Priority #5: Outreach Activities

Background

In selecting topics for review, FL's compliance assistance outreach to public water systems was identified as a program strength. The review included a combination of document review and interviews of key staff and managers. With recent changes in drinking water law (Stage 2 Disinfection Byproduct Rule, Ground Water Rule, Reduction of Lead in Drinking Water Act, Revised Total Coliform Rule), water systems are increasingly dependent on state agencies to provide the outreach necessary to explain the details of the rules and regulations that will ensure sector compliance and protection of public health.

FDEP and FDOH value a strong relationship with the regulated community and strive to ensure that, where possible, concerns are address through compliance assistance activities prior to water systems incurring a potential violation. The FL drinking water program achieves outreach to water systems through site visits to water systems, training classes, contracts with technical assistance partners, and direct mailings to water systems and water system professional.

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EPA Priority Review of Florida Drinking Water Program

INTRODCTION

The U.S EPA, Region 4 Drinking Water Section (EPA, Region 4) developed a protocol, call a Priority Review, for assessing the performance of state Public Water System Supervision Programs and for evaluating the adequacy of resources dedicated to identified priorities for individual state programs. The Priority Review replaces EPA's Data Verifications that historically reviewed state data associated with each rule in the National Primary Drinking Water Regulations. The new approach is intended to be transparent and targeted in assessing a few priority focus areas identified in a collaborative effort between the state and EPA, Region 4. The following priority areas of focus have been identified for Florida:

1. Enforcement of drinking water regulations
2. Internal state coordination between DEP and DOH on the drinking water program
3. Disinfection Byproduct Rules implementation
4. Data Management, and
5. External outreach

The priority areas were assessed through review of existing documentation submitted to EPA, review of selected water system files, and through interviews with staff and managers. This review represents one of the best opportunities to support the needs of your drinking water program, as well as to highlight the successes your program has achieved. While these reviews represent a high-priority effort, they will only achieve positive results if we see ourselves working towards the same goal, highlighting areas where both EPA and Florida believe improvements can be made in program effectiveness.

OVERVIEW OF FLORIDA'S PWSS PROGRAM

EPA gives flexibility to state primacy agencies for required PWSS program activities. In Florida, PWSS implementation activities are spread over a decentralized organizational structure. The Department of Environmental Protection has the primary role of regulating public water systems (PWSs) in Florida. The Source and Drinking Water Program (SDWP) located in the FDEP headquarters in Tallahassee (FDEP-HQ) is responsible for writing rules, developing policy, managing funds, providing training, managing data, and managing special initiatives. The Water Compliance Assurance Program (WCAP) is responsible for oversight, tracking and reporting of enforcement and permitting activities. The enforcement of rules and permitting of new construction for individual PWSs is handled by six FDEP district offices. In eight Florida counties, the Districts have currently delegated this enforcement and permitting authority to local approved county health departments through Interagency Agreement. FDEP has also delegated laboratory certification to the Department of Health Laboratory in Jacksonville.

FDEP-HQ environmental programs are divided into three main areas, one of which is Regulatory Programs. The Deputy Secretary for Regulatory Programs provides oversight and direction to four FDEP-HQ regulatory divisions, including the Division of Water Resource Management (DWRM) and six regulatory district offices. The SDWP and WCAP programs are both located within DWRM, while the regulatory district offices report directly to the Deputy Secretary for Regulatory Programs. Following is a complete list and description of all programs which contribute to FDEP's implementation of Safe Drinking Water Act (SDWA) requirements.

Florida Department of Environmental Protection

FDEP-HQ Division of Water Resource Management (DWRM):

- FDEP-HQ Source and Drinking Water Program (SDWP): Coordinate overall PWSS implementation through policy and rule development, and management of funding, training, data and special initiatives. Ensure all SDWA program requirements are conducted and reported to EPA as outlined in the annual PWSS workplan.
- FDEP-HQ Water Compliance Assurance Program (WCAP): Facilitate statewide coordination of compliance and enforcement activities by providing and/or supporting the development of policy, guidance and training to ensure consistency among the six District Offices for state Drinking Water and Wastewater Programs. Ensure all SDWA compliance and enforcement activities are conducted and reported to EPA as outlined in the annual PWSS workplan commitments.

FDEP-HQ Office of General Counsel (OGC): Provide legal counsel and represent FDEP in implementing enforcement, permitting and programmatic actions. Provide training and consultation to FDEP staff.

FDEP-HQ Office of Technology and Information Services (OTIS): Manage functionality and security of the information technology systems that support FDEP mission success.

Provide application development and customer support services to FDEP Divisions and regulatory districts that use regulatory databases, including SDWP support needs for PWS.

FDEP Regulatory District Offices: Coordinate and implement all permitting, compliance and enforcement activities for counties located within District boundaries, including permit reviews, facility inspections, compliance assistance, rule enforcement and response to reports of environmental damage. Six separate offices serve counties located in the Northwest, Northeast, Central, South, Southeast and Southwest portions of the state. The FDEP District Office delegates this authority to qualified individual Florida Department of Health (FDOH) county offices. Provide legal, technical and training assistance to delegated FDOH county offices.

Florida Department of Health

- The current DEP-DOH Interagency Agreement delegates lead PWSS program implementation authority from the responsible FDEP District Office to DOH offices in the counties of Broward, Miami-Dade, Hillsborough, Lee, Sarasota, Palm Beach, Polk and Volusia. Delegated FDOH county offices coordinate and implement permitting, compliance and enforcement activities for that county.
- The Florida Department of Health laboratory in Jacksonville maintains a State program for the certification of laboratories conducting analytical measurements of all drinking water contaminants, with the exception of radionuclides, in accordance with Florida Statutes 403.862-.8635 and Florida Administrative Code (F.A.C.) Chapter 62-550.550.

South Carolina Department of Health: South Carolina's radiological laboratory is responsible for the analysis of all radionuclude samples for Florida PWSs, in accordance with an MOA approved by SESD on January 28, 2013.

This organization is significantly changed from the structure that was in place during the previous 2009 Program Review conducted by The Cadmus Group, Inc. on behalf of EPA. In 2012, FDEP underwent a reorganization which affected both FDEP-HQ and FDEP District offices. At FDEP-HQ, the source and drinking water program staff were merged to form the Source and Drinking Water Program. Staff were relocated from the Drinking Water Program to support the formation of a centralized compliance and enforcement group (WCAP) and a more centralized information technology group (OTIS). District boundaries were redrawn, and resources were re-allocated, to allow for a more even distribution of resources among Districts. A primary objective of this reorganization was to improve program efficiency/effectiveness and promote consistency by streamlining the management structure and increasing cross-utilization of resources, particularly in the areas of compliance determination and data management.

FDEP's authority to implement provisions of the Safe Drinking Water Act (SDWA) derives from Chapter 403, Part VI, Florida Statutes and by delegation of the federal program from the U.S. Environmental Protection Agency. The Department has promulgated a number of rules in Chapters 62-4, 62-550, 62-555, 62-560, 62-602 and 62-699 F.A.C. to address drinking water standards, monitoring and reporting; public water system permitting and compliance; and treatment plant operators, classification and staffing. These requirements impact approximately

5245 federally regulated public water systems (PWSs) with approximately 1649 (or 31%) of Florida's PWSs being community water systems, approximately 776 or (15%) being non-transient non-community systems, and approximately 2820 or (54%) being transient non-community systems (Table 1).

PWS TYPE	WATER SOURCE	COUNT
CWS	Surface Water only	5
	Surface & Ground Water	69
	Ground Water only	1575
NTNC	Surface Water only	0
	Surface & Ground Water	4
	Ground Water only	772
TNC	Surface Water only	5
	Surface & Ground Water	1
	Ground Water only	2819
TOTAL		5245

Table 1. Count of Florida Public Water Systems by Type and Source

PRIORITY REVIEW OVERVIEW

The U.S EPA, Region 4 Drinking Water Section (EPA, Region 4) developed a protocol, call a Priority Review, for assessing the performance of state Public Water System Supervision Programs and for evaluating the adequacy of resources dedicated to identified priorities for individual state programs. The Priority Review replaces EPA's Data Verifications that historically reviewed state data associated with each rule in the National Primary Drinking Water Regulations. The new approach is intended to be transparent and targeted in assessing a few priority focus areas identified in a collaborative effort between the state and EPA, Region 4. The following priority areas of focus have been identified for Florida:

1. Enforcement of drinking water regulations
2. Disinfection Byproduct Rules implementation
3. Internal state coordination between DEP and DOH on the drinking water program
4. Data Management, and
5. External outreach

Priority #3: Disinfection Byproduct Rules Implementation

Background

Disinfection Byproduct Rules Implementation was selected as a priority for review based on an analysis of state-wide violation data by specific contaminant group. Other than total coliform MCL violations, DBP MCL violations represented the greatest number of health-based violations for water systems in Florida over the past five years. Many water sources in Florida have high quantities of naturally occurring organic matter. When the water with high levels of organics is disinfected with chlorine, high levels of disinfection byproducts can form. Levels of many DPBs increase with water age in finished water storage tanks and distribution systems. Treatment strategies for DBPs can include adjustments to treatment systems (examples: removal of organics prior to disinfection, change of disinfectant, pH adjustment, or removal of DBPs after formation, etc) or changes to operations of distribution systems (examples: adjustments to storage tank levels or fill/draw cycles, flushing practices, elimination of "dead ends" in distribution lines, etc.).

Over the past few years States and water systems have been transitioning from monitoring requirements associated with the Stage 1 Disinfectants and Disinfection Byproduct Rule to the Stage 2 DBP Rule. Some of the key changes including the number, frequency and locations of routing monitoring, inclusion of consecutive water systems to rule requirements, and how compliance is calculated based on locational averages. The transition from the Stage 1 to Stage 2 Rule involved a period of time when EPA, Region 4 was implementing aspects of rule focused on identifying potential new monitoring locations. These early implementation activities were a result of the regulatory timeline beginning before states were required to have the rule adopted. As a result, DEP and DOH field staff played a limited role in training and implementation associated with monitoring site selection. Florida Rural Water did provide a significant amount of outreach to water systems during this time. Florida had adopted the Stage 2 Rule by the time routing monitoring requirements began and worked with water systems to finalize monitoring plans.

Priority Evaluation Method

Region 4 utilized a combination of data analysis, personnel interviews and onsite file reviews to evaluation strengths and needs associated with Florida's implementation of the DBP rules. Data analysis include reviews of DBP monitoring results from Florida's PWS database and DBP violation data available from EPA's SDWIS data system. Interview questions were used to determine strategies utilized to affect system compliance, understand expertise levels and resource demands for staff and management, and to gage consistency in implementing the regulations and guidance associated with the DBP Rules. File reviews included a review of information used to develop system monitoring plans, an evaluation of system monitoring data to ensure monitoring was done in accordance with the plan, and a review of compliance determinations based on the analytical results.

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Priority #1: Enforcement Program

Background

Compliance and Enforcement Program Implementation was selected as a priority for review in order to assess whether a state is implementing the requirements of the Public Water System Supervision (PWSS) program. The states ensure that human health is safeguarded by enforcing the requirements of the Safe Drinking Water Act (SDWA) to ensure that the states' public drinking water supply and its sources are protected. Historically, the reviews of the states' PWSS programs, whether that be through a Data Verification, Program Review, or a Priority Review, did not typically include an evaluation of the compliance and enforcement program at the states. Region 4 has determined that this is an important aspect of a review of the implementation of a PWSS program, and plans to include this in future Priority Reviews, as appropriate. Through this review, EPA promotes regional consistency, identifies successes in implementation of the PWSS program, and identifies opportunities for improvement in the compliance and enforcement programs.

In January of 2010, EPA began implementation of a new enforcement approach designed to help our nation's public water systems comply with the requirements of the SDWA. This new approach replaced the previous system of a contaminant to contaminant compliance strategy with one that focuses attention on the drinking water systems with the most serious or repeated violations. This strategy identifies public water systems with violations that rise to the level of significant noncompliance by focusing on those systems with health-based violations and those that show a history of violations across multiple rules. This system-based methodology is intended to ensure consistency and the integrity of the PWSS national enforcement program. This approach includes a revised Enforcement Response Policy (ERP) and new Enforcement Targeting Tool (ETT).

The ETT uses a tool that enables the prioritization of public water systems by assigning each violation a "weight" or number of points based on the assigned threat to public health. Points for each violation at a water system are summed to provide a total score for that water system. Water systems whose scores exceed a certain threshold will be considered a priority system for enforcement.

EPA recognizes that states carry out both formal and informal enforcement and compliance assistance activities. These activities are effective tools for achieving compliance. Nevertheless, systems specifically identified by the ETT as priorities must be returned to compliance (RTC) or EPA will expect formal, enforceable mechanisms to return such systems to compliance. States are expected to escalate their response to ensure that RTC is accomplished. Once a public water system is identified as an enforcement priority on the ETT list, an appropriate formal action or RTC will be required within two calendar quarters to be considered "timely". However, regardless of a public water system's position on a state's ETT list, EPA expects that states will act immediately on acute, health-based violations and subsequently confirm that systems with such violations return to compliance.

Priority Evaluation Method

Region 4 utilized a combination of data analysis, personnel interviews, comparison of established program strategies with the ERP, and onsite file reviews to evaluate Florida's successes in implementation of the PWSS program and identify opportunities for improvement in its compliance and enforcement program. Data analysis included a review of the EPA ETT Tracker, which is a tool that provides useful metrics and graphing capabilities for systems' current and past ETT scores for up to twenty (20) quarters. This information was used to aide in the selection of the files to be reviewed and

get a rough evaluation of Florida's ability to timely and appropriately return systems to compliance or issue formal, enforceable mechanisms that will return a system to compliance. Additionally, EPA's SDWIS data system was used to determine what violations and enforcement had been done for each of the selected files to review. Nine (9) files were selected for review, however, only eight (8) were reviewed (See table named *Timeline for Settlement of Identification as a Priority System on the ETT List* below). Interview questions were used to understand the dynamics of the organization including staffing resources and demands and to determine how the established program strategies were being implemented with regards to Florida's compliance and enforcement program. The *Department of Environmental Protection (DEP) Enforcement Manual* and *Directive* 923 were reviewed for consistency with the EPA ERP requirements to ensure that these policies enabled the state to meet the requirements of timely and appropriate compliance and enforcement. File reviews included a review of the violations determined, an evaluation of the enforcement mechanisms issued for consistency with the *DEP Enforcement Manual* and the EPA ERP, and a comparison of the information found during the file review with the data reported to EPA's SDWIS data system.

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Priority #4: Data Management

Background

One of the required functions of delegated PWSS Programs is to maintain a data management system for tracking compliance, enforcement actions and public water system inventory. FDEPs main database for the drinking water program is called PWS. PWS analytical results are received electronically through the Oculus 5.6.2. Program. The Oculus Program is also accessible to the public for review of PWS documentation. FDEP also uses an Oracle-based database of their own design, PWS. Reports are produced in American Standard Code for Information Interchange (ASCII). Data are transmitted to SDWIS/Fed via an Extensible Markup Language (XML) file created from extrapolated data. Data are reported quarterly, including inventory updates.

Compliance determinations are performed in the district and county offices, using the PWS program. Pre-compliance reports run every night and are available to the offices the following day. A point person in each office is responsible for posting the previous month's violations so they can be compiled by Tallahassee. Treatment technique and Public Notice violations are entered manually. All other compliance determination is automated. All violation letters and enforcement actions are handled within the individual offices.

FDEP uses the SDWIS/Fed error reports to correct errors but finds that the ".pdf" format is not useful. That format is too difficult to mark up and data cannot be sorted. FDEP would greatly prefer data in Excel spreadsheets.

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Armstrong, Kathy

From: Smith, Brian
Sent: Thursday, June 11, 2015 2:32 PM
To: Allenbach, Becky; Humphris, Allison; Campbell-Dunbar, Shawneille
Cc: Driskell, Amanda; Burns, Robert
Subject: RE: Florida Priority Review Report - final draft for your review

Becky,

Alison, Amanda and I have made the edits you suggested in the report. Below are edited versions of three sentences where you raised concerns and requested them to be reworded or supported with findings. Please let us know if you are comfortable with the revised language. Thanks! -Brian

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(pg. 14) ~~All~~ Some **offices emphasized that internal staff levels are minimally adequate to implement the assigned program workload.** Water system-to-professional staff ratios across FDEP and FDOH offices range from 9:1 to 110:1 and staff turnover have reduced drinking water program expertise in some offices more than others.

From: Allenbach, Becky
Sent: Friday, June 05, 2015 11:29 AM
To: Humphris, Allison; Campbell-Dunbar, Shawneille
Cc: Smith, Brian; Driskell, Amanda; Burns, Robert
Subject: RE: Florida Priority Review Report - final draft for your review

I completed my review on the plane last night. Great work everyone! I do have a few questions and will schedule a meeting this week. Anyone on travel? I will use the scheduling assistant.

Becky B. Allenbach, Chief
Grants and Drinking Water Protection Branch
EPA Region 4 - Atlanta
(404)562-9687
allenbach.becky@epa.gov

From: Humphris, Allison
Sent: Monday, June 01, 2015 5:18 PM
To: Campbell-Dunbar, Shawneille; Allenbach, Becky

Cc: Smith, Brian; Driskell, Amanda; Burns, Robert
Subject: Florida Priority Review Report - final draft for your review

Shawneille/Becky,
Attached for your review is a final draft of our report for the December 2014 Priority Review of Florida's PWSS program. This version addresses all comments/concerns that we received from FDEP and the offices visited.

Please let us know of any input or questions you may have.

Thanks, Allison

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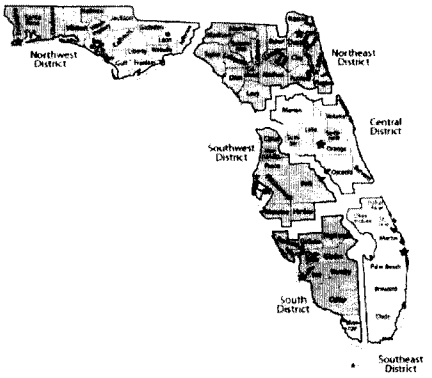
PRIORITY REVIEW

OF THE PUBLIC WATER SYSTEM SUPERVISION PROGRAM FOR THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

DRAFT REPORT



Prepared by the
Environmental Protection Agency, Region 4
Drinking Water Section, Water Protection Division

June 1, 2015

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Appendix A - Florida Drinking Water Program Priority Review – File Review Summary

EXECUTIVE SUMMARY

In December 2014, staff from the U.S Environmental Protection Agency Region 4 Drinking Water Section (EPA Region 4) conducted a Priority Review of Florida's Public Water System Supervision (PWSS) Program. The Priority Review is an oversight approach developed by Region 4 to assess the needs and success of a PWSS Program, based on an in-depth review of priority areas jointly selected by the state and EPA Region 4. EPA Region 4 and Florida identified five specific areas of Florida's Program for review, including (a) enforcement of drinking water regulations, (b) internal state coordination between the Florida Department of Environmental Protection (FDEP) and the Florida Department of Health (FDOH) on the PWSS program, (c) disinfection byproducts (DBP) rule implementation, (d) data management and (e) external outreach.

The priority areas were assessed through review of existing documentation submitted to EPA Region 4, review of selected water system files and interviews with staff and managers. If approaches in need of improvement were identified, Region 4 discussed and attempted to identify possible remedies for these concerns with Florida PWSS program staff. Following is a summary of key findings for each priority area and key recommendations on how to address areas needing improvement.

- Enforcement of Drinking Water Regulations
  In general, FDEP runs a strong enforcement program that facilitates the compliance of most Public Water Systems with Safe Drinking Water Act (SDWA) regulations. In the vast majority of cases, Florida's Program is timely in responding to violations. Few cases do not meet the expectations for issuing formal enforcement to significant violators according to EPA's Enforcement Response Policy (ERP) (see http://www2.epa.gov/sites/production/files/documents/drinking_water_erp_2009.pdf). However, the expectation to meet ERP timeframes are not expressed in FDEP's enforcement manual or any other policy. FDEP's Division of Water Resource Management (the Division) should clearly communicate the expectation that systems identified as priority systems on the Enforcement Targeting Tool (ETT) list must be addressed within two quarters of appearance on the list. Violation and enforcement data is not always submitted to SDWIS in a timely manner. The date of enforcement action, as entered into the Division's Potable Water System (PWS) Database and ultimately into SDWIS, is not always clear and consistent. Additionally, violations are not always accurately linked to the appropriate enforcement mechanisms. Processes should be established to ensure that this data and information is provided in a timely, clear and consistent manner. To assist with this goal, FDEP should also ensure that enforcement files include all records of all decisions made with regard to enforcement actions. The Division's Peer Review Process provides a good means for ensuring consistency of enforcement activities.

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- DBP Rule Implementation
  Most chemical health-based violations in Florida are associated with DBPs. Staff interviews and file reviews identified potential vulnerabilities in DBP rule implementation, mostly associated with a lack of understanding of DBP formation, DBP control strategies or minimal review of monitoring results for compliance determination. Office staff should re-assess water system monitoring plans and sampling protocols during sanitary surveys or other routine site visits. The Division should provide staff access to technical training on the formation and/or treatment of DBP, allowing staff to better evaluate current monitoring locations and/or proposed changes to those locations. Additional data review protocols may also be needed to ensure that any questionable monitoring results reported are identified and resolved. Florida's Drinking Water Program would benefit from expanding District and County staff participation in the Area Wide Optimization Program (AWOP) training and field evaluation activities. This would help address the need for staff training on DBP formation and treatment and improve compliance assistance offered by inspectors, resulting in improved public health protection.

- Data Management
  The Division has developed and maintains several effective tools for reporting and accessing drinking water program data and information. These include the PWS Application, which includes both an Oracle-based database and an internal communications website; standardized PDF/Word data/information entry forms for use by public water systems and laboratories; OCULUS document management system; NEXUS user-friendly portal for retrieving documents from OCULUS; Permit Application Subscription Service (PASS) system for receiving automated notifications of permit application status. The PWS Database in particular addresses a critical program need by providing a consistent suite of tools for data entry, data retrieval and compliance determination. Many of the other tools developed also provide valuable information to the public. Florida should continue to provide strong support for the maintenance and continued development of these tools.

- External Outreach
  FDEP and FDOH value a strong relationship with the regulated community and strive to ensure that, where possible, concerns are addressed through compliance assistance

activities prior to water systems incurring a potential violation. All offices expressed a need for greater technical training of inspectors, compliance and permitting staff, citing a concern with being able to adequately address simultaneous compliance concerns with water systems. In addition to new regulations, large turnover in drinking water staff, in some areas, has created a need for increased investment in drinking water program training. EPA Region 4 strongly encourages Districts and Counties to interact more, through routine meetings and trainings, to discuss implementation challenges and successes, so that expertise across the state is better leveraged to fill the knowledge gaps associated with new regulations and new program staff.

INTRODUCTION

The U.S Environmental Protection Agency Region 4 Drinking Water Section (EPA Region 4) developed a protocol, called a Priority Review, for assessing the performance of state Public Water System Supervision (PWSS) Programs and for evaluating the adequacy of resources dedicated to identify priorities for individual state programs. The Priority Review replaces EPA's Data Verifications that historically reviewed state data associated with each rule in the National Primary Drinking Water Regulations. The new approach is intended to be transparent and targeted in assessing a few priority focus areas identified in a collaborative effort between the state and EPA Region 4. The following priority areas of focus have been identified for Florida:

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1. Enforcement of drinking water regulations
2. Internal state coordination between FDEP and FDOH on the drinking water program
3. Disinfection Byproduct (DBP) Rules implementation
4. Data Management, and
5. External outreach

EPA Region 4 used three basic methods to obtain information: (1) identification and review of key documents and tools used by Florida to implement their PWSS program (e.g. guidance, websites, internal review protocols, databases, file management systems, reports, etc.), (2) interviews with managers and staff, and (3) review of individual system files. For the third method, EPA Region 4 selected systems for the review that were likely to provide a good understanding of Florida's approach to addressing more challenging and problematic situations.

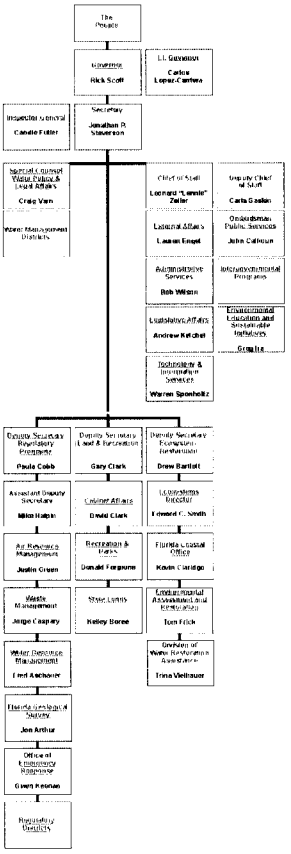
OVERVIEW OF FLORIDA'S PWSS PROGRAM

EPA gives flexibility to state primacy agencies for required PWSS program activities. In Florida, PWSS implementation activities are spread over a decentralized organizational structure. FDEP has the primary role of regulating public water systems in Florida. The Source and Drinking Water Program (SDWP) located in the FDEP headquarters in Tallahassee (FDEP-HQ) is responsible for writing rules, developing policy, managing funds, providing training and managing special initiatives. The Water Compliance Assurance Program (WCAP), also located in FDEP-HQ, is responsible for oversight, tracking and reporting of enforcement and compliance

activities and data management. The enforcement of rules and permitting of new construction for individual public water systems is handled by six FDEP district offices. In eight Florida counties FDEP-HQ has delegated this enforcement and permitting authority to local approved FDOH county health departments through an Interagency Agreement. FDEP-HQ has also delegated laboratory certification to the FDOH Laboratory in Jacksonville.

FDEP environmental programs are divided into three main areas, one of which is Regulatory Programs (Figure 1). The Deputy Secretary for Regulatory Programs provides oversight and direction to four FDEP-HQ regulatory divisions, including the Division of Water Resource Management (Division) and six regulatory district offices.

Figure 1. FDEP Organizational Structure (last updated April 6, 2015)



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- WCAP: Facilitate statewide coordination of compliance and enforcement activities by providing and/or supporting the development of guidance and training to ensure consistency among the six District Offices for state Drinking Water and Wastewater Programs. Integral to this consistency are the automated nightly compliance routines for evaluating lab results (discussed further under the Data Management section of this report). Ensure all SDWA compliance and enforcement activities are conducted and reported to EPA as outlined in the annual PWSS workplan commitments.

FDEP-HQ Office of General Counsel (OGC): Provide legal counsel and represent FDEP in implementing enforcement, permitting and programmatic actions. Provide training and consultation to FDEP staff.

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- The current FDEP-FDOH Interagency Agreement delegates lead PWSS program implementation authority from the responsible FDEP District Office to FDOH offices in the counties of Broward, Miami-Dade, Hillsborough, Lee, Sarasota, Palm Beach, Polk and Volusia. Delegated FDOH county offices coordinate and implement permitting, compliance and enforcement activities for that county.
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	Ground Water only	1575
NTNC	Surface Water only	0
	Surface & Ground Water	4
	Ground Water only	772
TNC	Surface Water only	5
	Surface & Ground Water	1
	Ground Water only	2819
TOTAL		5245

PRIORITY REVIEW OF SELECTED PROGRAM AREAS

Enforcement of Drinking Water Regulations

Background

Compliance and Enforcement Program Implementation was selected as a priority for review in order to assess whether a state is implementing the requirements of the PWSS program. The states ensure that human health is safeguarded by enforcing the requirements of the SDWA to ensure that the states' public drinking water supply and its sources are protected. Historically, the reviews of the states' PWSS programs, whether that be through a Data Verification, Program Review, or a Priority Review, did not typically include an evaluation of the compliance and enforcement program at the states. EPA Region 4 has determined that this is an important aspect of a review of the implementation of a PWSS program, and plans to include this in future Priority Reviews, as appropriate. Through this review, EPA Region 4 promotes regional consistency, identifies successes in implementation of the PWSS program, and identifies opportunities for improvement in the compliance and enforcement programs.

In January of 2010, EPA began implementation of a new enforcement approach designed to help our nation's public water systems comply with the requirements of the SDWA. This new approach replaced the previous system of a contaminant to contaminant compliance strategy with one that focuses attention on the drinking water systems with the most serious or repeated violations. This strategy identifies public water systems with violations that rise to the level of significant noncompliance by focusing on those systems with health-based violations and those that show a history of violations across multiple rules. This system-based methodology is intended to ensure consistency and the integrity of the PWSS national enforcement program. This approach includes a revised Enforcement Response Policy (ERP) and new Enforcement Targeting Tool (ETT).

The ETT uses a tool that enables the prioritization of public water systems by assigning each violation a "weight" or number of points based on the assigned threat to public health. Points for each violation at a water system are summed to provide a total score for that water system. Water systems whose scores exceed a certain threshold will be considered a priority system for enforcement.

EPA recognizes that states carry out both formal and informal enforcement and compliance assistance activities. These activities are effective tools for achieving compliance. Nevertheless, systems specifically identified by the ETT as priorities must be returned to compliance (RTC) or EPA will expect formal, enforceable mechanisms to return such systems to compliance. States are expected to escalate their response to ensure that RTC is accomplished. Once a public water system is identified as an enforcement priority on the ETT list, an appropriate formal action or RTC will be required within two calendar quarters to be considered "timely". However, regardless of a public water system's position on a state's ETT list, EPA expects that states will act immediately on acute, health-based violations and subsequently confirm that systems with such violations return to compliance.

Priority Evaluation Method

Region 4 utilized a combination of data analysis, personnel interviews, comparison of established program strategies with the ERP, and onsite file reviews to evaluate Florida's successes in implementation of the PWSS program and identify opportunities for improvement in its compliance and enforcement program. Data analysis included a review of the EPA ETT Tracker, which is a tool that provides useful metrics and graphing capabilities for systems' current and past ETT scores for up to twenty (20) quarters. This information was used to aide in the selection of the files to be reviewed and get a rough evaluation of Florida's ability to timely and appropriately return systems to compliance or issue formal, enforceable mechanisms that will return a system to compliance. Additionally, EPA's SDWIS data system was used to determine what violations and enforcement had been done for each of the selected files to review. Nine (9) files were selected for review, however, only eight (8) were reviewed (see Table 2. Timeline for Settlement of Identification as a Priority System on the ETT List below). Interview questions were used to understand the dynamics of the organization including staffing resources and demands and to determine how the established program strategies were being implemented with regards to Florida's compliance and enforcement program. The *Department of Environmental Protection (DEP) Enforcement Manual* and *Directive* 923 were reviewed for consistency with the EPA ERP requirements to ensure that these policies enabled the state to meet the requirements of timely and appropriate compliance and enforcement. File reviews included a review of the violations determined, an evaluation of the enforcement mechanisms issued for consistency with the *DEP Enforcement Manual* and the EPA ERP, and a comparison of the information found during the file review with the data reported to EPA's SDWIS data system.

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Key Findings

The accuracy of data reported by FDEP to SDWIS was found to be in need of improvement in the following ways:

- All violations identified in the file and/or provided from the FDEP tracking system, are not being submitted to SDWIS. This discrepancy was found in the District office and both FDOH offices. Primarily the violations that are not being submitted are monitoring and reporting violations for various parameters. For the identified systems, 6 of the 8 reviewed had violations noted in the file/data provided that were not identified in SDWIS.

- Enforcement actions taken and submitted to SDWIS, are either not being timely uploaded, properly linked to relevant violations, and/or the data uploaded is inconsistent with the documents provided for review. For the identified systems, 7 of the 8 reviewed had discrepancies with the information for the enforcement actions submitted to SDWIS. Specifically, for the files reviewed, there were instances where violation(s) were linked to enforcement actions that upon review of the enforcement action, it was determined that the action did not include or address those violations. Also, there were several instances where the data submitted to SDWIS showed multiple dates for the same enforcement action. It appears that the dates of enforcement are not being consistently entered (i.e.

dates were submitted for the signature date of the effective order, receipt date of the effective order, or the date the proposed order was sent to the respondent). So it was noted that at times there would be two formal actions entered into SDWIS when there was only one issued.

During the file review, EPA Region 4 tracked compliance and enforcement mechanisms used and evaluated them for timeliness and appropriateness of the action or return to compliance. Based on this review, the following was determined in regards to the timeline for systems identified as a priority on the ETT list to be returned to compliance or have a formal enforcement action issued.

Table 2: Timeline for Settlement of Identification as a Priority System on the ETT List

PWS ID	System Name	Date of First Appearance on ETT List as Priority System	Date of Settlement (RTC or issuance of Formal Enf)	Days Between ETT and Settlement	Settlement RTC or Formal Action ?	Quarters on ETT List as a Priority System
FL6095083	**Seven Rivers Professional Center**	**9/30/2010**	**2/20/2013**	**874**	**RTC**	**10/2010, 01/11, 04/11, 07/11, 10/11, 1/2012, 04/2012, 7/2012, 10/2012, 1/2013, 4/2013, 7/2013**
FL6510807	Holiday Gardens Util Inc.	3/31/2011	7/7/2011	98	Formal Action	04/2011, 07/2011, 10/2011, 04/2014, 7/2014, 10/2014
FL6510807	Holiday Gardens Util Inc.	3/31/2014	2/27/2014	-32	RTC	
FL6272304	**Camper's Holiday**	**3/31/2011**	**4/15/2011**	**15**	**Formal Action**	**04/2011, 07/2011, 01/2013, 10/2013, 01/2014, 10/2014**
FL6272304	**Camper's Holiday**	**12/31/2012**	**6/5/2013**	**156**	**Formal Action**	
FL4064392	Kids Paradise	12/31/2011	4/26/2012	117	Formal Action	01/2012, 04/2012, 07/2012, 04/2014, 07/2014
FL4064392	Kids Paradise	3/31/2014	4/24/2014	24	Formal Action	
FL4060402	**Everglades Holiday Park**	**12/31/2009**	**3/23/2012**	**813**	**Formal Action**	**01/2010, 04/2010, 10/2011, 01/2012, 04/2012, 01/2013, 04/2013, 07/2013, 10/2013, 01/2014, 04/2014**
FL4060402	**Everglades Holiday Park**	**3/31/2013**	**3/13/2013**	**-18**	**Formal Action**	
FL4061517	Royal Utility Company	3/31/2011	10/20/2010	-162	RTC	04/2011, 07/2013, 10/2013, 01/2014
FL4061517	Royal Utility Company	6/30/2013	2/12/2013	-138	Formal Action	
FL4131403	**Americana Village**	**3/31/2010**	**8/28/2012**	**881**	**RTC**	**04/2010, 07/2010, 10/2010, 01/2011, 04/2011, 07/2011, 10/2011, 01/2012, 04/2012, 07/2012, 10/2012, 01/2013, 04/2013, 07/2013**
FL4130833	Jones Trailer Park	12/31/2009	9/30/2011	638	RTC	01/2010, 04/2010, 07/2010, 01/2011, 04/2011, 07/2011, 10/2011, 01/2012, 01/2013
FL4130833	Jones Trailer Park	12/31/2011	10/3/2012	277	RTC	
Average Days Between ETT and Settlement				**253.07**		

Note: Some of the systems had multiple dates evaluated because they were bouncing on and off the ETT Priority List

For the evaluated systems, only two (for all the specified appearances on the ETT List as a priority system) met the 2-quarter timeliness goal established in the EPA ERP, 3 of the 8 met the goal for one of the appearances on the ETT list but not for all of the appearances, 6 of the 8 did not meet the goal for one or more of the appearances the system had on the ETT List as a priority system. On average for the identified systems (including those with multiple appearances as a priority system on the ETT List), the days between appearing on the ETT list as a priority and settlement of the violations was 253 days. This is in excess of the 2-quarter timeliness goal.

Also, in evaluation of the data above, there is an indication that formal actions and/or return to compliance data is not consistently being entered timely so that the ETT scores accurately depict the compliance and enforcement history. Therefore, some of the systems above, remained on the ETT list as priority systems multiple quarters after the resolving action had been issued.

During the file review, it was discovered that in 2 of the 8 files, enforcement actions were initiated but never completed and there was no explanation in the documents provided that explained why the action was not pursued. This was especially important information since both of those systems had been identified as priority systems for multiple consecutive quarters without returning to compliance or having a formal action issued.

The *DEP Enforcement Manual,* developed jointly by the Secretary, Deputy Secretary, and Assistant Deputy Secretary of Regulatory Programs, is periodically revised as necessary. The latest revisions occurred in September 2013 and October 2014 for the chapters addressing compliance and enforcement processes. The manual describes FDEP's enforcement organization, compliance options, enforcement options, inspections and investigations protocol, administrative process and remedies, judicial process and remedies, litigation procedures, data management, and penalty policies. Overall, the *DEP Enforcement Manual* is a thorough document which is provided to all District offices and authorized FDOH offices. However, when compared to the EPA ERP, it was determined that the *DEP Enforcement Manual* was not consistent with the EPA ERP in that it did not define an expectation of timely and appropriate enforcement. The *DEP Enforcement Manual* had no clear expectation and/or goal for timelines associated with issuing formal enforcement for systems that are identified as priority on the ETT nor for systems with acute, health-based violations. During the interviews and file reviews, it was determined that the goals of issuing formal enforcement varied between the offices evaluated. The Southwest District office indicated that they were given some established guidelines on the expectations of timely and appropriate enforcement in the annual *SWD Business Plans*. However, both FDOH offices (Broward County DOH and Miami-Dade DOH), indicated that there were no set timelines provided by FDEP-HQ for issuance of formal enforcement or returning the system compliance. Each of the FDOH offices had established goals/expectations for timely and appropriate enforcement on their own. In Broward County, for example, the written expectation for each employee is that enforcement actions start within five days of discovering any violation. In addition, actions commence immediately upon discovery of cases where public health may potentially be at risk.

