboratory technician had seen a man with a firearm while performing her work duties. Mr. Evans told them that they should get police department assistance if that happens and that employee safety was critically important. During this discussion, no one mentioned or suggested deviating from water testing protocol.

In August 2024, Mr. Evans first heard from the FDOH that test results may have been altered by City Utility District staff to change contaminated test results to passing test results. Immediately after that meeting, Mr. Doyle brought what he felt was an altered test result to Mr. Evans. Mr. Doyle resigned during that meeting. A few days later, Ms. DeBerry notified Mr. Evans in an email of a second potentially altered test result.

Mr. Evans has never heard indications from any City Utility District staff that the private testing labs used by the City have been flawed in any way.

Mr. Evans believes that City Utility District management did not provide proper oversight of the City’s day-to-day water supply operations. Multiple City Utility District staffers told Mr. Evans that Mr. Low and Mr. Doyle were rarely or never present on-site at the City’s water plant.

Mr. Evans told the OIG that he and his family live in Riviera Beach and they drink and bathe in the City water supply. He considers the potable water supply to be the most important resource that the City has.

Conclusion

Congress passed the Safe Drinking Water Act of 1974 after nationwide studies of community water systems revealed widespread water quality problems and health risks resulting from poor operating procedures, inadequate facilities, and uneven management of public water supplies in communities of all sizes. The management and operation of public water systems is highly regulated through federal and state rules that provide for regular water testing, monitoring, recordkeeping, and reporting, as well as, industry certification standards for those who operate water systems and test and collect water samples.

The City Utility District's adherence to governing provisions, accurate and complete reporting of water conditions to the FDOH, and adequate management of its water distributions system is paramount to ensure that it provides clean water to its customers that is safe for consumption. Without that adequate testing and accurate reporting, the FDOH cannot reliably assess water quality. Additionally, hiring, training, and retaining competent, well-trained staff is fundamentally and critically important to protecting the health, safety, and welfare of families residing within the City.

Based upon our review of the relevant documents and interviews, **we find that senior City Utility District staff violated reporting rules, both through mismanagement of required processes and at times, through deliberate actions designed to circumvent required accurate reporting of water conditions. Accordingly, the City Utility District failed to uphold the standards of care entrusted to it by the public with regard to management and reporting.**

Both Mr. Low and Mr. Doyle mismanaged the City Utility District. They supervised the compliance process, and they both failed in their supervisory duties by not ensuring accurate and complete reporting of water conditions, and by not assigning employees to those tasks that were willing and able to ensure full compliance.

Mr. Low stated that when he started with the City, the Utility District was "a disaster." Despite believing the district was a "disaster" and having both weekly and monthly meetings with his managers, Mr. Low stated that he "did not know how things were run." He did not implement adequate internal controls to ensure accurate and complete reporting of water testing results to the FDOH.

He indicated that initially, his Compliance Manager, Dr. Williams was responsible for notifying the FDOH of "present" test results. After Dr. Williams left, Mr. Pinkney was tasked with providing results to the FDOH. However, City Utility District staff, including Dr. Williams and Mr. Pinkney failed to submit required water test results to the FDOH, even though extensive training had been provided which communicated the necessity of those submissions. An OIG examination of records found at least 151 occasions of non-reporting from January through September of 2023. According to one employee, when Dr. Williams left the utility, Mr. Low personally told her to "wait" before reporting to the FDOH that some samples had been collected and tested but not reported, as required.

Even after the date Mr. Low contends he personally learned of a "present" for Total Coliform result on Caribbean Boulevard, he did not take appropriate action. Without any regulatory or technical basis, he told the FDOH that result was a "false present." Additionally, he justified the City Utility District's failure to properly retest due to safety issues that occurred weeks earlier. However, those safety issues were addressed with an appropriate, professional response from the City Police Department, and in any event, at no time concurrent with that non-testing did Mr. Low (or any City staff) get input that would have allowed them to deviate from required testing.

When asked by WPTV why he did not notify the residents of Riviera Beach of the "present" for E. coli result for Well #14, Mr. Low responded "Because there was no need because we have a treatment plant here. … So we followed all the rules that they asked us to follow."

Additionally, even though Mr. Low became aware of non-reporting of well conditions in October of 2023, he assured his superior, City Manager Evans, that issues stemmed from staff turnover and "false presents."

Mr. Low also told the OIG that after Dr. Williams left the City, Mr. Pinkney was responsible for the important role of reporting water test results to the FDOH, even though Mr. Low believed Mr. Pinkney did not perform his work to expectations and asked the City Manager to replace him. Mr. Pinkney was promoted to Superintendent although Mr. Low, Dr. Williams, and Mr. Doyle questioned his competency during their interviews with our office.

Mr. Pinkney was copied on test results from Capzer, but Mr. Pinkney said he "would sometimes look at them, but sometimes he would not." Once Mr. Pinkney assumed the role of reporting to the FDOH, he failed to timely report the results for City Well #14 and issue a boil water notice. Instead the results were reported weeks later and with no boil water notice issued. Mr. Pinkney reached out to his predecessor, Dr. Williams, only after being informed by the FDOH that required 24 hour notice for Well #14 had been mishandled. Of note, even after Mr. Pinkney discovered the non-reporting of contamination of Well #14, the instances of non-reporting under his oversight continued.

Former Compliance Manager Dr. Williams admitted to deliberate non-reporting during his tenure. He stated that he knew the rules and did not follow them, attributing his non-compliance to unspoken pressure from his superiors. When asked about his systemic non-reporting of test results that revealed the presence of Total Coliform, Dr. Williams told the OIG that "Based on the rules, it definitely would be wrong."

Additionally, Dr. Williams, in admitting that water conditions were systemically misreported to the FDOH, attributed that misreporting to "pressure" that he believed originated from Mr. Low.

The most egregious example of Dr. Williams' inaccurate reporting centered on the alterations of Total Coliform presence in the test results for Well #862. We find that Dr. Williams received those test results, emailed the FDOH the next day to return that well to service without including those Total Coliform test results, copied the test result documents to his City employee-specific network folder, and modified the document, only to email altered test results to the FDOH weeks later. Moreover, it is indisputable that Dr. Williams not only provided the altered test results, but also failed to send a Total Coliform-present test result from the day after the altered test result. If reported by Dr. Williams as required, that subsequent test result also would have mandated that Well #862 not be returned to service.

Mr. Doyle directly supervised Dr. Williams and Mr. Pinkney, and did not take steps to ensure that his staff performed with integrity and adherence to water testing reporting requirements.

We find that the City Utility District did not live up to its mission statement "To provide safe, reliable and quality water and wastewater services for our customers."

The allegation is **supported**.

ACKNOWLEDGEMENT

The Inspector General's Investigations Division would like to thank the Florida Department of Health and the elected officials and staff of the City of Riviera Beach for their cooperation throughout this investigation.

RECOMMENDED CORRECTIVE ACTIONS

The OIG makes the following recommendations:

1. The City Utility District implement internal processes and controls requiring dual acknowledgment of receipt and review of water sample results from laboratories prior to submission to the FDOH. This measure aims to minimize the risk of fraudulent reporting; improve timely and appropriate response and remediation; and enhance the transparency, integrity, and reliability of reporting.

2. The City Utility District institute regular training requirements for all City Utility District employees relating to the rules and regulations for the operation of the City Utility District.

3. The City Utility District institute a policy requiring the creation of a process for resolving complaints regarding the Utility District, to include but not limited to, a) allegations of violations of Utility District rules, b) lack of compliance with the Federal and State Safe Drinking Water Act or other rules and regulations applicable to the operation of the City Utility District and the City's public drinking water distribution system, and/or c) staff's failure to report accurate information to the City Utility Management, the public, or any oversight authority.

4. The City take appropriate personnel action.

RESPONSE FROM THE CITY

Pursuant to Article XII, Section 2-427 of the Palm Beach County Code, the City was provided the opportunity to submit a written explanation or rebuttal to the finding as stated

in this Investigative Report within ten (10) calendar days. Their written response is Attachment A in this report.

RESPONSE FROM THE FLORIDA DEPARTMENT OF HEALTH

Pursuant to Article XII, Section 2-427 of the Palm Beach County Code, the FDOH was provided the opportunity to submit a written explanation or rebuttal to the finding as stated in this Investigative Report within ten (10) calendar days. Their written response is Attachment B in this report.

RESPONSE FROM MR. LOW

Pursuant to Article XII, Section 2-427 of the Palm Beach County Code, Mr. Low was provided the opportunity to submit a written explanation or rebuttal to the finding as stated in the Investigative Report within ten (10) calendar days. His written response is Attachment C in this report.

RESPONSE FROM MR. DOYLE

Pursuant to Article XII, Section 2-427 of the Palm Beach County Code, Mr. Doyle was provided the opportunity to submit a written explanation or rebuttal to the finding as stated in the Investigative Report within ten (10) calendar days. His written response is Attachment D in this report.

RESPONSE FROM DR. WILLIAMS

Pursuant to Article XII, Section 2-427 of the Palm Beach County Code, Dr. Williams was provided the opportunity to submit a written explanation or rebuttal to the finding as stated in the Investigative Report within ten (10) calendar days. His written response is Attachment E in this report.

RESPONSE FROM MR. PINKNEY

Pursuant to Article XII, Section 2-427 of the Palm Beach County Code, Mr. Pinkney was provided the opportunity to submit a written explanation or rebuttal to the finding as stated in the Investigative Report within ten (10) calendar days. Mr. Pinkney did not submit a response.

