

November 5, 2008

Larry Morgan, Esquire  
Chief Deputy General Counsel  
Office of General Counsel, Tallahassee  
3900 Commonwealth Blvd., MS. #70  
Tallahassee, Florida 32399

RE: Environmental Issues at the City of Boca Raton

Dear Mr. Morgan,

My name is Christine Ferrigan and for the last 23 years I have been the Utility Programs Coordinator for the City of Boca Raton, Florida. Since I have not received any positive response from the proper channels, Ms. Elsa Potts, Program Administrator, FDEP, suggested that I relay to you these environmental issues:

The City of Boca Raton environmental issues are as follows:

1. Illegal discharges from the truck wash area to the storm drain and ground at the Municipal Services Complex for 12 years.
2. Knowingly deceived the FDEP on information in the Reclaim Water Annual Report.
3. Propane tank leak at the Municipal Services Complex
4. Illegal swimming Pool Discharge into the canal system and ground.
5. Reclaim Water/Cross Connection/Backflow violations.
6. Fail to report to the DOH and FDEP the continuing low water pressure (below 20 psi) in City of Boca Raton water distribution system.

On January 2008, Ms. Lisa Self, Environmental Specialist III (FDEP), requested detailed information on water and wastewater issues including the City of Boca Raton Backflow and Cross Connection Program. On February 7, 2008, Ms. Angela Romero, Utility Programs Inspector for the City of Boca Raton and I, had an official meeting with Ms. Lisa Self, Environmental Specialist III, Mr. Jose L. Calas, Drinking Water Program Manager, and Ms. Michele Owens, Water Facility, at the FDEP Office-Southeast District. In addition to the information requested, I introduced other crucial environmental issues related to the City of Boca Raton.

All three FDEP officials suggested that I keep this information confidential because they would conduct an investigation for possible criminal charges. On May 9, 2008, I submitted additional information, as suggested previously by the three DEP officials, with names and documents that could support the accuracy of the information originally submitted on February 7, 2008.

On April 2008, Ms. Lisa M. Self informed me that Mr. Chris Helfrich, Director of Utilities of the City of Boca Raton was aware of what transpired in the meeting.

In addition to that, Ms. Lisa M. Self implied that Ms. Linda Brien, Administrator for the FDEP office Southeast District, might have informed Mr. Chris Helfrich about the entire discussion of the meeting (refer to attached email, document number 1).

To my surprise Ms. Linda Brien provided Mr. Chris Helfrich with all the documentation that I submitted to FDEP on February 7, 2008. It is my understanding that during an investigation, information is not to be shared with anyone until the investigation is completed. Ms. Lisa Self also revealed that Ms. Linda Brien had decided to classify the information in question as a misdemeanor giving it little or no importance; therefore she believed no action was needed

On June 30, 2008, I received an email from the FDEP stating that the sample from the Municipal Service retention basin has elevated levels of certain pollutants and that FDEP needed more information to determine if a violation had occurred. (Refer to laboratory result document number 2 and to email, document number 3).

On July 24, 2008, Mr. Helfrich sent correspondence to Ms. Linda Brien, demanding a resolution on the environmental issues in question (refer to letter dated July 24, 2008, document number 4). According to this letter, Ms. Linda Brien and Mr. Chris Helfrich discussed and concluded that "Ms. Ferrigan's submission was of very low priority".

On September 22, 2008, I received an email from the FDEP Southeast District Office, regarding the issues submitted and the response was that "it appears there may have been some violations but the City has satisfactorily resolved the items listed below"(see letter dated September 22, 2008, document number 5). There was no investigation into any of the environmental issues that I submitted which were supported with names, dates and reports.

### **Discussion of Violations.**

The violations I brought to their attention are as follows:

#### **1) Municipal Service Discharge**

For twelve years the City of Boca Raton had been discharging wash rack material, which included: herbicides, pesticides, hydrocarbons, oil and grease (animal, vegetable and petroleum base), metals etc. The discharge went into a grease inceptor and then through a four inch PVC pipe in the ground. About 50 ft away from the discharge was an abandoned monitoring well (refer to Municipal Services photos).

This had been the means of disposal. No City employee ever questioned this practice until December 2006 when an employee sent a letter to the FDEP and to the City Manager. Unfortunately, the letter to the FDEP did not reach its destination due to the wrong address (refer to letter dated December 2006, document number 6). The Director of Municipal Services stated

that he was told by Mr. Mike Woika, Assistant City Manager, not to report this to the FDEP but to report the issue in the 2007 Annual Storm Drain Report (refer to minutes of this meeting, document number 7). This fact was never included in the 2007 Annual Storm Drain Report. Eventually, the City connected the discharge pipe to the sanitary sewer on September 2007.

Recently, I was involved with two cases related to illegal discharge to a canal or a storm drain. I reported this to the State Warning Point and I have been contacted by the FDEP Criminal Officers for more information on these cases. The Officer informed me that he would move forward as a criminal offense.