Staff in the Division, Districts, and FDOH offices are provided with training on the *DEP Enforcement Manual* and *923 Directive.*

In February of 2013, the Division instituted a Peer Review Process. This Peer Review Process establishes that prior to the issuance of formal enforcement by the District offices, a Peer Review Recommendation Memo must be sent to the Division. The Division then reviews the Peer Review Recommendation Memo to determine if formal enforcement is appropriate, ensure that penalties are consistently calculated across all District offices, and that all regulations and violations are appropriately and consistently included in the enforcement. This process was established to ensure a consistent and equally applied approach to enforcement across all District Offices. This approach is not applied to the FDOH offices, who independently establish their

enforcement activities within the confines of the Interagency Agreement and the *DEP Enforcement Manual.*

The Southwest District office and Broward DOH office have both implemented a strategy of sending reminders to the systems of their monitoring responsibilities and timelines. The reminders are sent out to the systems at a minimum of annually and in some cases monthly or quarterly as well. These activities were implemented to decrease instances of monitoring and reporting violations. The Miami-Dade DOH office has also implemented a program that aides in decreasing monitoring and reporting violations, by conducting sampling for the small systems and as well as for the transient non-community systems and a few community systems. These sampling efforts are being done through a state laboratory in Miami.

Recommendations

Update the *DEP Enforcement Manual* or provide official written guidance to all offices of the following:

- The expectation to address those systems identified as priority systems on the ETT list within 2 quarters of appearance on the list, either by returning the system to compliance or issuing formal and enforceable enforcement as well as to act immediately on acute, health-based violations and subsequently confirm that systems with such violations return to compliance. This would help to ensure that the state is consistent with the EPA ERP, the state's PWSS grant work plan, and that the State is consistently implementing the compliance and enforcement program throughout all of the districts and authorized programs.

- The expectation that the date that is being used as the date of enforcement action, which is entered into the Potable Water System (PWS) Database and ultimately into SDWIS, is consistently the same date across all districts and authorized programs. Note: The date the proposed order is sent/signed, the date of receipt of the proposed order, and the date of signature by the respondent should not be used as the date of enforcement for reporting purposes. These dates are not indicative of an effective order.

Efforts should be made to ensure that data submitted to SDWIS is timely, enforcement action dates are accurately and consistently entered, all violations are identified and submitted to SDWIS, and that all violations are accurately linked to the appropriate enforcement mechanisms. FDEP should develop and implement revised procedures to ensure accurate reporting of enforcement and compliance information into SDWIS.

Records should be maintained in the file that denote any and all decisions made with regard to enforcement actions, such as if there is a change from the proposed document or a decision to not pursue the enforcement action initiated.

The Division should continue with the Peer Review Process initiated to ensure consistency of the enforcement activities across District offices, and evaluate whether the process should be

expanded to require that all formal actions, including those where both parties are in complete agreement, are submitted to the Division for review.

Internal state coordination between FDEP and FDOH on the drinking water program

Background

Program coordination was selected as a priority review topic due to the number of separate offices that implement Florida's PWSS program and the significant impacts that a 2012 FDEP reorganization had on many of these offices. A first goal of the review is to better understand what kinds of coordination activities occur between offices and how these activities impact PWSS program implementation. A second goal is to determine how the 2012 reorganization altered previous coordination tools and pathways and describe Florida's efforts to adjust to those changes.

As described in the Overview section of this report, Florida implements the PWSS program through multiple offices, each of which handles specified duties for a designated portion of the state. The Division manages Florida's overall primacy program and develops and maintains many of the resources used by six District offices and eight delegated FDOH offices. District and FDOH offices have autonomy to implement the program at the individual system level, but must conduct activities consistent with the Division rules, policy and guidance and communicate accomplishments and issues to the Division. The Division and District offices both report to FDEP's Deputy Secretary for Regulatory Programs. The 2012 reorganization redefined the FDEP's leadership structure and redistributed staff in the Division and some District offices in several ways, as described in the overview section of this report. FDOH offices were unaffected by the reorganization.

Florida's assignment of PWSS program duties to multiple offices and agencies allows the state to leverage significant additional resources and expertise. However, good communication and collaboration is needed to ensure effective, consistent operation of this decentralized program. The overall objective of this review is to ensure that effective mechanisms for ensuring good program coordination remain in place, and to document any particular strengths or weaknesses that require further consideration.

Priority Evaluation Method

Region 4 used a combination of document reviews and personnel interviews to understand past and present coordination activities in Florida and evaluate how well those activities support Florida's overall PWSS program implementation. The documents and information reviewed were obtained from EPA Region 4 files, Division files and the Division's SDWP website (http://www.dep.state.fl.us/water/drinkingwater/). Of these, the following documents provided information on Florida's internal and external program coordination activities:

- FDEP responses to EPA Region 4's PWSS Priority Review Background Questions
- FDEP's 2014 Operator Certification Program Annual Submittal
- FDEP's FY13 Annual Capacity Development Program Implementation Report

- FDEP's 2014 triennial report to the governor on "Florida's Strategy to Improve Public Water Supply"
- FDEP-HQ PWSS Program Review Reports for 2013-2014 program evaluations of FDEP District and FDOH county field offices
- Issues of the Floridan newsletter
- Information available to public water systems on the SDWP website

The Division also provided EPA Region 4 staff with a walk-through of the information and data management tools available on the Division's internal PWS Application during this review. These tools are accessible to all District and FDOH offices.

To obtain a range of perspectives on coordination activities, EPA Region 4 visited multiple offices that together represent a cross-section of PWSS program components. These included the Division office, the Southwest District office and FDOH offices in Broward and Miami-Dade counties. FDOH headquarters staff and Southeast District staff also participated in FDOH office visits. EPA Region 4 interviewed multiple staff at varying levels of responsibility in each office. The names of program managers and technical staff interviewed in each office were obtained from FDEP in advance. EPA Region 4 developed a comprehensive list of questions on internal, inter-office and external (i.e. outreach) coordination, and selected appropriate questions from this list for each interviewee, depending on that person's responsibilities. Program Coordination interviews were conducted with groups of employees, as this approach allowed office staff to provide a more complete description of program interaction and also allowed EPA Region 4 to better observe the dynamics of each office.

Key Findings

To achieve successful program coordination, program components must be organized in a way that allows them to work together effectively to achieve overall program goals. Florida has used many methods to facilitate effective program coordination across all offices. During interviews, staff noted the following existing and historical tools:

Existing Tools:

1) Regular internal office staff meetings
2) Monthly communication calls between the Division and all District-FDOH offices to introduce new policy and regulations
3) Regular comprehensive program evaluations are performed by the Division of District offices (triennially) and by the Division, FDOH HQ and District staff of FDOH offices (annually)
4) One-on-one communication between District liaisons/experts and FDOH office staff
5) Internal PWS communications website - repository for SDWP information, including current announcements, guidance, available training, webcasts, powerpoint presentations and historical meeting minutes; maintained by the Division
6) Internal PWS database – standardized data entry tools facilitate data reporting/retrieval and compliance determination by staff; developed and updated by the Division to address changing requirements and user needs

7) Technical assistance from Florida Rural Waters Association (FRWA) – a Division-managed contract that provides assistance to small systems and conducts FRWA training sessions on many topics, including full day "Focus on Change" Seminars

Previous Tools:

1) Quarterly Permitting, Compliance and Enforcement (PCE) Meetings – means of informally sharing policy and implementation issues between Division and FDEP-FDOH offices
2) Annual PWSS Conference – face-to-face meeting of Division and all FDEP-FDOH office staff that provided information on program policies and issues, rule training and valuable discussion of specific questions, concerns and needs.
3) Quarterly meetings between each District liaison and delegated FDOH offices located within that District. EPA Region 4 believes there is still an expectation for these meeting to occur, but it appears that currently the meetings occur infrequently and only in some Districts.

All offices emphasized that internal staff levels are minimally adequate to implement the assigned program workload. Administrators work closely with their staff to coordinate individual responsibilities in ways that build employee job satisfaction while maximizing output and work quality. One office recognized efficiencies by assigning individual staff both compliance and permitting duties in order to develop more holistic program knowledge. Another office supported employee skills development by devising a detailed training program that included both classroom and on-the-job shadowing. The assignment of job duties commensurate with skill level improved work product and employee satisfaction. Several offices strove to reduce the number of compliance issues by annually notifying systems of required upcoming monitoring activities. One office also achieved greater compliance levels by having staff conduct required monitoring for most small systems.

Many administrators stated that their programs achieve much more by leveraging resources available from the Division and other offices. Leveraging occurs in many ways, including meetings, training and the use of common tools to manage and share SDWP data and information.

The PWSS program conducts various meetings and calls on a regular basis. Monthly 1-2 hour calls coordinated by the Division provide regular updates on pertinent program issues, but are limited in scope. District liaisons noted that they continue to share expertise and have good interaction with staff in FDOH offices, but these discussions are also limited, and some District offices have lost technical expertise. Conference calls and informal information sharing also occur between some District and FDOH offices. However, the regularity and strength of these exchanges varies widely. Lengthier face-to-face meetings (such as the annual PWSS conference and quarterly PCE meetings) have historically provided the most valuable opportunities for education and exchange among office staff. These meetings have included presentations on regulations, technical issues, policy, guidance and data management tools. They also provided time for face-to-face discussions among staff with varied backgrounds and expertise. Quarterly PCE meetings sometimes facilitated the scheduling of follow-up meetings. For example, some

Districts followed quarterly PCE meetings with meetings with their delegated FDOH offices, allowing continued discussions on some PCE meeting topics or introduce other discussion topics of concern. The information exchanged in all of these meetings often facilitated faster, more comprehensive, consistent resolution of specific PWSS program concerns.

The Division conducts regular program reviews of each District and FDOH office. Program Review reports provide a consistent, in-depth assessment of 8 key program components across all 14 offices, as shown in Table 3 on the following page.

The relative weighting that the Division assigns to each of the 8 components is shown in the first row of this table. Individual cells display the percentage of total points which each office received for each component during the most recent 2013-2014 Program Evaluations. The results show that all offices successfully implement Data/File Management and Permit/Plan Review program components. Most offices also successfully implement Compliance, Enforcement and Sanitary Survey/Compliance Inspection program components. However, the basis for bonus points awarded for certain additional activities within these components, which often contribute to elevated scores, is somewhat unclear. Scores for the remaining three program components (Organization/Staffing/Resources, DEP Coordination/Assistance and Training) were more variable, with some offices receiving significantly lower scores. For the Organization/Staffing/Resources program component, three offices received less than 90%, and an additional two offices received less than 92%, of the total possible points. Offices generally received point reductions for having a higher ratio of public water systems to professional staff. However, all offices received the maximum allowable points for their response to the question: "Is the current staffing adequate to cover required workload?". These findings suggest that additional information is needed to better evaluate the adequacy of current office staffing/resource levels. For the DEP Coordination/Assistance component, four offices received 90% or less of total possible points. Point reductions were generally received due to lack of scanning capabilities for purposes of generating electronic files. Most questions required only "yes/no" responses, and the scoring system did not consider the more detailed comments provided by offices. Reconsideration of the kind of information needed to assess this component may be helpful. For the Training component, four offices received less than 85%, and an additional three offices received less than 92%, of total possible points. Point reductions were based on failure of staff to complete one or more of the identified core training courses, or lack of a written office training plan. These findings suggest that many offices do not have access to all needed training. The Division's basis for updating the list of needed courses is also unclear. EPA Region 4 believes this portion of FDEP's program evaluation is inadequate to fully assess training needs.

Table 3.
Summary of 2013-2014 FDEP Program Evaluation Results for 6 FDEP District and 8 DOH County Offices

Sum of Score (as % of PE Weight) Row Labels	Column Labels 1_Organization/ Staffing/ Resources	2_Data/File Management	3_Compliance	4_Enforcement	5_Sanitary Survey/ Compliance Inspections	6_Permit/Plan Reviews	7_DEP Coordination/ Assistance Activities	8_Training	9_Overall Score
1_PE Weight(%)	5.00	25.00	15.00	15.00	15.00	15.00	5.00	5.00	100
A_Central	91.60	94.96	100.00	100.00	93.60	100.00	100.00	100.00	97.36
A_NE	[redacted]	84.52	105.87	105.87	90.40	98.00	100.00	91.60	94.08
A_NW	100.00	97.36	100.00	[redacted]	100.00	97.93	100.00	91.60	99.49
A_SE	102.00	95.28	84.20	[redacted]	97.33	101.07	100.00	100.00	97.2
A_South	102.00	90.76	100.00	[redacted]	103.60	101.00	100.00	[redacted]	98.12
A_SW	94.80	97.96	100.00	[redacted]	102.60	97.87	100.00	83.40	99.36
C_Broward	102.00	95.20	[redacted]	[redacted]	102.33	95.87	100.00	100.00	100.59
C_Hillsborough	[redacted]	99.60	100.00	100.00	[redacted]	92.80	100.00	100.00	98.33
C_Lee	91.60	97.12	100.00	105.87	100.00	93.73	90.00	100.00	98.31
C_Miami-Dade	96.80	95.24	100.00	105.87	96.40	93.93	90.00	100.00	97.58
C_Palm Beach	102.00	93.36	105.87	105.87	[redacted]	96.87	90.00	100.00	99.76
C_Polk	89.60	96.48	[redacted]	100.00	102.73	100.00	100.00	83.40	99.25
C_Sarasota	91.60	97.08	100.00	105.87	[redacted]	86.47	90.00	83.40	97.04
C_Volusia	102.00	95.12	[redacted]	76.47	96.27	93.60	100.00	91.60	94.49

LOW 100% HIGH

Staff interviews conducted during this Priority Review provided information on how Florida currently identifies and addresses training needs. While training needs are a clear priority, the resources to address those needs are often limited. In order to justify training, the Division and District offices each prepare comprehensive annual training plans. Some FDOH offices prepare office training plans, and many notify District offices of additional training needs on an ad-hoc basis. In response to identified needs, the Division develops some training courses and makes these available to all offices. Division training generally focuses on rule implementation or database usage. District and FDOH offices conduct varied amounts of duty-specific training internally and access external training sources as resources allow.

Florida's PWSS program does not currently appear to have a clear means for tracking and addressing training needs on a program-wide basis. Staff in multiple offices identified the need for training on: use of PWS Application tools, information on DBP formation and treatment, DBP Stage 2 implementation, technical knowledge that allows staff to tie rules together and optimize overall system compliance, and state enforcement policies. These responses suggest that the PWSS program could realize some efficiencies by implementing more seamless, universal communication of training needs and resources. Several offices stated that they are in the process of re-tooling existing training plans, to adjust for changing duties and priorities that resulted from the 2012 reorganization. This re-tooling period may provide an opportunity for Florida to revisit the way in which it identifies and addresses training needs on a program-wide basis.

A primary goal of the 2012 reorganization was to recognize efficiencies and achieve greater statewide consistency by realigning staff in the Division and some District offices. The changes implemented were initially disruptive, as they altered established communication pathways and sometimes significantly revised staff workload. However, during interviews, staff provided evidence that re-tooling of the organization aimed at improving overall program coordination is now occurring on several fronts. The Division is re-examining training plans and the value of regular, lengthier face-to-face meetings. The Division continues to revisit strategies for maintaining timely access to critical information technology resources. Given the realignment of compliance staff and the revision of some enforcement guidance, the Division has also recognized the importance of clarifying the enforcement process to all offices. Districts clearly desire autonomy to implement enforcement/compliance issues; however, they are also striving to exchange information and expertise with other Districts, and expressed a desire for clearer guidance from the Division on some issues. District offices that were more heavily impacted by the reorganization continue to re-calibrate their programs to ensure effective public water system oversight.

Resources which were unchanged through the 2012 reorganization contributed considerably to the continued strength of Florida's PWSS program. These resources include FDOH-HQ and FDOH offices, the continued use of 14 geographically-targeted District and FDOH offices to maintain close working relationships with public water systems operators, the technical support contract with FRWA, and the Division's continued maintenance of several tools for managing data and information essential to the PWSS program.

Recommendations

The 2012 reorganization refocused Florida's PWSS program on the critical goals of strengthening overall program consistency, and renewing focus on timely accomplishment of program priorities (such as the prevention and resolution of health-based violations). The associated reorganization of staff and resources disrupted many valuable coordination pathways that existed under the old organization. Some expertise was also lost during the reorganization. The re-tooling period that is now occurring is critical to ensuring that Florida maintains and establishes communication pathways and tools that will allow them to best accomplish the priorities of the PWSS program under the new organization. Based on information gathered during this priority review, the following program coordination-related activities are recommended as key to strengthening Florida's PWSS program.

Regular, established communications have historically provided the Division, District and FDOH offices with some of the most valuable ways to leverage the expertise and resources available in the many offices that comprise Florida's PWSS program. Interviewed staff unanimously stated that regular face-to-face meetings (such as the annual FDEP PWS conference and quarterly PCE meetings) were the most valuable tools, as these provided the broadest exchange of PWSS program and technical information to the greatest number of staff. Reinstatement of these meetings would strengthen staff knowledge and promote rebuilding of communication pathways. Continued strengthening of regular communication pathways between District offices would increase the exchange of information and expertise relevant to direct oversight of public water system facilities. Increased District expertise could also be leveraged by FDOH offices.

EPA Region 4 recommends FDEP lead a statewide assessment of technical and programmatic training needs of all offices given the number of new drinking water regulations and new staff to the program. A re-tooling of Florida's training program that allows PWSS program offices to better identify and address training needs would be helpful.

Individual offices provide various levels of internal training, but this could be supplemented with the resources and expertise available from other offices across the state. Reinstatement of the face-to-face meetings noted earlier would provide an efficient means for providing broadly-needed training, such as guidance on program enforcement tools and priorities as well as provide a meaningful opportunity for offices to share training plans (such as the training program being developed by the SW District).

Some re-tooling of the Division's standard Program Evaluation template may increase the usefulness of Program Evaluation findings. These regular program evaluations of District and FDOH offices provide an excellent tool for consistently evaluating key components of Florida's PWSS program. However, for some components, the information collected does not clearly explain the basis for differing, or lower, scores among offices. This finding primarily applies to components that do not include reviews of specific public water systems (i.e. Organization/Staffing/Resources, DEP Coordination/Assistance and Training components). Questions and scoring mechanisms used for these components could be re-examined and modified to better characterize office strengths or deficiencies. For example, the Division might

develop a standard process for updating core training courses to reflect changing program priorities and individual office needs.

Florida's PWSS program may strengthen external coordination though increased participation by local office level in EPA's Area Wide Optimization Program (AWOP) program. This participation would allow office staff to better evaluate and assist surface water systems in optimizing treatment goals and enhancing microbial and disinfection byproduct control. The technical expertise gained could also be shared with other offices.

Local District and FDOH offices are encouraged to make use of the OCULUS and Permitting Application document management systems, particularly in an effort to coordinate compliance and permitting activities.

Disinfection Byproduct Rules Implementation

Background

DBP Rules Implementation was selected as a priority for review based on an analysis of state-wide violation data by specific contaminant group. Other than total coliform MCL violations, DBP MCL violations represented the greatest number of health-based violations for water systems in Florida over the past five years. Many water sources in Florida have high quantities of naturally occurring organic matter. When the water with high levels of organics is disinfected with chlorine, high levels of disinfection byproducts can form. Levels of many DBPs increase with water age in finished water storage tanks and distribution systems. Treatment strategies for DBPs can include adjustments to treatment systems (examples: removal of organics prior to disinfection, change of disinfectant, pH adjustment, or removal of DBPs after formation, etc.) or changes to operations of distribution systems (examples: adjustments to storage tank levels or fill/draw cycles, flushing practices, elimination of "dead ends" in distribution lines, etc.).

Over the past few years States and water systems have been transitioning from monitoring requirements associated with the Stage 1 Disinfectants and Disinfection Byproduct Rule to the Stage 2 DBP Rule. Some of the key changes include the number, frequency and locations of routine monitoring, inclusion of consecutive water systems to rule requirements, and how compliance is calculated based on locational running annual averages. The transition from the Stage 1 to Stage 2 Rule involved a period of time when EPA Region 4 was implementing aspects of rule focused on identifying potential new monitoring locations. These early implementation activities were a result of the regulatory timeline beginning before states were required to have the rule adopted. As a result, FDEP and FDOH field staff played a limited role in training and implementation associated with monitoring site selection. FRWA did provide a significant amount of outreach to water systems during this time. Florida had adopted the Stage 2 Rule by the time routine monitoring requirements began and worked with water systems to finalize monitoring plans.

Priority Evaluation Method

Region 4 utilized a combination of data analysis, personnel interviews and onsite file reviews to evaluate strengths and needs associated with Florida's implementation of the DBP Rules. Data analysis include reviews of DBP monitoring results from Florida's PWS Database and DBP violation data available from EPA's SDWIS data system. Interview questions were used to determine strategies utilized to affect system compliance, understand expertise levels and resource demands for staff and management, and to gage consistency in implementing the regulations and guidance associated with the DBP Rules. File reviews included a review of information used to develop system monitoring plans, an evaluation of system monitoring data to ensure monitoring was done in accordance with the plan, and a review of compliance determinations based on the analytical results. A complete list of the files reviewed is provided in Appendix A.

Key Findings

Most health-based violations for chemical monitoring in Florida are associated with DBPs.

Review of DBP monitoring results from the PWS Database identified a significant number of questionable values of "0" for TTHM and HAA5 analytical results, often at systems/locations that had previous and subsequent high levels. While some amount of fluctuation of results is expected, systems with detected levels greater than ½ of the MCL typically do not have fluctuations that would result in associated non-detect levels.

Staff determine compliance manually based on review of monitoring results as the Stage 2 module of the PWS Database was not yet available at the time of the review. The module has since been completed. Errors were identified in both water system reporting and state compliance determination including:

- Incorrectly calculating the locational running annual average of monitoring results
- Water system not monitoring in correct months
- Failure of systems to submit Operational Evaluation Reports when required
- Changes in monitoring locations without justifications

Staff have had training on DBP rule compliance. However, very few staff indicated they had much, if any, training related to DBP formation and/or treatment.

Reviewers found recommendations to water systems on flushing strategies that are not supported by EPA and will result in masking ongoing health risks to water system customers.

Some offices have made efforts to integrate compliance and permitting activities to ensure DBP compliance is considered in project review and the potential need for DBP monitoring plan changes based on relevant water system infrastructure changes. Efforts range from having the same staff perform both engineering review/permitting and compliance determination, to developing a liaison responsibility between permitting and compliance office staff.

Recommendations

There is a need for District and County staff to re-evaluate DBP monitoring locations identified in Stage 2 Monitoring Plans. FDEP and FDOH should consider enhancing the review of distribution systems during sanitary surveys to include an evaluation of DBP monitoring locations. Considerations for enhancing the sanitary survey include:

- Checking disinfectant residual levels (and pH when available) to assess water quality at areas of high probable water age relative to approved DBP compliance monitoring locations.
- Reviewing flushing practices to determine if water systems are using practices to improve water quality system-wide or just at compliance locations.
- Visit the DBP monitoring locations to identify any changes (e.g. installation of auto-flushing device) that may give reason to modify the monitoring plan.
- Evaluate the appropriateness of changing one monitoring location to Point of Entry for consecutive systems based on the number of monitoring locations and associated baseline data already collected. POE data can be valuable for coordination between wholesale and consecutive water systems.

Provide technical training to staff on how to limit DBP levels in water systems through improved distribution system operation practices. The AWOP implemented in Region 4 has been used by several states to provide training to water system personnel on DBP compliance strategies that minimize the need for costly infrastructure and to develop the staff expertise to perform the enhanced sanitary survey practices outlined above. Due to the low number of surface water systems in the state, FDEP has minimally participated in EPA's AWOP. With the network's significant change in focus to disinfection byproducts, FDEP should engage all districts and counties with opportunities to participate in AWOP.

FDEP should investigate the number of "0" monitoring results to determine if there are any obvious laboratory or data entry errors, or any trends that would raise question as to the integrity of the results.

FDEP-HQ should continue to prioritize development of the PWS Database to facilitate implementation tasks for inspectors and compliance officers.

Data Management

Background

One of the required functions of delegated PWSS Programs is to maintain a data management system for tracking compliance, enforcement actions and public water system inventory. FDEP-HQ's database for the drinking water program is the Oracle-based PWS Database. Reports are produced in Active Server Pages. Data are transmitted to SDWIS/Fed via an Extensible Markup Language file created from extrapolated data. Data are reported quarterly, including inventory, samples and violations and enforcement updates.

Automated compliance determinations for TCR, GWR, Phase II/IV, RAD, CCR, Turbidity and Stage 2 DBPs (just recently, in time to evaluate 1st Q 2015) are performed by the PWS Database nightly and verified by the district and county offices. All violations are posted automatically but can be over-ruled by the point person in each office. All other compliance determinations are entered manually within the individual offices, as are all violation letters and enforcement actions.

FDEP uses the SDWIS/Fed error reports to correct errors but finds that the ".pdf" format is not useful. That format is too difficult to mark up and data cannot be sorted. FDEP would greatly prefer data in Excel spreadsheets.

Key Findings

The Division has developed and maintains several effective tools for entering and accessing PWSS data and reports including:

PWS Database – In addition to tracking lab samples, the PWS Database tracks inventory, permit compliance/enforcement, monthly operations, inspections and complaints. The PWS Database includes reports for staff, but also posts five reports to the public FDEP website that are further divided by year or geographic area. Basic Facility Reports, Flow Data and Plant Treatment Data files are updated quarterly. Chemical Data and Microbiological Data files are updated annually in March. Reports provide information on sample results, average/max monthly flows, types of water treatment, the type of system, address, capacity, sources of water, population and service connections served, dates the Department performed the last sanitary survey, and the dates the last bacteriological and inorganic/organic contaminant testing was performed.

PA (Permitting Application) System – database that tracks the permit application process to ensure statutory time clocks are met.

OCULUS – an electronic, web-based document management system that allows the public and staff to search and review permitting documents, lab reports, inspections, etc. within DEP and at two of eight FDOH offices.

FDEP-DW standardized PDF/Word data/information entry forms - for use by public water systems and laboratories to document: (1) Permitting/Construction/O&M activities (Chapter 62-555.900 F.A.C.) and (2) reporting results for required test measurements or analyses (Chapter 62-550.730 F.A.C.). Users may generate computer-generated versions of same (see http://www.dep.state.fl.us/water/drinkingwater/forms.htm).

NEXUS – user-friendly information portal for retrieving documents from OCULUS archival database.

PASS (Permit Application Subscription Service) System - Allows user to receive automated, customized notification of permit application status (e.g by application types, geographic area, etc.)

Data entry and compliance determination tools available through the PWS Database provide staff in all offices with a rapid, reliable, consistent way to upload system monitoring data and accurately calculate compliance. The value of this tool was readily apparent during staff interviews, as staff unanimously emphasized the need for the Division's soon to be released DBP Stage 2 compliance determination tool.

Use of a state-developed tool also allows staff to more easily request helpful database changes. Simpler changes are implemented by Division staff, while more comprehensive changes are made by staff in OTIS. Requests to OTIS are sometimes delayed, as OTIS must prioritize database needs for multiple programs. The Division works to maintain the priority level of key PWS Database updates, but limited OTIS resources are an ongoing challenge.

The Division also maintains two web-based document tracking systems that allow staff and the public to obtain SDWP documents of interest. OCULUS houses copies of permitting, lab, inspection, operational and compliance/enforcement documents. The PA System allows the user to retrieve permit applications currently under review. While these systems may provide a valuable resource to inspectors and permit reviewers, it is unclear to what extent some offices use these systems. More comprehensive training on these systems may facilitate the exchange of information between permitting and compliance staff.

Recommendations

Florida's PWSS program should continue to implement a strong data and information management program that is available to all offices. The PWS Database addresses a critical need, providing a consistent suite of tools for data entry and compliance determination that can also be modified to address staff needs.

External Outreach

Background

In selecting topics for review, FDEP's compliance assistance outreach to public water systems was identified as a program strength. The review included a combination of document review and interviews of key staff and managers. With recent changes in drinking water ~~law~~ rules and regulations (Stage 2 DBP Rule, Ground Water Rule, Reduction of Lead in Drinking Water Act, Revised Total Coliform Rule), water systems are increasingly dependent on state agencies to provide the outreach necessary to explain the details of the rules and regulations that will ensure sector compliance and protection of public health.

FDEP and FDOH value a strong relationship with the regulated community and strive to ensure that, where possible, concerns are addressed through compliance assistance activities prior to water systems incurring a potential violation. Florida's drinking water program achieves outreach to water systems through site visits to water systems, training classes, contracts with technical assistance partners, and direct mailings to water systems and water system professionals.

Key Findings

FDEP and FDOH utilized a number of mechanisms to provide meaningful outreach activities to public water systems, including:

- Drinking Water Technical Assistance Program
- Contract with FRWA to provide training and operator certification
  - Focus on Change training seminars ~ 6 events/year
  - Water treatment plant operator certification ~16 events/year
  - Water distribution system certification training ~5 events/year
  - Water treatment plant operation and maintenance ~17 events/year
  - Electrical safety and generator set up ~ 1 event/year
  - Treatment technologies and conservation ~ 1 event/year
  - Emergency Response Plans ~ 0-1 event/year
  - Over 3,000 technical assistance site visits/year from Circuit Riders
- Limited Involvement in Area-Wide Optimization Program
- Operator Certification Program
- Floridian Newsletter
- Sanitary Surveys and other inspections

Florida's strong suite of outreach tools provide office staff with ways to enhance coordination with local public water system operators. The Division's Technical Assistance Program assists all offices in resolving technical, managerial and financial challenges of individual public water systems at no cost to those systems. The contracted services of FRWA are frequently used by smaller rural water systems. FRWA also provides training on various topics of interest to both system operators and FDEP and FDOH staff, including full-day sessions during the "Focus on Change" seminars which are held year-round at locations throughout the state. Available training sessions are listed on the FRWA website. The Division participates minimally in EPA's AWOP, and uses this program to more closely evaluate and assist the ability of surface water systems to optimize disinfection and filtration treatment goals and enhance microbial and disinfectant byproduct control. While participation has recently decreased, staff interviewed in some District and FDOH offices expressed interest in increasing participation in order to benefit public water systems while strengthening the expertise of office staff.

All offices expressed a need for greater technical training of inspectors, compliance, and permitting staff citing a concern with being able to adequately address simultaneous compliance concerns with water systems. Some entities expressed concern over a perceived loss of drinking water programmatic expertise within FDEP.

The Division offers a Sanitary Survey School annually to train newer FDEP and FDOH inspectors on not only the eight elements that are required by EPA when conducting a sanitary

survey, but also on operation and maintenance activities, as well as treatment theory and technologies.

Customer complaints made to the state are addressed in a timely and appropriate fashion. There was some uncertainty as to what FDOH laboratory support is available to District staff when responding to customer complaints.

Every office makes a concerted effort to send letters to each water system annually to provide minimum monitoring requirements to ensure water systems complete all required monitoring.

Recommendations

Florida should continue to implement a strong PWSS outreach program. FRWA contracted services and training sessions provide invaluable support to local offices in their efforts to assist public water system operators. Focus on Change seminars also provide opportunities for exchange between office staff and public water system operators, strengthening communications between these parties.

Consider exploring the appropriateness of addressing laboratory support for bacteriological monitoring in the interagency agreement between FDOH and FDEP. The support would be used when responding to customer complaints or in carrying out any special studies that would enhance the value of Department outreach for water systems.

EPA Region 4 believes District and County staff participation in the AWOP would facilitate improved outreach to water systems. In addition to new regulations, large turnover in drinking water staff, in some areas, has created a need for increased investment in drinking water program training. EPA Region 4 strongly encourages Districts and Counties to interact more, through routine meetings and trainings, to discuss implementation challenges/successes so that expertise across the state is better leveraged to fill the knowledge gaps associated with new regulations and new program staff.

Appendix A

Florida Drinking Water Program Priority Review
File Review Summary

For the enforcement cases, EPA Region 4 reviewed all actions and associated non-compliance over the past 3 years (2012-14). The case files should contain all of the case development work (violations, initial correspondence, informal and formal actions, etc.) even if prior to 2012. Example: If an enforcement order was issued in 2012 for an arsenic violation in 2010, EPA Region 4 evaluated everything from 2010 up until the system returned to compliance.

For the DBP files, EPA Region 4 reviewed files for monitoring results, monitoring plans, documents used in developing/approving monitoring locations, correspondence related to monitoring location changes, and documents related to compliance assistance outreach.

Broward County DOH

Enforcement Case Files

FL4060402	Everglades Holiday Park
FL4061517	Royal Utility Company
FL4064392	Kids Paradise

Disinfection Byproduct Files

FL4060402	Everglades Holiday Park
FL4060254	City of Deerfield Beach

Miami-Dade County DOH

Enforcement Case Files

FL4131403	American Village
FL4130833	Jones' Trailer Park
FL4130970	City of North Bay Village

Disinfection Byproduct Files

FL4131403	American Village
FL4130871	MDWASA
FL4131531	Virginia Gardens
FL4131001	Opalocka

Tampa, SW District

Enforcement Case Files

FL6095083	Seven Rivers Professional Center
FL6272304	Camper's Holiday
FL6510807	Holiday Gardens Utility, Inc.

Disinfection Byproduct Files

FL6512033	PCUD Blanton Lake Park
FL6520336	Clearwater Water System
FL6521576	Safety Water
FL6277059	Hernando Co. Utility-West
FL6280049	City of Avon Park

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Priority #5: Data Management

Background:
One of the required functions of delegated PWSS Programs is to maintain a data management system for tracking compliance, enforcement actions and public water system inventory. FDEPs main database for the drinking water program is called PWS. PWS analytical results are received electronically through the Oculus 5.6.2. Program. The Oculus Program is also accessible to the public for review of PWS documentation. FDEP also uses an Oracle-based database of their own design, PWS. Reports are produced in American Standard Code for Information Interchange (ASCII). Data are transmitted to SDWIS/Fed via an Extensible Markup Language (XML) file created from extrapolated data. Data are reported quarterly, including inventory updates.

Compliance determinations are performed in the district and county offices, using the PWS program. Pre-compliance reports run every night and are available to the offices the following day. A point person in each office is responsible for posting the previous month's violations so they can be compiled by Tallahassee. Treatment technique and Public Notice violations are entered manually. All other compliance determination is automated. All violation letters and enforcement actions are handled within the individual offices.

FDEP uses the SDWIS/Fed error reports to correct errors but finds that the ".pdf" format is not useful. That format is too difficult to mark up and data cannot be sorted. FDEP would greatly prefer data in Excel spreadsheets.

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TN PWSS Priority Review Report Outline (Template)

Executive Summary (Brian)

Introduction (Brian)

Overview of Tennessee's Public Water System Supervision Program (Brian)

Program Priorities

- Priority 1: Enforcement Program (Amanda/Tony)
  - Background
  - Evaluation Method
  - Key Findings
  - Recommendations

- Priority 2: Ground Water Rule (emphasis on Sanitary Survey requirements) (Dale)
  - Background
  - Evaluation Method
  - Key Findings
  - Recommendations

- Priority 3: Resource Utilization to Address Critical Needs (Brian)
  - -Technical Assistance
  - -Data Management
  - -Lab Certification
  - Background
  - Evaluation Method
  - Key Findings
  - Recommendations

Other Areas of Significance (as needed)

Appendix (as needed)

INTRODUCTION

This section should include a description of the Priority Review approach to evaluating a states' PWSS Program. The description should highlight the involvement of the state in setting priorities for the review and the focus on transparency throughout the effort.

OVERVIEW OF State's PWSS Program

This section should provide a broad overview of the entire state program. The answers to the baseline questions can be compiled into narrative paragraphs. In addition to the baseline questions, the state program manager can include other information from the following sources:

- Quarterly uploads to SDWIS
- Operator Certification Annual Report
- Capacity Development report to the Governor
- include list from PR protocol

This section is based on resources (reports, data, correspondence, etc.) available for each state and therefore represents the portion of the review that is common among all states in Region 4. Therefore any aspect of the program can be discussed in this section.

PROGRAM PRIORITIES

Identify the priorities chosen for the review and provide a brief description of why each priority was chosen. It may also be appropriate to identify priorities that were not chosen, but may be considered for future reviews or internal investigations by the state.

A separate section for each identified priority should include a description of the priority, the methods that will be used to evaluate state performance (e.g. data review, file reviews, interviews), findings discovered in reviewing state documents/reports prior to the site visit as well as findings from the onsite file reviews and interviews. Some effort should be focused on developing numeric measures of evaluation/performance that can be referenced when making recommendations for programmatic improvements. Recommendations should be made for each priority based on findings discovered throughout the review process.

OTHER AREAS OF SIGNIFICANCE

This section can be used to address other important issues discover during the review. The issues can be programmatic strengths as well as potential concerns.

Key FDEP/DOH Outreach Activities

Background:
In selecting topics for review, FL's compliance assistance outreach to public water systems was identified as a program strength. The review included a combination of document review and interviews of key staff and managers. With recent changes in drinking water law (Stage 2 Disinfection Byproduct Rule, Ground Water Rule, Reduction of Lead in Drinking Water Act, Revised Total Coliform Rule), water systems are increasingly dependent on state agencies to provide the outreach necessary to explain the details of the rules and regulations that will ensure sector compliance and protection of public health.

FDEP and FDOH value a strong relationship with the regulated community and strive to ensure that, where possible, concerns are address through compliance assistance activities prior to water systems incurring a potential violation. The FL drinking water program achieves outreach to water systems through site visits to water systems, training classes, contracts with technical assistance partners, and direct mailings to water systems and water system professional.