APPENDIX 1

Federal "Safe Drinking Water Act"

Title 40 C.F.R. Ch. 1, Subchapter D, Part 141 National Primary Drinking Water Regulations

….

Subpart A- General

40 C.F.R. §141.1 Applicability.

This part establishes primary drinking water regulations pursuant to section 1412 of the Public Health Service Act, as amended by the Safe Drinking Water Act (Pub.L. 93–523); and related regulations applicable to public water systems.

….

Subpart D- Reporting and Recordkeeping

40 C.F.R. §141.31 Reporting requirements.

(a) Except where a shorter period is specified in this part, the supplier of water shall report to the State the results of any test measurement or analysis required by this part within

(1) **The first ten days following the month in which the result is received**,…

….

(b) Except where a different reporting period is specified in this part, the supplier of water must report to the State within 48 hours the failure to comply with any national primary drinking water regulation (including failure to comply with monitoring requirements) set forth in this part.

….

[Emphasis added]

Subpart Q—Public Notification of Drinking Water Violations

40 C.F.R. § 141.201 General public notification requirements.

….

(a) Who must give public notice? Each owner or operator of a public water system … must give notice for all violations of national primary drinking water regulations (NPDWR)… The term "NPDWR violations" is used in this subpart to include violations of the maximum contaminant level (MCL),.... monitoring requirements, and testing procedures in this part 141.

....

(b) What type of public notice is required for each violation or situation? Public notice requirements are divided into three tiers, to take into account the seriousness of the violation or situation and of any potential adverse health effects that may be involved….

Table 2 to § 141.201—Definition of Public Notice Tiers

(1) Tier 1 public notice—required for NPDWR violations and situations with significant potential to have serious adverse effects on human health as a result of short-term exposure.

(2) Tier 2 public notice—required for all other NPDWR violations and situations with potential to have serious adverse effects on human health.

(3) Tier 3 public notice—required for all other NPDWR violations and situations not included in Tier 1 and Tier 2.

(c) Who must be notified?

(1) Each public water system must provide public notice to persons served by the water system, in accordance with this subpart.…

….

(3) A copy of the notice must also be sent to the primacy agency and the Administrator (as applicable) in accordance with the requirements of § 141.31(d).

40 C.F.R. §141.202- Tier 1 Public Notice- Form, manner, and frequency of notice.

(a) Which violations or situations require a Tier 1 public notice? Table 1 of this section lists the violation categories and other situations requiring a Tier 1 public notice. Appendix A to this subpart identifies the tier assignment for each specific violation or situation.

Table 1 to § 141.202—Violation Categories and Other Situations Requiring a Tier 1 Public Notice

(1) Violation of the MCL for total coliforms when fecal coliform or E. coli are present in the water distribution system (as specified in § 141.63(b)), or when the water system fails to test for fecal coliforms or E. coli when any repeat sample tests positive for coliform (as specified in § 141.21(e)); Violation of the MCL for E. coli (as specified in § 141.63(c));

….

(8) Detection of E. coli, enterococci, or coliphage in source water samples as specified in § 141.402(a) and § 141.402(b);…

….

(b) When is the Tier 1 public notice to be provided? What additional steps are required? Public water systems must:

(1) Provide a public notice as soon as practical but no later than 24 hours after the system learns of the violation;

(2) Initiate consultation with the primacy agency as soon as practical, but no later than 24 hours after the public water system learns of the violation or situation, to determine additional public notice requirements; and
(3) Comply with any additional public notification requirements (including any repeat notices or direction on the duration of the posted notices) that are established as a result of the consultation with the primacy agency....

40 C.F.R. §141.203- Tier 2 Public Notice—Form, manner, and frequency of notice.

(a) Which violations or situations require a Tier 2 public notice? Table 1 of this section lists the violation categories and other situations requiring a Tier 2 public notice. Appendix A to this subpart identifies the tier assignment for each specific violation or situation.

Table 1 to § 141.203—Violation Categories and Other Situations Requiring a Tier 2 Public Notice

(1) All violations of the MCL, MRDL, and treatment technique requirements, except where a Tier 1 notice is required under § 141.202(a) or where the primacy agency determines that a Tier 1 notice is required;

….

(b) When is the Tier 2 public notice to be provided?

(1) Public water systems must provide the public notice as soon as practical, but no later than 30 days after the system learns of the violation….

(2) The public water system must repeat the notice every three months as long as the violation or situation persists, unless the primacy agency determines that appropriate circumstances warrant a different repeat notice frequency….

….

Subpart S—Ground Water Rule

40 C.F.R. §141.400 -General requirements and applicability.
(a) Scope of this subpart. The requirements of this subpart S constitute National Primary Drinking Water Regulations.

(b) Applicability. This subpart applies to all public water systems that use ground water except that it does not apply to public water systems that combine all of their ground water with surface water or with ground water under the direct influence of surface water prior to treatment under subpart H. For the purposes of this subpart, “ground water system” is defined as any public water system meeting this applicability statement, including consecutive systems receiving finished ground water.

….

40 C.F.R. §141.402- Ground Water Source Microbial Monitoring and Analytical Methods.

(a) Triggered source water monitoring—

(1) General requirements. **A ground water system must conduct triggered source water monitoring if the conditions identified in paragraphs (a)(1)(i) and either (a)(1)(ii) or (a)(1)(iii) of this section exist**.

(i) The system does not provide at least 4–log treatment of viruses (using inactivation, removal, or a State-approved combination of 4–log virus inactivation and removal) before or at the first customer for each ground water source; and either

(ii) The system is notified that a sample collected under § 141.21(a) is total coliform-positive and the sample is not invalidated under § 141.21(c) until March 31, 2016, or

(iii) **The system is notified that a sample collected under** §§ 141.854 through **141.857 is total coliform-positive** and the sample is not invalidated under § 141.853(c) **beginning April 1, 2016**.

(2) **Sampling requirements. A ground water system must collect, within 24 hours of notification of the total coliform-positive sample, at least one ground water source sample from each ground water source in use at the time the total coliform-positive sample was** ….. collected under §§ 141.854 through **141.857 beginning April 1, 2016**, ….

(3) **Additional requirements. If the State does not require corrective action under § 141.403(a)(2) for a fecal indicator-positive source water sample collected under paragraph (a)(2) of this section that is not invalidated under paragraph (d) of this section, the system must collect five additional source water samples from the same source within 24 hours of being notified of the fecal indicator-positive sample**.

….

(g) **Public notification. A ground water system with a ground water source sample collected under paragraph (a) or (b) of this section that is fecal indicator-positive** and that is not invalidated under paragraph (d) of this section, including consecutive systems served by the ground water source, **must conduct public notification** under § 141.202.

(h) Monitoring violations. Failure to meet the requirements of paragraphs (a)-(f) of this section is a monitoring violation and requires the ground water system to provide public notification under § 141.204.

[Emphasis added]

….

40 C.F.R. §141.403 Treatment Technique Requirements for Ground Water Systems.

(a) Ground water systems with significant deficiencies or source water fecal contamination.

(1) The treatment technique requirements of this section must be met by ground water systems when a significant deficiency is identified or when a ground water source sample collected under § 141.402(a)(3) is fecal indicator-positive.
(2) If directed by the State, a ground water system with a ground water source sample collected under § 141.402(a)(2), § 141.402(a)(4), or § 141.402(b) that is fecal indicator-positive must comply with the treatment technique requirements of this section.

….

Subpart Y—Revised Total Coliform Rule

40 C.F.R. §141.851 – General.

(a) General. The provisions of this subpart include both maximum contaminant level and treatment technique requirements.
(b) Applicability. The provisions of this subpart apply to all public water systems.
(c) Compliance date. Systems must comply with the provisions of this subpart beginning April 1, 2016, unless otherwise specified in this subpart.

….

(e) Violations of national primary drinking water regulations. Failure to comply with the applicable requirements of §§141.851 through 141.861, including requirements established by the State pursuant to these provisions, is a violation of the national primary drinking water regulations under subpart Y.

….

40 C.F.R. § 141.853 - General monitoring requirements for all public water systems.
(a) *Sample siting plans*.
(1) Systems must develop a written sample siting plan that identifies sampling sites and a sample collection schedule that are representative of water throughout the distribution system not later than March 31, 2016. These plans are subject to State review and revision. Systems must collect total coliform samples according to the written sample siting plan…

(2) **Systems must collect samples at regular time intervals throughout the month**…

….

(5) **Systems must identify repeat monitoring locations in the sample siting plan. Unless the provisions of paragraphs (a)(5)(i) or (a)(5)(ii) of this section are met, the system must collect at least one repeat sample from the sampling tap where the original total coliform-positive sample was taken, and at least one repeat sample at a tap within five service connections upstream and at least one repeat sample at a tap within five service connections downstream of the original sampling site**. If a total coliform-positive sample is at the end of the distribution system, or one service connection

away from the end of the distribution system, the system must still take all required repeat samples….

[Emphasis added]

40 C.F.R. §141.857 **Routine monitoring requirements for public water systems serving more than 1,000 people**.

(a) General.

(1) The provisions of this section apply to public water systems serving more than 1,000 persons.

(2) **Following any total coliform-positive sample taken under the provisions of this section, systems must comply with the repeat monitoring requirements and E. coli analytical requirements in § 141.858**.

….

