

Subj: **City of Boca Raton**
Date: 11/24/2008 4:15:30 P.M. Eastern Standard Time
From: Larry.Morgan@dep.state.fl.us
To: cmfbocaraton@aol.com

Attached is more information prepared by Lisa Self for Jack Long.

The Department of Environmental Protection values your feedback as a customer. DEP Secretary Michael W. Sole is committed to continuously assessing and improving the level and quality of services provided to you. Please take a few minutes to comment on the quality of service you received. Simply click on [this link to the DEP Customer Survey](#). Thank you in advance for completing the survey.

Monday, March 09, 2009 AOL: CMFBOCARATON

Subj: (no subject)
Date: 3/9/2009 5:03:35 P.M. Eastern Daylight Time
From: CMFBOCARATON
To: CMFBOCARATON

Jack,

Per your request here is the information regarding Ms. Ferrigan's correspondence to Larry Morgan. I have provided the information below in the order the questions are raised in Ms. Ferrigan's letter while keeping with a historical format.

- **2007** - Ms. Ferrigan first brought allegations against the City of Boca Raton verbally during several telephone conversations with me throughout 2007. Her initial statements were too general for us to pursue, as they did not identify the activities, locations, timeframes, or other details we would need to initiate an investigation. I told her on multiple occasions that DEP would pursue appropriate enforcement if she could provide documentation or specific enough information for us to investigate, and if we determined that the activities were violations of our Rules and Statutes. And yes, *when the evidence and circumstances make it appropriate*, we can and do refer serious, knowingly committed violations to the criminal investigators in BEI.
- After the **February 7, 2008** meeting, I inventoried and produced a written summary of the contents of the documents submitted at that meeting. That three-page summary is attached, if you wish to read it. I have received a series of subsequent submittals from Ms. Ferrigan and from Chris Helfrich, Utility Director, showing Ms. Ferrigan's assertions that problems exist and the City's efforts to address her concerns.
- **May 9, 2008** - Ms. Ferrigan submitted additional information.
- I did not volunteer to the City, including Utility Director Helfrich, the existence of Ms. Ferrigan's contacts with us, although her conversations and submittals became public record upon our receipt of them. Neither Linda Brien nor I could deny access to information once Mr. Helfrich requested it unless the documents are part of an active litigation case or otherwise exempt, and these documents were not.
- **June 30, 2008** - Linda Brien sent Chris Ferrigan an email, stating that Mr. Helfrich knew about Ms. Ferrigan's "whistleblower" activities before he spoke with Linda about them, and he spoke with Linda before I had any contact with him about this case. Mr. Helfrich's letter of July 24, 2008, states that he contacted Linda after learning in April of Ms. Ferrigan's submittal to DEP. I do not know who informed Mr. Helfrich about Ms. Ferrigan's contacts with us. Mr. Helfrich subsequently visited our office to review Ms. Ferrigan's submittals, but, as the documents were all from the City's records, he made no copies.
- **June 30, 2008** - Email was sent to Ms. Ferrigan addressing her submittals and requesting additional information.
- **September 22, 2008** - Formal response addressing all of Ms. Ferrigan's concerns.

I have spent approximately 60 hours investigating these allegations.

The issues Ms. Ferrigan lists and investigative efforts are summarized below:

- Illegal dumping/discharges from truck wash area to storm drain and retention area: No specific incidents have been identified (date, time, material involved, etc.) that may

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be subject to enforcement. Soil sampling data was reviewed by Paul Wierzbicki, SED Waste Cleanup, who determined that the site did not require remediation. No groundwater data was provided, but no contamination is likely based on soil data. The wash rack drain has been connected to the sanitary sewer since September 2007, and a formalized Wash Rack Policy was instituted by the City to prevent future dumping or spilling of solid, liquid, or hazardous materials.

- Knowing deception of DEP with information in the Annual Reclaimed Water Report: The discovery of single-check valves where dual-checks were required, and the correction and reporting of the situation, are the concerns of the Palm Beach County Health Department as part of the drinking water cross-connection control program. DEP does not inspect Boca Raton's cross-connection control components. I referred this issue to Michele Owens, our liaison with the Health Department's drinking water program.
- Propane tank at Municipal Services: According to Mike Woika, Assistant City Manager, the propane tank belongs to a vendor, who repaired it in November, 2007. Odors observed since that time have been attributed to occasional incomplete burning of the propane. So far as I know, there have been no direct observations of escaping propane since November, 2007, only reports of odors, and I did not refer this item to anyone.
- Swimming pool discharges: This is an issue that has arisen with other municipalities, that is, publicly owned swimming pools discharging their filter backwash or drainage water to storm drains, turf, ditches, or surface waters. Since the actual environmental impacts have been negligible and the discharges have been a matter of simple ignorance of rules, we have not penalized municipalities so long as they have provided proper disposal promptly upon our informing them of our requirements. Boca Raton has connected all the City's pool discharges to the sanitary sewer, and we have treated this City as we have treated others in such cases.
- Reclaimed water/cross connection/backflow violation: I addressed this above. I believe Michele Owens did indeed talk to DOH regarding this issue.
- Failure to report to DOH and FDEP the continuing low water pressure in the distribution system: Both Michele Owens and Jose Calas looked at the two instances of reduced water pressure documented by Ms. Ferrigan. This is another issue that is the responsibility of the Palm Beach County Health Department. I do not know the status of this issue.

Conclusions:

My conclusions with regard to wastewater violations are that, while past violations may have occurred, they had negligible environmental or public health impact and had been corrected voluntarily by the City prior to Ms. Ferrigan's submittal on February 7, 2008. The City appears to have been in compliance on the wastewater issues at that time. Cross-connection control issues are the responsibility of the Health Department, although resolution of some issues relating to backflow prevention is waiting on guidance from Tallahassee. Substantive information for program areas other than wastewater has been referred to or reviewed by the appropriate individual or agency.

I have attached a copy of the letter I sent to Ms. Helfrich in response to her complaints. Please let me know if I can provide more detail on any of this information.

Attachments:

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