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9/4/14 DRAFT Training Document – Which Systems Must Monitor for WQPs to Meet LCR Requirements – V. Harmon

	System/Situation	Whether System Must Monitor for WQPs	Justification
1	Large	Must monitor	141.87 (text before (a))
2	Small/medium optimized under 141.81(b)(1)	Need not monitor	141.81(a)(2)
3	Small/medium optimized under 141.81(b)(2)	Must monitor?	141.81(b)(2) (conflicts with 141.81(a)(2) which provides that (b)(2) systems need not complete 141.81(e)).
4	Small/medium optimized under 141.81(b)(3)	Need not monitor	141.81(a)(2)
5.	Small/medium is at 141.81(e)(1)	Must monitor	141.81(e)(1)
5	Small/medium is at 141.81(e)(2), (3), (4), (5), (6) or (7)	Case-by-case?	Refer to regs
6.	Small/medium is at 141.81(e)(8)	Must monitor	141.81(e)((8)

At any given time, a large system will meet one of the following: optimized under 141.81(b)(2), optimized under 141.81(b)(3), or following the CC steps in 141.81(e). (EPA Region 4 said we are now using 141.81(e) instead of 141.81(d) for large systems, because the dates in 141.81(d) have elapsed.) At any given time, a small/medium system will meet one of the following: optimized under 141.81(b)(1), optimized under 141.81(b)(2), optimized under 141.81(b)(3), or following the CC steps in 141.81(e).

A system is deemed optimized under 141.81(b)(1), (2), or (3) if it meets the criteria in (b)(1), (2), or (3) and has never in its entire history been triggered into following all or part of 141.81(d)(2) through(7) or 141.81(e)(2) through (8) UNLESS the Department has evaluated their situation and deemed them re-optimized as a (b)(1), (2), or (3) system. The only possible grounds for re-establishment as a (b)(1), (2), or (3) system is if one or more of the following occur: change in pipe materials (possible for any system but in reality will not be an option unless it is a small system that owns all of the distribution and service line piping and can demonstrate that they changed out most of it), change in source of water, and switch to another proven treatment technology. Justification: 9/X/14 email from EPA.

Row 1: Large B3 systems need monitor only during the same two consecutive six months in which system conducted initial lead and coper tap monitoring under 141.86(d)(1). The justification for this is EPA email 8/26/14 and EPA 816-R-10-004 p. 55. This guidance clarifies the silence in 141.81(d)(4).

WQP monitoring for operational control rather than to meet LCR requirements is not covered in this document. The Department is free to require WQP monitoring for operational control through inspections, MORs, permit conditions, etc.

Priority #2 Program Coordination

Background

The FDEP Source and Drinking Water Program (SDWP) is a decentralized program that implements provisions of the Safe Drinking Water Act (SDWA) through multiple offices. Each office handles specified duties for a designated portion of the state. The structure of FDEP's SDWP was also significantly revised in a 2012 reorganization. EPA selected program coordination as a priority review topic in order to better understand the coordination processes that occur within and between offices, determine how the reorganization impacted these processes and assess how well the current processes allow FDEP to fully implement provisions of the SDWA.

FDEP has primacy for implementing Florida's Public Water System Supervision (PWSS) Program. FDEP's headquarters office in Tallahassee (FDEP-HQ) manages the overall primacy program and develops and maintains many of the resources used by six FDEP district offices and eight FDOH county health department offices to implement the program at the individual system level. Each FDEP District and delegated FDOH county field office has autonomy to implement the program but must conduct activities consistent with FDEP rules, policy and guidance and communicate accomplishments to FDEP-HQ. FDOH authority to implement the program is delegated from the geographically co-located FDEP District to the FDOH county office via interagency agreement. Both parties periodically evaluate the county office's ability to implement the program. In order to maintain primacy, FDEP must also ensure that Florida maintains a comprehensive laboratory certification program. Florida Statute assigns FDOH the responsibility for implementing Florida's laboratory certification program. FDOH oversees all certified laboratories in the state of Florida with the exception of a radiochemistry lab. In 2012, FDOH and the South Carolina Department of Health and Environmental Control Bureau of Laboratories (SCBL) entered into a Memorandum of Agreement that allows the SCBL Radiochemistry lab to serve as the SDWA Primacy Radiochemistry lab for Florida's PWSS program.

The 2012 reorganization redefined FDEP's leadership structure and redistributed staff in FDEP-HQ and some District offices, as described in the overview section of this report. FDOH county offices were unaffected by the reorganization. These changes may have impacted existing communication tools and pathways, or necessitated re-tooling of those pathways.

The assignment of duties to multiple offices and agencies allows Florida to leverage significant additional resources and expertise. However, good communication and collaboration is needed to ensure that this decentralized program operates effectively and consistently. The overall objective of this review is to ensure that effective mechanisms for ensuring good program coordination remain in place, and to document any particular strengths or weaknesses that require further consideration.

Priority Evaluation Method

Region 4 used a combination of document reviews and personnel interviews to understand past and present coordination activities in Florida and evaluate how well those activities support Florida's overall implementation of the PWSS Program. The documents and information reviewed were obtained from EPA Region 4 files, FDEP-HQ files and FDEP's SDWP website (http://www.dep.state.fl.us/water/drinkingwater/). Of these, the following documents provided information on Florida's internal and external program coordination activities:

- FDEP responses to EPA's PWSS Priority Review Background Questions
- FDEP's 2014 Operator Certification Program Annual Submittal
- FDEP's FY13 Annual Capacity Development Program Implementation Report
- FDEP's 2014 triennial report to the governor on "Florida's Strategy to Improve Public Water Supply"
- FDEP-HQ PWSS Program Review Reports for 2013-2014 program evaluations of FDEP District and FDOH county field offices
- Issues of the Floridan newsletter
- Information available to public water systems on the SDWP website

During the review, FDEP-HQ also provided EPA Region 4 staff with a walk-through of the tools available on FDEP's internal PWS website. This tool is accessible to all FDEP Districts and delegated FDOH county offices.

To obtain a range of perspectives on coordination activities, EPA visited multiple FDEP and FDOH offices and interviewed several staff in each office. The following offices were selected following discussions with FDEP and FDOH:

- FDEP-HQ (Tallahassee)
- FDEP's Southwest District office
- FDOH's Broward County office
- FDOH's Miami-Dade County office.

Personnel from FDOH-HQ and FDEP Southeast District office who are responsible for FDEP-FDOH coordination also participated in the visits to FDOH county offices.

To prepare for the review, EPA obtained a list of program managers and technical staff to be interviewed in each office from FDEP (Appendix ?). EPA then developed a comprehensive list of questions on internal, inter-office and external (i.e. outreach) coordination (Appendix ?), and selected appropriate questions from this list for each interviewee, based on that person's responsibilities.

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OVERVIEW OF FLORIDA'S PWSS PROGRAM

EPA gives flexibility to state primacy agencies for required PWSS program activities. In Florida, PWSS implementation activities are spread over a decentralized organizational structure. The Department of Environmental Protection has the primary role of regulating public water systems (PWSs) in Florida. The Source and Drinking Water Program (SDWP) located in the FDEP headquarters in Tallahassee (FDEP-HQ) is responsible for writing rules, developing policy, managing funds, providing training, managing data, and managing special initiatives. The Water Compliance Assurance Program (WCAP) is responsible for oversight, tracking and reporting of enforcement and permitting activities. The enforcement of rules and permitting of new construction for individual PWSs is handled by six FDEP district offices. In eight Florida counties, the Districts have currently delegated this enforcement and permitting authority to local approved county health departments through Interagency Agreement. FDEP has also delegated laboratory certification to the Department of Health Laboratory in Jacksonville.

FDEP-HQ environmental programs are divided into three main areas, one of which is Regulatory Programs. The Deputy Secretary for Regulatory Programs provides oversight and direction to four FDEP-HQ regulatory divisions, including the Division of Water Resource Management (DWRM) and six regulatory district offices. The SDWP and WCAP programs are both located within DWRM, while the regulatory district offices report directly to the Deputy Secretary for Regulatory Programs. Following is a complete list and description of all programs which contribute to FDEP's implementation of Safe Drinking Water Act (SDWA) requirements.

Florida Department of Environmental Protection

FDEP-HQ Division of Water Resource Management (DWRM):

- FDEP-HQ Source and Drinking Water Program (SDWP): Coordinate overall PWSS implementation through policy and rule development, and management of funding, training, data and special initiatives. Ensure all SDWA program requirements are conducted and reported to EPA as outlined in the annual PWSS workplan.
- FDEP-HQ Water Compliance Assurance Program (WCAP): Facilitate statewide coordination of compliance and enforcement activities by providing and/or supporting the development of policy, guidance and training to ensure consistency among the six District Offices for state Drinking Water and Wastewater Programs. Ensure all SDWA compliance and enforcement activities are conducted and reported to EPA as outlined in the annual PWSS workplan commitments.

FDEP-HQ Office of General Counsel (OGC): Provide legal counsel and represent FDEP in implementing enforcement, permitting and programmatic actions. Provide training and consultation to FDEP staff.

FDEP-HQ Office of Technology and Information Services (OTIS): Manage functionality and security of the information technology systems that support FDEP mission success.

Provide application development and customer support services to FDEP Divisions and regulatory districts that use regulatory databases, including SDWP support needs for PWS.

FDEP Regulatory District Offices: Coordinate and implement all permitting, compliance and enforcement activities for counties located within District boundaries, including permit reviews, facility inspections, compliance assistance, rule enforcement and response to reports of environmental damage. Six separate offices serve counties located in the Northwest, Northeast, Central, South, Southeast and Southwest portions of the state. The FDEP District Office delegates this authority to qualified individual Florida Department of Health (FDOH) county offices. Provide legal, technical and training assistance to delegated FDOH county offices.

Florida Department of Health

- The current DEP-DOH Interagency Agreement delegates lead PWSS program implementation authority from the responsible FDEP District Office to DOH offices in the counties of Broward, Miami-Dade, Hillsborough, Lee, Sarasota, Palm Beach, Polk and Volusia. Delegated FDOH county offices coordinate and implement permitting, compliance and enforcement activities for that county.
- The Florida Department of Health laboratory in Jacksonville maintains a State program for the certification of laboratories conducting analytical measurements of all drinking water contaminants, with the exception of radionuclides, in accordance with Florida Statutes 403.862-.8635 and Florida Administrative Code (F.A.C.) Chapter 62-550.550.

South Carolina Department of Health: South Carolina's radiological laboratory is responsible for the analysis of all radionuclude samples for Florida PWSs, in accordance with an MOA approved by SESD on January 28, 2013.

This organization is significantly changed from the structure that was in place during the previous 2009 Program Review conducted by The Cadmus Group, Inc. on behalf of EPA. In 2012, FDEP underwent a reorganization which affected both FDEP-HQ and FDEP District offices. At FDEP-HQ, the source and drinking water program staff were merged to form the Source and Drinking Water Program. Staff were relocated from the Drinking Water Program to support the formation of a centralized compliance and enforcement group (WCAP) and a more centralized information technology group (OTIS). District boundaries were redrawn, and resources were re-allocated, to allow for a more even distribution of resources among Districts. A primary objective of this reorganization was to improve program efficiency/effectiveness and promote consistency by streamlining the management structure and increasing cross-utilization of resources, particularly in the areas of compliance determination and data management.

FDEP's authority to implement provisions of the Safe Drinking Water Act (SDWA) derives from Chapter 403, Part VI, Florida Statutes and by delegation of the federal program from the U.S. Environmental Protection Agency. The Department has promulgated a number of rules in Chapters 62-4, 62-550, 62-555, 62-560, 62-602 and 62-699 F.A.C. to address drinking water standards, monitoring and reporting; public water system permitting and compliance; and treatment plant operators, classification and staffing. These requirements impact approximately

5245 federally regulated public water systems (PWSs) with approximately 1649 (or 31%) of Florida's PWSs being community water systems, approximately 776 or (15%) being non-transient non-community systems, and approximately 2820 or (54%) being transient non-community systems (Table 1).

PWS TYPE	WATER SOURCE	COUNT
CWS	Surface Water only	5
	Surface & Ground Water	69
	Ground Water only	1575
NTNC	Surface Water only	0
	Surface & Ground Water	4
	Ground Water only	772
TNC	Surface Water only	5
	Surface & Ground Water	1
	Ground Water only	2819
TOTAL		5245

Table 1. Count of Florida Public Water Systems by Type and Source

PRIORITY REVIEW OVERVIEW

The U.S EPA, Region 4 Drinking Water Section (EPA, Region 4) developed a protocol, call a Priority Review, for assessing the performance of state Public Water System Supervision Programs and for evaluating the adequacy of resources dedicated to identified priorities for individual state programs. The Priority Review replaces EPA's Data Verifications that historically reviewed state data associated with each rule in the National Primary Drinking Water Regulations. The new approach is intended to be transparent and targeted in assessing a few priority focus areas identified in a collaborative effort between the state and EPA, Region 4. The following priority areas of focus have been identified for Florida:

1. Enforcement of drinking water regulations
2. Disinfection Byproduct Rules implementation
3. Internal state coordination between DEP and DOH on the drinking water program
4. Data Management, and
5. External outreach

EPA Priority Review of Florida Drinking Water Program

INTRODCTION

The U.S EPA, Region 4 Drinking Water Section (EPA, Region 4) developed a protocol, call a Priority Review, for assessing the performance of state Public Water System Supervision Programs and for evaluating the adequacy of resources dedicated to identified priorities for individual state programs. The Priority Review replaces EPA's Data Verifications that historically reviewed state data associated with each rule in the National Primary Drinking Water Regulations. The new approach is intended to be transparent and targeted in assessing a few priority focus areas identified in a collaborative effort between the state and EPA, Region 4. The following priority areas of focus have been identified for Florida:

1. Enforcement of drinking water regulations
2. Disinfection Byproduct Rules implementation
3. Internal state coordination between DEP and DOH on the drinking water program
4. Data Management, and
5. External outreach

The priority areas were assessed through review of existing documentation submitted to EPA, review of selected water system files, and through interviews with staff and managers. This review represents one of the best opportunities to support the needs of your drinking water program, as well as to highlight the successes your program has achieved. While these reviews represent a high-priority effort, they will only achieve positive results if we see ourselves working towards the same goal, highlighting areas where both EPA and Florida believe improvements can be made in program effectiveness.

Background

Compliance and Enforcement Program Implementation was selected as a priority for review in order to assess whether a state is implementing the requirements of the Public Water System Supervision (PWSS) program. The states ensure that human health is safeguarded by enforcing the requirements of the Safe Drinking Water Act (SDWA) to ensure that the states' public drinking water supply and its sources are protected. Historically, the reviews of the states' PWSS programs, whether that be through a Data Verification, Program Review, or a Priority Review, did not typically include an evaluation of the compliance and enforcement program at the states. **Region 4 has now determined that this is an important aspect of a review of the implementation of a PWSS program, and will include this in all future Priority Reviews conducted**. Through this review, EPA promotes regional consistency, identifies successes in implementation of the PWSS program, and identifies opportunities for improvement in the compliance and enforcement programs.

Commented [SB1]: Maybe rephrase. R4 recognizes the importance of reviewing the enforcement program and identified it as a priority for this review due primarily to the lack of inclusion in past review efforts.

In January of 2010, EPA began implementation of a new enforcement approach designed to help our nation's public water systems comply with the requirements of the SDWA. This new approach replaced the previous system of a contaminant to contaminant compliance strategy with one that focuses attention on the drinking water systems with the most serious or repeated violations. This strategy identifies public water systems with violations that rise to the level of significant noncompliance by focusing on those systems with health-based violations and those that show a history of violations across multiple rules. This system-based methodology is intended to ensure consistency and the integrity of the PWSS national enforcement program. This approach includes a revised Enforcement Response Policy (ERP) and new Enforcement Targeting Tool (ETT).

The ETT uses a tool that enables the prioritization of public water systems by assigning each violation a "weight" or number of points based on the assigned threat to public health. Points for each violation at a water system are summed to provide a total score for that water system. Water systems whose scores exceed a certain threshold will be considered a priority ~~system~~ for enforcement.

EPA recognizes that states carry out both formal and informal enforcement and compliance assistance activities. These activities are effective tools for achieving compliance. Nevertheless, systems specifically identified by the ETT as priorities must be returned to compliance (RTC) or EPA will expect formal, enforceable mechanisms to return such systems to compliance. States are expected to escalate their response to ensure that RTC is accomplished. Once a public water system is identified as an enforcement priority on the ETT list, an appropriate formal action or RTC will be required within two calendar quarters to be considered "timely". However, regardless of a public water system's position on a state's ETT list, EPA expects that states will act immediately on acute, health-based violations and subsequently confirm that systems with such violations return to compliance.

Priority Evaluation Method

Region 4 utilized a combination of data analysis, personnel interviews, comparison of established program strategies with the ERP, and onsite file reviews to evaluate Florida's successes in implementation of the PWSS program and identify opportunities for improvement in its compliance and enforcement program. Data analysis included a review of the EPA ETT Tracker, which is a tool that provides useful metrics and graphing capabilities for water systems' current and past ETT scores for up to twenty (20) quarters. This information was used to aide in the selection of the files to be reviewed and get a rough evaluation of Florida's ability to timely and appropriately return systems to compliance or issue formal, enforceable mechanisms that will compel a system to return ~~a system~~ to compliance.

Additionally, EPA's SDWIS data system was used to determine what violations and enforcement had been done for each of the selected files to review. Nine (9) files were selected for review, however, only eight (8) were reviewed (See table named *Timeline for Settlement of Identification as a Priority System on the ETT List* below). Interview questions were used to understand the dynamics of the organization including staffing resources and demands and to determine how the established program strategies were being implemented with regards to Florida's compliance and enforcement program. The *Department of Environmental Protection (DEP) Enforcement Manual* and *Directive* 923 were reviewed for consistency with the EPA ERP requirements to ensure that these policies enabled the state to meet the requirements of timely and appropriate compliance and enforcement. File reviews included a review of the violations determined, an evaluation of the enforcement mechanisms issued for consistency with the *DEP Enforcement Manual* and the EPA ERP, and a comparison of the information found during the file review with the data reported to EPA's SDWIS data system.

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Priority #2 Program Coordination

Background

Program coordination was selected as a priority review topic due to the number of separate offices that implement Florida's Public Water System Supervision (PWSS) program and the significant impacts that a 2012 FDEP reorganization had on many of these offices. A first goal of the review is to better understand what kinds of coordination activities occur between offices and how these activities impact PWSS program implementation. A second goal is to determine how the 2012 reorganization altered previous coordination tools and pathways and describe Florida's efforts to adjust to those changes.

As described in the Overview section of this report, Florida implements the PWSS program through multiple offices, each of which handles specified duties for a designated portion of the state. The Division manages Florida's overall primacy program and develops and maintains many of the resources used by six District offices and eight delegated FDOH offices. District and FDOH offices have autonomy to implement the program at the individual system level, but must conduct activities consistent with the Division rules, policy and guidance and communicate accomplishments to the Division. The Division and Districts both report to FDEP's Deputy Secretary for Regulatory Programs. The 2012 reorganization redefined the FDEP's leadership structure and redistributed staff in the Division and some District offices in several ways, as described in the overview section of this report. FDOH offices were unaffected by the reorganization.

Florida's assignment of PWSS program duties to multiple offices and agencies allows the state to leverage significant additional resources and expertise. However, good communication and collaboration is needed to ensure effective, consistent operation of this decentralized program. The overall objective of this review is to ensure that effective mechanisms for ensuring good program coordination remain in place, and to document any particular strengths or weaknesses that require further consideration.

Priority Evaluation Method

Region 4 used a combination of document reviews and personnel interviews to understand past and present coordination activities in Florida and evaluate how well those activities support Florida's overall PWSS program implementation. The documents and information reviewed were obtained from EPA Region 4 files, Division files and the Division's SDWP website (http://www.dep.state.fl.us/water/drinkingwater/). Of these, the following documents provided information on Florida's internal and external program coordination activities:

- FDEP responses to EPA's PWSS Priority Review Background Questions
- FDEP's 2014 Operator Certification Program Annual Submittal
- FDEP's FY13 Annual Capacity Development Program Implementation Report
- FDEP's 2014 triennial report to the governor on "Florida's Strategy to Improve Public Water Supply"
- FDEP-HQ PWSS Program Review Reports for 2013-2014 program evaluations of FDEP District and FDOH county field offices
- Issues of the Floridan newsletter
- Information available to public water systems on the SDWP website

The Division also provided EPA Region 4 staff with a walk-through of the information and data management tools available on the Division's internal PWS website during this review. These tools are accessible to all District and FDOH offices.

To obtain a range of perspectives on coordination activities, EPA visited multiple offices that together represent a cross-section of PWSS program components. These included the Division office, the Southwest District office and FDOH offices in Broward and Miami-Dade counties. FDOH headquarters staff and Southeast District staff also participated in FDOH office visits. EPA interviewed multiple staff at varying levels of responsibility in each office. The names of program managers and technical staff interviewed in each office were obtained from FDEP in advance (Appendix ?). EPA developed a comprehensive list of questions on internal, inter-office and external (i.e. outreach) coordination (Appendix ?), and selected appropriate questions from this list for each interviewee, depending on that person's responsibilities. Program Coordination interviews were conducted with groups of employees, as this approach allowed office staff to provide a more complete description of program interaction and also allowed EPA to better observe the dynamics of each office.

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Summary of 2013-2014 FDEP Program Evaluation Results for 6 FDEP District and 8 DOH County Offices

Sum of Score (as % of PE Weight) Row Labels	Column Labels 1_Organization/ Staffing/ Resources	2_Data/File Management	3_Compliance	4_Enforcement	5_Sanitary Survey/ Compliance Inspections	6_Permit/Plan Reviews	7_DEP Coordination/ Assistance Activities	8_Training	9_Overall Score
1_PE Weight(%)	5.00	25.00	15.00	15.00	15.00	15.00	5.00	5.00	100
A_Central	91.60	94.96	100.00	100.00	93.60	100.00	100.00	100.00	97.36
A_NE	[illegible]	84.52	[illegible]	[illegible]	90.40	98.00	100.00	91.60	94.08
A_NW	100.00	97.36	100.00	[illegible]	100.00	97.93	100.00	91.60	99.49
A_SE	102.00	95.28	84.20	[illegible]	97.33	101.07	100.00	100.00	97.2
A_South	102.00	90.76	100.00	[illegible]	103.60	101.00	100.00	[illegible]	98.12
A_SW	94.80	97.96	100.00	[illegible]	102.60	97.87	100.00	83.40	99.36
C_Broward	102.00	95.20	[illegible]	[illegible]	102.33	95.87	100.00	100.00	100.59
C_Hillsborough	[illegible]	99.60	100.00	100.00	[illegible]	92.80	100.00	100.00	98.33
C_Lee	91.60	97.12	100.00	[illegible]	100.00	93.73	90.00	100.00	98.31
C_Miami-Dade	96.80	95.24	100.00	[illegible]	96.40	93.93	90.00	100.00	97.58
C_Palm Beach	102.00	93.36	[illegible]	[illegible]	[illegible]	96.87	80.00	100.00	99.76
C_Polk	89.60	96.48	[illegible]	100.00	102.73	100.00	100.00	83.40	99.25
C_Sarasota	91.60	97.08	100.00	[illegible]	[illegible]	86.47	90.00	[illegible]	97.04
C_Volusia	102.00	95.12	[illegible]	[illegible]	96.27	93.60	100.00	91.60	94.49

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Appendix ?

EPA Priority Review of Florida Drinking Water Program
Overview and Site Visit Prep Document

Assistance in scheduling interviews (30 minutes each) for key staff and managers associated with drinking water enforcement, disinfection byproduct rules, internal coordination between DEP and DOH, and external outreach with water systems. Please provide names for the following interviews (1-2 per category, as appropriate for your office):

Miami-Dade FDOH

a. Enforcement Program Manager
   (Paul L. Andre)
b. Enforcement Officer (Staff)
   (Reinaldo Caballero, Tracie Dickerson, Heather Beaton)
c. Drinking Water Program Manager
   (Paul LEVELT André)
d. Staff responsible for DBP implementation
   (Richard Rojas and Paul Andre)
e. Staff responsible for conducting water system inspections and/or providing technical assistance
   (Richard Rojas and Paul Andre)

Broward FDOH

a. Enforcement Program Manager
   (Rafael Reyes)
b. Enforcement Officer (Staff)
   (Paul Thompson and Rafael Reyes)
c. Drinking Water Program Manager
   (Rafael Reyes)
d. Staff responsible for DBP implementation
   (Sandra Giraldo and Rafael Reyes)
e. Staff responsible for conducting water system inspections and/or providing technical assistance
   (Bill Lorenzo, Sandra Giraldo, Shani Grant, Paul Thompson, and Rafael Reyes)

SWD DEP

a. Enforcement Program Manager
   (Ed Watson and Gerald Foster)
b. Enforcement Officer (Staff)
   (Ed Watson and Gerald Foster)
c. Drinking Water Program Manager
   (Ed Watson)
d. Staff responsible for DBP implementation

(Ed Watson and Gerald Foster)

e. Staff responsible for conducting water system inspections and/or providing technical assistance
(Ed Watson and Jayme Brock)

DEP HQ

a. Enforcement Program Manager
(Jessica Kleinfelter)
b. Enforcement Officer (Staff)
(Eric Bengtson, David Wales)
c. Drinking Water Program Manager
(Trevor Noble)
d. Staff responsible for DBP implementation
(Virginia Harmon, Eric Bengtson)
e. ~~Staff responsible for conducting water system inspections and/or~~ providing technical assistance
(John Sowerby, Virginia Harmon, and David Wales)

Additional contacts:

DOH HQ: Bob Vincent and Ed Bettinger

SED DEP: Michele Owens

Appendix ?

Potential Questions on FL Agency Coordination

1. Describe the current structure, duties and staffing of your office? Have these been altered by recent reorganizations? If so, describe how?

2. Briefly describe the working relationship (e.g. communication, work flow) between the Division, District offices and FDOH offices?

3. What information do you most often provide to other FDEP/FDOH offices?

4. What means/tools do you use to receive/provide this information (e.g. verbal/email, website post, database upload/download, reports, conferences, meetings, training)? How well do these transmittal pathways function?

5. What kinds of issues are typically discussed in monthly conference calls with all agencies (or quarterly conference calls between Districts and DOH)? Do the meetings and follow-up communications (e.g. meeting minutes, postings on website bulletin board) address your needs?

6. What other meetings, webinars, conferences, workgroups have you participated in with other DEP/DOH offices over the last year?
    a. Have these assisted you in accomplishing assigned duties or facilitated improvements in FDEP's SDW program?
    b. Any suggested improvements (e.g. in structure, content, frequency) that would allow these meetings better meet your needs?

7. Training:
    a. Which training courses have you attended over the past year? Were these useful?
    b. Were you able to attend all desired/needed training? If not, why?
    c. Are there any additional training courses that you wish you had access to?
    d. Describe your office's training plan. Is this a helpful tool?

8. What data management tools does your office use to implement SDWA activities?
    a. How well do these tools support your implementation efforts?
    b. What kinds of change/improvements have been made to the data management process in recent years?
    c. What, if any, additional improvements to the data management process would you suggest?
    d. What impact, if any, have recent reorganizations had on FDEP-HQ data management activities?

9. Describe the delegation process
    a. How is the decision to delegate made?
    b. How is the delegation documented (e.g. Interagency Agreement)?
    c. How is the delegation implemented (e.g. scope of delegated functions, District oversight process, daily operation)
    d. How are laboratory certification information/issues communicated and addressed?
    e. How well is the delegation process working? Areas in need of improvement?

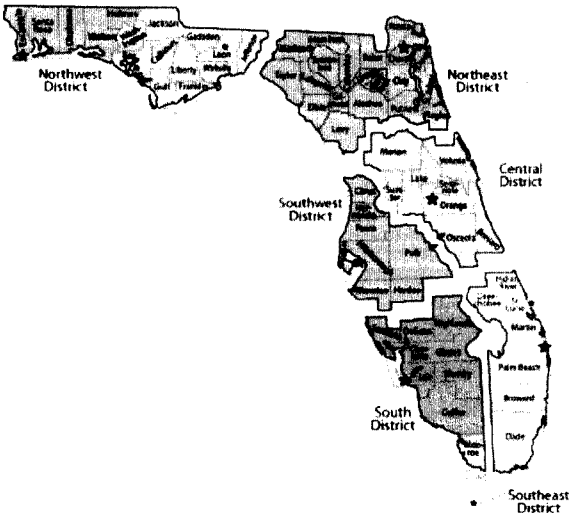
10. What would you like to highlight regarding FDEP's drinking water program?

11. What are the greatest resource demands for the drinking water program?

PRIORITY REVIEW

OF THE PUBLIC WATER SYSTEM SUPERVISION PROGRAM FOR THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

DRAFT REPORT



Prepared by the
Environmental Protection Agency, Region 4
Drinking Water Section, Water Protection Division

June 1, 2015

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Appendix A - Florida Drinking Water Program Priority Review – File Review Summary

EXECUTIVE SUMMARY

In December 2014, staff from the U.S Environmental Protection Agency Region 4 Drinking Water Section (EPA Region 4) conducted a Priority Review of Florida's Public Water System Supervision (PWSS) Program. The Priority Review is an oversight approach developed by Region 4 to assess the needs and success of a PWSS Program, based on an in-depth review of priority areas jointly selected by the state and EPA Region 4. EPA Region 4 and Florida identified five specific areas of Florida's Program for review, including (a) enforcement of drinking water regulations, (b) internal state coordination between the Florida Department of Environmental Protection (FDEP) and the Florida Department of Health (FDOH) on the PWSS program, (c) disinfection byproducts (DBP) rule implementation, (d) data management and (e) external outreach.

The priority areas were assessed through review of existing documentation submitted to EPA Region 4, review of selected water system files and interviews with staff and managers. If approaches in need of improvement were identified, Region 4 discussed and attempted to identify possible remedies for these concerns with Florida PWSS program staff. Following is a summary of key findings for each priority area and key recommendations on how to address areas needing improvement.

- Enforcement of Drinking Water Regulations
  In general, FDEP runs a strong enforcement program that facilitates the compliance of most Public Water Systems with Safe Drinking Water Act (SDWA) regulations. In the vast majority of cases, Florida's Program is timely in responding to violations. Few cases do not meet the expectations for issuing formal enforcement to significant violators according to EPA's Enforcement Response Policy (ERP) (see http://www2.epa.gov/sites/production/files/documents/drinking_water_erp_2009.pdf). However, the expectation to meet ERP timeframes are not expressed in FDEP's enforcement manual or any other policy. FDEP's Division of Water Resource Management (the Division) should clearly communicate the expectation that systems identified as priority systems on the Enforcement Targeting Tool (ETT) list must be addressed within two quarters of appearance on the list. Violation and enforcement data is not always submitted to SDWIS in a timely manner. The date of enforcement action, as entered into the Division's Potable Water System (PWS) Database and ultimately into SDWIS, is not always clear and consistent. Additionally, violations are not always accurately linked to the appropriate enforcement mechanisms. Processes should be established to ensure that this data and information is provided in a timely, clear and consistent manner. To assist with this goal, FDEP should also ensure that enforcement files include all records of all decisions made with regard to enforcement actions. The Division's Peer Review Process provides a good means for ensuring consistency of enforcement activities.

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- DBP Rule Implementation
  Most chemical health-based violations in Florida are associated with DBPs. Staff interviews and file reviews identified potential vulnerabilities in DBP rule implementation, mostly associated with a lack of understanding of DBP formation, DBP control strategies or minimal review of monitoring results for compliance determination. Office staff should re-assess water system monitoring plans and sampling protocols during sanitary surveys or other routine site visits. The Division should provide staff access to technical training on the formation and/or treatment of DBP, allowing staff to better evaluate current monitoring locations and/or proposed changes to those locations. Additional data review protocols may also be needed to ensure that any questionable monitoring results reported are identified and resolved. Florida's Drinking Water Program would benefit from expanding District and County staff participation in the Area Wide Optimization Program (AWOP) training and field evaluation activities. This would help address the need for staff training on DBP formation and treatment and improve compliance assistance offered by inspectors, resulting in improved public health protection.

- Data Management
  The Division has developed and maintains several effective tools for reporting and accessing drinking water program data and information. These include the PWS Application, which includes both an Oracle-based database and an internal communications website; standardized PDF/Word data/information entry forms for use by public water systems and laboratories; OCULUS document management system; NEXUS user-friendly portal for retrieving documents from OCULUS; Permit Application Subscription Service (PASS) system for receiving automated notifications of permit application status. The PWS Database in particular addresses a critical program need by providing a consistent suite of tools for data entry, data retrieval and compliance determination. Many of the other tools developed also provide valuable information to the public. Florida should continue to provide strong support for the maintenance and continued development of these tools.

- External Outreach
  FDEP and FDOH value a strong relationship with the regulated community and strive to ensure that, where possible, concerns are addressed through compliance assistance

activities prior to water systems incurring a potential violation. All offices expressed a need for greater technical training of inspectors, compliance and permitting staff, citing a concern with being able to adequately address simultaneous compliance concerns with water systems. In addition to new regulations, large turnover in drinking water staff, in some areas, has created a need for increased investment in drinking water program training. EPA Region 4 strongly encourages Districts and Counties to interact more, through routine meetings and trainings, to discuss implementation challenges and successes, so that expertise across the state is better leveraged to fill the knowledge gaps associated with new regulations and new program staff.

INTRODUCTION

The U.S Environmental Protection Agency Region 4 Drinking Water Section (EPA Region 4) developed a protocol, called a Priority Review, for assessing the performance of state Public Water System Supervision (PWSS) Programs and for evaluating the adequacy of resources dedicated to identify priorities for individual state programs. The Priority Review replaces EPA's Data Verifications that historically reviewed state data associated with each rule in the National Primary Drinking Water Regulations. The new approach is intended to be transparent and targeted in assessing a few priority focus areas identified in a collaborative effort between the state and EPA Region 4. The following priority areas of focus have been identified for Florida:

1. Enforcement of drinking water regulations
2. Internal state coordination between FDEP and FDOH on the drinking water program
3. Disinfection Byproduct (DBP) Rules implementation
4. Data Management, and
5. External outreach

EPA Region 4 used three basic methods to obtain information: (1) identification and review of key documents and tools used by Florida to implement their PWSS program (e.g. guidance, websites, internal review protocols, databases, file management systems, reports, etc.), (2) interviews with managers and staff, and (3) review of individual system files. For the third method, EPA Region 4 selected systems for the review that were likely to provide a good understanding of Florida's approach to addressing more challenging and problematic situations.

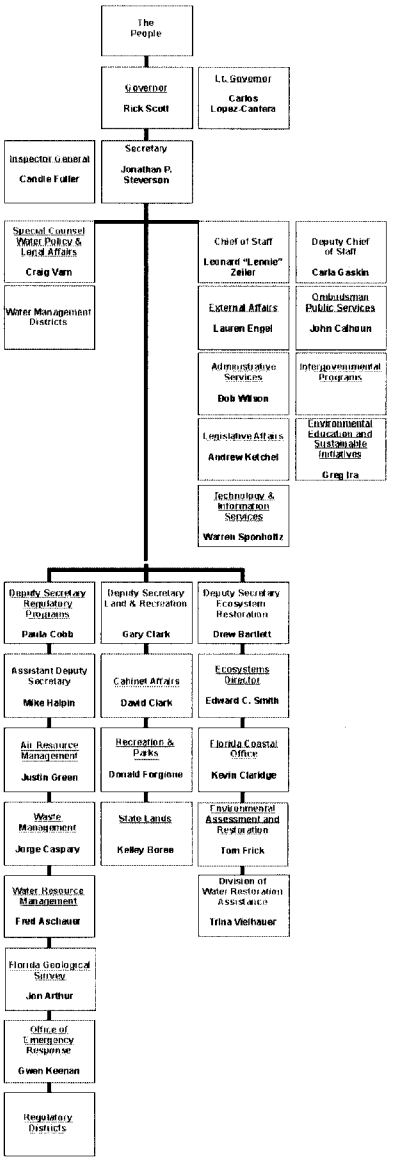
OVERVIEW OF FLORIDA'S PWSS PROGRAM

EPA gives flexibility to state primacy agencies for required PWSS program activities. In Florida, PWSS implementation activities are spread over a decentralized organizational structure. FDEP has the primary role of regulating public water systems in Florida. The Source and Drinking Water Program (SDWP) located in the FDEP headquarters in Tallahassee (FDEP-HQ) is responsible for writing rules, developing policy, managing funds, providing training and managing special initiatives. The Water Compliance Assurance Program (WCAP), also located in FDEP-HQ, is responsible for oversight, tracking and reporting of enforcement and compliance

activities and data management. The enforcement of rules and permitting of new construction for individual public water systems is handled by six FDEP district offices. In eight Florida counties FDEP-HQ has delegated this enforcement and permitting authority to local approved FDOH county health departments through an Interagency Agreement. FDEP-HQ has also delegated laboratory certification to the FDOH Laboratory in Jacksonville.

FDEP environmental programs are divided into three main areas, one of which is Regulatory Programs (Figure 1). The Deputy Secretary for Regulatory Programs provides oversight and direction to four FDEP-HQ regulatory divisions, including the Division of Water Resource Management (Division) and six regulatory district offices.

Figure 1. FDEP Organizational Structure (last updated April 6, 2015)



The SDWP and WCAP programs are both located within the Division, while the regulatory district offices report directly to the Deputy Secretary for Regulatory Programs. Following is a complete list and description of all programs which contribute to FDEP's implementation of Safe Drinking Water Act (SDWA) requirements.

Florida Department of Environmental Protection

FDEP-HQ Division of Water Resource Management (Division):

- SDWP: Coordinate overall PWSS implementation through policy and rule development, and management of funding, training and special initiatives. Ensure all SDWA program requirements are conducted and reported to EPA as outlined in the annual PWSS workplan.
- WCAP: Facilitate statewide coordination of compliance and enforcement activities by providing and/or supporting the development of guidance and training to ensure consistency among the six District Offices for state Drinking Water and Wastewater Programs. Integral to this consistency are the automated nightly compliance routines for evaluating lab results (discussed further under the Data Management section of this report). Ensure all SDWA compliance and enforcement activities are conducted and reported to EPA as outlined in the annual PWSS workplan commitments.

FDEP-HQ Office of General Counsel (OGC): Provide legal counsel and represent FDEP in implementing enforcement, permitting and programmatic actions. Provide training and consultation to FDEP staff.