(b) **Monitoring frequency for total coliforms.** The monitoring frequency for total coliforms is based on the population served by the system, as follows:

Total Coliform Monitoring Frequency for Public Water Systems Serving More Than 1,000 People	
Population served	**Minimum number of samples per month**
1,001 to 2,500	2
2,501 to 3,300	3
3,301 to 4,100	4
4,101 to 4,900	5
4,901 to 5,800	6
5,801 to 6,700	7
6,701 to 7,600	8
7,601 to 8,500	9
8,501 to 12,900	10
12,901 to 17,200	15
17,201 to 21,500	20
21,501 to 25,000	25
25,001 to 33,000	30
33,001 to 41,000	40
41,001 to 50,000	50
**Remainder of Chart Intentionally Left Blank*	

[Emphasis added]

….

40 C.F.R. §141.858 **Repeat monitoring and E. coli requirements**.

(a) Repeat monitoring.

(1) **If a sample taken under §§ 141.854 through 141.857 is total coliform-positive, the system must collect a set of repeat samples within 24 hours of being notified of the positive result**. **The system must collect no fewer than three repeat samples for each total coliform-positive sample found**....

(2) **The system must collect all repeat samples on the same day**, except that the State may allow a system with a single service connection to collect the required set of repeat samples over a three-day period or to collect a larger volume repeat sample(s) in one or more sample containers of any size, as long as the total volume collected is at least 300 ml.

(3) **The system must collect an additional set of repeat samples in the manner specified in paragraphs (a)(1) through (a)(3) of this section if one or more repeat samples in the current set of repeat samples is total coliform-positive. The system must collect the additional set of repeat samples within 24 hours of being notified of the positive result. The system must continue to collect additional sets of repeat samples until either total coliforms are not detected in one complete set of repeat samples** ….

(4) After a system collects a routine sample and before it learns the results of the analysis of that sample, if it collects another routine sample(s) from within five adjacent service connections of the initial sample, and the initial sample, after analysis, is found to contain total coliforms, then the system may count the subsequent sample(s) as a repeat sample instead of as a routine sample….

(b) Escherichia coli (E. coli) testing.

(1) **If any routine or repeat sample is total coliform-positive, the system must analyze that total coliform-positive culture medium to determine if E. coli are present. If E. coli are present, the system must notify the State by the end of the day when the system is notified of the test result**, unless the system is notified of the result after the State office is closed and the State does not have either an after-hours phone line or an alternative notification procedure, in which case the system must notify the State before the end of the next business day.

[Emphasis added]

§ 141.859 Coliform treatment technique triggers and assessment requirements for protection against potential fecal contamination.

(a) Treatment technique triggers. Systems must conduct assessments in accordance with paragraph (b) of this section after exceeding treatment technique triggers in paragraphs (a)(1) and (a)(2) of this section.

Florida Safe Drinking Water Act and Implementing Regulations

Part VI. Water Supply; Water Treatment Plants (403.850 to 403.892)

Section 403.850., F.S.- Short title.

This act may be cited as the "Florida Safe Drinking Water Act."

….

Section 403.853, F.S. – Drinking Water Standards.

(1) The department shall adopt and enforce:
(a)1. State primary drinking water regulations that shall be no less stringent at any given time than the complete interim or revised national primary drinking water regulations in effect at such time; and
2. State secondary drinking water regulations patterned after the national secondary drinking water regulations….

….

Section 403.857, F.S.- Notification of users and regulatory agencies.

Whenever a public water supply system:
(1) Is not in compliance with the state primary and secondary drinking water regulations;
(2) Fails to perform monitoring required by rules or regulations adopted by the department;

….

the owner or operator of the system shall, as soon as practicable, notify the local public health departments, the department, and the communications media serving the area served by the system of that fact and of the extent, nature, and possible health effects of such fact. Such notice shall also be given by the owner or operator of the system by publication in a newspaper of general circulation, as determined by the department, within the area served by such water system at least once every 3 months as long as the violation….. continues. Such notice shall also be given with the water bills of the system as long as the violation, variance, or exemption continues, as follows: if the water bills of a public water system are issued at least as often as once every 3 months, such notice shall be included in at least one water bill of the system for each customer every 3 months; if the system issues its water bills less often than once every 3 months, such notice shall be included in each of the water bills issued by the system for each customer. However, the provisions of this section notwithstanding, the department may prescribe by rule reasonable alternative notice requirements.

Chapter 62-550, F.A.C.- Drinking Water Standards, Monitoring, and Reporting

Rule 62-550.102, F.A.C.- Intent and Scope.

(1) To assure that public water systems supply drinking water which meets minimum requirements, the Federal Government enacted PL 93-523, the "Safe Drinking Water Act." The scheme of that law was to give primary responsibility for public water systems programs to states to implement a public water system program. Also, the legislature of Florida has enacted the "Florida Safe Drinking Water Act," Sections 403.850-.864, F.S. This chapter [62-550] and Chapters 62-555 and 62-560, F.A.C., are promulgated to implement the requirements of the Florida Safe Drinking Water Act and to acquire and maintain primacy for Florida under the Federal Act. This chapter [62-550] and Chapters 62-555 and 62-560, F.A.C., adopt national primary and secondary drinking water standards of the Federal Government where possible, and otherwise create additional rules to fulfill state and Federal requirements.

….

Rule 62-550.310, F.A.C.- Primary Drinking Water Standards: Maximum Contaminant Levels and Maximum Residual Disinfectant Levels.

….

(5) Microbiological - This subsection applies to all public water systems.

….Beginning April 1, 2016, monitoring requirements to demonstrate compliance with this subsection are defined in Rule 62-550.830, F.A.C.

….

(d) Beginning April 1, 2016, a system is in compliance with the MCL for *E. coli* for samples taken under the provisions of 40 C.F.R. Part 141, Subpart Y, which is incorporated by reference in Rule 62.550.830, F.A.C., unless any of the conditions identified in the following subparagraphs 1. through 4. occur….

1. The system has an *E. coli*-positive repeat sample following a total coliform-positive routine sample…..
2. The system has a total coliform-positive repeat sample following an *E. coli*-positive routine sample….
3. The system fails to take all required repeat samples following an *E. coli*-positive routine sample….
4. The system fails to test for *E. coli* when any repeat sample tests positive for total coliform….

(e) Beginning April 1, 2016, a public water system must determine compliance with the MCL for *E. coli* in paragraph 62-550.310(5)(d), F.A.C., for each month in which it is required to monitor for total coliforms….

Rule 62-550.730, F.A.C.- Reporting Requirements for Public Water Systems.

Suppliers of water and DOH-certified laboratories shall report as follows:

(1) Suppliers of Water.

(a) Except where a shorter reporting period is specified in this chapter, the suppliers of water shall report to the appropriate District office of the Department or Approved County Health Department the results of the test measurement or analysis required by this chapter **within the first ten days following the end of the required monitoring period as designated by the Department, or the first ten days following the month in which the sample results were received, whichever time is shortest**.

(b) The supplier of water shall use the format described in subparagraphs 1. through 9. below for reporting all water analysis results for inorganics,…..

….

(e) The supplier of water shall report to the appropriate Department of Environmental Protection District Office or appropriate Approved County Health Department within 48 hours (unless otherwise specified by the chapter) the failure to comply with any drinking water rule contained in Parts III, V, or VIII of this chapter, or Part IV of Chapter 62-560, F.A.C. When compliance is achieved, the measures taken shall be reported to that office.

[Emphasis added]

Rule 62-550.828, F.A.C. – Ground Water Rule.

(1) The requirements contained in the July 1, 2014, edition of 40 C.F.R. Part 141, Subpart S (Sections 141.400 through 141.405)…. are adopted and incorporated herein by reference and are enforceable under this rule, except the following regulations are not adopted or incorporated in this rule…
(2) In addition to the public notification requirements in Part IV of Chapter 62-560, F.A.C., the following public notification requirements are adopted and incorporated herein by reference and are enforceable under this rule:
(a) ….the Tier 1 public notice requirements pertaining to detection of E. coli, enterococci, or coliphage in source water samples required under 40 C.F.R. §§ 141.402(a) and 141.402(b)…, which are incorporated by reference in subsection 62-550.828(1), F.A.C.

Rule 62-550-830, F.A.C. – Revised Total Coliform Rule.

(1) The requirements contained in 40 C.F.R. Part 141, Subpart Y (Sections 141.851 through 141.861),… are adopted and incorporated herein by reference and are enforceable under this rule, ….
(2) In addition to the public notification requirements in Rules 62-560.400, 62-560.410, 62-560.430, and 62-560.440, F.A.C., the following public notification requirements are adopted and incorporated herein by reference and are enforceable under this rule:
(a) The Tier 1 public notice requirements in 40 C.F.R. § 141.202 …. pertaining to a violation of the MCL for *E. coli* as specified in paragraph 62-550.310(5)(d), F.A.C. A system is in compliance with the MCL for *E. coli* for samples taken under the provisions of 40 C.F.R. Part 141, Subpart Y, which is incorporated by

reference in Rule 62-550.830, F.A.C., unless any of the conditions specified in paragraph 62-550.310(5)(d), F.A.C., occur….

Chapter 62-555, F.A.C.- Permitting, Construction, Operation, and Maintenance of Public Water Systems

Rule 62-555.310, F.A.C.- Source and Sitting Requirements for Public Water Systems.

(1) Suppliers of water shall obtain raw water from the best available source that is economically sensible and technically possible and shall make an effort to protect the source from contamination.

Rule 62-555.315- Public Water System Wells—Security; Number; Capacity; Under the Direct Influence of Surface Water; Control of Copper Pipe Corrosion and Black Water; and Disinfection and Bacteriological Surveys and Evaluations.

….

(6) Disinfection of Wells and Bacteriological Surveys and Evaluations of Wells. Wells shall be disinfected to inactivate any microbiological contaminant that may have been introduced into the wells during construction, repair, or maintenance and to allow the true microbiological character of well water to be determined through a bacteriological survey.