## **2) Knowingly deceived the FDEP with information in the Reclaimed Water Report**

As a coordinator, I routinely write the Reclaim Water Annual Report that also covers Backflow and Cross Connection Programs. On February 2006, I was notified by the water meter section that all the backflow devices in the ground were single check valves. Users of reclaimed water in residential homes are required to have a backflow device which must be a dual check, double-check or above. I reported this fact to my immediate supervisor and Mr. Helfrich.

In October 2006, the City slowly started to replace the devices to the correct backflows. This project had slowed down because the City did not order enough backflows. I also found a few other deficiencies in these programs which I reported right away. For example, the City failed to test our own Backflow devices for the water, wastewater plants and lift stations for the year 2005, 2006 and 2007. However, we require our customers to comply with these requirements; failure to do so results in service being cut off along with fines.

The Annual Reclaim Water Report is due in January, so I contacted the FDEP and informed them that the report would be a month late. On March 2007 I was asked by the FDEP official what was the reason for the delay. I informed the official that we have some backflow issues.

On August 13, 2007, Mr. Don Kree, my supervisor, informed me that the 2006 Reclaim Water Annual Report was completed and that he had removed my name as the writer and contact person. Mr. Don Kree told me that if the FDEP or Department of Health (DOH) called I was not allowed to talk to them and to forward the calls to him. I immediately replied that his action was wrong and that I had already informed the FDEP about the violations. I added that I would not lie to the FDEP. Mr. Don Kree replied that he was just following Mr. Chris Helfrich's orders.

The City of Boca Raton intentionally and knowingly deceived the FDEP on this annual report which included programs of reclaimed water, backflow and cross connection. Some of these deficiencies have been occurring since the program started over 17 years ago. The FDEP has never done any inspections in these areas.

### **3) Propane Tank at Municipal Service**

According to the FDEP letter dated September 22, 2008, the State requires that any propane leaks must be reported to the State Warning Point, local fire Department and the Department of Storage Tanks Program. According to the City's Safety Officer this situation remains intact. To support the accuracy of my statements, I have documents (emails) that prove that as recently as May 5, 2008, no corrections have been made (refer to the letter from Mr. Mike Woika, dated November 5, 2007, document number 8).

### **4) Swimming Pool Discharge**

The filtered backwash water from four municipal pools was originally being discharged to a pond in the back of the pools area that holds aquatic life. This was brought to my attention in February 2007. The Palm Beach County ERM ordered the City of Boca Raton to stop the discharge to the pond and canal. To comply with the Palm Beach County ERM, the City stopped the discharge to the canal but the City chose to discharge into the ground. The two agencies, ERM and FDEP, instructed the City to stop the discharge into the ground immediately and to connect it to the sanitary sewer. The connection to the sanitary sewer was not completed until December 2007; and in the meantime, the City was discharging the chlorinated pool water into the ground. Mr. Chris Helfrich ignored this violation (refer to emails related to this issue, document number 9). I would like to point out that in order to maintain the health code, the chlorine residual was as high as 10 PPM. According to ERM and FDEP, the City should have dechlorinated the pool water before discharging into the ground.

### **5) Reclaimed Water/Cross Connection/Backflow Violation.**

According to the FDEP letter dated September 22, 2008, the City's dual check replacement program should have been promptly reported to the Department of Health but was not. FDEP never mentioned this problem to DOH even though I was informed that the FDEP pays DOH \$500.00 annually to oversee this program.

### **6) Failure to report to DOH and FDEP the continuing low water pressure in the distribution system.**

After the February 7, 2008 meeting, the FDEP became aware of the low water pressure issues in the Hidden Valley area (refer to letter dated 10-22-08 to Mr. Michael Hambor, document number 10).

Low water pressure has been an ongoing problem in this area. The conversion of septic tanks to sanitary sewer and the existence of auxiliary water supply connected to the C-15 Canal in the Hidden Valley area heighten the possibility of cross contamination. Many residents have complained about low water pressure and a foul smell coming from their faucets, but the City of Boca Raton has never addressed this serious problem. Jokes have been made in staff meetings about the problem of low water pressure in the Hidden Valley Area.

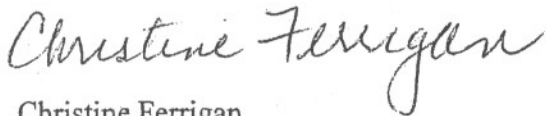
Mr. Larry Morgan  
November 5, 2008  
Page 5 of 5

In summary, rules and regulations have been created which require compliance by everyone, including governmental entities, such as the City of Boca Raton. This is especially true when it comes to public health, safety and the environment. These are serious problems that should have been properly addressed. Therefore, I am requesting an investigation into these matters.

I take the protection of public health and safety, public confidence in the system and the environment very seriously because they are of the utmost importance.

Please contact me to confirm your receipt of this letter, and to discuss how to proceed. I am available at anytime for questions or further information at 561-239-3105.

Sincerely,

A handwritten signature in cursive script that reads "Christine Ferrigan". The signature is written in black ink and is positioned above the printed name.

Christine Ferrigan

cc: Angela Romero, Utility Programs Inspector

Enclosures