FDEP-HQ Office of Technology and Information Services (OTIS): Manage functionality and security of the information technology systems that support FDEP mission success. Provide application development and customer support services to FDEP divisions and regulatory districts that use regulatory databases, including SDWP and WCAP support needs for public water systems.

FDEP Regulatory District Offices: Coordinate and implement all permitting, compliance and enforcement activities for counties located within District boundaries, including permit reviews, facility inspections, compliance assistance, rule enforcement and response to reports of environmental damage. Six separate offices serve counties located in the Northwest, Northeast, Central, South, Southeast and Southwest portions of the state. Provide legal, technical and training assistance to delegated FDOH county offices.

Florida Department of Health

- The current FDEP-FDOH Interagency Agreement delegates lead PWSS program implementation authority from the responsible FDEP District Office to FDOH offices in the counties of Broward, Miami-Dade, Hillsborough, Lee, Sarasota, Palm Beach, Polk and Volusia. Delegated FDOH county offices coordinate and implement permitting, compliance and enforcement activities for that county.
- The FDOH laboratory in Jacksonville maintains a State program for the certification of laboratories conducting analytical measurements of all drinking water contaminants, in

accordance with Florida Statutes 403.862-.8635 and Florida Administrative Code (F.A.C.) Chapter 62-550.550.

South Carolina Department of Health: South Carolina's radiological laboratory is the designated Principal State Laboratory for radionucludes for Florida, in accordance with an MOA approved by SESD on January 28, 2013.

This organization is significantly changed from the structure that was in place during the previous 2009 Program Review conducted by The Cadmus Group, Inc. on behalf of EPA. In 2012, FDEP underwent a reorganization which affected both FDEP-HQ and FDEP District offices. At FDEP-HQ, the source and drinking water program staff were merged to form the Source and Drinking Water Program. Staff were relocated from the Drinking Water Program to support (1) formation of a centralized compliance and enforcement group (WCAP) and (2) OTIS. District boundaries were redrawn, and resources were re-allocated, to allow for a more even distribution of resources among FDEP District offices. A primary objective of this reorganization was to improve program efficiency/effectiveness and promote consistency and cross-utilization of resources, particularly in the areas of compliance determination and data management.

FDEP's authority to implement provisions of the SDWA derives from Chapter 403, Part VI, Florida Statutes and by delegation of the federal program from the U.S. Environmental Protection Agency. The Department has promulgated a number of rules in Chapters 62-4, 62-550, 62-555, 62-560, 62-602 and 62-699 F.A.C. to address drinking water standards, monitoring and reporting; public water system permitting and compliance; and treatment plant operators, classification and staffing. These requirements impact approximately 5245 federally regulated public water systems with approximately 1649 (or 31%) of Florida's public water systems being community water systems, approximately 776 or (15%) being non-transient non-community systems, and approximately 2820 or (54%) being transient non-community systems (Table 1).

Table 1. Count of Florida Public Water Systems by Type and Source

PWS TYPE	WATER SOURCE	COUNT
CWS	Surface Water only	5
	Surface & Ground Water	69
	Ground Water only	1575
NTNC	Surface Water only	0
	Surface & Ground Water	4
	Ground Water only	772
TNC	Surface Water only	5
	Surface & Ground Water	1
	Ground Water only	2819
TOTAL		5245

PRIORITY REVIEW OF SELECTED PROGRAM AREAS

Enforcement of Drinking Water Regulations

Background

Compliance and Enforcement Program Implementation was selected as a priority for review in order to assess whether a state is implementing the requirements of the PWSS program. The states ensure that human health is safeguarded by enforcing the requirements of the SDWA to ensure that the states' public drinking water supply and its sources are protected. Historically, the reviews of the states' PWSS programs, whether that be through a Data Verification, Program Review, or a Priority Review, did not typically include an evaluation of the compliance and enforcement program at the states. EPA Region 4 has determined that this is an important aspect of a review of the implementation of a PWSS program, and plans to include this in future Priority Reviews, as appropriate. Through this review, EPA Region 4 promotes regional consistency, identifies successes in implementation of the PWSS program, and identifies opportunities for improvement in the compliance and enforcement programs.

In January of 2010, EPA began implementation of a new enforcement approach designed to help our nation's public water systems comply with the requirements of the SDWA. This new approach replaced the previous system of a contaminant to contaminant compliance strategy with one that focuses attention on the drinking water systems with the most serious or repeated violations. This strategy identifies public water systems with violations that rise to the level of significant noncompliance by focusing on those systems with health-based violations and those that show a history of violations across multiple rules. This system-based methodology is intended to ensure consistency and the integrity of the PWSS national enforcement program. This approach includes a revised Enforcement Response Policy (ERP) and new Enforcement Targeting Tool (ETT).

The ETT uses a tool that enables the prioritization of public water systems by assigning each violation a "weight" or number of points based on the assigned threat to public health. Points for each violation at a water system are summed to provide a total score for that water system. Water systems whose scores exceed a certain threshold will be considered a priority system for enforcement.

EPA recognizes that states carry out both formal and informal enforcement and compliance assistance activities. These activities are effective tools for achieving compliance. Nevertheless, systems specifically identified by the ETT as priorities must be returned to compliance (RTC) or EPA will expect formal, enforceable mechanisms to return such systems to compliance. States are expected to escalate their response to ensure that RTC is accomplished. Once a public water system is identified as an enforcement priority on the ETT list, an appropriate formal action or RTC will be required within two calendar quarters to be considered "timely". However, regardless of a public water system's position on a state's ETT list, EPA expects that states will act immediately on acute, health-based violations and subsequently confirm that systems with such violations return to compliance.

Priority Evaluation Method

Region 4 utilized a combination of data analysis, personnel interviews, comparison of established program strategies with the ERP, and onsite file reviews to evaluate Florida's successes in implementation of the PWSS program and identify opportunities for improvement in its compliance and enforcement program. Data analysis included a review of the EPA ETT Tracker, which is a tool that provides useful metrics and graphing capabilities for systems' current and past ETT scores for up to twenty (20) quarters. This information was used to aide in the selection of the files to be reviewed and get a rough evaluation of Florida's ability to timely and appropriately return systems to compliance or issue formal, enforceable mechanisms that will return a system to compliance. Additionally, EPA's SDWIS data system was used to determine what violations and enforcement had been done for each of the selected files to review. Nine (9) files were selected for review, however, only eight (8) were reviewed (see Table 2. Timeline for Settlement of Identification as a Priority System on the ETT List below). Interview questions were used to understand the dynamics of the organization including staffing resources and demands and to determine how the established program strategies were being implemented with regards to Florida's compliance and enforcement program. The *Department of Environmental Protection (DEP) Enforcement Manual* and *Directive* 923 were reviewed for consistency with the EPA ERP requirements to ensure that these policies enabled the state to meet the requirements of timely and appropriate compliance and enforcement. File reviews included a review of the violations determined, an evaluation of the enforcement mechanisms issued for consistency with the *DEP Enforcement Manual* and the EPA ERP, and a comparison of the information found during the file review with the data reported to EPA's SDWIS data system.

Key Findings

The accuracy of data reported by FDEP to SDWIS was found to be in need of improvement in the following ways:

- All violations identified in the file and/or provided from the FDEP tracking system, are not being submitted to SDWIS. This discrepancy was found in the District office and both FDOH offices. Primarily the violations that are not being submitted are monitoring and reporting violations for various parameters. For the identified systems, 6 of the 8 reviewed had violations noted in the file/data provided that were not identified in SDWIS.

- Enforcement actions taken and submitted to SDWIS, are either not being timely uploaded, properly linked to relevant violations, and/or the data uploaded is inconsistent with the documents provided for review. For the identified systems, 7 of the 8 reviewed had discrepancies with the information for the enforcement actions submitted to SDWIS. Specifically, for the files reviewed, there were instances where violation(s) were linked to enforcement actions that upon review of the enforcement action, it was determined that the action did not include or address those violations. Also, there were several instances where the data submitted to SDWIS showed multiple dates for the same enforcement action. It appears that the dates of enforcement are not being consistently entered (i.e.

dates were submitted for the signature date of the effective order, receipt date of the effective, or the date the proposed order was sent to the respondent). So it was noted that at times there would be two formal actions entered into SDWIS when there was only one issued.

During the file review, EPA Region 4 tracked compliance and enforcement mechanisms used and evaluated them for timeliness and appropriateness of the action or return to compliance. Based on this review, the following was determined in regards to the timeline for systems identified as a priority on the ETT list to be returned to compliance or have a formal enforcement action issued.

Table 2: Timeline for Settlement of Identification as a Priority System on the ETT List

PWS ID	System Name	Date of First Appearance on ETT List as Priority System	Date of Settlement (RTC or issuance of Formal Enf)	Days Between ETT and Settlement	Settlement RTC or Formal Action ?	Quarters on ETT List as a Priority System
FL6095083	**Seven Rivers Professional Center**	**9/30/2010**	**2/20/2013**	**874**	**RTC**	**10/2010, 01/11, 04/11, 07/11, 10/11, 1/2012, 04/2012, 7/2012, 10/2012, 1/2013, 4/2013, 7/2013**
FL6510807	Holiday Gardens Util Inc.	3/31/2011	7/7/2011	98	Formal Action	04/2011, 07/2011, 10/2011, 04/2014, 7/2014, 10/2014
FL6510807	Holiday Gardens Util Inc.	3/31/2014	2/27/2014	-32	RTC	
FL6272304	**Camper's Holiday**	**3/31/2011**	**4/15/2011**	**15**	**Formal Action**	**04/2011, 07/2011, 01/2013, 10/2013, 01/2014, 10/2014**
FL6272304	**Camper's Holiday**	**12/31/2012**	**6/5/2013**	**156**	**Formal Action**	
FL4064392	Kids Paradise	12/31/2011	4/26/2012	117	Formal Action	01/2012, 04/2012, 07/2012, 04/2014, 07/2014
FL4064392	Kids Paradise	3/31/2014	4/24/2014	24	Formal Action	
FL4060402	**Everglades Holiday Park**	**12/31/2009**	**3/23/2012**	**813**	**Formal Action**	**01/2010, 04/2010, 10/2011, 01/2012, 04/2012, 01/2013, 04/2013, 07/2013, 10/2013, 01/2014, 04/2014**
FL4060402	**Everglades Holiday Park**	**3/31/2013**	**3/13/2013**	**-18**	**Formal Action**	
FL4061517	Royal Utility Company	3/31/2011	10/20/2010	-162	RTC	04/2011, 07/2013, 10/2013, 01/2014
FL4061517	Royal Utility Company	6/30/2013	2/12/2013	-138	Formal Action	
FL4131403	**Americana Village**	**3/31/2010**	**8/28/2012**	**881**	**RTC**	**04/2010, 07/2010, 10/2010, 01/2011, 04/2011, 07/2011, 10/2011, 01/2012, 04/2012, 07/2012, 10/2012, 01/2013, 04/2013, 07/2013**
FL4130833	Jones Trailer Park	12/31/2009	9/30/2011	638	RTC	01/2010, 04/2010, 07/2010, 01/2011, 04/2011, 07/2011, 10/2011, 01/2012, 01/2013
FL4130833	Jones Trailer Park	12/31/2011	10/3/2012	277	RTC	
Average Days Between ETT and Settlement				**253.07**		

Note: Some of the systems had multiple dates evaluated because they were bouncing on and off the ETT Priority List

For the evaluated systems, only two (for all the specified appearances on the ETT List as a priority system) met the 2-quarter timeliness goal established in the EPA ERP, 3 of the 8 met the goal for one of the appearances on the ETT list but not for all of the appearances, 6 of the 8 did not meet the goal for one or more of the appearances the system had on the ETT List as a priority system. On average for the identified systems (including those with multiple appearances as a priority system on the ETT List), the days between appearing on the ETT list as a priority and settlement of the violations was 253 days. This is in excess of the 2-quarter timeliness goal.

Also, in evaluation of the data above, there is an indication that formal actions and/or return to compliance data is not consistently being entered timely so that the ETT scores accurately depict the compliance and enforcement history. Therefore, some of the systems above, remained on the ETT list as priority systems multiple quarters after the resolving action had been issued.

During the file review, it was discovered that in 2 of the 8 files, enforcement actions were initiated but never completed and there was no explanation in the documents provided that explained why the action was not pursued. This was especially important information since both of those systems had been identified as priority systems for multiple consecutive quarters without returning to compliance or having a formal action issued.

The *DEP Enforcement Manual,* developed jointly by the Secretary, Deputy Secretary, and Assistant Deputy Secretary of Regulatory Programs, is periodically revised as necessary. The latest revisions occurred in September 2013 and October 2014 for the chapters addressing compliance and enforcement processes. The manual describes FDEP's enforcement organization, compliance options, enforcement options, inspections and investigations protocol, administrative process and remedies, judicial process and remedies, litigation procedures, data management, and penalty policies. Overall, the *DEP Enforcement Manual* is a thorough document which is provided to all District offices and authorized FDOH offices. However, when compared to the EPA ERP, it was determined that the *DEP Enforcement Manual* was not consistent with the EPA ERP in that it did not define an expectation of timely and appropriate enforcement. The *DEP Enforcement Manual* had no clear expectation and/or goal for timelines associated with issuing formal enforcement for systems that are identified as priority on the ETT nor for systems with acute, health-based violations. During the interviews and file reviews, it was determined that the goals of issuing formal enforcement varied between the offices evaluated. The Southwest District office indicated that they were given some established guidelines on the expectations of timely and appropriate enforcement in the annual *SWD Business Plans*. However, both FDOH offices (Broward County DOH and Miami-Dade DOH), indicated that there were no set timelines provided by FDEP-HQ for issuance of formal enforcement or returning the system compliance. Each of the FDOH offices had established goals/expectations for timely and appropriate enforcement on their own. In Broward County, for example, the written expectation for each employee is that enforcement actions start within five days of discovering any violation. In addition, actions commence immediately upon discovery of cases where public health may potentially be at risk.

Staff in the Division, Districts, and FDOH offices are provided with training on the *DEP Enforcement Manual* and *923 Directive*.

In February of 2013, the Division instituted a Peer Review Process. This Peer Review Process establishes that prior to the issuance of formal enforcement by the District offices, a Peer Review Recommendation Memo must be sent to the Division. The Division then reviews the Peer Review Recommendation Memo to determine if formal enforcement is appropriate, ensure that penalties are consistently calculated across all District offices, and that all regulations and violations are appropriately and consistently included in the enforcement. This process was established to ensure a consistent and equally applied approach to enforcement across all District Offices. This approach is not applied to the FDOH offices, who independently establish their

enforcement activities within the confines of the Interagency Agreement and the *DEP Enforcement Manual.*

The Southwest District office and Broward DOH office have both implemented a strategy of sending reminders to the systems of their monitoring responsibilities and timelines. The reminders are sent out to the systems at a minimum of annually and in some cases monthly or quarterly as well. These activities were implemented to decrease instances of monitoring and reporting violations. The Miami-Dade DOH office has also implemented a program that aides in decreasing monitoring and reporting violations, by conducting sampling for the small systems and as well as for the transient non-community systems and a few community systems. These sampling efforts are being done through a state laboratory in Miami.

Recommendations

Update the *DEP Enforcement Manual* or provide official written guidance to all offices of the following:

- The expectation to address those systems identified as priority systems on the ETT list within 2 quarters of appearance on the list, either by returning the system to compliance or issuing formal and enforceable enforcement as well as to act immediately on acute, health-based violations and subsequently confirm that systems with such violations return to compliance. This would help to ensure that the state is consistent with the EPA ERP, the state's PWSS grant work plan, and that the State is consistently implementing the compliance and enforcement program throughout all of the districts and authorized programs.

- The expectation that the date that is being used as the date of enforcement action, which is entered into the Potable Water System (PWS) Database and ultimately into SDWIS, is consistently the same date across all districts and authorized programs. Note: The date the proposed order is sent/signed, the date of receipt of the proposed order, and the date of signature by the respondent should not be used as the date of enforcement for reporting purposes. These dates are not indicative of an effective order.

Efforts should be made to ensure that data submitted to SDWIS is timely, enforcement action dates are accurately and consistently entered, all violations are identified and submitted to SDWIS, and that all violations are accurately linked to the appropriate enforcement mechanisms. FDEP should develop and implement revised procedures to ensure accurate reporting of enforcement and compliance information into SDWIS.

Records should be maintained in the file that denote any and all decisions made with regard to enforcement actions, such as if there is a change from the proposed document or a decision to not pursue the enforcement action initiated.

The Division should continue with the Peer Review Process initiated to ensure consistency of the enforcement activities across District offices, and evaluate whether the process should be

expanded to require that all formal actions, including those where both parties are in complete agreement, are submitted to the Division for review.

Internal state coordination between FDEP and FDOH on the drinking water program

Background

Program coordination was selected as a priority review topic due to the number of separate offices that implement Florida's PWSS program and the significant impacts that a 2012 FDEP reorganization had on many of these offices. A first goal of the review is to better understand what kinds of coordination activities occur between offices and how these activities impact PWSS program implementation. A second goal is to determine how the 2012 reorganization altered previous coordination tools and pathways and describe Florida's efforts to adjust to those changes.

As described in the Overview section of this report, Florida implements the PWSS program through multiple offices, each of which handles specified duties for a designated portion of the state. The Division manages Florida's overall primacy program and develops and maintains many of the resources used by six District offices and eight delegated FDOH offices. District and FDOH offices have autonomy to implement the program at the individual system level, but must conduct activities consistent with the Division rules, policy and guidance and communicate accomplishments and issues to the Division. The Division and District offices both report to FDEP's Deputy Secretary for Regulatory Programs. The 2012 reorganization redefined the FDEP's leadership structure and redistributed staff in the Division and some District offices in several ways, as described in the overview section of this report. FDOH offices were unaffected by the reorganization.

Florida's assignment of PWSS program duties to multiple offices and agencies allows the state to leverage significant additional resources and expertise. However, good communication and collaboration is needed to ensure effective, consistent operation of this decentralized program. The overall objective of this review is to ensure that effective mechanisms for ensuring good program coordination remain in place, and to document any particular strengths or weaknesses that require further consideration.

Priority Evaluation Method

Region 4 used a combination of document reviews and personnel interviews to understand past and present coordination activities in Florida and evaluate how well those activities support Florida's overall PWSS program implementation. The documents and information reviewed were obtained from EPA Region 4 files, Division files and the Division's SDWP website (http://www.dep.state.fl.us/water/drinkingwater/). Of these, the following documents provided information on Florida's internal and external program coordination activities:

- FDEP responses to EPA Region 4's PWSS Priority Review Background Questions
- FDEP's 2014 Operator Certification Program Annual Submittal
- FDEP's FY13 Annual Capacity Development Program Implementation Report

- FDEP's 2014 triennial report to the governor on "Florida's Strategy to Improve Public Water Supply"
- FDEP-HQ PWSS Program Review Reports for 2013-2014 program evaluations of FDEP District and FDOH county field offices
- Issues of the Floridan newsletter
- Information available to public water systems on the SDWP website

The Division also provided EPA Region 4 staff with a walk-through of the information and data management tools available on the Division's internal PWS Application during this review. These tools are accessible to all District and FDOH offices.

To obtain a range of perspectives on coordination activities, EPA Region 4 visited multiple offices that together represent a cross-section of PWSS program components. These included the Division office, the Southwest District office and FDOH offices in Broward and Miami-Dade counties. FDOH headquarters staff and Southeast District staff also participated in FDOH office visits. EPA Region 4 interviewed multiple staff at varying levels of responsibility in each office. The names of program managers and technical staff interviewed in each office were obtained from FDEP in advance. EPA Region 4 developed a comprehensive list of questions on internal, inter-office and external (i.e. outreach) coordination, and selected appropriate questions from this list for each interviewee, depending on that person's responsibilities. Program Coordination interviews were conducted with groups of employees, as this approach allowed office staff to provide a more complete description of program interaction and also allowed EPA Region 4 to better observe the dynamics of each office.

Key Findings

To achieve successful program coordination, program components must be organized in a way that allows them to work together effectively to achieve overall program goals. Florida has used many methods to facilitate effective program coordination across all offices. During interviews, staff noted the following existing and historical tools:

Existing Tools:

1) Regular internal office staff meetings
2) Monthly communication calls between the Division and all District-FDOH offices to introduce new policy and regulations
3) Regular comprehensive program evaluations are performed by the Division of District offices (triennially) and by the Division, FDOH HQ and District staff of FDOH offices (annually)
4) One-on-one communication between District liaisons/experts and FDOH office staff
5) Internal PWS communications website - repository for SDWP information, including current announcements, guidance, available training, webcasts, powerpoint presentations and historical meeting minutes; maintained by the Division
6) Internal PWS database – standardized data entry tools facilitate data reporting/retrieval and compliance determination by staff; developed and updated by the Division to address changing requirements and user needs

7) Technical assistance from Florida Rural Waters Association (FRWA) – a Division-managed contract that provides assistance to small systems and conducts FRWA training sessions on many topics, including full day "Focus on Change" Seminars

Previous Tools:

1) Quarterly Permitting, Compliance and Enforcement (PCE) Meetings – means of informally sharing policy and implementation issues between Division and FDEP-FDOH offices
2) Annual PWSS Conference – face-to-face meeting of Division and all FDEP-FDOH office staff that provided information on program policies and issues, rule training and valuable discussion of specific questions, concerns and needs.
3) Quarterly meetings between each District liaison and delegated FDOH offices located within that District. EPA Region 4 believes there is still an expectation for these meeting to occur, but it appears that currently the meetings occur infrequently and only in some Districts.

All offices emphasized that internal staff levels are minimally adequate to implement the assigned program workload. Administrators work closely with their staff to coordinate individual responsibilities in ways that build employee job satisfaction while maximizing output and work quality. One office recognized efficiencies by assigning individual staff both compliance and permitting duties in order to develop more holistic program knowledge. Another office supported employee skills development by devising a detailed training program that included both classroom and on-the-job shadowing. The assignment of job duties commensurate with skill level improved work product and employee satisfaction. Several offices strove to reduce the number of compliance issues by annually notifying systems of required upcoming monitoring activities. One office also achieved greater compliance levels by having staff conduct required monitoring for most small systems.

Many administrators stated that their programs achieve much more by leveraging resources available from the Division and other offices. Leveraging occurs in many ways, including meetings, training and the use of common tools to manage and share SDWP data and information.

The PWSS program conducts various meetings and calls on a regular basis. Monthly 1-2 hour calls coordinated by the Division provide regular updates on pertinent program issues, but are limited in scope. District liaisons noted that they continue to share expertise and have good interaction with staff in FDOH offices, but these discussions are also limited, and some District offices have lost technical expertise. Conference calls and informal information sharing also occur between some District and FDOH offices. However, the regularity and strength of these exchanges varies widely. Lengthier face-to-face meetings (such as the annual PWSS conference and quarterly PCE meetings) have historically provided the most valuable opportunities for education and exchange among office staff. These meetings have included presentations on regulations, technical issues, policy, guidance and data management tools. They also provided time for face-to-face discussions among staff with varied backgrounds and expertise. Quarterly PCE meetings sometimes facilitated the scheduling of follow-up meetings. For example, some

Districts followed quarterly PCE meetings with meetings with their delegated FDOH offices, allowing continued discussions on some PCE meeting topics or introduce other discussion topics of concern. The information exchanged in all of these meetings often facilitated faster, more comprehensive, consistent resolution of specific PWSS program concerns.

The Division conducts regular program reviews of each District and FDOH office. Program Review reports provide a consistent, in-depth assessment of 8 key program components across all 14 offices, as shown in Table 3 on the following page.

The relative weighting that the Division assigns to each of the 8 components is shown in the first row of this table. Individual cells display the percentage of total points which each office received for each component during the most recent 2013-2014 Program Evaluations. The results show that all offices successfully implement Data/File Management and Permit/Plan Review program components. Most offices also successfully implement Compliance, Enforcement and Sanitary Survey/Compliance Inspection program components. However, the basis for bonus points awarded for certain additional activities within these components, which often contribute to elevated scores, is somewhat unclear. Scores for the remaining three program components (Organization/Staffing/Resources, DEP Coordination/Assistance and Training) were more variable, with some offices receiving significantly lower scores. For the Organization/Staffing/Resources program component, three offices received less than 90%, and an additional two offices received less than 92%, of the total possible points. Offices generally received point reductions for having a higher ratio of public water systems to professional staff. However, all offices received the maximum allowable points for their response to the question: "Is the current staffing adequate to cover required workload?". These findings suggest that additional information is needed to better evaluate the adequacy of current office staffing/resource levels. For the DEP Coordination/Assistance component, four offices received 90% or less of total possible points. Point reductions were generally received due to lack of scanning capabilities for purposes of generating electronic files. Most questions required only "yes/no" responses, and the scoring system did not consider the more detailed comments provided by offices. Reconsideration of the kind of information needed to assess this component may be helpful. For the Training component, four offices received less than 85%, and an additional three offices received less than 92%, of total possible points. Point reductions were based on failure of staff to complete one or more of the identified core training courses, or lack of a written office training plan. These findings suggest that many offices do not have access to all needed training. The Division's basis for updating the list of needed courses is also unclear. EPA Region 4 believes this portion of FDEP's program evaluation is inadequate to fully assess training needs.

Table 3.
Summary of 2013-2014 FDEP Program Evaluation Results for 6 FDEP District and 8 DOH County Offices

Sum of Score (as % of PE Weight) Row Labels	Column Labels 1_Organization/ Staffing/ Resources	2_Data/File Management	3_Compliance	4_Enforcement	5_Sanitary Survey/ Compliance Inspections	6_Permit/Plan Reviews	7_DEP Coordination/ Assistance Activities	8_Training	9_Overall Score
1_PE Weight(%)	5.00	25.00	15.00	15.00	15.00	15.00	5.00	5.00	100
A_Central	91.60	94.96	100.00	100.00	93.60	100.00	100.00	100.00	97.36
A_NE		84.52	[illegible]	[illegible]	90.40	98.00	100.00	91.60	94.08
A_NW	100.00	97.36	100.00	[illegible]	100.00	97.93	100.00	91.60	99.49
A_SE	102.00	95.28	84.20	[illegible]	97.33	101.07	100.00	100.00	97.2
A_South	102.00	90.76	100.00	[illegible]	103.60	101.00	100.00		98.12
A_SW	94.80	97.96	100.00	[illegible]	102.60	97.87	100.00	83.40	99.36
C_Broward	102.00	95.20		[illegible]	102.33	95.87	100.00	100.00	100.59
C_Hillsborough		99.60	100.00	100.00		92.80	100.00	100.00	98.33
C_Lee	91.60	97.12	100.00	[illegible]	100.00	93.73	90.00	100.00	98.31
C_Miami-Dade	96.80	95.24	100.00	[illegible]	96.40	93.93	90.00	100.00	97.58
C_Palm Beach	102.00	93.36	[illegible]	[illegible]		96.87	[illegible]	100.00	99.76
C_Polk	89.60	96.48		100.00	102.73	100.00	100.00	83.40	99.25
C_Sarasota	91.60	97.08	100.00	[illegible]		86.47	90.00		97.04
C_Volusia	102.00	95.12		[illegible]	96.27	93.60	100.00	91.60	94.49

LOW 100% HIGH

Staff interviews conducted during this Priority Review provided information on how Florida currently identifies and addresses training needs. While training needs are a clear priority, the resources to address those needs are often limited. In order to justify training, the Division and District offices each prepare comprehensive annual training plans. Some FDOH offices prepare office training plans, and many notify District offices of additional training needs on an ad-hoc basis. In response to identified needs, the Division develops some training courses and makes these available to all offices. Division training generally focuses on rule implementation or database usage. District and FDOH offices conduct varied amounts of duty-specific training internally and access external training sources as resources allow.

Florida's PWSS program does not currently appear to have a clear means for tracking and addressing training needs on a program-wide basis. Staff in multiple offices identified the need for training on: use of PWS Application tools, information on DBP formation and treatment, DBP Stage 2 implementation, technical knowledge that allows staff to tie rules together and optimize overall system compliance, and state enforcement policies. These responses suggest that the PWSS program could realize some efficiencies by implementing more seamless, universal communication of training needs and resources. Several offices stated that they are in the process of re-tooling existing training plans, to adjust for changing duties and priorities that resulted from the 2012 reorganization. This re-tooling period may provide an opportunity for Florida to revisit the way in which it identifies and addresses training needs on a program-wide basis.

A primary goal of the 2012 reorganization was to recognize efficiencies and achieve greater statewide consistency by realigning staff in the Division and some District offices. The changes implemented were initially disruptive, as they altered established communication pathways and sometimes significantly revised staff workload. However, during interviews, staff provided evidence that re-tooling of the organization aimed at improving overall program coordination is now occurring on several fronts. The Division is re-examining training plans and the value of regular, lengthier face-to-face meetings. The Division continues to revisit strategies for maintaining timely access to critical information technology resources. Given the realignment of compliance staff and the revision of some enforcement guidance, the Division has also recognized the importance of clarifying the enforcement process to all offices. Districts clearly desire autonomy to implement enforcement/compliance issues; however, they are also striving to exchange information and expertise with other Districts, and expressed a desire for clearer guidance from the Division on some issues. District offices that were more heavily impacted by the reorganization continue to re-calibrate their programs to ensure effective public water system oversight.

Resources which were unchanged through the 2012 reorganization contributed considerably to the continued strength of Florida's PWSS program. These resources include FDOH-HQ and FDOH offices, the continued use of 14 geographically-targeted District and FDOH offices to maintain close working relationships with public water systems operators, the technical support contract with FRWA, and the Division's continued maintenance of several tools for managing data and information essential to the PWSS program.

Recommendations

The 2012 reorganization refocused Florida's PWSS program on the critical goals of strengthening overall program consistency, and renewing focus on timely accomplishment of program priorities (such as the prevention and resolution of health-based violations). The associated reorganization of staff and resources disrupted many valuable coordination pathways that existed under the old organization. Some expertise was also lost during the reorganization. The re-tooling period that is now occurring is critical to ensuring that Florida maintains and establishes communication pathways and tools that will allow them to best accomplish the priorities of the PWSS program under the new organization. Based on information gathered during this priority review, the following program coordination-related activities are recommended as key to strengthening Florida's PWSS program.

Regular, established communications have historically provided the Division, District and FDOH offices with some of the most valuable ways to leverage the expertise and resources available in the many offices that comprise Florida's PWSS program. Interviewed staff unanimously stated that regular face-to-face meetings (such as the annual FDEP PWS conference and quarterly PCE meetings) were the most valuable tools, as these provided the broadest exchange of PWSS program and technical information to the greatest number of staff. Reinstatement of these meetings would strengthen staff knowledge and promote rebuilding of communication pathways. Continued strengthening of regular communication pathways between District offices would increase the exchange of information and expertise relevant to direct oversight of public water system facilities. Increased District expertise could also be leveraged by FDOH offices.

EPA Region 4 recommends FDEP lead a statewide assessment of technical and programmatic training needs of all offices given the number of new drinking water regulations and new staff to the program. A re-tooling of Florida's training program that allows PWSS program offices to better identify and address training needs would be helpful.

Individual offices provide various levels of internal training, but this could be supplemented with the resources and expertise available from other offices across the state. Reinstatement of the face-to-face meetings noted earlier would provide an efficient means for providing broadly-needed training, such as guidance on program enforcement tools and priorities as well as provide a meaningful opportunity for offices to share training plans (such as the training program being developed by the SW District).

Some re-tooling of the Division's standard Program Evaluation template may increase the usefulness of Program Evaluation findings. These regular program evaluations of District and FDOH offices provide an excellent tool for consistently evaluating key components of Florida's PWSS program. However, for some components, the information collected does not clearly explain the basis for differing, or lower, scores among offices. This finding primarily applies to components that do not include reviews of specific public water systems (i.e. Organization/Staffing/Resources, DEP Coordination/Assistance and Training components). Questions and scoring mechanisms used for these components could be re-examined and modified to better characterize office strengths or deficiencies. For example, the Division might

develop a standard process for updating core training courses to reflect changing program priorities and individual office needs.

Florida's PWSS program may strengthen external coordination though increased participation by local office level in EPA's Area Wide Optimization Program (AWOP) program. This participation would allow office staff to better evaluate and assist surface water systems in optimizing treatment goals and enhancing microbial and disinfection byproduct control. The technical expertise gained could also be shared with other offices.

Local District and FDOH offices are encouraged to make use of the OCULUS and Permitting Application document management systems, particularly in an effort to coordinate compliance and permitting activities.

Disinfection Byproduct Rules Implementation

Background

DBP Rules Implementation was selected as a priority for review based on an analysis of state-wide violation data by specific contaminant group. Other than total coliform MCL violations, DBP MCL violations represented the greatest number of health-based violations for water systems in Florida over the past five years. Many water sources in Florida have high quantities of naturally occurring organic matter. When the water with high levels of organics is disinfected with chlorine, high levels of disinfection byproducts can form. Levels of many DBPs increase with water age in finished water storage tanks and distribution systems. Treatment strategies for DBPs can include adjustments to treatment systems (examples: removal of organics prior to disinfection, change of disinfectant, pH adjustment, or removal of DBPs after formation, etc.) or changes to operations of distribution systems (examples: adjustments to storage tank levels or fill/draw cycles, flushing practices, elimination of "dead ends" in distribution lines, etc.).

Over the past few years States and water systems have been transitioning from monitoring requirements associated with the Stage 1 Disinfectants and Disinfection Byproduct Rule to the Stage 2 DBP Rule. Some of the key changes include the number, frequency and locations of routine monitoring, inclusion of consecutive water systems to rule requirements, and how compliance is calculated based on locational running annual averages. The transition from the Stage 1 to Stage 2 Rule involved a period of time when EPA Region 4 was implementing aspects of rule focused on identifying potential new monitoring locations. These early implementation activities were a result of the regulatory timeline beginning before states were required to have the rule adopted. As a result, FDEP and FDOH field staff played a limited role in training and implementation associated with monitoring site selection. FRWA did provide a significant amount of outreach to water systems during this time. Florida had adopted the Stage 2 Rule by the time routine monitoring requirements began and worked with water systems to finalize monitoring plans.

Priority Evaluation Method

Region 4 utilized a combination of data analysis, personnel interviews and onsite file reviews to evaluate strengths and needs associated with Florida's implementation of the DBP Rules. Data analysis include reviews of DBP monitoring results from Florida's PWS Database and DBP violation data available from EPA's SDWIS data system. Interview questions were used to determine strategies utilized to affect system compliance, understand expertise levels and resource demands for staff and management, and to gage consistency in implementing the regulations and guidance associated with the DBP Rules. File reviews included a review of information used to develop system monitoring plans, an evaluation of system monitoring data to ensure monitoring was done in accordance with the plan, and a review of compliance determinations based on the analytical results. A complete list of the files reviewed is provided in Appendix A.

Key Findings

Most health-based violations for chemical monitoring in Florida are associated with DBPs.

Review of DBP monitoring results from the PWS Database identified a significant number of questionable values of "0" for TTHM and HAA5 analytical results, often at systems/locations that had previous and subsequent high levels. While some amount of fluctuation of results is expected, systems with detected levels greater than ½ of the MCL typically do not have fluctuations that would result in associated non-detect levels.

Staff determine compliance manually based on review of monitoring results as the Stage 2 module of the PWS Database was not yet available at the time of the review. The module has since been completed. Errors were identified in both water system reporting and state compliance determination including:

- Incorrectly calculating the locational running annual average of monitoring results
- Water system not monitoring in correct months
- Failure of systems to submit Operational Evaluation Reports when required
- Changes in monitoring locations without justifications

Staff have had training on DBP rule compliance. However, very few staff indicated they had much, if any, training related to DBP formation and/or treatment.

Reviewers found recommendations to water systems on flushing strategies that are not supported by EPA and will result in masking ongoing health risks to water system customers.

Some offices have made efforts to integrate compliance and permitting activities to ensure DBP compliance is considered in project review and the potential need for DBP monitoring plan changes based on relevant water system infrastructure changes. Efforts range from having the same staff perform both engineering review/permitting and compliance determination, to developing a liaison responsibility between permitting and compliance office staff.

Recommendations

There is a need for District and County staff to re-evaluate DBP monitoring locations identified in Stage 2 Monitoring Plans. FDEP and FDOH should consider enhancing the review of distribution systems during sanitary surveys to include an evaluation of DBP monitoring locations. Considerations for enhancing the sanitary survey include:

- Checking disinfectant residual levels (and pH when available) to assess water quality at areas of high probable water age relative to approved DBP compliance monitoring locations.
- Reviewing flushing practices to determine if water systems are using practices to improve water quality system-wide or just at compliance locations.
- Visit the DBP monitoring locations to identify any changes (e.g. installation of auto-flushing device) that may give reason to modify the monitoring plan.
- Evaluate the appropriateness of changing one monitoring location to Point of Entry for consecutive systems based on the number of monitoring locations and associated baseline data already collected. POE data can be valuable for coordination between wholesale and consecutive water systems.

Provide technical training to staff on how to limit DBP levels in water systems through improved distribution system operation practices. The AWOP implemented in Region 4 has been used by several states to provide training to water system personnel on DBP compliance strategies that minimize the need for costly infrastructure and to develop the staff expertise to perform the enhanced sanitary survey practices outlined above. Due to the low number of surface water systems in the state, FDEP has minimally participated in EPA's AWOP. With the network's significant change in focus to disinfection byproducts, FDEP should engage all districts and counties with opportunities to participate in AWOP.

FDEP should investigate the number of "0" monitoring results to determine if there are any obvious laboratory or data entry errors, or any trends that would raise question as to the integrity of the results.

FDEP-HQ should continue to prioritize development of the PWS Database to facilitate implementation tasks for inspectors and compliance officers.

Data Management

Background

One of the required functions of delegated PWSS Programs is to maintain a data management system for tracking compliance, enforcement actions and public water system inventory. FDEP-HQ's database for the drinking water program is the Oracle-based PWS Database. Reports are produced in Active Server Pages. Data are transmitted to SDWIS/Fed via an Extensible Markup Language file created from extrapolated data. Data are reported quarterly, including inventory, samples and violations and enforcement updates.