(a) Before new or altered wells, **wells out of operation for more than six months**, wells in which new pumping equipment has been installed, and wells taken out of operation for maintenance that might have contaminated the well are placed into, or returned to, operation, they shall be disinfected in accordance with Sections 1. through 4….

(b) Following disinfection of a new or altered well or **a well that has been out of operation for more than six months**, a bacteriological survey of the well shall be conducted ….

1. A total of at least 20 samples -- each taken on a separate but consecutive workday and taken at least six hours apart from the other samples -- shall be collected after first pumping the well to waste to remove all residual chlorine and then pumping the well to waste at a rate approximately equal to that of the permanent well pump for at least 15 minutes before each sample is collected, and the samples shall be analyzed for the presence of total residual chlorine, total coliform, and E. coli…If the Department allows collection of two samples per day, the samples shall be collected at least six hours apart, and the well shall be pumped to waste for at least 15 minutes before each sample is collected.

2. …. If any sample shows the presence of E. coli, the well shall be considered microbially contaminated unless the Department invalidates the sample or the supplier of water determines and eliminates the source of the E.

coli, in which case the well shall be redisinfected in accordance with paragraph (a), above, and resampled in accordance with subparagraph 1. above. If more than ten percent of the total number of samples collected show the presence of total coliform **or if either of the last two samples collected shows the presence of total coliform, the well shall be redisinfected as necessary in accordance with paragraph (a), above, and resampled in accordance with subparagraph 1. above or shall be considered susceptible to microbial contamination.** If a well is considered microbially contaminated or susceptible to microbial contamination, the supplier of water shall provide treatment that reliably achieves at least four-log inactivation or removal of viruses in accordance with paragraph 62-555.320(12)(b), F.A.C. Additionally, the supplier of water shall conduct physical characteristics monitoring in accordance with subsection 62-550.517(2), F.A.C., when notified in writing by the Department to do so.

….

(f) All public water systems using ground water not under the direct influence of surface water are required by subsections 62-550.518(2), (3), and (10), F.A.C., to periodically sample the raw ground water for microbiological contamination. In the event a raw water sample is positive for E. coli, the relevant well(s) shall be considered microbially contaminated unless the Department invalidates the sample or the supplier of water determines and eliminates the source of the E. coli, after which the supplier of water shall disinfect and bacteriologically survey the well(s) in accordance with paragraphs (a) and (b), above. If a raw water sample is positive for total coliform bacteria and if the relevant well(s) are not already considered microbially contaminated or susceptible to microbial contamination, the supplier of water shall disinfect and bacteriologically survey the well(s) in accordance with paragraphs (a) and (b), above when notified in writing by the Department to do so.

[Emphasis added]

Chapter 62-560, F.A.C. – Requirements for Public Water Systems that Are Out of Compliance

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

(1) Prohibited Acts.

(a) Failure by a supplier of water to comply with the requirements of Section 403.857, F.S., or dissemination by such supplier of any false or misleading information with respect to notices required pursuant to Section 403.857, F.S., or with respect to remedial actions being undertaken to achieve compliance with state primary and secondary drinking water standards.
(b) Failure by a supplier of water to comply with rules adopted pursuant to Section 403.853, F.S., or any rule adopted by the Department pursuant to the Florida Safe Drinking Water Act,

….

(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.

(2) Penalties.
(a) The Department shall assess administrative penalties for violations of subsection (1), above, in accordance with Section 403.121, F.S.

…..

Rule 62-560.400, F.A.C. - Scope of Drinking Water Public Notification Rules.

The following sections set forth the requirements that a supplier of water shall meet when public notification is required. In addition to the requirements described in this part, the following requirements and appendices are adopted and incorporated herein by reference:

….

(2) .... the Tier 1 public notice requirements pertaining to detection of E. coli, enterococci, or coliphage in source water samples required under 40 C.F.R. §§ 141.402(a) and 141.402(b) (July 1, 2014), which are incorporated by reference in subsection 62-550.828(1), F.A.C.

(3)… the Tier 2 public notice requirements pertaining to failure to take corrective action…which is incorporated by reference in subsection 62-550.828(1), F.A.C.

Rule 62-560.410. Public Notification- Primary Standards.

(1) Maximum Contaminant Level, Maximum Residual Disinfectant Level, Treatment Technique Requirement, Variance or Exemption Schedule Violations, and Exceedances. The owner or operator of a public water system that fails to comply with an applicable maximum contaminant level, maximum residual disinfectant level, or treatment technique requirement established by Chapter 62-550, F.A.C., or that fails to comply with the requirements of any schedule prescribed pursuant to a variance or exemption shall notify persons served by the system….
(a) Except as provided in paragraph (1)(c) or (1)(d) of this rule, the owner or operator of a public water system shall give notice:

1. For violations, exceedances, situations, or failures, that may pose an acute risk to human health, by furnishing a copy of the Tier 1 notice to the radio and television stations that broadcast in the area served by the public water system as soon as possible but in no case later than 24 hours after the system learns of the violation, exceedance, situation, or failure, unless otherwise directed by the Department to provide such public notice sooner because of the nature of the risk. The system shall also initiate consultation with the Department as soon as possible, but in no case later than 24 hours after the system learns of the violation, exceedance,

situation, or failure, as described in subparagraphs a. through g., below, to determine additional public notice requirements that may be necessary to protect public health….

….

b. Violation of the maximum contaminant level for fecal coliform or E. coli in the water distribution system, as specified in paragraph 62-550.310(5)(b), or failure to test for fecal coliforms or E. coli when any repeat sample tests positive for coliforms as specified in subsection 62-550.518(10), F.A.C.

APPENDIX 2

Mission:
To protect, promote and improve the health of all people in Florida through integrated state, county, and community efforts.

Vision: To be the Healthiest State in the Nation

Ron DeSantis
Governor

Joseph A. Ladapo, MD, PhD
State Surgeon General

July 22, 2024

WARNING LETTER WP-085-24
FedEx #8127 8128 2633
Return Receipt Requested

Jonathan Evans, City Manager
City of Riviera Beach Utility Special District
600 Blue Heron Boulevard
Riviera Beach, FL 33404

Subject: Potential Violations of the Safe Drinking Water Act by the City of Riviera Beach Utility Special District - PWS ID # 4501229

Dear Mr. Evans:

The purpose of this letter is to advise you of possible violations of law for which you may be responsible, and to seek your cooperation in resolving the matter. Information that recently became available to the Florida Department of Health Palm Beach County (Department) indicates that the following possible violation(s) may have occurred from January through September 2023:

1. On one hundred fifty-one (151) separate occurrences, the City of Riviera Beach Utility Special District (the system) may have failed to report the results of test measurements or analyses within the first ten days following the month in which the result was received as required in Code of Federal Regulations (C.F.R). Part 141, Subpart D §141.31(a) as adopted and incorporated by Rule 62-550.730(1)(a), Florida Administrative Code (F.A.C.). (Please see Exhibit 1 attached to this letter)

2. On six (6) separate occurrences, the system may have failed to notify the Department within 24 hours of receiving a fecal indicator positive source water sample result. Violation of 40 C.F.R. Part 141, Subpart Q §141.202(b)(2), as adopted and incorporated by Rule 62-550.828, F.A.C. (Please see Exhibit 1 attached to this letter)

3. On six (6) separate occurrences, the system may have failed to collect 5 source water samples within 24 hours of receiving a fecal indicator positive water sample result from a raw water sample. Violation of 40 C.F.R Part 141, Subpart S §141.402(a)(3), as adopted and incorporated by Rule 62-550.828, F.A.C.

4. On six (6) separate occurrences, the system may have failed to implement corrective action as a treatment technique requirement for a fecal indicator-positive source well sample. Violation of 62-555.315(6)(f), F.A.C. and 40 C.F.R Part 141, Subpart S §141.403(a) as adopted and incorporated by Rule 62-550.828, F.A.C.

Florida Department of Health, Palm Beach County
Division of Environmental Public Health
800 Clematis Street – 4th Floor
West Palm Beach, FL 33401
PHONE: 561-837-5900
FloridaHealth.gov / palmbeach.floridahealth.gov

Accredited Health Department
Public Health Accreditation Board

5. On six (6) separate occurrences, the system may have failed to issue a Tier 1 public notice within 24 hours of receiving a fecal indicator positive source water sample result. Violation of 40 C.F.R. Part 141, Subpart Q §141.201(a)(l)(i), 40 C.F.R. Part 141, Subpart Q §141.202 and 40 C.F.R. Part 141, Subpart S §141.402(g), as adopted and incorporated by Rule 62-550.828, F.A.C.

6. On three (3) separate occurrences, the system may have failed to collect repeat water samples within 24 hours of receiving a total coliform positive sample result from a treated water sample. Violation of 40 C.F.R. Part 141, Subpart Y 40 CFR §141.858(a)(1), as adopted and incorporated by Rule 62-550.830, F.A.C. (Please see Exhibit 1 attached to this letter)

7. On three (3) separate occurrences, the system may have failed to issue a Tier 2 Public Notice within 30 days for failure to perform repeat water quality monitoring for total coliform positive samples, as required by the drinking water regulations. Violation of 40 C.F.R. Part 141, Subpart Q §141.201(a)(1)(iii), and 40 C.F.R. Part 141, Subpart Q §141.203(2), which is incorporated by reference in Rule 62-560.410, F.A.C.