Automated compliance determinations for TCR, GWR, Phase II/IV, RAD, CCR, Turbidity and Stage 2 DBPs (just recently, in time to evaluate 1st Q 2015) are performed by the PWS Database nightly and verified by the district and county offices. All violations are posted automatically but can be over-ruled by the point person in each office. All other compliance determinations are entered manually within the individual offices, as are all violation letters and enforcement actions.

FDEP uses the SDWIS/Fed error reports to correct errors but finds that the ".pdf" format is not useful. That format is too difficult to mark up and data cannot be sorted. FDEP would greatly prefer data in Excel spreadsheets.

Key Findings

The Division has developed and maintains several effective tools for entering and accessing PWSS data and reports including:

PWS Database – In addition to tracking lab samples, the PWS Database tracks inventory, permit compliance/enforcement, monthly operations, inspections and complaints. The PWS Database includes reports for staff, but also posts five reports to the public FDEP website that are further divided by year or geographic area. Basic Facility Reports, Flow Data and Plant Treatment Data files are updated quarterly. Chemical Data and Microbiological Data files are updated annually in March. Reports provide information on sample results, average/max monthly flows, types of water treatment, the type of system, address, capacity, sources of water, population and service connections served, dates the Department performed the last sanitary survey, and the dates the last bacteriological and inorganic/organic contaminant testing was performed.

PA (Permitting Application) System – database that tracks the permit application process to ensure statutory time clocks are met.

OCULUS – an electronic, web-based document management system that allows the public and staff to search and review permitting documents, lab reports, inspections, etc. within DEP and at two of eight FDOH offices.

FDEP-DW standardized PDF/Word data/information entry forms - for use by public water systems and laboratories to document: (1) Permitting/Construction/O&M activities (Chapter 62-555.900 F.A.C.) and (2) reporting results for required test measurements or analyses (Chapter 62-550.730 F.A.C.). Users may generate computer-generated versions of same (see http://www.dep.state.fl.us/water/drinkingwater/forms.htm).

NEXUS – user-friendly information portal for retrieving documents from OCULUS archival database.

PASS (Permit Application Subscription Service) System - Allows user to receive automated, customized notification of permit application status (e.g by application types, geographic area, etc.)

Data entry and compliance determination tools available through the PWS Database provide staff in all offices with a rapid, reliable, consistent way to upload system monitoring data and accurately calculate compliance. The value of this tool was readily apparent during staff interviews, as staff unanimously emphasized the need for the Division's soon to be released DBP Stage 2 compliance determination tool.

Use of a state-developed tool also allows staff to more easily request helpful database changes. Simpler changes are implemented by Division staff, while more comprehensive changes are made by staff in OTIS. Requests to OTIS are sometimes delayed, as OTIS must prioritize database needs for multiple programs. The Division works to maintain the priority level of key PWS Database updates, but limited OTIS resources are an ongoing challenge.

The Division also maintains two web-based document tracking systems that allow staff and the public to obtain SDWP documents of interest. OCULUS houses copies of permitting, lab, inspection, operational and compliance/enforcement documents. The PA System allows the user to retrieve permit applications currently under review. While these systems may provide a valuable resource to inspectors and permit reviewers, it is unclear to what extent some offices use these systems. More comprehensive training on these systems may facilitate the exchange of information between permitting and compliance staff.

Recommendations

Florida's PWSS program should continue to implement a strong data and information management program that is available to all offices. The PWS Database addresses a critical need, providing a consistent suite of tools for data entry and compliance determination that can also be modified to address staff needs.

External Outreach

Background

In selecting topics for review, FDEP's compliance assistance outreach to public water systems was identified as a program strength. The review included a combination of document review and interviews of key staff and managers. With recent changes in drinking water law (Stage 2 DBP Rule, Ground Water Rule, Reduction of Lead in Drinking Water Act, Revised Total Coliform Rule), water systems are increasingly dependent on state agencies to provide the outreach necessary to explain the details of the rules and regulations that will ensure sector compliance and protection of public health.

FDEP and FDOH value a strong relationship with the regulated community and strive to ensure that, where possible, concerns are addressed through compliance assistance activities prior to water systems incurring a potential violation. Florida's drinking water program achieves outreach to water systems through site visits to water systems, training classes, contracts with technical assistance partners, and direct mailings to water systems and water system professionals.

Key Findings

FDEP and FDOH utilized a number of mechanisms to provide meaningful outreach activities to public water systems, including:

- Drinking Water Technical Assistance Program
- Contract with FRWA to provide training and operator certification
  - Focus on Change training seminars ~ 6 events/year
  - Water treatment plant operator certification ~16 events/year
  - Water distribution system certification training ~5 events/year
  - Water treatment plant operation and maintenance ~17 events/year
  - Electrical safety and generator set up ~ 1 event/year
  - Treatment technologies and conservation ~ 1 event/year
  - Emergency Response Plans ~ 0-1 event/year
  - Over 3,000 technical assistance site visits/year from Circuit Riders
- Limited Involvement in Area-Wide Optimization Program
- Operator Certification Program
- Floridian Newsletter
- Sanitary Surveys and other inspections

Florida's strong suite of outreach tools provide office staff with ways to enhance coordination with local public water system operators. The Division's Technical Assistance Program assists all offices in resolving technical, managerial and financial challenges of individual public water systems at no cost to those systems. The contracted services of FRWA are frequently used by smaller rural water systems. FRWA also provides training on various topics of interest to both system operators and FDEP and FDOH staff, including full-day sessions during the "Focus on Change" seminars which are held year-round at locations throughout the state. Available training sessions are listed on the FRWA website. The Division participates minimally in EPA's AWOP, and uses this program to more closely evaluate and assist the ability of surface water systems to optimize disinfection and filtration treatment goals and enhance microbial and disinfectant byproduct control. While participation has recently decreased, staff interviewed in some District and FDOH offices expressed interest in increasing participation in order to benefit public water systems while strengthening the expertise of office staff.

All offices expressed a need for greater technical training of inspectors, compliance, and permitting staff citing a concern with being able to adequately address simultaneous compliance concerns with water systems. Some entities expressed concern over a perceived loss of drinking water programmatic expertise within FDEP.

The Division offers a Sanitary Survey School annually to train newer FDEP and FDOH inspectors on not only the eight elements that are required by EPA when conducting a sanitary

survey, but also on operation and maintenance activities, as well as treatment theory and technologies.

Customer complaints made to the state are address in a timely and appropriate fashion. There was some uncertainty as to what FDOH laboratory support is available to District staff when responding to customer complaints.

Every office makes a concerted effort to send letters to each water system annually to provide minimum monitoring requirements to ensure water systems complete all required monitoring.

Recommendations

Florida should continue to implement a strong PWSS outreach program. FRWA contracted services and training sessions provide invaluable support to local offices in their efforts to assist public water system operators. Focus on Change seminars also provide opportunities for exchange between office staff and public water system operators, strengthening communications between these parties.

Consider exploring the appropriateness of addressing laboratory support for bacteriological monitoring in the interagency agreement between FDOH and FDEP. The support would be used when responding to customer complaints or in carrying out any special studies that would enhance the value of Department outreach for water systems.

EPA Region 4 believes District and County staff participation in the AWOP would facilitate improved outreach to water systems. In addition to new regulations, large turnover in drinking water staff, in some areas, has created a need for increased investment in drinking water program training. EPA Region 4 strongly encourages Districts and Counties to interact more, through routine meetings and trainings, to discuss implementation challenges/successes so that expertise across the state is better leveraged to fill the knowledge gaps associated with new regulations and new program staff.

Appendix A

Florida Drinking Water Program Priority Review
File Review Summary

For the enforcement cases, EPA Region 4 reviewed all actions and associated non-compliance over the past 3 years (2012-14). The case files should contain all of the case development work (violations, initial correspondence, informal and formal actions, etc.) even if prior to 2012. Example: If an enforcement order was issued in 2012 for an arsenic violation in 2010, EPA Region 4 evaluated everything from 2010 up until the system returned to compliance.

For the DBP files, EPA Region 4 reviewed files for monitoring results, monitoring plans, documents used in developing/approving monitoring locations, correspondence related to monitoring location changes, and documents related to compliance assistance outreach.

Broward County DOH

Enforcement Case Files

FL4060402	Everglades Holiday Park
FL4061517	Royal Utility Company
FL4064392	Kids Paradise

Disinfection Byproduct Files

FL4060402	Everglades Holiday Park
FL4060254	City of Deerfield Beach

Miami-Dade County DOH

Enforcement Case Files

FL4131403	American Village
FL4130833	Jones' Trailer Park
FL4130970	City of North Bay Village

Disinfection Byproduct Files

FL4131403	American Village
FL4130871	MDWASA
FL4131531	Virginia Gardens
FL4131001	Opalocka

Tampa, SW District

Enforcement Case Files

FL6095083	Seven Rivers Professional Center
FL6272304	Camper's Holiday
FL6510807	Holiday Gardens Utility, Inc.

Disinfection Byproduct Files

FL6512033	PCUD Blanton Lake Park
FL6520336	Clearwater Water System
FL6521576	Safety Water
FL6277059	Hernando Co. Utility-West
FL6280049	City of Avon Park

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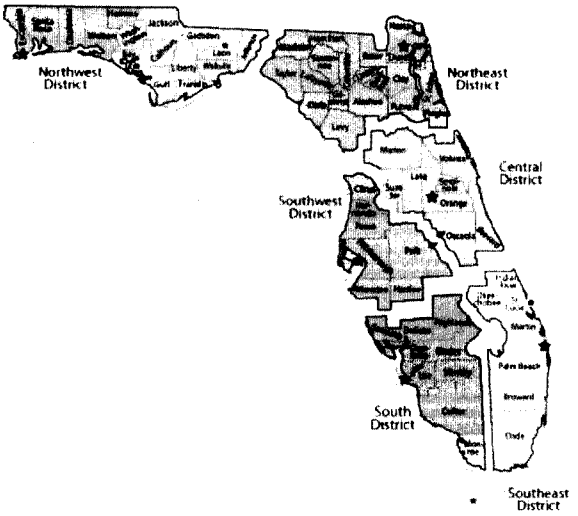
PRIORITY REVIEW

OF THE PUBLIC WATER SYSTEM SUPERVISION PROGRAM FOR THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

DRAFT REPORT



Prepared by the
Environmental Protection Agency, Region 4
Drinking Water Section, Water Protection Division

June 1, 2015

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Appendix A - Florida Drinking Water Program Priority Review – File Review Summary

EXECUTIVE SUMMARY

In December 2014, staff from the U.S Environmental Protection Agency Region 4 Drinking Water Section (EPA Region 4) conducted a Priority Review of Florida's Public Water System Supervision (PWSS) Program. The Priority Review is an oversight approach developed by Region 4 to assess the needs and success of a PWSS Program, based on an in-depth review of priority areas jointly selected by the state and EPA Region 4. EPA Region 4 and Florida identified five specific areas of Florida's Program for review, including (a) enforcement of drinking water regulations, (b) internal state coordination between the Florida Department of Environmental Protection (FDEP) and the Florida Department of Health (FDOH) on the PWSS program, (c) disinfection byproducts (DBP) rule implementation, (d) data management and (e) external outreach.

The priority areas were assessed through review of existing documentation submitted to EPA Region 4, review of selected water system files and interviews with staff and managers. If approaches in need of improvement were identified, Region 4 discussed and attempted to identify possible remedies for these concerns with Florida PWSS program staff. Following is a summary of key findings for each priority area and key recommendations on how to address areas needing improvement.

- Enforcement of Drinking Water Regulations
  In general, FDEP runs a strong enforcement program that facilitates the compliance of most Public Water Systems with Safe Drinking Water Act (SDWA) regulations. In the vast majority of cases, Florida's Program is timely in responding to violations. Few cases do not meet the expectations for issuing formal enforcement to significant violators according to EPA's Enforcement Response Policy (ERP) (see http://www2.epa.gov/sites/production/files/documents/drinking_water_erp_2009.pdf). However, the expectation to meet ERP timeframes are not expressed in FDEP's enforcement manual or any other policy. FDEP's Division of Water Resource Management (the Division) should clearly communicate the expectation that systems identified as priority systems on the Enforcement Targeting Tool (ETT) list must be addressed within two quarters of appearance on the list. Violation and enforcement data is not always submitted to SDWIS in a timely manner. The date of enforcement action, as entered into the Division's Potable Water System (PWS) Database and ultimately into SDWIS, is not always clear and consistent. Additionally, violations are not always accurately linked to the appropriate enforcement mechanisms. Processes should be established to ensure that this data and information is provided in a timely, clear and consistent manner. To assist with this goal, FDEP should also ensure that enforcement files include all records of all decisions made with regard to enforcement actions. The Division's Peer Review Process provides a good means for ensuring consistency of enforcement activities.

(b)(5) Deliberative Process Privilege

[redacted]

(b)(5) Deliberative Process Privilege

[redacted]

- DBP Rule Implementation
  Most chemical health-based violations in Florida are associated with DBPs. Staff interviews and file reviews identified potential vulnerabilities in DBP rule implementation, mostly associated with a lack of understanding of DBP formation, DBP control strategies or minimal review of monitoring results for compliance determination. Office staff should re-assess water system monitoring plans and sampling protocols during sanitary surveys or other routine site visits. The Division should provide staff access to technical training on the formation and/or treatment of DBP, allowing staff to better evaluate current monitoring locations and/or proposed changes to those locations. Additional data review protocols may also be needed to ensure that any questionable monitoring results reported are identified and resolved. Florida's Drinking Water Program would benefit from expanding District and County staff participation in the Area Wide Optimization Program (AWOP) training and field evaluation activities. This would help address the need for staff training on DBP formation and treatment and improve compliance assistance offered by inspectors, resulting in improved public health protection.

- Data Management
  The Division has developed and maintains several effective tools for reporting and accessing drinking water program data and information. These include the PWS Application, which includes both an Oracle-based database and an internal communications website; standardized PDF/Word data/information entry forms for use by public water systems and laboratories; OCULUS document management system; NEXUS user-friendly portal for retrieving documents from OCULUS; Permit Application Subscription Service (PASS) system for receiving automated notifications of permit application status. The PWS Database in particular addresses a critical program need by providing a consistent suite of tools for data entry, data retrieval and compliance determination. Many of the other tools developed also provide valuable information to the public. Florida should continue to provide strong support for the maintenance and continued development of these tools.

- External Outreach
  FDEP and FDOH value a strong relationship with the regulated community and strive to ensure that, where possible, concerns are addressed through compliance assistance

activities prior to water systems incurring a potential violation. All offices expressed a need for greater technical training of inspectors, compliance and permitting staff, citing a concern with being able to adequately address simultaneous compliance concerns with water systems. In addition to new regulations, large turnover in drinking water staff, in some areas, has created a need for increased investment in drinking water program training. EPA Region 4 strongly encourages Districts and Counties to interact more, through routine meetings and trainings, to discuss implementation challenges and successes, so that expertise across the state is better leveraged to fill the knowledge gaps associated with new regulations and new program staff.

INTRODUCTION

The U.S Environmental Protection Agency Region 4 Drinking Water Section (EPA Region 4) developed a protocol, called a Priority Review, for assessing the performance of state Public Water System Supervision (PWSS) Programs and for evaluating the adequacy of resources dedicated to identify priorities for individual state programs. The Priority Review replaces EPA's Data Verifications that historically reviewed state data associated with each rule in the National Primary Drinking Water Regulations. The new approach is intended to be transparent and targeted in assessing a few priority focus areas identified in a collaborative effort between the state and EPA Region 4. The following priority areas of focus have been identified for Florida:

1. Enforcement of drinking water regulations
2. Internal state coordination between FDEP and FDOH on the drinking water program
3. Disinfection Byproduct (DBP) Rules implementation
4. Data Management, and
5. External outreach

EPA Region 4 used three basic methods to obtain information: (1) identification and review of key documents and tools used by Florida to implement their PWSS program (e.g. guidance, websites, internal review protocols, databases, file management systems, reports, etc.), (2) interviews with managers and staff, and (3) review of individual system files. For the third method, EPA Region 4 selected systems for the review that were likely to provide a good understanding of Florida's approach to addressing more challenging and problematic situations.

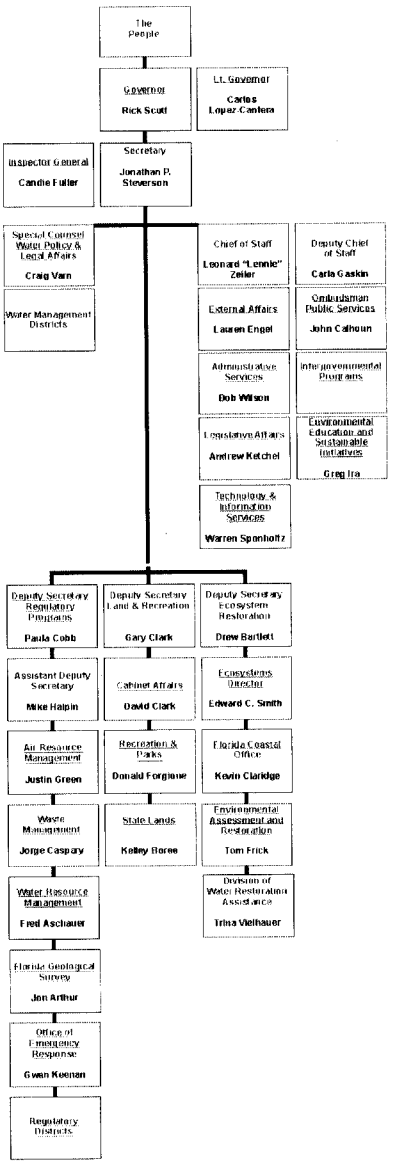
OVERVIEW OF FLORIDA'S PWSS PROGRAM

EPA gives flexibility to state primacy agencies for required PWSS program activities. In Florida, PWSS implementation activities are spread over a decentralized organizational structure. FDEP has the primary role of regulating public water systems in Florida. The Source and Drinking Water Program (SDWP) located in the FDEP headquarters in Tallahassee (FDEP-HQ) is responsible for writing rules, developing policy, managing funds, providing training and managing special initiatives. The Water Compliance Assurance Program (WCAP), also located in FDEP-HQ, is responsible for oversight, tracking and reporting of enforcement and compliance

activities and data management. The enforcement of rules and permitting of new construction for individual public water systems is handled by six FDEP district offices. In eight Florida counties FDEP-HQ has delegated this enforcement and permitting authority to local approved FDOH county health departments through an Interagency Agreement. FDEP-HQ has also delegated laboratory certification to the FDOH Laboratory in Jacksonville.

FDEP environmental programs are divided into three main areas, one of which is Regulatory Programs (Figure 1). The Deputy Secretary for Regulatory Programs provides oversight and direction to four FDEP-HQ regulatory divisions, including the Division of Water Resource Management (Division) and six regulatory district offices.

Figure 1. FDEP Organizational Structure (last updated April 6, 2015)



The SDWP and WCAP programs are both located within the Division, while the regulatory district offices report directly to the Deputy Secretary for Regulatory Programs. Following is a complete list and description of all programs which contribute to FDEP's implementation of Safe Drinking Water Act (SDWA) requirements.

Florida Department of Environmental Protection

FDEP-HQ Division of Water Resource Management (Division):

- SDWP: Coordinate overall PWSS implementation through policy and rule development, and management of funding, training and special initiatives. Ensure all SDWA program requirements are conducted and reported to EPA as outlined in the annual PWSS workplan.
- WCAP: Facilitate statewide coordination of compliance and enforcement activities by providing and/or supporting the development of guidance and training to ensure consistency among the six District Offices for state Drinking Water and Wastewater Programs. Integral to this consistency are the automated nightly compliance routines for evaluating lab results (discussed further under the Data Management section of this report). Ensure all SDWA compliance and enforcement activities are conducted and reported to EPA as outlined in the annual PWSS workplan commitments.

FDEP-HQ Office of General Counsel (OGC): Provide legal counsel and represent FDEP in implementing enforcement, permitting and programmatic actions. Provide training and consultation to FDEP staff.

FDEP-HQ Office of Technology and Information Services (OTIS): Manage functionality and security of the information technology systems that support FDEP mission success. Provide application development and customer support services to FDEP divisions and regulatory districts that use regulatory databases, including SDWP and WCAP support needs for public water systems.

FDEP Regulatory District Offices: Coordinate and implement all permitting, compliance and enforcement activities for counties located within District boundaries, including permit reviews, facility inspections, compliance assistance, rule enforcement and response to reports of environmental damage. Six separate offices serve counties located in the Northwest, Northeast, Central, South, Southeast and Southwest portions of the state. Provide legal, technical and training assistance to delegated FDOH county offices.

Florida Department of Health

- The current FDEP-FDOH Interagency Agreement delegates lead PWSS program implementation authority from the responsible FDEP District Office to FDOH offices in the counties of Broward, Miami-Dade, Hillsborough, Lee, Sarasota, Palm Beach, Polk and Volusia. Delegated FDOH county offices coordinate and implement permitting, compliance and enforcement activities for that county.
- The FDOH laboratory in Jacksonville maintains a State program for the certification of laboratories conducting analytical measurements of all drinking water contaminants, in

accordance with Florida Statutes 403.862-.8635 and Florida Administrative Code (F.A.C.) Chapter 62-550.550.

South Carolina Department of Health: South Carolina's radiological laboratory is the designated Principal State Laboratory for radionucludes for Florida, in accordance with an MOA approved by SESD on January 28, 2013.

This organization is significantly changed from the structure that was in place during the previous 2009 Program Review conducted by The Cadmus Group, Inc. on behalf of EPA. In 2012, FDEP underwent a reorganization which affected both FDEP-HQ and FDEP District offices. At FDEP-HQ, the source and drinking water program staff were merged to form the Source and Drinking Water Program. Staff were relocated from the Drinking Water Program to support (1) formation of a centralized compliance and enforcement group (WCAP) and (2) OTIS. District boundaries were redrawn, and resources were re-allocated, to allow for a more even distribution of resources among FDEP District offices. A primary objective of this reorganization was to improve program efficiency/effectiveness and promote consistency and cross-utilization of resources, particularly in the areas of compliance determination and data management.

FDEP's authority to implement provisions of the SDWA derives from Chapter 403, Part VI, Florida Statutes and by delegation of the federal program from the U.S. Environmental Protection Agency. The Department has promulgated a number of rules in Chapters 62-4, 62-550, 62-555, 62-560, 62-602 and 62-699 F.A.C. to address drinking water standards, monitoring and reporting; public water system permitting and compliance; and treatment plant operators, classification and staffing. These requirements impact approximately 5245 federally regulated public water systems with approximately 1649 (or 31%) of Florida's public water systems being community water systems, approximately 776 or (15%) being non-transient non-community systems, and approximately 2820 or (54%) being transient non-community systems (Table 1).

Table 1. Count of Florida Public Water Systems by Type and Source

PWS TYPE	WATER SOURCE	COUNT
CWS	Surface Water only	5
	Surface & Ground Water	69
	Ground Water only	1575
NTNC	Surface Water only	0
	Surface & Ground Water	4
	Ground Water only	772
TNC	Surface Water only	5
	Surface & Ground Water	1
	Ground Water only	2819
TOTAL		5245

PRIORITY REVIEW OF SELECTED PROGRAM AREAS

Enforcement of Drinking Water Regulations

Background

Compliance and Enforcement Program Implementation was selected as a priority for review in order to assess whether a state is implementing the requirements of the PWSS program. The states ensure that human health is safeguarded by enforcing the requirements of the SDWA to ensure that the states' public drinking water supply and its sources are protected. Historically, the reviews of the states' PWSS programs, whether that be through a Data Verification, Program Review, or a Priority Review, did not typically include an evaluation of the compliance and enforcement program at the states. EPA Region 4 has determined that this is an important aspect of a review of the implementation of a PWSS program, and plans to include this in future Priority Reviews, as appropriate. Through this review, EPA Region 4 promotes regional consistency, identifies successes in implementation of the PWSS program, and identifies opportunities for improvement in the compliance and enforcement programs.

In January of 2010, EPA began implementation of a new enforcement approach designed to help our nation's public water systems comply with the requirements of the SDWA. This new approach replaced the previous system of a contaminant to contaminant compliance strategy with one that focuses attention on the drinking water systems with the most serious or repeated violations. This strategy identifies public water systems with violations that rise to the level of significant noncompliance by focusing on those systems with health-based violations and those that show a history of violations across multiple rules. This system-based methodology is intended to ensure consistency and the integrity of the PWSS national enforcement program. This approach includes a revised Enforcement Response Policy (ERP) and new Enforcement Targeting Tool (ETT).

The ETT uses a tool that enables the prioritization of public water systems by assigning each violation a "weight" or number of points based on the assigned threat to public health. Points for each violation at a water system are summed to provide a total score for that water system. Water systems whose scores exceed a certain threshold will be considered a priority system for enforcement.

EPA recognizes that states carry out both formal and informal enforcement and compliance assistance activities. These activities are effective tools for achieving compliance. Nevertheless, systems specifically identified by the ETT as priorities must be returned to compliance (RTC) or EPA will expect formal, enforceable mechanisms to return such systems to compliance. States are expected to escalate their response to ensure that RTC is accomplished. Once a public water system is identified as an enforcement priority on the ETT list, an appropriate formal action or RTC will be required within two calendar quarters to be considered "timely". However, regardless of a public water system's position on a state's ETT list, EPA expects that states will act immediately on acute, health-based violations and subsequently confirm that systems with such violations return to compliance.

Priority Evaluation Method

Region 4 utilized a combination of data analysis, personnel interviews, comparison of established program strategies with the ERP, and onsite file reviews to evaluate Florida's successes in implementation of the PWSS program and identify opportunities for improvement in its compliance and enforcement program. Data analysis included a review of the EPA ETT Tracker, which is a tool that provides useful metrics and graphing capabilities for systems' current and past ETT scores for up to twenty (20) quarters. This information was used to aide in the selection of the files to be reviewed and get a rough evaluation of Florida's ability to timely and appropriately return systems to compliance or issue formal, enforceable mechanisms that will return a system to compliance. Additionally, EPA's SDWIS data system was used to determine what violations and enforcement had been done for each of the selected files to review. Nine (9) files were selected for review, however, only eight (8) were reviewed (see Table 2. Timeline for Settlement of Identification as a Priority System on the ETT List below). Interview questions were used to understand the dynamics of the organization including staffing resources and demands and to determine how the established program strategies were being implemented with regards to Florida's compliance and enforcement program. The *Department of Environmental Protection (DEP) Enforcement Manual* and *Directive* 923 were reviewed for consistency with the EPA ERP requirements to ensure that these policies enabled the state to meet the requirements of timely and appropriate compliance and enforcement. File reviews included a review of the violations determined, an evaluation of the enforcement mechanisms issued for consistency with the *DEP Enforcement Manual* and the EPA ERP, and a comparison of the information found during the file review with the data reported to EPA's SDWIS data system.

Key Findings

The accuracy of data reported by FDEP to SDWIS was found to be in need of improvement in the following ways:

- All violations identified in the file and/or provided from the FDEP tracking system, are not being submitted to SDWIS. This discrepancy was found in the District office and both FDOH offices. Primarily the violations that are not being submitted are monitoring and reporting violations for various parameters. For the identified systems, 6 of the 8 reviewed had violations noted in the file/data provided that were not identified in SDWIS.

- Enforcement actions taken and submitted to SDWIS, are either not being timely uploaded, properly linked to relevant violations, and/or the data uploaded is inconsistent with the documents provided for review. For the identified systems, 7 of the 8 reviewed had discrepancies with the information for the enforcement actions submitted to SDWIS. Specifically, for the files reviewed, there were instances where violation(s) were linked to enforcement actions that upon review of the enforcement action, it was determined that the action did not include or address those violations. Also, there were several instances where the data submitted to SDWIS showed multiple dates for the same enforcement action. It appears that the dates of enforcement are not being consistently entered (i.e.

dates were submitted for the signature date of the effective order, receipt date of the effective, or the date the proposed order was sent to the respondent). So it was noted that at times there would be two formal actions entered into SDWIS when there was only one issued.

During the file review, EPA Region 4 tracked compliance and enforcement mechanisms used and evaluated them for timeliness and appropriateness of the action or return to compliance. Based on this review, the following was determined in regards to the timeline for systems identified as a priority on the ETT list to be returned to compliance or have a formal enforcement action issued.

Table 2: Timeline for Settlement of Identification as a Priority System on the ETT List

PWS ID	System Name	Date of First Appearance on ETT List as Priority System	Date of Settlement (RTC or issuance of Formal Enf)	Days Between ETT and Settlement	Settlement RTC or Formal Action ?	Quarters on ETT List as a Priority System
FL6095083	**Seven Rivers Professional Center**	**9/30/2010**	**2/20/2013**	**874**	**RTC**	**10/2010, 01/11, 04/11, 07/11, 10/11, 1/2012, 04/2012, 7/2012, 10/2012, 1/2013, 4/2013, 7/2013**
FL6510807	Holiday Gardens Util Inc.	3/31/2011	7/7/2011	98	Formal Action	04/2011, 07/2011, 10/2011, 04/2014, 7/2014, 10/2014
FL6510807	Holiday Gardens Util Inc.	3/31/2014	2/27/2014	-32	RTC	
FL6272304	**Camper's Holiday**	**3/31/2011**	**4/15/2011**	**15**	**Formal Action**	**04/2011, 07/2011, 01/2013, 10/2013, 01/2014, 10/2014**
FL6272304	**Camper's Holiday**	**12/31/2012**	**6/5/2013**	**156**	**Formal Action**	
FL4064392	Kids Paradise	12/31/2011	4/26/2012	117	Formal Action	01/2012, 04/2012, 07/2012, 04/2014, 07/2014
FL4064392	Kids Paradise	3/31/2014	4/24/2014	24	Formal Action	
FL4060402	**Everglades Holiday Park**	**12/31/2009**	**3/23/2012**	**813**	**Formal Action**	**01/2010, 04/2010, 10/2011, 01/2012, 04/2012, 01/2013, 04/2013, 07/2013, 10/2013, 01/2014, 04/2014**
FL4060402	**Everglades Holiday Park**	**3/31/2013**	**3/13/2013**	**-18**	**Formal Action**	
FL4061517	Royal Utility Company	3/31/2011	10/20/2010	-162	RTC	04/2011, 07/2013, 10/2013, 01/2014
FL4061517	Royal Utility Company	6/30/2013	2/12/2013	-138	Formal Action	
FL4131403	**Americana Village**	**3/31/2010**	**8/28/2012**	**881**	**RTC**	**04/2010, 07/2010, 10/2010, 01/2011, 04/2011, 07/2011, 10/2011, 01/2012, 04/2012, 07/2012, 10/2012, 01/2013, 04/2013, 07/2013**
FL4130833	Jones Trailer Park	12/31/2009	9/30/2011	638	RTC	01/2010, 04/2010, 07/2010, 01/2011, 04/2011, 07/2011, 10/2011, 01/2012, 01/2013
FL4130833	Jones Trailer Park	12/31/2011	10/3/2012	277	RTC	
Average Days Between ETT and Settlement				**253.07**		

Note: Some of the systems had multiple dates evaluated because they were bouncing on and off the ETT Priority List

For the evaluated systems, only two (for all the specified appearances on the ETT List as a priority system) met the 2-quarter timeliness goal established in the EPA ERP, 3 of the 8 met the goal for one of the appearances on the ETT list but not for all of the appearances, 6 of the 8 did not meet the goal for one or more of the appearances the system had on the ETT List as a priority system. On average for the identified systems (including those with multiple appearances as a priority system on the ETT List), the days between appearing on the ETT list as a priority and settlement of the violations was 253 days. This is in excess of the 2-quarter timeliness goal.

Also, in evaluation of the data above, there is an indication that formal actions and/or return to compliance data is not consistently being entered timely so that the ETT scores accurately depict the compliance and enforcement history. Therefore, some of the systems above, remained on the ETT list as priority systems multiple quarters after the resolving action had been issued.

During the file review, it was discovered that in 2 of the 8 files, enforcement actions were initiated but never completed and there was no explanation in the documents provided that explained why the action was not pursued. This was especially important information since both of those systems had been identified as priority systems for multiple consecutive quarters without returning to compliance or having a formal action issued.

The *DEP Enforcement Manual,* developed jointly by the Secretary, Deputy Secretary, and Assistant Deputy Secretary of Regulatory Programs, is periodically revised as necessary. The latest revisions occurred in September 2013 and October 2014 for the chapters addressing compliance and enforcement processes. The manual describes FDEP's enforcement organization, compliance options, enforcement options, inspections and investigations protocol, administrative process and remedies, judicial process and remedies, litigation procedures, data management, and penalty policies. Overall, the *DEP Enforcement Manual* is a thorough document which is provided to all District offices and authorized FDOH offices. However, when compared to the EPA ERP, it was determined that the *DEP Enforcement Manual* was not consistent with the EPA ERP in that it did not define an expectation of timely and appropriate enforcement. The *DEP Enforcement Manual* had no clear expectation and/or goal for timelines associated with issuing formal enforcement for systems that are identified as priority on the ETT nor for systems with acute, health-based violations. During the interviews and file reviews, it was determined that the goals of issuing formal enforcement varied between the offices evaluated. The Southwest District office indicated that they were given some established guidelines on the expectations of timely and appropriate enforcement in the annual *SWD Business Plans*. However, both FDOH offices (Broward County DOH and Miami-Dade DOH), indicated that there were no set timelines provided by FDEP-HQ for issuance of formal enforcement or returning the system compliance. Each of the FDOH offices had established goals/expectations for timely and appropriate enforcement on their own. In Broward County, for example, the written expectation for each employee is that enforcement actions start within five days of discovering any violation. In addition, actions commence immediately upon discovery of cases where public health may potentially be at risk.

Staff in the Division, Districts, and FDOH offices are provided with training on the *DEP Enforcement Manual* and *923 Directive*.

In February of 2013, the Division instituted a Peer Review Process. This Peer Review Process establishes that prior to the issuance of formal enforcement by the District offices, a Peer Review Recommendation Memo must be sent to the Division. The Division then reviews the Peer Review Recommendation Memo to determine if formal enforcement is appropriate, ensure that penalties are consistently calculated across all District offices, and that all regulations and violations are appropriately and consistently included in the enforcement. This process was established to ensure a consistent and equally applied approach to enforcement across all District Offices. This approach is not applied to the FDOH offices, who independently establish their

enforcement activities within the confines of the Interagency Agreement and the *DEP Enforcement Manual.*

The Southwest District office and Broward DOH office have both implemented a strategy of sending reminders to the systems of their monitoring responsibilities and timelines. The reminders are sent out to the systems at a minimum of annually and in some cases monthly or quarterly as well. These activities were implemented to decrease instances of monitoring and reporting violations. The Miami-Dade DOH office has also implemented a program that aides in decreasing monitoring and reporting violations, by conducting sampling for the small systems and as well as for the transient non-community systems and a few community systems. These sampling efforts are being done through a state laboratory in Miami.

Recommendations

Update the *DEP Enforcement Manual* or provide official written guidance to all offices of the following:

- The expectation to address those systems identified as priority systems on the ETT list within 2 quarters of appearance on the list, either by returning the system to compliance or issuing formal and enforceable enforcement as well as to act immediately on acute, health-based violations and subsequently confirm that systems with such violations return to compliance. This would help to ensure that the state is consistent with the EPA ERP, the state's PWSS grant work plan, and that the State is consistently implementing the compliance and enforcement program throughout all of the districts and authorized programs.

- The expectation that the date that is being used as the date of enforcement action, which is entered into the Potable Water System (PWS) Database and ultimately into SDWIS, is consistently the same date across all districts and authorized programs. Note: The date the proposed order is sent/signed, the date of receipt of the proposed order, and the date of signature by the respondent should not be used as the date of enforcement for reporting purposes. These dates are not indicative of an effective order.

Efforts should be made to ensure that data submitted to SDWIS is timely, enforcement action dates are accurately and consistently entered, all violations are identified and submitted to SDWIS, and that all violations are accurately linked to the appropriate enforcement mechanisms. FDEP should develop and implement revised procedures to ensure accurate reporting of enforcement and compliance information into SDWIS.

Records should be maintained in the file that denote any and all decisions made with regard to enforcement actions, such as if there is a change from the proposed document or a decision to not pursue the enforcement action initiated.

The Division should continue with the Peer Review Process initiated to ensure consistency of the enforcement activities across District offices, and evaluate whether the process should be

expanded to require that all formal actions, including those where both parties are in complete agreement, are submitted to the Division for review.

Internal state coordination between FDEP and FDOH on the drinking water program

Background

Program coordination was selected as a priority review topic due to the number of separate offices that implement Florida's PWSS program and the significant impacts that a 2012 FDEP reorganization had on many of these offices. A first goal of the review is to better understand what kinds of coordination activities occur between offices and how these activities impact PWSS program implementation. A second goal is to determine how the 2012 reorganization altered previous coordination tools and pathways and describe Florida's efforts to adjust to those changes.

As described in the Overview section of this report, Florida implements the PWSS program through multiple offices, each of which handles specified duties for a designated portion of the state. The Division manages Florida's overall primacy program and develops and maintains many of the resources used by six District offices and eight delegated FDOH offices. District and FDOH offices have autonomy to implement the program at the individual system level, but must conduct activities consistent with the Division rules, policy and guidance and communicate accomplishments and issues to the Division. The Division and District offices both report to FDEP's Deputy Secretary for Regulatory Programs. The 2012 reorganization redefined the FDEP's leadership structure and redistributed staff in the Division and some District offices in several ways, as described in the overview section of this report. FDOH offices were unaffected by the reorganization.

Florida's assignment of PWSS program duties to multiple offices and agencies allows the state to leverage significant additional resources and expertise. However, good communication and collaboration is needed to ensure effective, consistent operation of this decentralized program. The overall objective of this review is to ensure that effective mechanisms for ensuring good program coordination remain in place, and to document any particular strengths or weaknesses that require further consideration.