8. On three (3) separate occurrences, the system may have failed to collect triggered source water sampling within 24 hours of receiving a total coliform positive sample result from the distribution system. Violation of 40 C.F.R. Part 141, Subpart S §141.402(2) as adopted and incorporated by Rule 62-550.828, F.A.C.

9. On three (3) separate occurrences, the system may have failed to issue a Tier 2 Public Notice within 30 days of not completing triggered source water sampling following a total coliform positive distribution sample. 40 C.F.R. Part 141, Subpart Q, §141.203(a)(1), as adopted and incorporated by reference in Rule 62-560.410, F.A.C.

10. The system may have failed to conduct a Treatment Technique assessment within 30 days after potentially exceeding treatment technique triggers. Violation of 40 C.F.R. Part 141, Subpart Y §141.859(a), as adopted and incorporated by Rule 62-550.830, F.A.C.

11. The system may have failed to issue a Tier 2 Public Notice within 30 days for failure to perform a Treatment Technique assessment. Violation of 40 C.F.R. Part 141, Subpart Q §141.201(a)(1)(ii), and 40 C.F.R. Part 141, Subpart Q §141.203(1), as adopted and incorporated by reference in Rule 62-560.410, F.A.C.

Violations of Florida Statutes (F.S.) or administrative rules may result in liability for damages and restoration, and the judicial imposition of civil penalties, pursuant to sections 403.121(4)(a), (5), (6) and (8), F.S.

Please be advised that this Warning Letter is part of an agency investigation preliminary to agency action in accordance with section 120.57 (5), F.S.

You are requested to contact Pamela Lape of this office at 561-837-5947 within 15 days of receipt of this Warning Letter to arrange a meeting with Department personnel to discuss this matter. You may bring anyone with you to the meeting that you feel may help resolve this matter. We look forward to your cooperation in completing the investigation and resolution of this matter.

For the Division Director,

Jorge Patino, P.E.
Environmental Administrator, Water Programs
Division of Environmental Public Health
Florida Department of Health Palm Beach County

cc: FDOHPBC File – WP-085-24

APPENDIX 3

Mission:
To protect, promote and improve the health of all people in Florida through integrated state, county, and community efforts.

Florida HEALTH
Palm Beach County

Ron DeSantis
Governor

Joseph A. Ladapo, MD, PhD
State Surgeon General

Vision: To be the Healthiest State in the Nation

October 28, 2024

WARNING LETTER WP-134-24
Delivered via email to RFelder@rivierabeach.org

Mayor Ronnie Felder
City of Riviera Beach Utility Special District
600 W. Blue Heron Boulevard
Riviera Beach, FL 33404

Subject: Potential Violations of the Safe Drinking Water Act by the City of Riviera Beach Utility Special District - PWS ID # 4501229

Dear Mr. Felder:

The purpose of this letter is to advise you of possible violations of law for which your city may be responsible, and to seek your cooperation in resolving the matter. Information that recently became available to the Florida Department of Health Palm Beach County (Department) indicates that the following possible violation(s) may have occurred in May 2023:

1. On one (1) occasion (sample collection date 5/11/2023), the City of Riviera Beach Utility Special District (the system) may have failed to report the bacteriological results of test measurements (with positive total coliform) or analyses within the first ten days following the month in which the result was received as required in Code of Federal Regulations (C.F.R). Part 141, Subpart D §141.31(a) as adopted and incorporated by Rule 62-550.730(1)(a), Florida Administrative Code (F.A.C.). (Please see Exhibit 1 attached to this letter)

2. On two (2) separate occurrences the system may have submitted falsified or misrepresented laboratory reports to the Department. The reports in question are identified by report numbers COL-W23-094 and COL-W23-096, with collection dates of May 9, 2024, and May 11, 2023, respectively. This constitutes a violation of Rule 62-550.310(e), F.A.C. (Please see Exhibit 1 attached to this letter)

Violations of Florida Statutes (F.S.) or administrative rules may result in liability for damages and restoration, and the judicial imposition of civil penalties, pursuant to sections 403.121(4)(a), (5), (6) and (8), F.S.

Please be advised that this Warning Letter is part of an agency investigation preliminary to agency action in accordance with section 120.57 (5), F.S.

Florida Department of Health, Palm Beach County
Division of Environmental Public Health
800 Clematis Street – 4th Floor
West Palm Beach, FL 33401
PHONE: 561-837-5900
FloridaHealth.gov / palmbeach.floridahealth.gov

PHAB Accredited Health Department
Public Health Accreditation Board

You are requested to contact Pamela Lape of this office at 561-837-5947 within 15 days of receipt of this Warning Letter to arrange a meeting with Department personnel to discuss this matter. You may bring anyone with you to the meeting that you feel may help resolve this matter. We look forward to your cooperation in completing the investigation and resolution of this matter.

For the Division Director,

Jorge Patiño, P.E.
Environmental Administrator, Water Programs
Division of Environmental Public Health
Florida Department of Health Palm Beach County

cc: JEvans@rivierabeach.org
DJacobs@rivierabeach.org
mdebery@rivierabeach.org
mcoleman@rbpublicsafety.org
utilities@rivierabeach.org
NotifyUSD@rivierabeach.org

FDOHPBC File – WP-134-24

ATTACHMENT A
Response from City of Riviera Beach

CITY OF RIVIERA BEACH – UTILITY SPECIAL DISTRICT

TO: **JOHN A. CAREY, INSPECTOR GENERAL – PALM BACH COUNTY OIG**

FROM: **JONATHAN EVANS, CITY MANAGER, MPA, MBA, FRA-RA, ICMA-CM**

SUBJECT: **INVESTIGATIVE REPORT 2024 – 0006 – RBUSD RESPONSE**

DATE: **NOV. 14, 2024**

This memorandum presents a comprehensive overview of the corrective measures and operational improvements implemented by the Riviera Beach Utility Special District (RBUSD) in response to compliance and water quality challenges identified in 2023. Prompted by a recent Florida Department of Health (FDOH) Warning Letter and findings from the Office of Inspector General (OIG), RBUSD leadership has taken responsibility for these past issues and committed to an extensive overhaul of practices, standards, and procedures to ensure public health and safety. It is noteworthy that all individuals implicated in the 2023 issues are no longer employed with RBUSD, further underscoring the district's commitment to accountability and reform.

Clarification of Reporting Compliance Instances

Following a detailed review of the 2023 compliance findings, which originally identified 151 alleged instances of failure to meet reporting requirements, the Riviera Beach Utility Special District (RBUSD) Compliance Manager confirmed that 23 of these instances were, in fact, compliant. Through examination of records and supporting documentation, it was determined that laboratory reports for these 23 occurrences were submitted to the Florida Department of Health (FDOH) in accordance with all regulatory requirements.

To ensure transparency and accuracy, RBUSD provided this documentation to the FDOH on October 23, 2024, for their review and consideration prior to any final enforcement action. This clarification demonstrates RBUSD's commitment to maintaining rigorous compliance standards and collaborating closely with FDOH to address and resolve regulatory matters accurately.

Comprehensive Actions Undertaken by RBUSD

In an effort to enhance RBUSD's compliance standards and reinforce staff expertise in water quality management, an assessment of the City's Compliance Department is currently underway. This assessment, led by our consultants, includes a thorough review of water quality data, regulatory reports such as Monthly Operating Reports (MORs), applicable Plans and Standard Operating Procedures (SOPs), field sampling procedures, laboratory analyses, and recordkeeping practices associated with sampling and laboratory activities.

Delineated below, are the certain activities that have been more recently developed and established to effectuate successful outcomes:

- **Revamped Bacteriological Sampling and Compliance Plan:**
  - Action Details: RBUSD developed an extensive Bacteriological Sampling Plan, thoroughly reviewed and approved by both the USEPA and FDOH. The plan stipulates clear guidelines on sampling sites, collection schedules, and protocols for documenting and reporting results.
  - Objective: This Plan addresses previous deficiencies by setting stringent procedures to prevent reporting delays, improve test accuracy, and mandate compliance with the Safe Drinking Water Act at all levels.
  - Training and Implementation: Staff will receive dedicated training on adhering to this plan, with performance evaluations tied to compliance metrics to enforce accountability. Additionally, this Plan is now central to RBUSD's ongoing quality assurance audits.

- **Strategic Collaboration with US Water Corporation:**
  - Purpose and Scope: To remediate systemic issues in operations, RBUSD engaged US Water Corporation, a leader in utility management services, to provide both operational support and expertise.
  - Process Improvements: US Water Corporation is facilitating process enhancements, including optimization of lime softening procedures, addressing deferred maintenance, and improving distribution system reliability.
  - Training and Oversight: This partnership includes a comprehensive staff training program, covering water quality protocols, safety measures, and compliance reporting. US Water Corporation's involvement ensures that these training sessions meet national standards and equip staff with industry-leading practices in water utility management.

- **Implementation of iWater GIS-Based Asset and Compliance Management System:**
  - System Overview: RBUSD has introduced the iWater system, an advanced Geographic Information System (GIS) platform that consolidates work orders, maintenance records, customer complaints, and water quality data.
  - Benefits and Impact: By integrating these operational aspects into a unified system, RBUSD will be able to track compliance trends, respond quickly to maintenance issues, and analyze water quality data in real-time. This technology facilitates transparent reporting to both regulatory bodies and the public.

ORIGINAL

- Operational Impact: The system's detailed tracking and reporting capabilities also provide an audit trail for compliance verification, improving operational oversight and enabling proactive maintenance scheduling.

- **GlobalTech Wellfield Rehabilitation and Inspection Program:**

  As part of RBUSD's commitment to enhancing the integrity and reliability of its water supply, the Riviera Beach Utility Special District (RBUSD) has engaged GlobalTech to lead a comprehensive rehabilitation and inspection program across its wellfields. This initiative is designed to ensure that all wells meet stringent regulatory standards, operational efficiency metrics, and safety requirements, aligning with RBUSD's dedication to maintaining a high standard of water quality for its residents.

  - Inspection and Maintenance: GlobalTech has been contracted to conduct extensive inspections of the RBUSD wellfield, focusing on each well's structural integrity, operational performance, and compliance with regulatory guidelines. These inspections are essential for identifying any maintenance needs, ensuring all wells operate within the parameters required for safe and sustainable water distribution.

  - Rehabilitation Measures: In addition to routine inspections, GlobalTech is actively implementing a series of rehabilitative actions across the wellfield to address wells that require urgent repair. Specific measures include well cleanings, seal repairs, and mechanical upgrades to restore full functionality and enhance the safety and reliability of the groundwater supply. As of this update:

    - Well 14 has undergone rehabilitation and is currently back in service.
    - Well 12A has also been rehabilitated and is awaiting final approval from the Florida Department of Health (FDOH) to be placed back in service.
    - Well 921 has been permitted and rehabilitated. Certification of completion, along with a request for clearance, is expected to be submitted to the City and FDOH imminently to expedite its return to service.

In addition to these specific wells, GlobalTech has initiated rehabilitation on several other wells within the RBUSD system as part of a targeted effort to bring all wells up to optimal standards.

  - Expanded Scope of Rehabilitation: To address both immediate and long-term needs, GlobalTech's scope includes the substantial rehabilitation of a total of twelve (12) wells. This includes emergency rehabilitation for seven (7) wells that had previously been out of service and substantial upgrades for an additional five (5) wells. The total investment for this critical initiative is valued at $4,883,045.74, reflecting RBUSD's commitment to infrastructure resiliency and water quality.

- **Enhanced Communication and Accountability Framework:**
  - Communication Plan: RBUSD established a formalized Communication Plan to prevent the lapses in reporting and transparency previously encountered. This plan includes redundant

ORIGINAL

communication lines between RBUSD, testing laboratories, and regulatory agencies to ensure prompt, accurate information dissemination.

- Defined Roles and Responsibilities: The Communication Plan specifies clear roles for each team member, including who is responsible for initiating communications and managing follow-ups on critical compliance matters. Each role is backed by documented accountability standards.
- Internal Auditing: This plan includes periodic audits to verify that all communication procedures are being followed correctly, with a dedicated oversight team assigned to address any deviations promptly.

- **Focused Staff Training and Professional Development Program:**

Based on the findings of this assessment, our consultants are developing a continuing education training program scheduled for early December. This training will span approximately three days and will be conducted twice to accommodate all relevant personnel. The training sessions, which will include both classroom theory and practice instruction and hands-on practice, will cover key aspects of drinking water regulations at both the federal and state levels, proper procedures for Water Treatment Plant (WTP) and field sampling, adherence to approved laboratory analysis methods, and the required standards for documentation and recordkeeping. This initiative underscores RBUSD's commitment to compliance and continuous improvement in water quality and regulatory practices.

- Objective: Recognizing the importance of a skilled and competent workforce, RBUSD, in collaboration with US Water Corporation, will enhance its training protocols to address every critical facet of water treatment, quality assurance, and regulatory compliance. This program aims to elevate the proficiency and accountability of all Utility Special District (USD) employees.
- Training Components: The enhanced training program includes both initial and ongoing sessions covering essential topics such as water testing, emergency response, and precise documentation practices. As part of this initiative, compliance training is now a mandatory element of the onboarding process for all new hires. Additionally, in-service training sessions, supplemented by video modules, will be required throughout the year. Testing will ensure that each employee fully understands the regulatory standards and operational procedures essential for their role.
- Evaluation and Certification: To reinforce a high standard of regulatory adherence, RBUSD requires the Water Plant Manager to certify that all operators complete their annual Continuing Education Units (CEUs). Each employee's progress and performance in the training program are monitored closely, with evaluations incorporated into annual reviews. Remedial training will be provided for any employees who encounter difficulties meeting the compliance benchmarks, ensuring they achieve the necessary competency. These evaluation and certification measures strengthen RBUSD's commitment to public trust and regulatory integrity.

ORIGINAL

- **Advancement of the New Water Treatment Facility:**
    - Project Overview: RBUSD has continued its work on the development of a new Water Treatment Plant, projected to employ nanofiltration and reverse osmosis technologies—considered some of the most effective treatment methods available for ensuring the safety of drinking water.
    - Design and Construction Status: The plant's design is currently 60% complete, with additional efforts to address water quality challenges and operational efficiency. The facility aims to set a high standard for water safety and reliability within Riviera Beach.
    - Enhanced Water Quality Assurance: This facility will also be equipped with modernized monitoring systems for real-time water quality analysis, which will further assure customers of the safety and quality of their drinking water.

Commitment to Transparency and Accountability

On November 13, 2024, RBUSD leadership held a presentation detailing the Mission Statement, Objectives, and Core Values, delivered by the City Manager and Assistant City Manager. During this session, USD employees were briefed on our new guiding principles, which include:

- Mission Objectives: Focusing on public health and safety, operational efficiency, environmental stewardship, community transparency, staff development, and emergency preparedness.
- Core Values (I-REACT): Integrity, Responsibility, Excellence, Adaptability, Collaboration, and Trust, which collectively reinforce our commitment to the public and regulatory compliance.

Each employee has signed an acknowledgment form committing to uphold these principles and embody the RBUSD's commitment to integrity, service excellence, and public trust. This acknowledgment is maintained as a part of their official records, holding them accountable to the standards and values of the Utility Special District.

In summary, RBUSD is dedicated to corrective action and full compliance, ensuring the safety and quality of water services for Riviera Beach customers. We are committed to continued cooperation with the OIG, FDOH, FDEP and any other regulatory agencies to uphold our responsibilities to public health and environmental safety.

Should additional details be required on the actions established, please reach out to our office directly.

Attachment(s):

- Utility Special District 2024: Mission, Objective, and Core Values PowerPoint
- Compliance, Accountability, and Operational Excellence Memorandum
- USD Mission Statement, Objectives and Core Values

ORIGINAL

Utility Special District 2024: Mission, Objectives, and Core Values.

November 13, 2024

Presenter(s): City Manager, Jonathan Evans, MPA, MBA, FRA- RA, ICMA – CM.
Assistant City Manager, Deirdre Jacobs, MPA

Riviera Beach
see what's beneath the surface

NEW MISSION STATEMENT

"Our mission is to deliver safe, reliable, and sustainable water and wastewater services that **enhance public health**, protect the environment, and support Riviera Beach customers' quality of life. Through innovation, **integrity**, and a steadfast commitment to **excellence**, we work to earn and maintain the trust of the customers we serve."

Est. Nov. 2024

Riviera Beach

NEW MISSION OBJECTIVES

- **Ensure Public Health and Safety**: Uphold stringent water and wastewater quality standards, ensuring compliance with all regulations to protect public health.
- **Enhance Efficiency**: Implement best practices in water and wastewater management to optimize resources and improve reliability.
- **Promote Environmental Stewardship**: Adopt environmentally responsible practices across all operations.
- **Foster Community Trust and Transparency**: Strengthen public trust through proactive communication and transparent reporting.
- **Invest in Staff Development and Training**: Develop a knowledgeable workforce through education and skill-building opportunities.
- **Prepare for Emergencies and Adapt to Change**: Maintain contingency plans for service continuity in emergencies, adapting to evolving standards.

Riviera Beach

USD COMPLIANCE, ACCOUNTABILITY, AND OPERATIONAL EXCELLENCE

This memorandum serves as a directive to **all** Utility Special District (USD) staff on the standards, responsibilities, and expectations that govern our essential work. Our team's work directly impacts Riviera Beach residents' health, safety, and well-being. We are all **responsible** for maintaining the highest standards of **professionalism**, **compliance**, and **transparency**.

Riviera Beach

ADHERENCE TO CHAIN OF COMMAND

Each team member **must follow** the established chain of command, which includes Supervisors, Managers, Directors, and Administration. This structure is essential for accountability, clear communication, and coordinated decision-making. Report all concerns and incidents promptly to ensure effective resolution.

Riviera Beach

COMMITMENT TO COMPLIANCE AND TRANSPARENCY

Compliance with all regulations is mandatory, covering the Florida Safe Drinking Water Act, Federal Safe Drinking Water Act, and specific chapters of the Florida Administrative Code. Prompt, factual communication is crucial, particularly in reporting incidents and issues in water and sewer operations. All documentation must be accurate, timely, and transparent to maintain public trust.

Riviera Beach

PROFESSIONALISM AND ACCOUNTABILITY

Each staff member must maintain professionalism in appearance and conduct. Respect, cooperation, and teamwork are essential. Unacceptable behaviors such as **gossiping** or **loitering** during work hours are not tolerated, and security protocols must be followed rigorously. **Only authorized personnel** are allowed on USD grounds, ensuring a professional and secure environment.

Riviera Beach

TRAINING, INTEGRITY, AND CONTINUOUS IMPROVEMENT

Ongoing training and certifications are required to stay current with all standards. Integrity and honesty are the foundation of USD operations, ensuring truthfulness in every report and interaction. Commitment to these values supports compliance, public trust, and professional growth.