Priority Evaluation Method

Region 4 used a combination of document reviews and personnel interviews to understand past and present coordination activities in Florida and evaluate how well those activities support Florida's overall PWSS program implementation. The documents and information reviewed were obtained from EPA Region 4 files, Division files and the Division's SDWP website (http://www.dep.state.fl.us/water/drinkingwater/). Of these, the following documents provided information on Florida's internal and external program coordination activities:

- FDEP responses to EPA Region 4's PWSS Priority Review Background Questions
- FDEP's 2014 Operator Certification Program Annual Submittal
- FDEP's FY13 Annual Capacity Development Program Implementation Report

- FDEP's 2014 triennial report to the governor on "Florida's Strategy to Improve Public Water Supply"
- FDEP-HQ PWSS Program Review Reports for 2013-2014 program evaluations of FDEP District and FDOH county field offices
- Issues of the Floridan newsletter
- Information available to public water systems on the SDWP website

The Division also provided EPA Region 4 staff with a walk-through of the information and data management tools available on the Division's internal PWS Application during this review. These tools are accessible to all District and FDOH offices.

To obtain a range of perspectives on coordination activities, EPA Region 4 visited multiple offices that together represent a cross-section of PWSS program components. These included the Division office, the Southwest District office and FDOH offices in Broward and Miami-Dade counties. FDOH headquarters staff and Southeast District staff also participated in FDOH office visits. EPA Region 4 interviewed multiple staff at varying levels of responsibility in each office. The names of program managers and technical staff interviewed in each office were obtained from FDEP in advance. EPA Region 4 developed a comprehensive list of questions on internal, inter-office and external (i.e. outreach) coordination, and selected appropriate questions from this list for each interviewee, depending on that person's responsibilities. Program Coordination interviews were conducted with groups of employees, as this approach allowed office staff to provide a more complete description of program interaction and also allowed EPA Region 4 to better observe the dynamics of each office.

Key Findings

To achieve successful program coordination, program components must be organized in a way that allows them to work together effectively to achieve overall program goals. Florida has used many methods to facilitate effective program coordination across all offices. During interviews, staff noted the following existing and historical tools:

Existing Tools:

1) Regular internal office staff meetings
2) Monthly communication calls between the Division and all District-FDOH offices to introduce new policy and regulations
3) Regular comprehensive program evaluations are performed by the Division of District offices (triennially) and by the Division, FDOH HQ and District staff of FDOH offices (annually)
4) One-on-one communication between District liaisons/experts and FDOH office staff
5) Internal PWS communications website - repository for SDWP information, including current announcements, guidance, available training, webcasts, powerpoint presentations and historical meeting minutes; maintained by the Division
6) Internal PWS database – standardized data entry tools facilitate data reporting/retrieval and compliance determination by staff; developed and updated by the Division to address changing requirements and user needs

7) Technical assistance from Florida Rural Waters Association (FRWA) – a Division-managed contract that provides assistance to small systems and conducts FRWA training sessions on many topics, including full day "Focus on Change" Seminars

Previous Tools:

1) Quarterly Permitting, Compliance and Enforcement (PCE) Meetings – means of informally sharing policy and implementation issues between Division and FDEP-FDOH offices
2) Annual PWSS Conference – face-to-face meeting of Division and all FDEP-FDOH office staff that provided information on program policies and issues, rule training and valuable discussion of specific questions, concerns and needs.
3) Quarterly meetings between each District liaison and delegated FDOH offices located within that District. EPA Region 4 believes there is still an expectation for these meeting to occur, but it appears that currently the meetings occur infrequently and only in some Districts.

All offices emphasized that internal staff levels are minimally adequate to implement the assigned program workload. Administrators work closely with their staff to coordinate individual responsibilities in ways that build employee job satisfaction while maximizing output and work quality. One office recognized efficiencies by assigning individual staff both compliance and permitting duties in order to develop more holistic program knowledge. Another office supported employee skills development by devising a detailed training program that included both classroom and on-the-job shadowing. The assignment of job duties commensurate with skill level improved work product and employee satisfaction. Several offices strove to reduce the number of compliance issues by annually notifying systems of required upcoming monitoring activities. One office also achieved greater compliance levels by having staff conduct required monitoring for most small systems.

Many administrators stated that their programs achieve much more by leveraging resources available from the Division and other offices. Leveraging occurs in many ways, including meetings, training and the use of common tools to manage and share SDWP data and information.

The PWSS program conducts various meetings and calls on a regular basis. Monthly 1-2 hour calls coordinated by the Division provide regular updates on pertinent program issues, but are limited in scope. District liaisons noted that they continue to share expertise and have good interaction with staff in FDOH offices, but these discussions are also limited, and some District offices have lost technical expertise. Conference calls and informal information sharing also occur between some District and FDOH offices. However, the regularity and strength of these exchanges varies widely. Lengthier face-to-face meetings (such as the annual PWSS conference and quarterly PCE meetings) have historically provided the most valuable opportunities for education and exchange among office staff. These meetings have included presentations on regulations, technical issues, policy, guidance and data management tools. They also provided time for face-to-face discussions among staff with varied backgrounds and expertise. Quarterly PCE meetings sometimes facilitated the scheduling of follow-up meetings. For example, some

Districts followed quarterly PCE meetings with meetings with their delegated FDOH offices, allowing continued discussions on some PCE meeting topics or introduce other discussion topics of concern. The information exchanged in all of these meetings often facilitated faster, more comprehensive, consistent resolution of specific PWSS program concerns.

The Division conducts regular program reviews of each District and FDOH office. Program Review reports provide a consistent, in-depth assessment of 8 key program components across all 14 offices, as shown in Table 3 on the following page.

The relative weighting that the Division assigns to each of the 8 components is shown in the first row of this table. Individual cells display the percentage of total points which each office received for each component during the most recent 2013-2014 Program Evaluations. The results show that all offices successfully implement Data/File Management and Permit/Plan Review program components. Most offices also successfully implement Compliance, Enforcement and Sanitary Survey/Compliance Inspection program components. However, the basis for bonus points awarded for certain additional activities within these components, which often contribute to elevated scores, is somewhat unclear. Scores for the remaining three program components (Organization/Staffing/Resources, DEP Coordination/Assistance and Training) were more variable, with some offices receiving significantly lower scores. For the Organization/Staffing/Resources program component, three offices received less than 90%, and an additional two offices received less than 92%, of the total possible points. Offices generally received point reductions for having a higher ratio of public water systems to professional staff. However, all offices received the maximum allowable points for their response to the question: "Is the current staffing adequate to cover required workload?". These findings suggest that additional information is needed to better evaluate the adequacy of current office staffing/resource levels. For the DEP Coordination/Assistance component, four offices received 90% or less of total possible points. Point reductions were generally received due to lack of scanning capabilities for purposes of generating electronic files. Most questions required only "yes/no" responses, and the scoring system did not consider the more detailed comments provided by offices. Reconsideration of the kind of information needed to assess this component may be helpful. For the Training component, four offices received less than 85%, and an additional three offices received less than 92%, of total possible points. Point reductions were based on failure of staff to complete one or more of the identified core training courses, or lack of a written office training plan. These findings suggest that many offices do not have access to all needed training. The Division's basis for updating the list of needed courses is also unclear. EPA Region 4 believes this portion of FDEP's program evaluation is inadequate to fully assess training needs.

Table 3.
Summary of 2013-2014 FDEP Program Evaluation Results for 6 FDEP District and 8 DOH County Offices

Sum of Score (as % of PE Weight) Row Labels	Column Labels 1_Organization/ Staffing/ Resources	2_Data/File Management	3_Compliance	4_Enforcement	5_Sanitary Survey/ Compliance Inspections	6_Permit/Plan Reviews	7_DEP Coordination/ Assistance Activities	8_Training	9_Overall Score
1_PE Weight(%)	5.00	25.00	15.00	15.00	15.00	15.00	5.00	5.00	100
A_Central	91.60	94.96	100.00	100.00	93.60	100.00	100.00	100.00	97.36
A_NE		84.52	100.27		90.40	98.00	100.00	91.60	94.08
A_NW	100.00	97.36	100.00		100.00	97.93	100.00	91.60	99.49
A_SE	102.00	95.28	84.20		97.33	101.07	100.00	100.00	97.2
A_South	102.00	90.76	100.00		103.60	101.00	100.00		98.12
A_SW	94.80	97.96	100.00		102.60	97.87	100.00	83.40	99.36
C_Broward	102.00	95.20			102.33	95.87	100.00	100.00	100.59
C_Hillsborough		99.60	100.00	100.00		92.80	100.00	100.00	98.33
C_Lee	91.60	97.12	100.00		100.00	93.73	90.00	100.00	98.31
C_Miami-Dade	96.80	95.24	100.00		96.40	93.93	90.00	100.00	97.58
C_Palm Beach	102.00	93.36				96.87	90.00	100.00	99.76
C_Polk	89.60	96.48		100.00	102.73	100.00	100.00	83.40	99.25
C_Sarasota	91.60	97.08	100.00			86.47	90.00		97.04
C_Volusia	102.00	95.12			96.27	93.60	100.00	91.60	94.49

LOW 100% HIGH

Staff interviews conducted during this Priority Review provided information on how Florida currently identifies and addresses training needs. While training needs are a clear priority, the resources to address those needs are often limited. In order to justify training, the Division and District offices each prepare comprehensive annual training plans. Some FDOH offices prepare office training plans, and many notify District offices of additional training needs on an ad-hoc basis. In response to identified needs, the Division develops some training courses and makes these available to all offices. Division training generally focuses on rule implementation or database usage. District and FDOH offices conduct varied amounts of duty-specific training internally and access external training sources as resources allow.

Florida's PWSS program does not currently appear to have a clear means for tracking and addressing training needs on a program-wide basis. Staff in multiple offices identified the need for training on: use of PWS Application tools, information on DBP formation and treatment, DBP Stage 2 implementation, technical knowledge that allows staff to tie rules together and optimize overall system compliance, and state enforcement policies. These responses suggest that the PWSS program could realize some efficiencies by implementing more seamless, universal communication of training needs and resources. Several offices stated that they are in the process of re-tooling existing training plans, to adjust for changing duties and priorities that resulted from the 2012 reorganization. This re-tooling period may provide an opportunity for Florida to revisit the way in which it identifies and addresses training needs on a program-wide basis.

A primary goal of the 2012 reorganization was to recognize efficiencies and achieve greater statewide consistency by realigning staff in the Division and some District offices. The changes implemented were initially disruptive, as they altered established communication pathways and sometimes significantly revised staff workload. However, during interviews, staff provided evidence that re-tooling of the organization aimed at improving overall program coordination is now occurring on several fronts. The Division is re-examining training plans and the value of regular, lengthier face-to-face meetings. The Division continues to revisit strategies for maintaining timely access to critical information technology resources. Given the realignment of compliance staff and the revision of some enforcement guidance, the Division has also recognized the importance of clarifying the enforcement process to all offices. Districts clearly desire autonomy to implement enforcement/compliance issues; however, they are also striving to exchange information and expertise with other Districts, and expressed a desire for clearer guidance from the Division on some issues. District offices that were more heavily impacted by the reorganization continue to re-calibrate their programs to ensure effective public water system oversight.

Resources which were unchanged through the 2012 reorganization contributed considerably to the continued strength of Florida's PWSS program. These resources include FDOH-HQ and FDOH offices, the continued use of 14 geographically-targeted District and FDOH offices to maintain close working relationships with public water systems operators, the technical support contract with FRWA, and the Division's continued maintenance of several tools for managing data and information essential to the PWSS program.

PWSS Priority Review Background Questions

PROGRAM STRUCTURE

1) *How is the state drinking water program structured?* [Please attach organizational chart(s)]

The FDEP Source and Drinking Water Program (SDWP) is a decentralized program that is responsible for implementing the provisions of the Safe Drinking Water Act (SDWA) through its six district offices and through oversight of the delegated county health departments, which are under the umbrella of the Florida Department of Health (FDOH). The six district offices are District 1: Northwest – Pensacola; District 2: Northeast – Jacksonville; District 3: Central – Orlando; District 4: Southeast – West Palm Beach; District 5: South – Fort Myers; and District 6: Southwest – Temple Terrace. In addition, there are eight delegated county health offices and the FDEP headquarters in Tallahassee.

The delegation to the county health departments is agreed on between the FDOH and FDEP offices via an interagency agreement. Many of the county health department safe drinking water programs were in place before SDWA and the FDEP Drinking Water Program was built around those extant programs. In some cases, counties have returned authority to the district office (4) and, in others, the agencies have since delegated new county health departments (2).

Florida is a large state with many water systems. FDEP goes to great lengths to ensure that the decentralized offices communicate with each other and share standardized approaches to compliance determination and data processing.

- The SDWP holds monthly teleconferences with all 14 field offices to discuss drinking water policies. The teleconference minutes serve as program guidance and are sent to all offices 1-2 weeks after the meetings via email.
- Information from the teleconference minutes and other important program information are also posted on a common website that serves as an online bulletin board.
- FDEP performs its own internal audits of two district and all eight county offices annually.
- The PWS database designed and maintained by Tallahassee provides a level of consistency between offices through automated compliance determination.

2) *Is the laboratory certification program in the same organization as the drinking water primacy agency?*

No, laboratory certification is handled through the FDOH, a parallel department in the state government. There are over 200 commercial laboratories in Florida that perform almost all sampling analyses. The FDOH analyzes bacteriological samples only, usually for samples from systems under the jurisdiction of the county health departments. The proportion of samples analyzed by commercial labs versus FDOH varies widely between offices. FDEP recently entered into an inter-state agreement with South Carolina DOH for radionuclide laboratory certification, though most private laboratories are certified under NELAP protocols.

3) *Describe the support that the state drinking water program receives from individuals and organizations outside its direct supervisory control. Does the state drinking water program have concerns with the level of service being provided by its outside support sources?*

As mentioned above, FDOH maintains a laboratory certification program for all laboratories used by public water systems in Florida and eight county health departments have been delegated oversight of the PWSS program. FDOH has entered into an MOA, approved by EPA SESD on January 28, 2013, with South Carolina's radiological laboratory for analysis of radionuclide samples if needed. FDEP's Division of Water Resource Management's Certification and Restoration Program performs Operator Certification activities.

FUNDING & RESOURCES

4) *How is the drinking water program funded?*

Seventy percent of FDEP Drinking Water Program funding comes from Public Water System Supervision (PWSS) grants, SRF set asides or security grants. The remaining 30 percent comes from state revenues, construction permits, and utilities. In 2008 the state increased the minimum fee on construction to supplement funding for the Drinking Water Program and implemented an annual operating license (AOL) fee for PWSs.

The AOL fee works on a scale. The fee for CWSs is a flat minimum of $100 and can go up to a maximum of $7,500, depending on system capacity. Consecutive system fees are based on population. Non-community systems pay a flat fee of $50 for transient non-community water systems (TNCWSs) and $75 for non-transient non-community water systems (NTNCWSs).

5) *How many staff does the drinking water program have, and how many systems does it regulate? Ratio?*

The FDEP Drinking Water Program has about 80 employees (FTEs) in Tallahassee and across the district offices for permitting, compliance, enforcement, rule-writing, training, and emergency response, along with data management, development, and reporting to EPA. The FDOH employs about 75 drinking water-related personnel. These numbers do not include laboratory staff, underground injection control (UIC) personnel, or those working with disease investigation and the State Revolving Fund (SRF).

There are about 5300 CWS, NTNCWS, and TNCWS systems which gives a ratio of about 34 water systems per employee. FDEP drinking water offices have historically experienced a low level of staff turnover while FDOH offices experience a high percentage of turnover, partly because they tend to have smaller staffs. A recent FDEP reorganization has resulted in maintaining existing levels of service and introduced many staff and managers new to the drinking water program.

6) *What resource barriers does the State face, including FTE caps, funding caps or prohibited use of contractors?*

FDEP has been struggling with a lack of resources. State agencies are currently not allowed to make any increases in full-time equivalent (FTE) employee numbers. FDOH has an even greater scarcity of financial resources and one county returned its delegated program to FDEP due to funding constraints.

Travel limitations, both out-of-state and within state, affect the ability for staff to attend technical and regulatory training and participate in regional and national drinking water organizations such as Association of State Drinking Water Administrators and Region 4 Area-Wide Optimization Program.

7) ***Does your lab certification program have resource issues that affect their ability to evaluate and support laboratories that are or want to become certified in drinking water analysis? Do you foresee any Certification Officer shortage? If so, which area(s)?***

Laboratory certification is handled through the FDOH, a parallel department in the state hierarchy. FDEP is not aware of any commercial laboratory certification problems.

8) ***What program components are most in need of additional resources? What can EPA do to help?***

Training drinking water staff can pose a challenge. With 14 field offices, large geographical distances and travel restrictions to contend with, FDEP is falling behind in training. The FDEP has recently developed annual training plans to help address some of its training needs. EPA can help by providing the training most needed.

DATA MANAGEMENT

9) ***What data system(s) are used to track inventory and compliance information?***

FDEP's main database for the drinking water program is called PWS, which is Oracle based. PWS contains inventory, compliance and enforcement actions, inspection results and contact information. Reports are produced in Active Server Pages (ASP). Data are transmitted to SDWIS/Fed via an Extensible Markup Language (XML) file created from extrapolated data. Data are reported quarterly, including inventory updates. FDEP has moved over to an electronic document management system called Oculus. This system is also accessible to the public for review of PWS lab reports, correspondence, operating reports, etc.

10) ***For which rules does the program utilize automated compliance determination?***

Compliance determinations are performed in the district and county offices, using the PWS program. Pre-compliance reports run every night and are available to the offices the following day. A point person in each office is responsible for posting the previous month's violations so they can be compiled by Tallahassee. Treatment technique, Consumer Confidence Reports, and Public Notice violations are entered manually. All other compliance determinations are automated with the exception of Disinfection ByProducts Stage 2. All violation letters and enforcement actions are handled within the individual offices.

11) ***What tools do you use to assess and improve data quality on a regular basis?***

FDEP uses the SDWIS/FedRep error reports to correct errors. Every spring, staff review the last calendar years sample data to check for quality and to flag anything that might need review from the field staff.

SANITARY SURVEYS

12) ***Is the state meeting the required schedules for conducting sanitary surveys for various categories of water systems (CWS, NTNCWS, and TNCWS) under federal rules? Has the state assigned the same/more/fewer staff to perform sanitary surveys over the past five years?***

Sanitary Surveys Conducted at FL Community Water Systems CY2011-13		
Sum of Total Systems	Count of Systems with Sanitary Survey	% Systems with Sanitary Survey
1673	1659	99.16%

CWSs and NTNCWSs are scheduled to be inspected every three years and TNCWSs every five years. In the past, FDEP had exempted consecutive systems from sanitary surveys, but now those systems are scheduled in the same way as the non-consecutive systems because of requirements specified by the new surface and ground water rules.

A standardized reporting format for sanitary survey inspections, which takes into account the eight elements required by the Interim Enhanced Surface Water Treatment Rule (IESWTR) and Ground Water Rule (GWR), also provides a standard framework for staff to use. The inspection form varies depending on the size, type, and complexity of the system reviewed.

13) ***Who conducts sanitary surveys at PWSs? Central office staff? District staff? Contractor?***

FDEP and FDOH field staff perform all sanitary surveys in the state. Tallahassee conducts annual sanitary survey "schools" on an as needed basis to train staff.

14) ***Do staff that perform SS also perform other professional functions (such as compliance determinations, enforcement follow up, work for other programs)?***

Under a 2012 FDEP reorganization, all compliance personnel have been brought together under one overall management structure for all of the different FDEP programs. In Tallahassee, compliance and enforcement staff have moved to the Water Compliance Assurance Program.

15) ***On average, how long after the SS site visit is it before the system is informed of sanitary deficiencies?***

Systems are informed of deficiencies on-site during the inspection and a follow-up letter is sent within 30 days.

16) ***How does the state keep track of deficiencies identified during sanitary surveys?***

Data from the sanitary survey is entered into the PWS database and hard or electronic copies are retained in the files. Deficiencies and the schedule for correction are also tracked this way. Most deficiencies are corrected within 30 days, though this can vary depending on the severity of the situation. If systems do not correct deficiencies, enforcement with penalties can be used for leverage.
17) *How does the State ensure that systems with significant deficiencies meet the 45-day requirement for responding, in writing, to sanitary survey report findings?*

Systems are informed of deficiencies on-site during the inspection and a follow-up letter is sent within 30 days. Depending on the kind of deficiency identified, staff may conduct a follow up visit to verify that corrections have been made. Systems may also demonstrate corrections, depending on the type of deficiency, by submitting paperwork or photographs. Timeframes for correction vary depending on the kind of deficiency

18) ***What criteria are used to distinguish between "significant" and "other" deficiencies?***

An ad-hoc group was formed to establish "significant" and "other" deficiencies definitions that all offices use.

19) ***What oversight process does the state have in place to ensure a consistent approach and quality to sanitary surveys?***

Tallahassee conducts semiannual to annual sanitary survey "schools" on an as needed basis to train staff. A standardized reporting format for sanitary survey inspections, which takes into account the eight elements required by the Interim Enhanced Surface Water Treatment Rule (IESWTR) and the GWR also provides a standard framework for staff to use.

COMPLIANCE DETERMINATION

20) ***Describe the state's waiver program.***

FDEP has maintained a waiver program developed in 1993-1994. Florida does not use exemptions, but does have a statewide waiver for dioxin. Florida does not allow volatile organic compounds (VOC) or inorganic chemical (IOC) waivers. Synthetic organic chemical (SOC) waivers are given to systems that request them, based on use and historical sampling. SOCs may be waived individually or by group and are granted sparingly. Waivers may also be granted for asbestos monitoring. Florida does not allow the waiver by rule monitoring for IOCs and does not allow VOC vulnerability waivers due to the karst nature of the state's geology.

21) ***Please explain the review and approval process for all construction projects that involve new or modified water system facilities?***

FDEP reviews and permits new or modified construction projects under the guidance and specifications contained in the F.A.C. Chapter 62-555.

22) ***Describe how sample collection is implemented.***

Florida systems collect their own samples for the most part. The Dade County Health Department collects many routine samples for systems, and all TCR and nitrate samples for small systems. The Lee County Health Department collects some non-chemical samples. System operators are responsible for delivering samples to the laboratories for analysis. Because analyses are performed almost entirely by commercial labs, FDEP and FDOH do not pay attention to the method of delivery. This is considered to be between the operators and the labs.

FDEP allows compositing of samples for radionuclides, IOCs, VOCs, and SOCs. No more than two samples shall be combined into one composite sample when analyzing for antimony, thallium, EDB, or any of the VOCs. No more than three samples shall be combined into one composite sample when analyzing for toxaphene. No more than four samples shall be combined into one composite sample when analyzing for cyanide. No more than five samples shall be combined into one composite sample when analyzing for the other radionuclides, IOCs, and SOCs.

23) ***Describe the process that the state uses to ensure that appropriate public notification occurs in response to a violation. Is the state meeting its responsibilities under this process?***

Proof of PN documentation is date stamped in the district and county offices, a PN request and receipt codes are entered into the PWS database.

24) ***Does the state conduct a site visit after a violation?***

After an area of concern has been identified, a compliance assistance offer letter is sent to the utility and an option to the water system is to request an on-site visit to the facility.

develop a standard process for updating core training courses to reflect changing program priorities and individual office needs.

Florida's PWSS program may strengthen external coordination though increased participation by local office level in EPA's Area Wide Optimization Program (AWOP) program. This participation would allow office staff to better evaluate and assist surface water systems in optimizing treatment goals and enhancing microbial and disinfection byproduct control. The technical expertise gained could also be shared with other offices.

Local District and FDOH offices are encouraged to make use of the OCULUS and Permitting Application document management systems, particularly in an effort to coordinate compliance and permitting activities.

Disinfection Byproduct Rules Implementation

Background

DBP Rules Implementation was selected as a priority for review based on an analysis of state-wide violation data by specific contaminant group. Other than total coliform MCL violations, DBP MCL violations represented the greatest number of health-based violations for water systems in Florida over the past five years. Many water sources in Florida have high quantities of naturally occurring organic matter. When the water with high levels of organics is disinfected with chlorine, high levels of disinfection byproducts can form. Levels of many DBPs increase with water age in finished water storage tanks and distribution systems. Treatment strategies for DBPs can include adjustments to treatment systems (examples: removal of organics prior to disinfection, change of disinfectant, pH adjustment, or removal of DBPs after formation, etc.) or changes to operations of distribution systems (examples: adjustments to storage tank levels or fill/draw cycles, flushing practices, elimination of "dead ends" in distribution lines, etc.).

Over the past few years States and water systems have been transitioning from monitoring requirements associated with the Stage 1 Disinfectants and Disinfection Byproduct Rule to the Stage 2 DBP Rule. Some of the key changes include the number, frequency and locations of routine monitoring, inclusion of consecutive water systems to rule requirements, and how compliance is calculated based on locational running annual averages. The transition from the Stage 1 to Stage 2 Rule involved a period of time when EPA Region 4 was implementing aspects of rule focused on identifying potential new monitoring locations. These early implementation activities were a result of the regulatory timeline beginning before states were required to have the rule adopted. As a result, FDEP and FDOH field staff played a limited role in training and implementation associated with monitoring site selection. FRWA did provide a significant amount of outreach to water systems during this time. Florida had adopted the Stage 2 Rule by the time routine monitoring requirements began and worked with water systems to finalize monitoring plans.

Recommendations

The 2012 reorganization refocused Florida's PWSS program on the critical goals of strengthening overall program consistency, and renewing focus on timely accomplishment of program priorities (such as the prevention and resolution of health-based violations). The associated reorganization of staff and resources disrupted many valuable coordination pathways that existed under the old organization. Some expertise was also lost during the reorganization. The re-tooling period that is now occurring is critical to ensuring that Florida maintains and establishes communication pathways and tools that will allow them to best accomplish the priorities of the PWSS program under the new organization. Based on information gathered during this priority review, the following program coordination-related activities are recommended as key to strengthening Florida's PWSS program.

Regular, established communications have historically provided the Division, District and FDOH offices with some of the most valuable ways to leverage the expertise and resources available in the many offices that comprise Florida's PWSS program. Interviewed staff unanimously stated that regular face-to-face meetings (such as the annual FDEP PWS conference and quarterly PCE meetings) were the most valuable tools, as these provided the broadest exchange of PWSS program and technical information to the greatest number of staff. Reinstatement of these meetings would strengthen staff knowledge and promote rebuilding of communication pathways. Continued strengthening of regular communication pathways between District offices would increase the exchange of information and expertise relevant to direct oversight of public water system facilities. Increased District expertise could also be leveraged by FDOH offices.

EPA Region 4 recommends FDEP lead a statewide assessment of technical and programmatic training needs of all offices given the number of new drinking water regulations and new staff to the program. A re-tooling of Florida's training program that allows PWSS program offices to better identify and address training needs would be helpful.

Individual offices provide various levels of internal training, but this could be supplemented with the resources and expertise available from other offices across the state. Reinstatement of the face-to-face meetings noted earlier would provide an efficient means for providing broadly-needed training, such as guidance on program enforcement tools and priorities as well as provide a meaningful opportunity for offices to share training plans (such as the training program being developed by the SW District).

Some re-tooling of the Division's standard Program Evaluation template may increase the usefulness of Program Evaluation findings. These regular program evaluations of District and FDOH offices provide an excellent tool for consistently evaluating key components of Florida's PWSS program. However, for some components, the information collected does not clearly explain the basis for differing, or lower, scores among offices. This finding primarily applies to components that do not include reviews of specific public water systems (i.e. Organization/Staffing/Resources, DEP Coordination/Assistance and Training components). Questions and scoring mechanisms used for these components could be re-examined and modified to better characterize office strengths or deficiencies. For example, the Division might

Priority Evaluation Method

Region 4 utilized a combination of data analysis, personnel interviews and onsite file reviews to evaluate strengths and needs associated with Florida's implementation of the DBP Rules. Data analysis include reviews of DBP monitoring results from Florida's PWS Database and DBP violation data available from EPA's SDWIS data system. Interview questions were used to determine strategies utilized to affect system compliance, understand expertise levels and resource demands for staff and management, and to gage consistency in implementing the regulations and guidance associated with the DBP Rules. File reviews included a review of information used to develop system monitoring plans, an evaluation of system monitoring data to ensure monitoring was done in accordance with the plan, and a review of compliance determinations based on the analytical results. A complete list of the files reviewed is provided in Appendix A.

Key Findings

Most health-based violations for chemical monitoring in Florida are associated with DBPs.

Review of DBP monitoring results from the PWS Database identified a significant number of questionable values of "0" for TTHM and HAA5 analytical results, often at systems/locations that had previous and subsequent high levels. While some amount of fluctuation of results is expected, systems with detected levels greater than ½ of the MCL typically do not have fluctuations that would result in associated non-detect levels.

Staff determine compliance manually based on review of monitoring results as the Stage 2 module of the PWS Database was not yet available at the time of the review. The module has since been completed. Errors were identified in both water system reporting and state compliance determination including:

- Incorrectly calculating the locational running annual average of monitoring results
- Water system not monitoring in correct months
- Failure of systems to submit Operational Evaluation Reports when required
- Changes in monitoring locations without justifications

Staff have had training on DBP rule compliance. However, very few staff indicated they had much, if any, training related to DBP formation and/or treatment.

Reviewers found recommendations to water systems on flushing strategies that are not supported by EPA and will result in masking ongoing health risks to water system customers.

Some offices have made efforts to integrate compliance and permitting activities to ensure DBP compliance is considered in project review and the potential need for DBP monitoring plan changes based on relevant water system infrastructure changes. Efforts range from having the same staff perform both engineering review/permitting and compliance determination, to developing a liaison responsibility between permitting and compliance office staff.

Recommendations

There is a need for District and County staff to re-evaluate DBP monitoring locations identified in Stage 2 Monitoring Plans. FDEP and FDOH should consider enhancing the review of distribution systems during sanitary surveys to include an evaluation of DBP monitoring locations. Considerations for enhancing the sanitary survey include:

- Checking disinfectant residual levels (and pH when available) to assess water quality at areas of high probable water age relative to approved DBP compliance monitoring locations.
- Reviewing flushing practices to determine if water systems are using practices to improve water quality system-wide or just at compliance locations.
- Visit the DBP monitoring locations to identify any changes (e.g. installation of auto-flushing device) that may give reason to modify the monitoring plan.
- Evaluate the appropriateness of changing one monitoring location to Point of Entry for consecutive systems based on the number of monitoring locations and associated baseline data already collected. POE data can be valuable for coordination between wholesale and consecutive water systems.

Provide technical training to staff on how to limit DBP levels in water systems through improved distribution system operation practices. The AWOP implemented in Region 4 has been used by several states to provide training to water system personnel on DBP compliance strategies that minimize the need for costly infrastructure and to develop the staff expertise to perform the enhanced sanitary survey practices outlined above. Due to the low number of surface water systems in the state, FDEP has minimally participated in EPA's AWOP. With the network's significant change in focus to disinfection byproducts, FDEP should engage all districts and counties with opportunities to participate in AWOP.

FDEP should investigate the number of "0" monitoring results to determine if there are any obvious laboratory or data entry errors, or any trends that would raise question as to the integrity of the results.

FDEP-HQ should continue to prioritize development of the PWS Database to facilitate implementation tasks for inspectors and compliance officers.

Data Management

Background

One of the required functions of delegated PWSS Programs is to maintain a data management system for tracking compliance, enforcement actions and public water system inventory. FDEP-HQ's database for the drinking water program is the Oracle-based PWS Database. Reports are produced in Active Server Pages. Data are transmitted to SDWIS/Fed via an Extensible Markup Language file created from extrapolated data. Data are reported quarterly, including inventory, samples and violations and enforcement updates.

Automated compliance determinations for TCR, GWR, Phase II/IV, RAD, CCR, Turbidity and Stage 2 DBPs (just recently, in time to evaluate 1st Q 2015) are performed by the PWS Database nightly and verified by the district and county offices. All violations are posted automatically but can be over-ruled by the point person in each office. All other compliance determinations are entered manually within the individual offices, as are all violation letters and enforcement actions.

FDEP uses the SDWIS/Fed error reports to correct errors but finds that the ".pdf" format is not useful. That format is too difficult to mark up and data cannot be sorted. FDEP would greatly prefer data in Excel spreadsheets.

Key Findings

The Division has developed and maintains several effective tools for entering and accessing PWSS data and reports including:

PWS Database – In addition to tracking lab samples, the PWS Database tracks inventory, permit compliance/enforcement, monthly operations, inspections and complaints. The PWS Database includes reports for staff, but also posts five reports to the public FDEP website that are further divided by year or geographic area. Basic Facility Reports, Flow Data and Plant Treatment Data files are updated quarterly. Chemical Data and Microbiological Data files are updated annually in March. Reports provide information on sample results, average/max monthly flows, types of water treatment, the type of system, address, capacity, sources of water, population and service connections served, dates the Department performed the last sanitary survey, and the dates the last bacteriological and inorganic/organic contaminant testing was performed.

PA (Permitting Application) System – database that tracks the permit application process to ensure statutory time clocks are met.

OCULUS – an electronic, web-based document management system that allows the public and staff to search and review permitting documents, lab reports, inspections, etc. within DEP and at two of eight FDOH offices.

FDEP-DW standardized PDF/Word data/information entry forms - for use by public water systems and laboratories to document: (1) Permitting/Construction/O&M activities (Chapter 62-555.900 F.A.C.) and (2) reporting results for required test measurements or analyses (Chapter 62-550.730 F.A.C.). Users may generate computer-generated versions of same (see http://www.dep.state.fl.us/water/drinkingwater/forms.htm).

NEXUS – user-friendly information portal for retrieving documents from OCULUS archival database.

PASS (Permit Application Subscription Service) System - Allows user to receive automated, customized notification of permit application status (e.g by application types, geographic area, etc.)

Data entry and compliance determination tools available through the PWS Database provide staff in all offices with a rapid, reliable, consistent way to upload system monitoring data and accurately calculate compliance. The value of this tool was readily apparent during staff interviews, as staff unanimously emphasized the need for the Division's soon to be released DBP Stage 2 compliance determination tool.

Use of a state-developed tool also allows staff to more easily request helpful database changes. Simpler changes are implemented by Division staff, while more comprehensive changes are made by staff in OTIS. Requests to OTIS are sometimes delayed, as OTIS must prioritize database needs for multiple programs. The Division works to maintain the priority level of key PWS Database updates, but limited OTIS resources are an ongoing challenge.

The Division also maintains two web-based document tracking systems that allow staff and the public to obtain SDWP documents of interest. OCULUS houses copies of permitting, lab, inspection, operational and compliance/enforcement documents. The PA System allows the user to retrieve permit applications currently under review. While these systems may provide a valuable resource to inspectors and permit reviewers, it is unclear to what extent some offices use these systems. More comprehensive training on these systems may facilitate the exchange of information between permitting and compliance staff.

Recommendations

Florida's PWSS program should continue to implement a strong data and information management program that is available to all offices. The PWS Database addresses a critical need, providing a consistent suite of tools for data entry and compliance determination that can also be modified to address staff needs.

External Outreach

Background

In selecting topics for review, FDEP's compliance assistance outreach to public water systems was identified as a program strength. The review included a combination of document review and interviews of key staff and managers. With recent changes in drinking water law (Stage 2 DBP Rule, Ground Water Rule, Reduction of Lead in Drinking Water Act, Revised Total Coliform Rule), water systems are increasingly dependent on state agencies to provide the outreach necessary to explain the details of the rules and regulations that will ensure sector compliance and protection of public health.

FDEP and FDOH value a strong relationship with the regulated community and strive to ensure that, where possible, concerns are addressed through compliance assistance activities prior to water systems incurring a potential violation. Florida's drinking water program achieves outreach to water systems through site visits to water systems, training classes, contracts with technical assistance partners, and direct mailings to water systems and water system professionals.

Key Findings

FDEP and FDOH utilized a number of mechanisms to provide meaningful outreach activities to public water systems, including:

- Drinking Water Technical Assistance Program
- Contract with FRWA to provide training and operator certification
  - Focus on Change training seminars ~ 6 events/year
  - Water treatment plant operator certification ~16 events/year
  - Water distribution system certification training ~5 events/year
  - Water treatment plant operation and maintenance ~17 events/year
  - Electrical safety and generator set up ~ 1 event/year
  - Treatment technologies and conservation ~ 1 event/year
  - Emergency Response Plans ~ 0-1 event/year
  - Over 3,000 technical assistance site visits/year from Circuit Riders
- Limited Involvement in Area-Wide Optimization Program
- Operator Certification Program
- Floridian Newsletter
- Sanitary Surveys and other inspections

Florida's strong suite of outreach tools provide office staff with ways to enhance coordination with local public water system operators. The Division's Technical Assistance Program assists all offices in resolving technical, managerial and financial challenges of individual public water systems at no cost to those systems. The contracted services of FRWA are frequently used by smaller rural water systems. FRWA also provides training on various topics of interest to both system operators and FDEP and FDOH staff, including full-day sessions during the "Focus on Change" seminars which are held year-round at locations throughout the state. Available training sessions are listed on the FRWA website. The Division participates minimally in EPA's AWOP, and uses this program to more closely evaluate and assist the ability of surface water systems to optimize disinfection and filtration treatment goals and enhance microbial and disinfectant byproduct control. While participation has recently decreased, staff interviewed in some District and FDOH offices expressed interest in increasing participation in order to benefit public water systems while strengthening the expertise of office staff.

All offices expressed a need for greater technical training of inspectors, compliance, and permitting staff citing a concern with being able to adequately address simultaneous compliance concerns with water systems. Some entities expressed concern over a perceived loss of drinking water programmatic expertise within FDEP.

The Division offers a Sanitary Survey School annually to train newer FDEP and FDOH inspectors on not only the eight elements that are required by EPA when conducting a sanitary

survey, but also on operation and maintenance activities, as well as treatment theory and technologies.

Customer complaints made to the state are address in a timely and appropriate fashion. There was some uncertainty as to what FDOH laboratory support is available to District staff when responding to customer complaints.