CORE VALUES – I-REACT

- **Integrity**: Uphold the **highest ethical standards**, ensuring honesty, transparency, and accountability.
- **Responsibility**: Embrace our duty to safeguard **public health**, safety, and the environment.
- **Excellence**: Commit to achieving the **highest quality standards** and continuous improvement.
- **Adaptability**: Embrace **innovation** and forward thinking to meet current and future demands.
- **Collaboration**: Foster **teamwork** and value each team member's contributions.
- **Trust**: Build trust through respect, dedication, and **professionalism** in all service areas.

Riviera Beach

COMMITMENT TO OUR MISSION AND VALUES

Each member of USD pledges to uphold the Mission, Objectives, and Core Values of the Utility Special District. By embodying the I-REACT principles, we are committed to maintaining integrity, prioritizing public trust, and delivering reliable services for the community.

Riviera Beach

ACKNOWLEDGMENT OF COMMITMENT

By signing below, I acknowledge that I have read, understood, and agree to comply with the **Mission**, **Objectives**, and **Core Values** outlined. I pledge to uphold these standards, perform duties with integrity, and prioritize Riviera Beach customers' **health**, **safety**, and **trust**.

- Signature: _____
- Printed Name: _____
- Position: _____
- Date: _____

Riviera Beach

THANK YOU

Riviera Beach

CITY OF RIVIERA BEACH – UTILITY SPECIAL DISTRICT

TO: **ALL USD PERSONNEL (Part Time and Full Time)**

FROM: **JONATHAN EVANS, CITY MANAGER, MPA, MBA, FRA-RA, ICMA-CM**

SUBJECT: **COMPLIANCE, ACCOUNTABILITY, AND OPERATIONAL EXCELLENCE**

DATE: **NOVEMBER 13, 2024**

This memorandum serves as a directive to all Utility Special District (USD) staff on the standards, responsibilities, and expectations that govern our essential work. Our team's work directly impacts the health, safety, and well-being of Riviera Beach residents, and we all share the duty to maintain the highest standards of professionalism, compliance, and transparency. Our roles and actions are governed by local, state, and federal regulations, and I expect each member of the USD team to approach their responsibilities with a sense of urgency, purpose, and accountability.

Adherence to Chain of Command

- Each team member must follow the established chain of command, which includes Supervisors, Managers, Directors, and Administration. This structure is essential for accountability, clear communication, and coordinated decision-making. Any concerns, incidents, or operational needs should be reported promptly and appropriately up the chain, ensuring transparency and effective resolution. This alignment is critical for our department's efficiency and integrity.

Commitment to Compliance and Accuracy

- Compliance with all local, state and federal regulations is non-negotiable. Our operations are bound by the Florida Safe Drinking Water Act, the Federal Safe Drinking Water Act, and relevant provisions under Chapter 62-550, 62-555, 62-560, 62-602 and 62-699 of the Florida Administrative Code, as well as specific sewer and wastewater standards under Chapter 62-604 of the Florida Administrative Code. These guidelines cover essential requirements for water and sewer quality, testing, reporting, and spill response protocols. Accurate and timely compliance with these regulations protects public health and demonstrates our commitment to our community.

Transparency and Prompt Communication

- Factual and immediate communication is essential. This applies to all water and sewer operations, including the accurate and prompt reporting of water testing results, sewer conditions, and any incidents of sewer spills. All issues, particularly those affecting water and sewer quality or public safety, must be escalated expeditiously. Ensuring compliance with the reporting requirements under Chapter 62-604, F.A.C., requires immediate notifications to supervisors and regulatory authorities when sewer overflows or spills occur. Each of you is expected to prioritize transparency, allowing for timely action and preventing further risks to public health.

Accountability in Documentation and Reporting

- Precise documentation and truthful reporting are essential. All data, logs, and incident reports must be factual, thorough, and timely completed in accordance with established guidelines. This is particularly vital for reporting any non-compliant matters, for which accurate documentation and immediate communication with supervisors and relevant regulatory bodies are mandated. Any attempts to falsify, omit, or alter documentation will be addressed with strict disciplinary measures.

Personal and Professional Appearance

- Professionalism is reflected not only in conduct but also in personal appearance. Each staff member is expected to present themselves appropriately and professionally, underscoring the seriousness with which we approach our duties. Our appearance and behavior should reflect the trust and responsibility placed in us by the public.

Teamwork, Conduct, and Professionalism

- A culture of respect, cooperation, and teamwork is essential for our success. Gossiping, sleeping, loitering, or engaging in non-work-related activities during work hours will not be tolerated, as these behaviors undermine our collective efforts and professionalism. Each team member is expected to approach their role with focus, integrity, and a commitment to collaboration. Leaving work early or abandoning your post without authorization will be treated as job abandonment and addressed accordingly.

  Only licensed, credentialed and authorized staff are permitted on USD grounds. Unauthorized visitors—including friends, family members, or staff from other departments—are strictly prohibited from accessing the facility. The safety and security of the plant are critical, and it is everyone's responsibility to ensure that only authorized personnel are present at all times. A professional and secure environment is paramount to our operational success, and I expect each of you to contribute positively to fostering this atmosphere.

Sense of Urgency and Purpose

- The work we perform is critical to the safety and daily lives of Riviera Beach customers. In water and sewer operations, a lack of diligence and urgency can have severe consequences for public health. Any non-compliant matters require immediate attention and conformance. It is imperative that each of you understands the gravity of your work and approaches it with the responsibility and purpose it deserves.

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Proactive Problem Resolution and Preparedness

- Anticipating and addressing issues before they escalate are vital to our operations. Every team member must be proactive, identifying and resolving potential risks in water quality, sewer safety, and public communication. The same urgency applies to any irregularities in our system, particularly those impacting health and safety. Compliance with all local, state and federal guidelines requires that issues are not only managed but that root causes are identified and mitigated.

Continual Training and Improvement

- Ongoing training is critical for compliance and professional growth. Every USD team member must meet training and certification requirements, keeping current with all water and sewer operation standards, including Safe Drinking Water Act requirements and sewer management protocols. Our department will continue to provide training, and it is each employee's responsibility to take full advantage of these resources to remain knowledgeable and effective.

Honesty and Integrity

- Above all, honesty and integrity are the foundation of our department. Every action, report, and interaction must reflect truthfulness and a commitment to ethical standards. I expect each of you to uphold these values and maintain the public's trust through honest conduct and transparent operations.

We serve the City of Riviera Beach in a critical capacity, and the public relies on our diligence and professionalism. I urge each of you to commit to these expectations fully, recognizing that our work has direct impacts on public health and safety. Together, we will build a USD team grounded in excellence, accountability, and respect.

Thank you for your continued dedication to our mission.

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CITY OF RIVIERA BEACH – UTILITY SPECIAL DISTRICT

TO: **ALL USD PERSONNEL (Part Time and Full Time)**

FROM: **JONATHAN EVANS, CITY MANAGER, MPA, MBA, FRA-RA, ICMA-CM**

SUBJECT: **USD MISSION STATEMENT, OBJECTIVES AND CORE VALUES**

DATE: **NOVEMBER 13, 2024**

As we enter a new chapter of excellence in 2024, I am proud to share our newly adopted Mission Statement, Objectives, and Core Values for the Utility Special District (USD). These foundational principles serve as the compass for our work, guiding us in delivering the highest standards of service, accountability, and safety for our Riviera Beach customers. Our department's success depends on each team member embracing these values and objectives, as we reflect on our shared commitment to the public's trust.

Mission Statement

Our mission is to deliver safe, reliable, and sustainable water and wastewater services that enhance public health, protect the environment, and support the quality of life for the Riviera Beach customers. Through innovation, integrity, and a steadfast commitment to excellence, we work to earn and maintain the trust of the customers we serve.

Objectives

Ensure Public Health and Safety

- Uphold stringent water and wastewater quality standards, ensuring full compliance with local, state, and federal regulations to protect public health and deliver safe, reliable services.

Enhance Efficiency

- Implement best practices in water and wastewater management to optimize resource use, reduce operational costs, and improve service reliability for the benefit of our customers.

Promote Environmental Stewardship

- Protect and sustain natural resources by adopting environmentally responsible practices in all operations, from water treatment to wastewater management.

Foster Community Trust and Transparency

- Build and strengthen public trust through proactive communication, transparent reporting, and timely responses to customer needs and concerns.

Invest in Staff Development and Training

- Develop a knowledgeable, well-trained, and motivated workforce through ongoing education, certifications, and skill-building opportunities that support operational excellence.

Prepare for Emergencies and Adapt to Change

- Maintain robust contingency plans to respond swiftly and effectively to emergencies, ensuring continuity of services under any circumstances and adapting to evolving industry standards.

Core Values – I-REACT

To reinforce our dedication to these objectives and to our customers, we have adopted **I-REACT** as the acronym for our core values. **I-REACT** embodies the standards and principles that are fundamental to our success.

I – Integrity

- Uphold the highest ethical standards, ensuring honesty, transparency, and accountability in every action and decision. Integrity is the foundation of public trust, and we must exemplify it daily in all we do.

R – Responsibility

- Embrace our duty to safeguard public health, safety, and the environment. We take full responsibility for the quality, safety, and sustainability of our operations, acknowledging the impact of our work within the service area.

E – Excellence

- Commit to achieving the highest quality standards and continuous improvement. Striving for excellence in every task reflects our commitment to providing exceptional services to our customers.

A – Adaptability

- Embrace innovation and forward-thinking as we navigate challenges and evolving industry standards. Adaptability ensures that we are prepared to meet both current and future demands.

C – Collaboration

- Foster teamwork as the foundation of our success. Each team member's contributions are valued, and we rely on each other's expertise and support to achieve our shared goals.

T – Trust

- Our work is meaningful because the community depends on us. By serving with respect, dedication, and professionalism, we build and maintain the trust of the people we serve.

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Signature Acknowledgement

By signing below, I acknowledge that I have read, understood and agreed to comply with the expectations and standards outlined in this memorandum.

By signing below, I also pledge to uphold the Mission, Objectives, and Core Values of the Utility Special District. I commit to embody **I-REACT** in all my actions and decisions, to perform my duties with integrity, and to prioritize the health, safety, and trust of the Riviera Beach customers. I understand the importance of my role in delivering reliable, safe, and transparent services, and I will strive to meet and exceed the standards set forth in this memorandum.

Signature: _____

Printed Name: _____

Position: _____

Date: _____

Our Mission, Objectives, and Core Values guide us in our essential work of supporting the Riviera Beach customers. I encourage each of you to let these principles be the foundation of your daily actions, decisions, and interactions. Together, through our adherence to **I-REACT** and our shared commitment to excellence, we will continue to uphold the highest standards in 2024 and beyond.

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ATTACHMENT B
Response from the FDOH

November 8, 2024

Stuart Robinson
Director of Investigations
Office of the Inspector General
100 Australian Avenue
West Palm Beach, Florida 33406

Dear Director Robinson,

The Department of Health, Palm Beach County ("Department") has reviewed the Draft Investigative Report provided to us by the Office of the Inspector General on November 1, 2024 and would like to make the following recommendations for correction:

1. Rafael Reyes's title with the Department of Health, Palm Beach County should be "Environmental Public Health and Communications Director." On page 14 of the report and throughout, he is referred to as Health Director and Director. This could potentially be confusing as the Department has a separate Medical Director and Health Officer. The Department would request Mr. Reyes be identified as the Environmental Public Health and Communications Director initially, and then "Mr. Reyes" throughout.

2. The number of reporting violations in the Department's warning letter was 151. However, the City Utility District produced evidence after the warning letter was issued, which resulted in the Department reducing the amount of reporting violations to 130. As such, the Department would request that the 151 violations listed throughout the document be amended to 130 violations.

3. On page 3 the drinking water program is referred to as "FDOH Drinking Water Program." This should be amended to "FDEP Drinking Water Program" as the program is delegated from the Florida Department of Environmental Protection to the Department for implementation and enforcement.

The Department is the regulatory agency for the State Safe Drinking Water Act and enforces those regulations. The City Utility Special District is a regulated entity by the Department. The Draft Investigative Report is accurate as to the interview of the Department employees and our investigation in relation to this case. The Department does not object to the recommendations made by the Inspector General.

Sincerely,

Rafael Reyes

ATTACHMENT C
Response from Mr. Low

MICHAEL R T LOW

November 12, 2024

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

Dear Mr. Robinson,

Thank you for providing me with an opportunity to review the report and to make comments. The report is extensive and detailed. I intend to limit my comments to responding to the statements made to your office by Ms. Deirdre Jacobs and Mr. Jonathan Evans. As City Administration they hold the ultimate responsibility for the condition of the Utility District.

Ms. Jacobs states that the first she knew of the problems was in September 2023. In fact, I emailed her the day I received the warning letter, July 29, 2023. This was also the date that I first became aware of the problem. Furthermore, she corrected my English and approved the letter I wrote to the DOH in September following the meeting with the DOH that month. The District was not aware of the exact nature of the December meeting at the DOH prior to the meeting. Ms. Jacobs was also informed of the results of that meeting at which the District was instructed to issue a Tier 1 notice regarding the incident at well 14. The DOH meeting she and Mr. Evans attended took place after the mayor's press conference regarding possible contamination in the distribution system. Ms. Jacobs was kept informed of progress in responding to the EPA and DOH sanitary surveys as well as operational issues in the District both verbally, at routine meetings of her team, and in writing.

Mr. Evans states that he would meet every two weeks to discuss issues individually with me. These meetings did not commence until January 2024 and were often cancelled. Prior to that time, it was assumed that Ms. Jacobs was keeping him appraised of the situation as I reported directly to her. As the various engineering reports and DOH correspondence regarding the issues became available, they were shared with city administration, and if appropriate the elected officials, with explanatory reports prepared by me where needed.

Mr. Evans states that I had never informed him of the overall condition of the water infrastructure and the seriousness of the situation. Since the District Board had approved around $13M for improvements to the existing plant prior to my arrival, and the water plant replacement project had already been awarded to the design build team prior to my start

date, he had to have been aware that there were issues. In addition, two engineering reports on the state of the wells and the wastewater pumping stations were completed prior to my arrival, when the utility was being managed by Ms. Jacobs. Both reports detailed extensive problems in these assets with an indicated repair bill exceeding $70M.

Mr. Evans comment regarding my failure to visit the water plant, is based on hearsay evidence, and is not true. My office is right by the water plant, and I would visit the plant, the maintenance facilities and locations in the field on a regular basis.

Please feel free to contact me if you have any further questions.

Sincerely,

Michael R T Low

11197 Manderly Lane • Wellington • FL 33449
cell: 561 315-8542 • e-mail lowmrt@gmail.com

ATTACHMENT D
Response from Mr. Doyle

November 5, 2024

Attn. Mr. Stuart Robinson
Director of Investigations
Office of Inspector General
PO Box 16568
West Palm Beach, Florida 33416

Ref: OIG Case Number: 2024-0006

Dear Mr. Robinson

Thank you for the opportunity to clarify some of the comments made within the Draft Investigative Report 2024-0006 dated November 2024.

Attached are several comments/ clarifications that should be considered for inclusion in the draft report.

Page 7: The Organization Chart presented on page 7 is not correct as it was presented to me at the time of my hire. The Executive Assistant Director did not directly supervise various divisions but similar the Executive Assistant (Luecinda Monroe), we were branched to the left and right. The Assistant Director worked on assignments at the discretion of the Director. The Organization Chart noted in the draft report should be corrected. The Chart provided to me can be verified through the Executive Assistant.

Page 25: Paragraph 4: Mr. Pinkney claimed that Compliance monitoring was assigned to Steven Doyle and David Salas. Water plant operations and compliance monitoring were assigned to the Superintendent and the WTP Staff. The following explains the reasoning. I was informed that the Lab Technician and Compliance Manager positions were created by converting vacancies in the Water Treatment Plant division. Prior to the creation of the lab technician and compliance manager positions, the task of monitoring and reporting to the FDEP was performed through the Superintendent and the Plant Operators. Therefore, the assignment of WTP operating maintenance, compliance and reporting remained with the WTP Division.

Page 62: Paragraph 1, Line 4: The statement, “All of the direction that lab technicians were receiving came from Mr. Doyle at the time.” is not correct. Compliance was assigned to the Superintendent and Operations staff. Mr. Williams had not transferred his telephone calls, voice messages and/or emails to me upon leaving his employment with the City.

Page 64: Paragraph 7: I am not aware of Mr. Pinkney informing me of well #14 in June 2023. Utility staff meetings were routinely hosted biweekly at which time Mr. Pinkney should have brought this to everyone's attention, including Mr. Low's.

Page 66: Paragraph 5: Mr. Doyle was not tasked with implementing compliance but had assigned compliance monitoring and reporting to WTP personnel. The Superintendent and his Team of over twelve operators performed these duties prior and were collectively the most qualified and most knowledgeable to perform the task.

Page 68, Paragraph 3: Mr. Evan's source claimed that myself in particular, "rarely or never present on-site at the water plant site." Mr. Evan's was misinformed. For example, on many occasions, I spent days working in the lab room trying to restore or fix outdated equipment. I physically replaced hung ceiling tiles, replaced ductwork registers, sealed openings to improve air quality due to complaints from staff. Cleaned the filter room on the second floor and moved available operating and maintenance manuals to bookshelves for easy access. Worked with the electrical division to remove and repair motor control room VFD and soft start controllers. Numerous times spent with operators and mechanics replacing high service pump motors. Worked with staff on replacing the WTP main generator and fuel tank system. Spent several Saturday's cleaning up debris from a well site located on MLK Blvd. Made periodic visits to the WTP on Saturdays to visit both the WTP and the Water / Wastewater Divisions. I can go on and on, but I find it difficult to believe Mr. Evan's source.

In closing, I am unable to confirm every aspect of the report given only a few days in which to review and comment. I appreciate the level of effort made by your staff in performing this investigation and must assume the accuracy of its content.

As was stated in the report, I ceased my employment with the city when I could no longer trust the information provided by others. There are a lot of good people that work for the city, while this investigation is informative and negative, it does not reflect the positive work performed by so many others.

Sincerely,

Steven J. Doyle

ATTACHMENT E
Response from Dr. Williams

ROSSEN
LAW FIRM

November 14, 2024

Stuart A. Robinson
Director of Investigations
Palm Beach County Office of Inspector General
100 Australian Ave.
West Palm Beach, FL 33406

RE: *Investigative Report No. 2024-0006*

Mr. Robinson,

Dr. Anthony Williams has retained undersigned counsel regarding this investigation. We have reviewed the Draft Investigative Report ("Report"). The Report states that the OIG found sufficient information to warrant a referral to law enforcement. On behalf of Dr. Williams, the undersigned counsel denies the OIG's findings regarding any and all misconduct on the part of Dr. Williams. We deny the OIG's summaries, conclusions, and opinions regarding any and all statements made by Dr. William's to the OIG. We deny the veracity of the statements made by any other individual regarding Dr. Williams. Thank you for your time and consideration.

Respectfully Submitted,

/s/ David Tarras
David Tarras, Esq.

/s/ Brian Gabriel
Brian Gabriel, Esq.