Every office makes a concerted effort to send letters to each water system annually to provide minimum monitoring requirements to ensure water systems complete all required monitoring.

Recommendations

Florida should continue to implement a strong PWSS outreach program. FRWA contracted services and training sessions provide invaluable support to local offices in their efforts to assist public water system operators. Focus on Change seminars also provide opportunities for exchange between office staff and public water system operators, strengthening communications between these parties.

Consider exploring the appropriateness of addressing laboratory support for bacteriological monitoring in the interagency agreement between FDOH and FDEP. The support would be used when responding to customer complaints or in carrying out any special studies that would enhance the value of Department outreach for water systems.

EPA Region 4 believes District and County staff participation in the AWOP would facilitate improved outreach to water systems. In addition to new regulations, large turnover in drinking water staff, in some areas, has created a need for increased investment in drinking water program training. EPA Region 4 strongly encourages Districts and Counties to interact more, through routine meetings and trainings, to discuss implementation challenges/successes so that expertise across the state is better leveraged to fill the knowledge gaps associated with new regulations and new program staff.

Appendix A

Florida Drinking Water Program Priority Review
File Review Summary

For the enforcement cases, EPA Region 4 reviewed all actions and associated non-compliance over the past 3 years (2012-14). The case files should contain all of the case development work (violations, initial correspondence, informal and formal actions, etc.) even if prior to 2012. Example: If an enforcement order was issued in 2012 for an arsenic violation in 2010, EPA Region 4 evaluated everything from 2010 up until the system returned to compliance.

For the DBP files, EPA Region 4 reviewed files for monitoring results, monitoring plans, documents used in developing/approving monitoring locations, correspondence related to monitoring location changes, and documents related to compliance assistance outreach.

Broward County DOH

Enforcement Case Files

FL4060402	Everglades Holiday Park
FL4061517	Royal Utility Company
FL4064392	Kids Paradise

Disinfection Byproduct Files

FL4060402	Everglades Holiday Park
FL4060254	City of Deerfield Beach

Miami-Dade County DOH

Enforcement Case Files

FL4131403	American Village
FL4130833	Jones' Trailer Park
FL4130970	City of North Bay Village

Disinfection Byproduct Files

FL4131403	American Village
FL4130871	MDWASA
FL4131531	Virginia Gardens
FL4131001	Opalocka

Tampa, SW District

Enforcement Case Files

FL6095083	Seven Rivers Professional Center
FL6272304	Camper's Holiday
FL6510807	Holiday Gardens Utility, Inc.

Disinfection Byproduct Files

FL6512033	PCUD Blanton Lake Park
FL6520336	Clearwater Water System
FL6521576	Safety Water
FL6277059	Hernando Co. Utility-West
FL6280049	City of Avon Park

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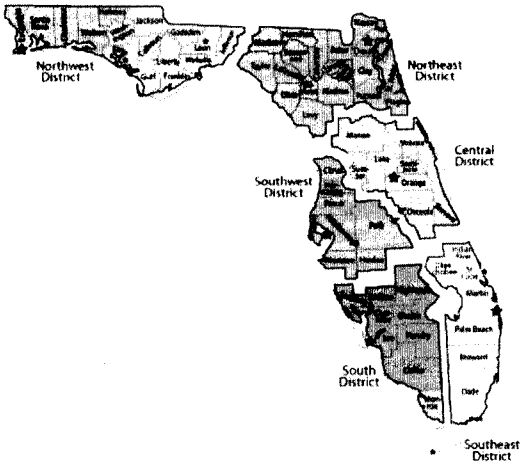
PRIORITY REVIEW

OF THE PUBLIC WATER SYSTEM SUPERVISION PROGRAM FOR THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

DRAFT REPORT



Prepared by the
Environmental Protection Agency, Region 4
Drinking Water Section, Water Protection Division

May 21, 2015

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Appendix

EXECUTIVE SUMMARY

In December 2014, staff from the U.S Environmental Protection Agency (EPA) Region 4 Drinking Water Section (Region 4) conducted a Priority Review of Florida's Public Water System Supervision (PWSS) Program. The Priority Review is an oversight approach developed by Region 4 to assess the needs and success of a PWSS Program, based on an in-depth review of priority areas jointly selected by the state and EPA. Region 4 and Florida identified five specific areas of Florida's Program for review, including (a) enforcement of drinking water regulations, (b) internal state coordination between the Florida Department of Environmental Protection (FDEP) and the Florida Department of Health (FDOH) on the PWSS program, (c) disinfection byproducts (DBP) rule implementation, (d) data management and (e) external outreach.

The priority areas were assessed through review of existing documentation submitted to EPA, review of selected water system files, and through interviews with staff and managers. If approaches in need of improvement were identified, Region 4 discussed and attempted to identify possible remedies for these concerns with Florida PWSS program staff. Following is a summary of key findings for each priority area and key recommendations on how to address areas needing improvement.

- Enforcement of Drinking Water Regulations
  In general, FDEP runs a strong enforcement program that facilitates the compliance of most PWSs with Safe Drinking Water Act (SDWA) regulations. In the vast majority of cases, Florida's Program is timely in responding to violations. Few cases do not meet the expectations for issuing formal enforcement to significant violators according to EPA's Enforcement Response Policy (ERP – a copy can be found at: http://www2.epa.gov/sites/production/files/documents/drinking_water_erp_2009.pdf) and the expectation to meet ERP timeframes are not expressed in DEP's enforcement manual or any other policy . The Division should clearly communicate the expectation that systems identified as priority systems on the Enforcement Targeting Tool (ETT) list must be addressed within two quarters of appearance on the list. Violation and enforcement data is not always submitted to SDWIS in a timely manner. The date of enforcement action, as entered into the PWS data system and ultimately into SDWIS, is not always clear and consistent. Additionally, violations are not always accurately linked to the appropriate enforcement mechanisms. Processes should be established to ensure that this data and information is provided in a timely, clear and consistent manner. To assist with this goal, FDEP should also ensure that enforcement files include all records of all decisions made with regard to enforcement actions. FDEP's peer review process provides a good means for ensuring consistency of enforcement activities.

(b)(5) Deliberative Process Privilege

[redacted]

(b)(5) Deliberative Process Privilege

[redacted]

- DBP Rule Implementation
  Most chemical health-based violations in Florida are associated with DBPs. Staff interviews and file reviews identified potential vulnerabilities in DBP rule implementation mostly associated with a lack of understanding of DBP formation and control strategies or minimal review of monitoring results for compliance determination. Office staff should re-assess water system monitoring plans and sampling protocols during sanitary surveys or other routine site visits. The Division should provide staff access to technical training on the formation and/or treatment of DBP allowing staff to better evaluate current monitoring locations and/or proposed changes to those locations. Additional data review protocols may also be needed to ensure that any questionable monitoring results reported are identified and resolved. FL's Drinking Water Program would benefit from expanding District and County staff participation in the Area Wide Optimization Program training and field evaluation activities. This would help address the need for staff training on DBP formation and treatment and improve compliance assistance offered by inspectors resulting in improved public health protection.

- Data Management
  The Division has developed and maintains several effective tools for reporting and accessing drinking water program data and information. These include the PWS application, which includes both an Oracle-based database and an internal communications website; standardized PDF/Word data/information entry forms for use by PWS and laboratories; OCULUS document management system; NEXUS user-friendly portal for retrieving documents from OCULUS; PASS system for receiving automated notifications of permit application status. The PWS database in particular addresses a critical program need by providing a consistent suite of tools for data entry, data retrieval and compliance determination. Many of the other tools developed also provide valuable information to the public. Florida should continue to provide strong support for the maintenance and continued development of these tools.

- External Outreach
  FDEP and FDOH value a strong relationship with the regulated community and strive to ensure that, where possible, concerns are address through compliance assistance activities prior to water systems incurring a potential violation. All offices expressed a need for greater technical training of inspectors, compliance, and permitting staff citing a concern with being able to adequately address simultaneous compliance concerns with water systems. In addition to new regulations, large turnover in drinking water staff, in some areas, has created a need for increased investment in drinking water program training. EPA strongly encourages Districts and Counties to interact more, through routine meetings and trainings, to discuss implementation challenges/successes so that expertise across the state is better leveraged to fill the knowledge gaps associated with new regulations and new program staff.

INTRODUCTION

The U.S. EPA, Region 4 Drinking Water Section (EPA, Region 4) developed a protocol, called a Priority Review, for assessing the performance of state PWSS Programs and for evaluating the adequacy of resources dedicated to identify priorities for individual state programs. The Priority Review replaces EPA's Data Verifications that historically reviewed state data associated with each rule in the National Primary Drinking Water Regulations. The new approach is intended to be transparent and targeted in assessing a few priority focus areas identified in a collaborative effort between the state and EPA, Region 4. The following priority areas of focus have been identified for Florida:

1. Enforcement of drinking water regulations
2. Internal state coordination between DEP and DOH on the drinking water program
3. Disinfection Byproduct Rules implementation
4. Data Management, and
5. External outreach

Region 4 used three basic methods to obtain information: (1) identification and review of key documents and tools used by Florida to implement their PWSS program (e.g. guidance, websites, internal review protocols, databases, file management systems, reports, etc.), (2) interviews with managers and staff and (3) review of individual system files. For the third method, Region 4 selected systems for the review that were likely to provide a good understanding of Florida's approach to addressing more challenging or problematic situations.

OVERVIEW OF FLORIDA'S PWSS PROGRAM

EPA gives flexibility to state primacy agencies for required PWSS program activities. In Florida, PWSS implementation activities are spread over a decentralized organizational structure. The Department of Environmental Protection has the primary role of regulating public water systems (PWSs) in Florida. The Source and Drinking Water Program (SDWP) located in the FDEP headquarters in Tallahassee (FDEP-HQ) is responsible for writing rules, developing policy, managing funds, providing training, managing data, and managing special initiatives. The Water Compliance Assurance Program (WCAP) is responsible for oversight, tracking and reporting of enforcement and permitting activities. The enforcement of rules and permitting of new construction for individual PWSs is handled by six FDEP district offices. In eight Florida counties, the Districts have currently delegated this enforcement and permitting authority to local approved county health departments through Interagency Agreement. FDEP has also delegated laboratory certification to the Department of Health Laboratory in Jacksonville.

FDEP-HQ environmental programs are divided into three main areas, one of which is Regulatory Programs. The Deputy Secretary for Regulatory Programs provides oversight and direction to four FDEP-HQ regulatory divisions, including the Division of Water Resource Management (DWRM) and six regulatory district offices. The SDWP and WCAP programs are both located within DWRM, while the regulatory district offices report directly to the Deputy Secretary for Regulatory Programs.

Following is a complete list and description of all programs which contribute to FDEP's implementation of Safe Drinking Water Act (SDWA) requirements.

Florida Department of Environmental Protection

FDEP-HQ Division of Water Resource Management (DWRM):

- FDEP-HQ Source and Drinking Water Program (SDWP): Coordinate overall PWSS implementation through policy and rule development, and management of funding, training, data and special initiatives. Ensure all SDWA program requirements are conducted and reported to EPA as outlined in the annual PWSS workplan.
- FDEP-HQ Water Compliance Assurance Program (WCAP): Facilitate statewide coordination of compliance and enforcement activities by providing and/or supporting the development of policy, guidance and training to ensure consistency among the six District Offices for state Drinking Water and Wastewater Programs. Ensure all SDWA compliance and enforcement activities are conducted and reported to EPA as outlined in the annual PWSS workplan commitments.

FDEP-HQ Office of General Counsel (OGC): Provide legal counsel and represent FDEP in implementing enforcement, permitting and programmatic actions. Provide training and consultation to FDEP staff.

FDEP-HQ Office of Technology and Information Services (OTIS): Manage functionality and security of the information technology systems that support FDEP mission success. Provide application development and customer support services to FDEP Divisions and regulatory districts that use regulatory databases, including SDWP support needs for PWS.

FDEP Regulatory District Offices: Coordinate and implement all permitting, compliance and enforcement activities for counties located within District boundaries, including permit reviews, facility inspections, compliance assistance, rule enforcement and response to reports of environmental damage. Six separate offices serve counties located in the Northwest, Northeast, Central, South, Southeast and Southwest portions of the state. The FDEP District Office delegates this authority to qualified individual Florida Department of Health (FDOH) county offices. Provide legal, technical and training assistance to delegated FDOH county offices.

Florida Department of Health

- The current DEP-DOH Interagency Agreement delegates lead PWSS program implementation authority from the responsible FDEP District Office to DOH offices in the counties of Broward, Miami-Dade, Hillsborough, Lee, Sarasota, Palm Beach, Polk and Volusia. Delegated FDOH county offices coordinate and implement permitting, compliance and enforcement activities for that county.
- The Florida Department of Health laboratory in Jacksonville maintains a State program for the certification of laboratories conducting analytical measurements of all drinking water contaminants, with the exception of radionuclides, in accordance with Florida Statutes 403.862-.8635 and Florida Administrative Code (F.A.C.) Chapter 62-550.550.

South Carolina Department of Health: South Carolina's radiological laboratory is responsible for the analysis of all radionuclude samples for Florida PWSs, in accordance with an MOA approved by SESD on January 28, 2013.

This organization is significantly changed from the structure that was in place during the previous 2009 Program Review conducted by The Cadmus Group, Inc. on behalf of EPA. In 2012, FDEP underwent a reorganization which affected both FDEP-HQ and FDEP District offices. At FDEP-HQ, the source and drinking water program staff were merged to form the Source and Drinking Water Program. Staff were relocated from the Drinking Water Program to support the formation of a centralized compliance and enforcement group (WCAP) and a more centralized information technology group (OTIS). District boundaries were redrawn, and resources were re-allocated, to allow for a more even distribution of resources among Districts. A primary objective of this reorganization was to improve program efficiency/effectiveness and promote consistency by streamlining the management structure and increasing cross-utilization of resources, particularly in the areas of compliance determination and data management.

FDEP's authority to implement provisions of the Safe Drinking Water Act (SDWA) derives from Chapter 403, Part VI, Florida Statutes and by delegation of the federal program from the U.S. Environmental Protection Agency. The Department has promulgated a number of rules in Chapters 62-4, 62-550, 62-555, 62-560, 62-602 and 62-699 F.A.C. to address drinking water standards, monitoring and reporting; public water system permitting and compliance; and treatment plant operators, classification and staffing. These requirements impact approximately 5245 federally regulated public water systems (PWSs) with approximately 1649 (or 31%) of Florida's PWSs being community water systems, approximately 776 or (15%) being non-transient non-community systems, and approximately 2820 or (54%) being transient non-community systems (Table 1).

PWS TYPE	WATER SOURCE	COUNT
CWS	Surface Water only	5
	Surface & Ground Water	69
	Ground Water only	1575
NTNC	Surface Water only	0
	Surface & Ground Water	4
	Ground Water only	772
TNC	Surface Water only	5
	Surface & Ground Water	1
	Ground Water only	2819
TOTAL		5245

Table 1. Count of Florida Public Water Systems by Type and Source

Enforcement of Drinking Water Regulations

Background

Compliance and Enforcement Program Implementation was selected as a priority for review in order to assess whether a state is implementing the requirements of the Public Water System Supervision (PWSS) program. The states ensure that human health is safeguarded by enforcing the requirements of the Safe Drinking Water Act (SDWA) to ensure that the states' public drinking water supply and its sources are protected. Historically, the reviews of the states' PWSS programs, whether that be through a Data Verification, Program Review, or a Priority Review, did not typically include an evaluation of the compliance and enforcement program at the states. Region 4 has determined that this is an important aspect of a review of the implementation of a PWSS program, and plans to include this in future Priority Reviews, as appropriate. Through this review, EPA promotes regional consistency, identifies successes in implementation of the PWSS program, and identifies opportunities for improvement in the compliance and enforcement programs.

In January of 2010, EPA began implementation of a new enforcement approach designed to help our nation's public water systems comply with the requirements of the SDWA. This new approach replaced the previous system of a contaminant to contaminant compliance strategy with one that focuses attention on the drinking water systems with the most serious or repeated violations. This strategy identifies public water systems with violations that rise to the level of significant noncompliance by focusing on those systems with health-based violations and those that show a history of violations across multiple rules. This system-based methodology is intended to ensure consistency and the integrity of the PWSS national enforcement program. This approach includes a revised Enforcement Response Policy (ERP) and new Enforcement Targeting Tool (ETT).

The ETT uses a tool that enables the prioritization of public water systems by assigning each violation a "weight" or number of points based on the assigned threat to public health. Points for each violation at a water system are summed to provide a total score for that water system. Water systems whose scores exceed a certain threshold will be considered a priority system for enforcement.

EPA recognizes that states carry out both formal and informal enforcement and compliance assistance activities. These activities are effective tools for achieving compliance. Nevertheless, systems specifically identified by the ETT as priorities must be returned to compliance (RTC) or EPA will expect formal, enforceable mechanisms to return such systems to compliance. States are expected to escalate their response to ensure that RTC is accomplished. Once a public water system is identified as an enforcement priority on the ETT list, an appropriate formal action or RTC will be required within two calendar quarters to be considered "timely". However, regardless of a public water system's position on a state's ETT list, EPA expects that states will act immediately on acute, health-based violations and subsequently confirm that systems with such violations return to compliance.

Priority Evaluation Method

Region 4 utilized a combination of data analysis, personnel interviews, comparison of established program strategies with the ERP, and onsite file reviews to evaluate Florida's successes in implementation of the PWSS program and identify opportunities for improvement in its compliance and enforcement program. Data analysis included a review of the EPA ETT Tracker, which is a tool that provides useful metrics and graphing capabilities for systems' current and past ETT scores for up to twenty (20) quarters. This information was used to aide in the selection of the files to be reviewed and get a rough evaluation of Florida's ability to timely and appropriately return systems to compliance or issue formal, enforceable mechanisms that will return a system to compliance. Additionally, EPA's SDWIS data system was used to determine what violations and enforcement had been done for each of the selected files to review. Nine (9) files were selected for review, however, only eight (8) were

reviewed (See table named *Timeline for Settlement of Identification as a Priority System on the ETT List* below). Interview questions were used to understand the dynamics of the organization including staffing resources and demands and to determine how the established program strategies were being implemented with regards to Florida's compliance and enforcement program. The *Department of Environmental Protection (DEP) Enforcement Manual* and *Directive* 923 were reviewed for consistency with the EPA ERP requirements to ensure that these policies enabled the state to meet the requirements of timely and appropriate compliance and enforcement. File reviews included a review of the violations determined, an evaluation of the enforcement mechanisms issued for consistency with the *DEP Enforcement Manual* and the EPA ERP, and a comparison of the information found during the file review with the data reported to EPA's SDWIS data system.

Key Findings

The accuracy of data reported by FDEP to SDWIS was found to be in need of improvement in the following ways:

- All violations identified in the file and/or provided from the FDEP tracking system, are not being submitted to SDWIS. This discrepancy was found in the District and both DOH offices. Primarily the violations that are not being submitted are monitoring and reporting violations for various parameters. For the identified systems, 6 of the 8 reviewed had violations noted in the file/data provided that were not identified in SDWIS.

- Enforcement actions taken and submitted to SDWIS, are either not being timely uploaded, properly linked to relevant violations, and/or the data uploaded is inconsistent with the documents provided for review. For the identified systems, 7 of the 8 reviewed had discrepancies with the information for the enforcement actions submitted to SDWIS. Specifically, for the files reviewed, there were instances where violation(s) were linked to enforcement actions that upon review of the enforcement action, it was determined that the action did not include or address those violations. Also, there were several instances where the data submitted to SDWIS showed multiple dates for the same enforcement action. It appears that the dates of enforcement are not being consistently entered (i.e. dates were submitted for the signature date of the effective order, receipt date of the effective, or the date the proposed order was sent to the respondent). So it was noted that at times there would be two formal actions entered into SDWIS when there was only one issued.

During the file review, EPA tracked compliance and enforcement mechanisms used and evaluated them for timeliness and appropriateness of the action or return to compliance. Based on this review, the following was determined in regards to the timeline for systems identified as a priority on the ETT list to be returned to compliance or have a formal enforcement action issued.

Timeline for Settlement of Identification as a Priority System on the ETT List

PWS ID	System Name	Date of First Appearance on ETT List as Priority System	Date of Settlement (RTC or issuance of Formal Enf)	Days Between ETT and Settlement	Settlement RTC or Formal Action ?	Quarters on ETT List as a Priority System
FL6095083	Seven Rivers Professional Center	9/30/2010	2/20/2013	874	RTC	10/2010, 01/11, 04/11, 07/11, 10/11, 1/2012, 04/2012, 7/2012, 10/2012, 1/2013, 4/2013, 7/2013
FL6510807	Holiday Gardens Util Inc.	3/31/2011	7/7/2011	98	Formal Action	04/2011, 07/2011, 10/2011, 04/2014, 7/2014, 10/2014

FL6510807	Holiday Gardens Util Inc.	3/31/2014	2/27/2014	-32	RTC	
FL6272304	**Camper's Holiday**	**3/31/2011**	**4/15/2011**	**15**	**Formal Action**	**04/2011, 07/2011, 01/2013, 10/2013, 01/2014, 10/2014**
FL6272304	**Camper's Holiday**	**12/31/2012**	**6/5/2013**	**156**	**Formal Action**	
FL4064392	Kids Paradise	12/31/2011	4/26/2012	117	Formal Action	01/2012, 04/2012, 07/2012, 04/2014, 07/2014
FL4064392	Kids Paradise	3/31/2014	4/24/2014	24	Formal Action	
FL4060402	**Everglades Holiday Park**	**12/31/2009**	**3/23/2012**	**813**	**Formal Action**	**01/2010, 04/2010, 10/2011, 01/2012, 04/2012, 01/2013, 04/2013, 07/2013, 10/2013, 01/2014, 04/2014**
FL4060402	**Everglades Holiday Park**	**3/31/2013**	**3/13/2013**	**-18**	**Formal Action**	
FL4061517	Royal Utility Company	3/31/2011	10/20/2010	-162	RTC	04/2011, 07/2013, 10/2013, 01/2014
FL4061517	Royal Utility Company	6/30/2013	2/12/2013	-138	Formal Action	
FL4131403	**Americana Village**	**3/31/2010**	**8/28/2012**	**881**	**RTC**	**04/2010, 07/2010, 10/2010, 01/2011, 04/2011, 07/2011, 10/2011, 01/2012, 04/2012, 07/2012, 10/2012, 01/2013, 04/2013, 07/2013**
FL4130833	Jones Trailer Park	12/31/2009	9/30/2011	638	RTC	01/2010, 04/2010, 07/2010, 01/2011, 04/2011, 07/2011, 10/2011, 01/2012, 01/2013
FL4130833	Jones Trailer Park	12/31/2011	10/3/2012	277	RTC	
Average Days Between ETT and Settlement				**253.07**		

Note: Some of the systems had multiple dates evaluated because they were bouncing on and off the ETT Priority List

For the evaluated systems, only two (for all the specified appearances on the ETT List as a priority system) met the 2-quarter timeliness goal established in the EPA ERP, 3 of the 8 met the goal for one of the appearances on the ETT list but not for all of the appearances, 6 of the 8 did not meet the goal for one or more of the appearances the system had on the ETT List as a priority system. On average for the identified systems (including those with multiple appearances as a priority system on the ETT List), the days between appearing on the ETT list as a priority and settlement of the violations was 253 days. This is in excess of the 2-quarter timeliness goal.

Also, in evaluation of the data above, there is an indication that formal actions and/or return to compliance data is not consistently being entered timely so that the ETT scores accurately depict the compliance and enforcement history. Therefore, some of the systems above, remained on the ETT list as priority systems multiple quarters after the resolving action had been issued.

During the file review, it was discovered that in 2 of the 8 files, enforcement actions were initiated but never completed and there was no explanation in the documents provided that explained why the action was not pursued. This was especially important information since both of those systems had been identified as priority systems for multiple consecutive quarters without returning to compliance or having a formal action issued.

The *DEP Enforcement Manual,* developed jointly by the Secretary, Deputy Secretary, and Assistant Deputy Secretary of Regulatory Programs, is periodically revised as necessary. The latest revisions occurred in September 2013 and October 2014 for the chapters addressing compliance and enforcement processes. The manual describes FDEP's enforcement organization, compliance options, enforcement options, inspections and investigations protocol, administrative process and remedies, judicial process and remedies, litigation procedures, data management, and penalty policies. Overall, the *DEP Enforcement Manual* is a thorough document which is provided to all District offices and authorized Department of Health (DOH) offices. However, when compared to the EPA ERP, it was determined that the *DEP Enforcement Manual* was not consistent with the EPA ERP in that it did not define an expectation of timely and appropriate enforcement. The *DEP Enforcement Manual* had no clear

expectation and/or goal for timelines associated with issuing formal enforcement for systems that are identified as priority on the ETT nor for systems with acute, health-based violations. During the interviews and file reviews, it was determined that the goals of issuing formal enforcement varied between the offices evaluated. The Southwest District (SWD) indicated that they were given some established guidelines on the expectations of timely and appropriate enforcement in the annual *SWD Business Plans*. However, both of the DOH offices (Broward County DOH and Miami-Dade DOH), indicated that there were no set timelines provided by FDEP for issuance of formal enforcement or returning the system compliance. Each of the DOH offices had established goals/expectations for timely and appropriate enforcement on their own. In Broward County, for example, the written expectations for each employee is that enforcement actions start within five days of discovering any violation. In addition, actions commence immediately upon discovery of cases where public health may potentially be at risk.

Staff in the Division, Districts, and DOH offices are provided with training on the *DEP Enforcement Manual* and *923 Directive*.

In February of 2013, the FDEP Division instituted a Peer Review Process. This Peer Review Process establishes that prior to the issuance of formal enforcement by the District offices, a Peer Review Recommendation Memo must be sent to the Division. The Division then reviews the Peer Review Recommendation Memo to determine if formal enforcement is appropriate, ensure that penalties are consistently calculated across all District offices, and that all regulations and violations are appropriately and consistently included in the enforcement. This process was established to ensure a consistent and equally applied approach to enforcement across all District Offices. This approach is not applied to the DOH offices, who independently establish their enforcement activities within the confines of the Interagency Agreement and the *DEP Enforcement Manual*.

The SWD office and Broward DOH office have both implemented a strategy of sending reminders to the systems of their monitoring responsibilities and timelines. The reminders are sent out to the systems at a minimum of annually and in some cases monthly or quarterly as well. These activities were implemented to decrease instances of monitoring and reporting violations. The Miami-Dade DOH office has also implemented a program that aides in decreasing monitoring and reporting violations, by conducting sampling for the small systems and as well as for the transient non-community systems and a few community systems. These sampling efforts are being done through a state laboratory in Miami.

Recommendations

Update the *DEP Enforcement Manual* or provide official written guidance to all offices of the following:

- The expectation to address those systems identified as priority systems on the ETT list within 2 quarters of appearance on the list, either by returning the system to compliance or issuing formal and enforceable enforcement as well as to act immediately on acute, health-based violations and subsequently confirm that systems with such violations return to compliance. This would help to ensure that the state is consistent with the EPA ERP, the state's PWSS grant work plan, and that the State is consistently implementing the compliance and enforcement program throughout all of the districts and authorized programs.

- The expectation that the date that is being used as the date of enforcement action, which is entered into the PWS data system and ultimately into SDWIS, is consistently the same date across all districts and authorized programs. Note: The date the proposed order is sent/signed, the

date of receipt of the proposed order, and the date of signature by the respondent should not be used as the date of enforcement for reporting purposes. These dates are not indicative of an effective order.

Efforts should be made to ensure that data submitted to SDWIS is timely, enforcement action dates are accurately and consistently entered, all violations are identified and submitted to SDWIS, and that all violations are accurately linked to the appropriate enforcement mechanisms. FDEP should develop and implement revised procedures to ensure accurate reporting of enforcement and compliance information into SDWIS.

Records should be maintained in the file that denote any and all decisions made with regard to enforcement actions, such as if there is a change from the proposed document or a decision to not pursue the enforcement action initiated.

FDEP should continue with the Peer Review Process initiated to ensure consistency of the enforcement activities across the Districts, and evaluate whether the process should be expanded to require that all formal actions, including those where both parties are in complete agreement, are submitted to the Division for review.

Internal state coordination between DEP and DOH on the drinking water program

Background

Program coordination was selected as a priority review topic due to the number of separate offices that implement Florida's Public Water System Supervision (PWSS) program and the significant impacts that a 2012 FDEP reorganization had on many of these offices. A first goal of the review is to better understand what kinds of coordination activities occur between offices and how these activities impact PWSS program implementation. A second goal is to determine how the 2012 reorganization altered previous coordination tools and pathways and describe Florida's efforts to adjust to those changes.

As described in the Overview section of this report, Florida implements the PWSS program through multiple offices, each of which handles specified duties for a designated portion of the state. The Division manages Florida's overall primacy program and develops and maintains many of the resources used by six District offices and eight delegated FDOH offices. District and FDOH offices have autonomy to implement the program at the individual system level, but must conduct activities consistent with the Division rules, policy and guidance and communicate accomplishments to the Division. The Division and Districts both report to FDEP's Deputy Secretary for Regulatory Programs. The 2012 reorganization redefined the FDEP's leadership structure and redistributed staff in the Division and some District offices in several ways, as described in the overview section of this report. FDOH offices were unaffected by the reorganization.

Florida's assignment of PWSS program duties to multiple offices and agencies allows the state to leverage significant additional resources and expertise. However, good communication and collaboration is needed to ensure effective, consistent operation of this decentralized program. The overall objective of this review is to ensure that effective mechanisms for ensuring good program coordination remain in place, and to document any particular strengths or weaknesses that require further consideration.

Priority Evaluation Method

Region 4 used a combination of document reviews and personnel interviews to understand past and present coordination activities in Florida and evaluate how well those activities support Florida's overall PWSS program implementation. The documents and information reviewed were obtained from EPA Region 4 files, Division files and the Division's SDWP website (http://www.dep.state.fl.us/water/drinkingwater/). Of these, the following documents provided information on Florida's internal and external program coordination activities:

- FDEP responses to EPA's PWSS Priority Review Background Questions
- FDEP's 2014 Operator Certification Program Annual Submittal
- FDEP's FY13 Annual Capacity Development Program Implementation Report
- FDEP's 2014 triennial report to the governor on "Florida's Strategy to Improve Public Water Supply"
- FDEP-HQ PWSS Program Review Reports for 2013-2014 program evaluations of FDEP District and FDOH county field offices
- Issues of the Floridan newsletter
- Information available to public water systems on the SDWP website

The Division also provided EPA Region 4 staff with a walk-through of the information and data management tools available on the Division's internal PWS website during this review. These tools are accessible to all District and FDOH offices.

To obtain a range of perspectives on coordination activities, EPA visited multiple offices that together represent a cross-section of PWSS program components. These included the Division office, the Southwest District office and FDOH offices in Broward and Miami-Dade counties. FDOH headquarters staff and Southeast District staff also participated in FDOH office visits. EPA interviewed multiple staff at varying levels of responsibility in each office. The names of program managers and technical staff interviewed in each office were obtained from FDEP in advance (Appendix ?). EPA developed a comprehensive list of questions on internal, inter-office and external (i.e. outreach) coordination (Appendix ?), and selected appropriate questions from this list for each interviewee, depending on that person's responsibilities. Program Coordination interviews were conducted with groups of employees, as this approach allowed office staff to provide a more complete description of program interaction and also allowed EPA to better observe the dynamics of each office.

Key Findings

To achieve successful program coordination, program components must be organized in a way that allows them to work together effectively to achieve overall program goals. Florida has used many methods to facilitate effective program coordination across all offices. During interviews, staff noted the following existing and historical tools:

Existing Tools:

1) Regular internal office staff meetings
2) Monthly communication calls between the Division and all District-DOH offices to introduce new policy and regulations

3) Regular comprehensive program evaluations by the Division of District offices (triennially) and FDOH offices (annually)
4) One-on-one communication between District liaisons/experts and FDOH office staff
5) Internal PWS communications website - repository for SDWP information, including current announcements, guidance, available training, webcasts, powerpoint presentations and historical meeting minutes; maintained by the Division
6) Internal PWS database – standardized data entry tools facilitate data reporting/retrieval and compliance determination by staff; developed and updated by the Division to address changing requirements and user needs
7) Technical assistance from Florida Rural Waters Association (FRWA) – a Division-managed contract that provides assistance to small systems and conducts FRWA training sessions on many topics, including full day "Focus on Change" Seminars

Previous Tools:

1) Quarterly Permitting, Compliance and Enforcement (PCE) Meetings – means of informally sharing policy and implementation issues between Division and FDEP-FDOH offices
2) Annual PWSS Conference – face-to-face meeting of Division and all FDEP-FDOH office staff that provided information on program policies and issues, rule training and valuable discussion of specific questions, concerns and needs.
3) Quarterly meetings between each District liaison and delegated FDOH offices located within that District. EPA believes there is still an expectation for these meeting to occur, but it appears that currently the meetings occur infrequently and only in some Districts.

All offices emphasized that internal staff levels are minimally adequate to implement the assigned program workload. Administrators work closely with their staff to coordinate individual responsibilities in ways that build employee job satisfaction while maximizing output and work quality. One office recognized efficiencies by assigning individual staff both compliance and permitting duties in order to develop more holistic program knowledge. Another office supported employee skills development by devising a detailed training program that included both classroom and on-the-job shadowing. The assignment of job duties commensurate with skill level improved work product and employee satisfaction. Several offices strove to reduce the number of compliance issues by annually notifying systems of required upcoming monitoring activities. One office also achieved greater compliance levels, by having staff conduct required monitoring for most small systems.

Many administrators stated that their programs achieve much more by leveraging resources available from the Division and other offices. Leveraging occurs in many ways, including meetings, training and the use of common tools to manage and share SDWP data and information.

The PWSS program conducts various meetings and calls on a regular basis. Monthly 1-2 hour calls coordinated by the Division provide regular updates on pertinent program issues, but are limited in scope. District liaisons noted that they continue to share expertise and have good interaction with staff in FDOH offices, but these discussions are also limited, and some District offices have lost technical expertise. Conference calls and informal information sharing also occur between some District offices. However, the regularity and strength of these exchanges varies widely. Lengthier face-to-face meetings (such as the annual PWSS conference and quarterly PCE meetings) have historically provided the most valuable opportunities for education and exchange among office staff. These meetings have included presentations on regulations, technical issues, policy, guidance and data management tools. They also provided time for face-to-face discussions among staff with varied backgrounds and expertise. Quarterly

PCE meetings sometimes facilitated the scheduling of follow-up meetings. For example, some Districts followed quarterly PCE meetings with meetings with their delegated FDOH offices, allowing continued discussions on some PCE meeting topics or introduce other discussion topics of concern. The information exchanged in all of these meetings often facilitated faster, more comprehensive, consistent resolution of specific PWSS program concerns.

The Division conducts regular program reviews of each District and DOH office. Program Review reports provide a consistent, in-depth assessment of 8 key program components across all 14 offices, as shown in Table _ below.

Table 2:

Summary of 2013-2014 FDEP Program Evaluation Results for 6 FDEP District and 8 DOH County Offices

Sum of Score (as % of PE Weight) Row Labels	Column Labels 1_Organization/ Staffing/ Resources	2_Data/File Management	3_Compliance	4_Enforcement	5_Sanitary Survey/ Compliance Inspections	6_Permit/Plan Reviews	7_DEP Coordination/ Assistance Activities	8_Training	9_Overall Score
1_PE Weight(%)	5.00	25.00	15.00	15.00	15.00	15.00	5.00	5.00	100
A_Central	91.60	94.96	100.00	100.00	93.60	100.00	100.00	100.00	97.36
A_NE	[redacted]	84.52	[redacted]	[redacted]	90.40	98.00	100.00	91.60	94.08
A_NW	100.00	97.36	100.00	[redacted]	100.00	97.93	100.00	91.60	99.49
A_SE	102.00	95.28	84.20	[redacted]	97.33	101.07	100.00	100.00	97.2
A_South	102.00	90.76	100.00	[redacted]	103.60	101.00	100.00	[redacted]	98.12
A_SW	94.80	97.96	100.00	[redacted]	102.60	97.87	100.00	83.40	99.36
C_Broward	102.00	95.20	[redacted]	[redacted]	102.33	95.87	100.00	100.00	100.59
C_Hillsborough	[redacted]	99.60	100.00	100.00	[redacted]	92.80	100.00	100.00	98.33
C_Lee	91.60	97.12	100.00	[redacted]	100.00	93.73	90.00	100.00	98.31
C_Miami-Dade	96.80	95.24	100.00	[redacted]	96.40	93.93	90.00	100.00	97.58
C_Palm Beach	102.00	93.36	[redacted]	[redacted]	[redacted]	96.87	[redacted]	100.00	99.76
C_Polk	89.60	96.48	[redacted]	100.00	102.73	100.00	100.00	83.40	99.25
C_Sarasota	91.60	97.08	100.00	[redacted]	[redacted]	86.47	90.00	[redacted]	97.04
C_Volusia	102.00	95.12	[redacted]	[redacted]	96.27	93.60	100.00	91.60	94.49

LOW 100% HIGH

The relative weighting that the Division assigns to each of the 8 components is shown in the first row of this table. Individual cells display the percentage of total points which each office received for each component during the most recent 2013-2014 Program Evaluations. The results show that all offices successfully implement Data/File Management and Permit/Plan Review program components. Most offices also successfully implement Compliance, Enforcement and Sanitary Survey/Compliance Inspection program components. However, the basis for bonus points awarded for certain additional activities within these components, which often contribute to elevated scores, is somewhat unclear. Scores for the remaining three program components (Organization/Staffing/Resources, DEP Coordination/Assistance and Training) were more variable, with some offices receiving significantly lower scores. For the Organization/Staffing/Resources program component, three offices received less than 90%, and an additional two offices received less than 92%, of the total possible points. Offices generally received point reductions for having a lower ratio of PWS to professional staff. However, all offices received the maximum allowable points for their response to the question: "Is the current staffing adequate to cover required workload?". These findings suggest that additional information is needed to better evaluate the adequacy of current office staffing/resource levels. For the DEP Coordination/Assistance component, four offices received 90% or less of total possible points. Point reductions were generally received due to lack of scanning capabilities for purposes of generating electronic files. Most questions required only "yes/no" responses, and the scoring system did not consider the more detailed comments provided by offices. Reconsideration of the kind of information needed to assess this component may be helpful. For the Training component, four offices received less than 85%, and an additional three offices received less than 92%, of total possible points. Point reductions were based on failure of staff to complete one or more of the identified core training courses, or lack of a written office training plan. These findings suggest that many offices do not have access to all needed training. The Division's basis for updating the list of needed courses is also unclear. EPA believes this portion of FL's program evaluation is inadequate to fully assess training needs.

Staff interviews conducted during this Priority Review provided information on how Florida currently identifies and addresses training needs. While training needs are a clear priority, the resources to address those needs are often limited. In order to justify training, the Division and District offices each prepare comprehensive annual training plans. Some FDOH offices prepare office training plans, and many notify District offices of additional training needs on an ad-hoc basis. In response to identified needs, the Division develops some training courses and makes these available to all offices. Division training generally focuses on rule implementation or database usage. District and FDOH offices conduct varied amounts of duty-specific training internally and access external training sources as resources allow.

Florida's PWSS program does not currently appear to have a clear means for tracking and addressing training needs on a program-wide basis. Staff in multiple offices identified the need for training on: use of PWS website/database tools, information on DBP formation and treatment, DBP stage 2 implementation, technical knowledge that allows staff to tie rules together and optimize overall system compliance, and state enforcement policies. These responses suggest that the PWSS program could realize some efficiencies by implementing more seamless, universal communication of training needs and resources. Several offices stated that they are in the process of re-tooling existing training plans, to adjust for changing duties and priorities that resulted from the 2012 reorganization. This re-tooling period may provide an opportunity for Florida to revisit that way in which it identifies and addresses training needs on a program-wide basis.

A primary goal of the 2012 reorganization was to recognize efficiencies and achieve greater statewide consistency by realigning staff in the Division and some District offices. The changes implemented were

initially disruptive, as they altered established communication pathways and sometimes significantly revised staff workload. However, during interviews, staff provided evidence that re-tooling of the organization aimed at strengthening overall program coordination is now occurring on several fronts. The Division is re-examining training plans and the value of regular, lengthier face-to-face meetings. The Division continues to revisit strategies for maintaining timely access to critical information technology resources. Given the realignment of compliance staff and the revision of some enforcement guidance, the Division has also recognized the importance of clarifying the enforcement process to all offices. Districts clearly desire autonomy to implementing enforcement/compliance issues. However, they are also striving to exchange information and expertise with other Districts, and expressed a desire for clearer guidance from the Division on some issues. District offices that were more heavily impacted by the reorganization continue to re-calibrate their programs to ensure effective PWS oversight.

Resources which were unchanged through the 2012 reorganization contributed considerably to the continued strength of Florida's PWSS program. These resources include FDOH-HQ and FDOH offices, the continued use of 14 geographically-targeted District and FDOH offices to maintain close working relationships with PWS operators, the technical support contract with FWRA, and the Division's continued maintenance of several tools for managing data and information essential to the PWSS program.

Recommendations

The 2012 reorganization refocused Florida's PWSS program on the critical goals of strengthening overall program consistency, and renewing focus on timely accomplishment of program priorities (such as the prevention and resolution of health-based violations). The associated reorganization of staff and resources disrupted many valuable coordination pathways that existed under the old organization. Some expertise was also lost during the reorganization. The re-tooling period that is now occurring is critical to ensuring that Florida maintains and establishes communication pathways and tools that will allow them to best accomplish the priorities of the PWSS program under the new organization. Based on information gathered during this priority review, the following program coordination-related activities are recommended as key to strengthening Florida's PWSS program.

Regular, established communications have historically provided the Division, District and FDOH offices with some of the most valuable ways to leverage the expertise and resources available in the many offices that comprise Florida's PWSS program. Interviewed staff unanimously stated that regular face-to-face meetings (such as the annual PWS conference and quarterly PCE meetings) were the most valuable tools, as these provided the broadest exchange of PWSS program and technical information to the greatest number of staff. Reinstatement of these meetings would strengthen staff knowledge and promote rebuilding of communication pathways. Continued strengthening of regular communication pathways between District offices would increase the exchange of information and expertise relevant to direct oversight of PWS facilities. Increased District expertise could also be leveraged by FDOH offices.

EPA recommends FDEP leads a statewide assessment of technical and programmatic training needs of all offices given the number of new drinking water regulations and new staff to the program. A re-tooling of Florida's training program that allows PWSS program offices to better identify and address training needs would be helpful.

Individual offices provide various levels of internal training, but this could be supplemented with the resources and expertise available from other offices across the state. Reinstatement of the face-to-face meetings noted earlier would provide an efficient means for providing broadly-needed training, such as

guidance on program enforcement tools and priorities as well as provide a meaningful opportunity for offices to share training plans (such as the training program being developed by the SW District).

Some re-tooling of the Divisions standard Program Evaluation template may increase the usefulness of Program Evaluation findings. These regular program evaluations of District and FDOH offices provide an excellent tool for consistently evaluating key components of Florida's PWSS program. However, for some components, the information collected does not clearly explain the basis for differing, or lower, scores among offices. This finding primarily applies to components that do not include PWS-specific reviews (i.e. Organization/Staffing/Resources, DEP Coordination/Assistance and Training components). Questions and scoring mechanisms used for these components could be re-examined and modified to better characterize office strengths or deficiencies. For example, the Division might develop a standard process for updating core training courses to reflect changing program priorities and individual office needs.

Florida's PWSS program may strengthen external coordination though increased participation by local office level in EPA's AWOP program. This participation would allow office staff to better evaluate and assist surface water systems in optimizing treatment goals and enhancing microbial and disinfectant byproduct control. The technical expertise gained could also be shared with other offices.

Local District and FDOH offices are encouraged to make use of the OCULUS and PA document management systems, particularly in effort to coordinate compliance and permitting activities.

Disinfection Byproduct Rules Implementation

Background

Disinfection Byproduct Rules Implementation was selected as a priority for review based on an analysis of state-wide violation data by specific contaminant group. Other than total coliform MCL violations, DBP MCL violations represented the greatest number of health-based violations for water systems in Florida over the past five years. Many water sources in Florida have high quantities of naturally occurring organic matter. When the water with high levels of organics is disinfected with chlorine, high levels of disinfection byproducts can form. Levels of many DBPs increase with water age in finished water storage tanks and distribution systems. Treatment strategies for DBPs can include adjustments to treatment systems (examples: removal of organics prior to disinfection, change of disinfectant, pH adjustment, or removal of DBPs after formation, etc.) or changes to operations of distribution systems (examples: adjustments to storage tank levels or fill/draw cycles, flushing practices, elimination of "dead ends" in distribution lines, etc.).

Over the past few years States and water systems have been transitioning from monitoring requirements associated with the Stage 1 Disinfectants and Disinfection Byproduct Rule to the Stage 2 DBP Rule. Some of the key changes include the number, frequency and locations of routine monitoring, inclusion of consecutive water systems to rule requirements, and how compliance is calculated based on locational running annual averages. The transition from the Stage 1 to Stage 2 Rule involved a period of time when EPA, Region 4 was implementing aspects of rule focused on identifying potential new monitoring locations. These early implementation activities were a result of the regulatory timeline beginning before states were required to have the rule adopted. As a result, DEP and DOH field staff played a limited role

in training and implementation associated with monitoring site selection. Florida Rural Water Association did provide a significant amount of outreach to water systems during this time. Florida had adopted the Stage 2 Rule by the time routine monitoring requirements began and worked with water systems to finalize monitoring plans.

Priority Evaluation Method

Region 4 utilized a combination of data analysis, personnel interviews and onsite file reviews to evaluate strengths and needs associated with Florida's implementation of the DBP Rules. Data analysis include reviews of DBP monitoring results from Florida's PWS database and DBP violation data available from EPA's SDWIS data system. Interview questions were used to determine strategies utilized to affect system compliance, understand expertise levels and resource demands for staff and management, and to gage consistency in implementing the regulations and guidance associated with the DBP Rules. File reviews included a review of information used to develop system monitoring plans, an evaluation of system monitoring data to ensure monitoring was done in accordance with the plan, and a review of compliance determinations based on the analytical results.

Key Findings

Most health-based violations for chemical monitoring in Florida are associated with DBPs.

Review of DBP monitoring results from PWS identified a significant number of questionable values of "0" for TTHM and HAA5 analytical results, often at systems/locations that had previous and subsequent high levels. While some amount of fluctuation of results is expected, systems with detected levels greater than ½ of the MCL typically do not have fluctuations that would result in associated non-detect levels.

Staff determine compliance manually based on review of monitoring results as the Stage 2 module of PWS was not yet available at the time of the review. The module has since been completed. Errors were identified in both water system reporting and state compliance determination including:

- Incorrectly calculating the locational running annual average of monitoring results
- Water system not monitoring in correct months
- Failure of systems to submit Operational Evaluation Reports when required
- Changes in monitoring locations without justifications

Staff have had training on DBP rule compliance. However, very few staff indicated they had much, if any, training related to DBP formation and/or treatment.

Reviewers found recommendations to water systems on flushing strategies that are not supported by EPA and will result in masking ongoing health risks to water system customers.

Some offices have made efforts to integrate compliance and permitting activities to ensure DBP compliance is considered in project review and the potential need for DBP monitoring plan changes

based on relevant water system infrastructure changes. Efforts range from having the same staff perform both engineering review/permitting and compliance determination, to developing a liaison responsibility between permitting and compliance office staff.

Recommendations

There is a need for District and County staff to re-evaluate DBP monitoring locations identified in Stage 2 Monitoring plans. FDEP and DOH should consider enhancing the review of distribution systems during sanitary surveys to include an evaluation of DBP monitoring locations. Considerations for enhancing the sanitary survey include:

- Checking disinfectant residual levels (and pH when available) to assess water quality at areas of high probable water age relative to approved DBP compliance monitoring locations.
- Reviewing flushing practices to determine if water systems are using practices to improve water quality system-wide or just at compliance locations.
- Visit the DBP monitoring locations to identify any changes (e.g. installation of auto-flushing device) that may give reason to modify the monitoring plan.
- Evaluate the appropriateness of changing one monitoring location to Point of Entry for consecutive systems based on the number of monitoring locations and associated baseline data already collected. POE data can be valuable for coordination between wholesale and consecutive water systems.

Provide technical training to staff on how to limit DBP levels in water systems through improved distribution system operation practices. The Area Wide Optimization Program (AWOP) implemented in Region 4 has been used by several states to provide training to water system personnel on DBP compliance strategies that minimize the need for costly infrastructure and to develop the staff expertise to perform the enhanced sanitary survey practices outlined above. Due to the low number of surface water systems in the state, FL has minimally participated in EPA's, AWOP. With the network's significant change in focus to Disinfection Byproducts, FL should engage all districts and counties with opportunities to participate in AWOP.

FDEP should investigate the number of "0" monitoring results to determine if there are any obvious laboratory or data entry errors, or any trends that would raise question as to the integrity of the results.

FDEP should continue to prioritize the development of the PWS database to facilitate implementation tasks for inspectors and compliance officers.

Data Management

Background

One of the required functions of delegated PWSS Programs is to maintain a data management system for tracking compliance, enforcement actions and public water system inventory. FDEP's database for the drinking water program is an Oracle-based database called PWS. Reports are produced in Active Server Pages (ASP). Data are transmitted to SDWIS/Fed via an Extensible Markup Language (XML) file

created from extrapolated data. Data are reported quarterly, including inventory, samples, and violations and enforcement updates.

Automated compliance determinations for TCR, GWR, Phase II/IV, RAD, CCR, Turbidity, and finally, in time to evaluate 1st Q 2015, Stage 2 DBPs, are performed by PWS nightly and verified by the district and county offices. All violations are posted automatically, but can be over-ruled by the point person in each office. All other compliance determinations are entered manually within the individual offices as are all violation letters and enforcement.

FDEP uses the SDWIS/Fed error reports to correct errors but finds that the ".pdf" format is not useful. That format is too difficult to mark up and data cannot be sorted. FDEP would greatly prefer data in Excel spreadsheets.

Key Findings

The Division has developed and maintains several effective tools for entering and accessing PWSS data and reports including:

PWS – In addition to tracking analytical monitoring results, PWS tracks inventory, permit compliance/enforcement, monthly operations, inspections, and complaints. PWS includes reports for staff, but posts to the public DEP website 5 reports, further divided by year or geographic area. Basic Facility Reports, Flow Data and Plant Treatment Data files are updated quarterly. Chemical Data and Microbiological Data files are updated annually in March. Reports provide information on sample results, average/max monthly flows, types of water treatment, the type of system, address, capacity, sources of water, population and service connections served, dates the Department performed the last sanitary survey, and the dates the last bacteriological and inorganic/organic contaminant testing was performed.

PA – database that tracks the permit application process to ensure statutory time clocks are met.

OCULUS – an electronic, web-based document management system that allows the public and staff to search and review permitting documents, lab reports, inspections, etc. within DEP and at 2 of the 8 FDOH offices.

FDEP-DW standardized PDF/Word data/information entry forms for use by PWS and laboratories to document: (1) Permitting/Construction/O&M activities (Chapter 62-555.900 F.A.C.) and (2) reporting results for required test measurements or analyses (Chapter 62-550.730 F.A.C.). Users may generate computer-generated versions of same.
(see http://www.dep.state.fl.us/water/drinkingwater/forms.htm)

NEXUS – user-friendly information portal for retrieving documents from OCULUS archival database.

PASS (Permit Application Subscription Service) System: Allows user to receive automated, customized notification of permit application status (e.g by application types, geographic area, etc.)

Data entry and compliance determination tools available through the PWS database provide staff in all offices with a rapid, reliable, consistent way to upload system monitoring data and accurately calculate

compliance. The value of this tool was readily apparent during staff interviews, as staff unanimously emphasized the need for the Division's soon to be released DBP Stage 2 compliance determination tool.

Use of a state-developed tool also allows staff to more easily request helpful database changes. Simpler changes are implemented by Division staff, while more comprehensive changes are made by staff in the FDEP's Office of Information and Technology Services (OTIS). Requests to OTIS are sometimes delayed, as OTIS must prioritize database needs for multiple programs. The Division works to maintain the priority level of key PWS database updates, but limited OTIS resources are an ongoing challenge.

The Division also maintains two web-based document tracking systems that allow staff and the public to obtain SDWP documents of interest. OCULUS houses copies of permitting, lab, inspection, operational, and compliance/enforcement documents. The Permitting Application (PA) System, allows the user to retrieve permit applications currently under review. While these systems may provide a valuable resource to inspectors and permit reviewers, it is unclear to what extent some offices use these systems. More comprehensive training on these systems may facilitate the exchange of information between permitting and compliance staff.

Recommendations

Florida's PWSS program should continue to implement a strong data and information management program that is available to all offices. The PWS database addresses a critical need, providing a consistent suite of tools for data entry and compliance determination that can also be modified to address staff needs.

External Outreach

Background

In selecting topics for review, FL's compliance assistance outreach to public water systems was identified as a program strength. The review included a combination of document review and interviews of key staff and managers. With recent changes in drinking water law (Stage 2 Disinfection Byproduct Rule, Ground Water Rule, Reduction of Lead in Drinking Water Act, Revised Total Coliform Rule), water systems are increasingly dependent on state agencies to provide the outreach necessary to explain the details of the rules and regulations that will ensure sector compliance and protection of public health.

FDEP and FDOH value a strong relationship with the regulated community and strive to ensure that, where possible, concerns are addressed through compliance assistance activities prior to water systems incurring a potential violation. The FL drinking water program achieves outreach to water systems through site visits to water systems, training classes, contracts with technical assistance partners, and direct mailings to water systems and water system professionals.

Key Findings

FL DEP/DOH utilized a number of mechanisms to provide meaningful outreach activities to public water systems, including:

- Drinking Water Technical Assistance Program
- Contract with Florida Rural Water Association (FRWA) to provide training and operator certification
    - Focus on Change training seminars ~ 6 events/year
    - Water treatment plant operator certification ~16 events/year
    - Water distribution system certification training ~5 events/year
    - Water treatment plant operation and maintenance ~17 events/year
    - Electrical safety and generator set up ~ 1 event/year
    - Treatment technologies and conservation ~ 1 event/year
    - Emergency Response Plans ~ 0-1 event/year
    - Over 3,000 technical assistance site visits/year from Circuit Riders
- Limited Involvement in Area-Wide Optimization Program
- Operator Certification Program
- Floridian Newsletter
- Sanitary Surveys and other inspections

Florida's strong suite of outreach tools provide office staff with ways to enhance coordination with local PWS operators. The Division's Technical Assistance Program assists all offices in resolving technical, managerial and financial challenges of individual public water systems at no cost to those systems. The contracted services of FRWA are frequently used by smaller rural water systems. FRWA also provides training on various topics of interest to both system operators and FDEP and FDOH staff, including full-day sessions during the "Focus on Change" seminars which are held year-round at locations throughout the state. Available training sessions are listed on the FRWA website. The Division participates minimally in EPA's "Area-Wide Optimization Program" (AWOP), and uses this program to more closely evaluate and assist the ability of surface water systems to optimize disinfection and filtration treatment goals and enhance microbial and disinfectant byproduct control. While participation has recently decreased, staff interviewed in some District and FDOH offices expressed interest in increasing participation in order to benefit PWSs while strengthening the expertise of office staff.

All offices expressed a need for greater technical training of inspectors, compliance, and permitting staff citing a concern with being able to adequately address simultaneous compliance concerns with water systems. Some entities expressed concern over a perceived loss of drinking water programmatic expertise within FDEP.

The Division offers a Sanitary Survey School annually to train newer FDEP and FDOH inspectors not on only the eight elements that are required by EPA when conducting a sanitary survey, but also operation and maintenance activities, as well as treatment theory and technologies.

Customer complaints made to the state are address in a timely and appropriate fashion. There was some uncertainty as to what DOH laboratory support is available to District staff when responding to customer complaints.

Every office makes a concerted effort to send letters to each water system annually to provide minimum monitoring requirements to ensure water systems complete all required monitoring.

Recommendations

Florida should continue to implement a strong PWSS outreach program. FRWA contracted services and training sessions provide invaluable support to local offices in their efforts to assist PWS operators. Focus on Change seminars also provide opportunities for exchange between office staff and PWS operators, strengthening communications between these parties.

Consider exploring the appropriateness of addressing laboratory support for bacteriological monitoring in the interagency agreement between DOH and DEP. The support would be used when responding to customer complaints or in carrying out any special studies that would enhance the value of Department outreach for water systems.

The EPA believes District and County staff participation in the Area-Wide Optimization Program would facilitate improved outreach to water systems. In addition to new regulations, large turnover in drinking water staff, in some areas, has created a need for increased investment in drinking water program training. EPA strongly encourages Districts and Counties to interact more, through routine meetings and trainings, to discuss implementation challenges/successes so that expertise across the state is better leveraged to fill the knowledge gaps associated with new regulations and new program staff.

Appendix _

EPA Priority Review of Florida Drinking Water Program
Overview and Site Visit Prep Document

Assistance in scheduling interviews (30 minutes each) for key staff and managers associated with drinking water enforcement, disinfection byproduct rules, internal coordination between DEP and DOH, and external outreach with water systems. Please provide names for the following interviews (1-2 per category, as appropriate for your office):

Miami-Dade FDOH

a. Enforcement Program Manager
(Paul L. Andre)
b. Enforcement Officer (Staff)
(Reinaldo Caballero, Tracie Dickerson, Heather Beaton)
c. Drinking Water Program Manager
(Paul LEVELT André)
d. Staff responsible for DBP implementation
(Richard Rojas and Paul Andre)
e. Staff responsible for conducting water system inspections and/or providing technical assistance
(Richard Rojas and Paul Andre)

Broward FDOH

a. Enforcement Program Manager
(Rafael Reyes)
b. Enforcement Officer (Staff)
(Paul Thompson and Rafael Reyes)
c. Drinking Water Program Manager
(Rafael Reyes)
d. Staff responsible for DBP implementation
(Sandra Giraldo and Rafael Reyes)
e. Staff responsible for conducting water system inspections and/or providing technical assistance
(Bill Lorenzo, Sandra Giraldo, Shani Grant, Paul Thompson, and Rafael Reyes)

SWD DEP

a. Enforcement Program Manager
(Ed Watson and Gerald Foster)
b. Enforcement Officer (Staff)
(Ed Watson and Gerald Foster)
c. Drinking Water Program Manager
(Ed Watson)
d. Staff responsible for DBP implementation
(Ed Watson and Gerald Foster)
e. Staff responsible for conducting water system inspections and/or providing technical assistance
(Ed Watson and Jayme Brock)

DEP HQ

a. Enforcement Program Manager
(Jessica Kleinfelter)
b. Enforcement Officer (Staff)
(Eric Bengtson, David Wales)
c. Drinking Water Program Manager
(Trevor Noble)
d. Staff responsible for DBP implementation
(Virginia Harmon, Eric Bengtson)
e. Staff responsible for-providing technical assistance
(John Sowerby, Virginia Harmon, and David Wales)

Additional contacts:

DOH HQ: Bob Vincent and Ed Bettinger

SED DEP: Michele Owens

Florida Drinking Water Program Priority Review
File Review Summary

For the enforcement cases, EPA reviewed all actions and associated non-compliance over the past 3 years (2012-14). The case files should contain all of the case development work (violations, initial correspondence, informal and formal actions, etc.) even if prior to 2012. Example: If an enforcement order was issued in 2012 for an arsenic violation in 2010, EPA evaluated everything from 2010 up until the system returned to compliance.

For the DBP files, EPA reviewed files for monitoring results, monitoring plans, documents used in developing/approving monitoring locations, correspondence related to monitoring location changes, and documents related to compliance assistance outreach.

Broward County DOH

Enforcement Case Files

FL4060402	Everglades Holiday Park
FL4061517	Royal Utility Company
FL4064392	Kids Paradise

Disinfection Byproduct Files

FL4060402	Everglades Holiday Park
FL4060254	City of Deerfield Beach

Miami-Dade County DOH

Enforcement Case Files

FL4131403	American Village
FL4130833	Jones' Trailer Park
FL4130970	City of North Bay Village

Disinfection Byproduct Files

FL4131403	American Village
FL4130871	MDWASA
FL4131531	Virginia Gardens
FL4131001	Opalocka

Tampa, SW District

Enforcement Case Files

FL6095083	Seven Rivers Professional Center
FL6272304	Camper's Holiday
FL6510807	Holiday Gardens Utility, Inc.

Disinfection Byproduct Files

FL6512033	PCUD Blanton Lake Park
FL6520336	Clearwater Water System
FL6521576	Safety Water
FL6277059	Hernando Co. Utility-West
FL6280049	City of Avon Park

OPERATIONAL EVALUATION REPORT

I. GENERAL INFORMATION

A. Water System Information:

PWSID					
PWS Name					
PWS Address					
City		State		Zip Code	

B. Report Prepared by:

Name			
Title			
Date Prepared			
Telephone	- -	Email	

II. MONITORING RESULTS

A. Provide the compliance monitoring location where the operational evaluation level (OEL) was exceeded (if there was more than one location where the OEL was exceeded, attach an additional copy of Page 1, and complete Items II.A. and II.B. for each additional location).

Note: The location name or number should correspond to a location name or number in your Stage 2 D/DBPR compliance monitoring plan required under 40 CFR 141.622.

B. Monitoring Results for the Location Identified in Item II.A.

1. Check TTHM and/or HAA5 to indicate which result(s) caused the OEL exceedance: ☐ TTHM ☐ HAA5
2. Enter your results for TTHM and/or HAA5 (whichever you checked above).

	Quarter			Operational Evaluation Value*
	Result from This Quarter	Result from Previous Quarter	Result from 2 Quarters Ago	
	A	B	C	D=(2A+B+C)/4
Date sample was collected	/ /	/ /	/ /	
TTHM (µg/L)				
HAA5 (µg/L)				

* *The operational evaluation value is calculated by summing the two previous quarters' TTHM or HAA5 results plus twice the current quarter's TTHM or HAA5 result and then dividing by four. If the value exceeds 80 µg/L for TTHM or 60 µg/L for HAA5, an OEL exceedance has occurred.*

III. OPERATIONAL EVALUATION FINDINGS

A. Is the Department allowing you to limit the scope of your operational evaluation (see the memorandum attached as Page 3)? ☐ Yes ☐ No

If NO, proceed to Items III.B. through III.E. If YES, you may stop here.

OPERATIONAL EVALUATION REPORT (continued)	PWSID

B. Did **distribution operational practices**—including storage tank operations, excess storage capacity, and distribution system flushing—cause or contribute to your OEL exceedance(s)? ☐ Yes ☐ No ☐ Possibly

If YES or POSSIBLY, explain (attach additional pages if necessary).

Note: Refer to Chapter 3 in the USEPA's Stage 2 D/DBPR Operational Evaluation Guidance Manual.

C. Did **treatment operational practices**—including treatment changes or problems—cause or contribute to your OEL exceedance(s)? ☐ Yes ☐ No ☐ Possibly

If YES or POSSIBLY, explain (attach additional pages if necessary).

Note: Refer to Chapter 4 in the USEPA's Stage 2 D/DBPR Operational Evaluation Guidance Manual.

D. Did **source water**—including changes in sources or source water quality—cause or contribute to your OEL exceedance(s)? ☐ Yes ☐ No ☐ Possibly

If YES or POSSIBLY, explain (attach additional pages if necessary).

Note: Refer to Chapter 5 in the USEPA's Stage 2 D/DBPR Operational Evaluation Guidance Manual.

E. List steps that could be considered to minimize future OEL exceedances (attach additional pages if necessary).

Florida Department of
Environmental Protection

Memorandum

TO: All Community or Non-Transient Non-Community Water Systems

FROM: Van R. Hoofnagle, P.E., Administrator
Drinking Water Section

DATE: January 3, 2012

SUBJECT: Operational Evaluations

In accordance with 40 CFR 141.626(b)(2)(i) and (ii), the Department is allowing all water systems to limit the scope of any operational evaluation required for an operational evaluation level (OEL) exceedance that meets all of the following conditions:

- No maximum contaminant level violation occurs in conjunction with the OEL exceedance; and
- The OEL exceedance occurs in the third quarter of a calendar year; and
- The operational evaluation value for TTHM does not exceed 100 μg/L, and the operational evaluation level for HAA5 does not exceed 75 μg/L.

For each OEL exceedance that meets all of the above conditions, the Department is presuming, and water systems may presume, that summer air temperatures and resulting warmer water temperatures were the cause of the exceedance.

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Armstrong, Kathy

From: Humphris, Allison
Sent: Monday, June 01, 2015 5:18 PM
To: Campbell-Dunbar, Shawneille; Allenbach, Becky
Cc: Smith, Brian; Driskell, Amanda; Burns, Robert
Subject: Florida Priority Review Report - final draft for your review
Attachments: FIPriorityReview_CompleteDraft-060115.docx

Shawneille/Becky,
Attached for your review is a final draft of our report for the December 2014 Priority Review of Florida's PWSS program. This version addresses all comments/concerns that we received from FDEP and the offices visited.

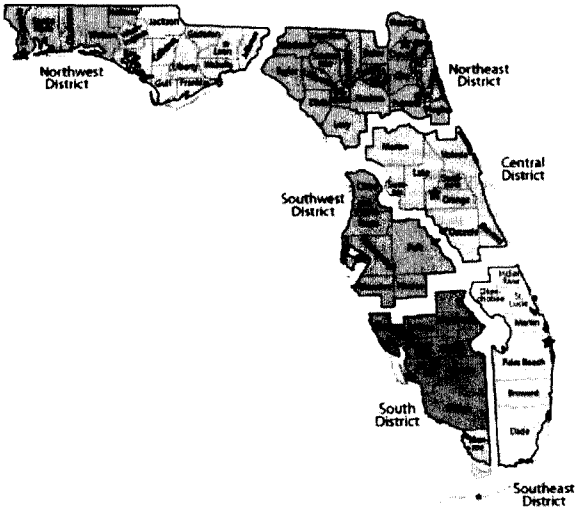
Please let us know of any input or questions you may have.

Thanks, Allison

PRIORITY REVIEW

OF THE PUBLIC WATER SYSTEM SUPERVISION PROGRAM FOR THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

DRAFT REPORT



Prepared by the
Environmental Protection Agency, Region 4
Drinking Water Section, Water Protection Division

June 1, 2015

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Appendix A - Florida Drinking Water Program Priority Review – File Review Summary

EXECUTIVE SUMMARY

In December 2014, staff from the U.S Environmental Protection Agency Region 4 Drinking Water Section (EPA Region 4) conducted a Priority Review of Florida's Public Water System Supervision (PWSS) Program. The Priority Review is an oversight approach developed by Region 4 to assess the needs and success of a PWSS Program, based on an in-depth review of priority areas jointly selected by the state and EPA Region 4. EPA Region 4 and Florida identified five specific areas of Florida's Program for review, including (a) enforcement of drinking water regulations, (b) internal state coordination between the Florida Department of Environmental Protection (FDEP) and the Florida Department of Health (FDOH) on the PWSS program, (c) disinfection byproducts (DBP) rule implementation, (d) data management and (e) external outreach.

The priority areas were assessed through review of existing documentation submitted to EPA Region 4, review of selected water system files and interviews with staff and managers. If approaches in need of improvement were identified, Region 4 discussed and attempted to identify possible remedies for these concerns with Florida PWSS program staff. Following is a summary of key findings for each priority area and key recommendations on how to address areas needing improvement.

- Enforcement of Drinking Water Regulations
  In general, FDEP runs a strong enforcement program that facilitates the compliance of most Public Water Systems with Safe Drinking Water Act (SDWA) regulations. In the vast majority of cases, Florida's Program is timely in responding to violations. Few cases do not meet the expectations for issuing formal enforcement to significant violators according to EPA's Enforcement Response Policy (ERP) (see http://www2.epa.gov/sites/production/files/documents/drinking_water_erp_2009.pdf). However, the expectation to meet ERP timeframes are not expressed in FDEP's enforcement manual or any other policy. FDEP's Division of Water Resource Management (the Division) should clearly communicate the expectation that systems identified as priority systems on the Enforcement Targeting Tool (ETT) list must be addressed within two quarters of appearance on the list. Violation and enforcement data is not always submitted to SDWIS in a timely manner. The date of enforcement action, as entered into the Division's Potable Water System (PWS) Database and ultimately into SDWIS, is not always clear and consistent. Additionally, violations are not always accurately linked to the appropriate enforcement mechanisms. Processes should be established to ensure that this data and information is provided in a timely, clear and consistent manner. To assist with this goal, FDEP should also ensure that enforcement files include all records of all decisions made with regard to enforcement actions. The Division's Peer Review Process provides a good means for ensuring consistency of enforcement activities.

(b)(5) Deliberative Process Privilege

[redacted]

(b)(5) Deliberative Process Privilege

[redacted]

- DBP Rule Implementation
  Most chemical health-based violations in Florida are associated with DBPs. Staff interviews and file reviews identified potential vulnerabilities in DBP rule implementation, mostly associated with a lack of understanding of DBP formation, DBP control strategies or minimal review of monitoring results for compliance determination. Office staff should re-assess water system monitoring plans and sampling protocols during sanitary surveys or other routine site visits. The Division should provide staff access to technical training on the formation and/or treatment of DBP, allowing staff to better evaluate current monitoring locations and/or proposed changes to those locations. Additional data review protocols may also be needed to ensure that any questionable monitoring results reported are identified and resolved. Florida's Drinking Water Program would benefit from expanding District and County staff participation in the Area Wide Optimization Program (AWOP) training and field evaluation activities. This would help address the need for staff training on DBP formation and treatment and improve compliance assistance offered by inspectors, resulting in improved public health protection.

- Data Management
  The Division has developed and maintains several effective tools for reporting and accessing drinking water program data and information. These include the PWS Application, which includes both an Oracle-based database and an internal communications website; standardized PDF/Word data/information entry forms for use by public water systems and laboratories; OCULUS document management system; NEXUS user-friendly portal for retrieving documents from OCULUS; Permit Application Subscription Service (PASS) system for receiving automated notifications of permit application status. The PWS Database in particular addresses a critical program need by providing a consistent suite of tools for data entry, data retrieval and compliance determination. Many of the other tools developed also provide valuable information to the public. Florida should continue to provide strong support for the maintenance and continued development of these tools.

- External Outreach
  FDEP and FDOH value a strong relationship with the regulated community and strive to ensure that, where possible, concerns are addressed through compliance assistance

activities prior to water systems incurring a potential violation. All offices expressed a need for greater technical training of inspectors, compliance and permitting staff, citing a concern with being able to adequately address simultaneous compliance concerns with water systems. In addition to new regulations, large turnover in drinking water staff, in some areas, has created a need for increased investment in drinking water program training. EPA Region 4 strongly encourages Districts and Counties to interact more, through routine meetings and trainings, to discuss implementation challenges and successes, so that expertise across the state is better leveraged to fill the knowledge gaps associated with new regulations and new program staff.

INTRODUCTION

The U.S Environmental Protection Agency Region 4 Drinking Water Section (EPA Region 4) developed a protocol, called a Priority Review, for assessing the performance of state Public Water System Supervision (PWSS) Programs and for evaluating the adequacy of resources dedicated to identify priorities for individual state programs. The Priority Review replaces EPA's Data Verifications that historically reviewed state data associated with each rule in the National Primary Drinking Water Regulations. The new approach is intended to be transparent and targeted in assessing a few priority focus areas identified in a collaborative effort between the state and EPA Region 4. The following priority areas of focus have been identified for Florida:

1. Enforcement of drinking water regulations
2. Internal state coordination between FDEP and FDOH on the drinking water program
3. Disinfection Byproduct (DBP) Rules implementation
4. Data Management, and
5. External outreach

EPA Region 4 used three basic methods to obtain information: (1) identification and review of key documents and tools used by Florida to implement their PWSS program (e.g. guidance, websites, internal review protocols, databases, file management systems, reports, etc.), (2) interviews with managers and staff, and (3) review of individual system files. For the third method, EPA Region 4 selected systems for the review that were likely to provide a good understanding of Florida's approach to addressing more challenging and problematic situations.

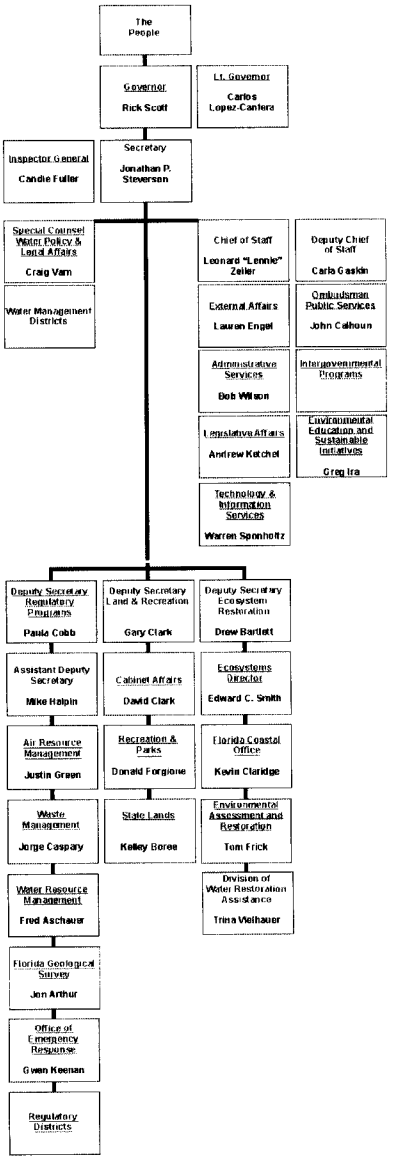
OVERVIEW OF FLORIDA'S PWSS PROGRAM

EPA gives flexibility to state primacy agencies for required PWSS program activities. In Florida, PWSS implementation activities are spread over a decentralized organizational structure. FDEP has the primary role of regulating public water systems in Florida. The Source and Drinking Water Program (SDWP) located in the FDEP headquarters in Tallahassee (FDEP-HQ) is responsible for writing rules, developing policy, managing funds, providing training and managing special initiatives. The Water Compliance Assurance Program (WCAP), also located in FDEP-HQ, is responsible for oversight, tracking and reporting of enforcement and compliance

activities and data management. The enforcement of rules and permitting of new construction for individual public water systems is handled by six FDEP district offices. In eight Florida counties FDEP-HQ has delegated this enforcement and permitting authority to local approved FDOH county health departments through an Interagency Agreement. FDEP-HQ has also delegated laboratory certification to the FDOH Laboratory in Jacksonville.

FDEP environmental programs are divided into three main areas, one of which is Regulatory Programs (Figure 1). The Deputy Secretary for Regulatory Programs provides oversight and direction to four FDEP-HQ regulatory divisions, including the Division of Water Resource Management (Division) and six regulatory district offices.

Figure 1. FDEP Organizational Structure (last updated April 6, 2015)



The SDWP and WCAP programs are both located within the Division, while the regulatory district offices report directly to the Deputy Secretary for Regulatory Programs. Following is a complete list and description of all programs which contribute to FDEP's implementation of Safe Drinking Water Act (SDWA) requirements.

Florida Department of Environmental Protection

FDEP-HQ Division of Water Resource Management (Division):

- SDWP: Coordinate overall PWSS implementation through policy and rule development, and management of funding, training and special initiatives. Ensure all SDWA program requirements are conducted and reported to EPA as outlined in the annual PWSS workplan.
- WCAP: Facilitate statewide coordination of compliance and enforcement activities by providing and/or supporting the development of guidance and training to ensure consistency among the six District Offices for state Drinking Water and Wastewater Programs. Integral to this consistency are the automated nightly compliance routines for evaluating lab results (discussed further under the Data Management section of this report). Ensure all SDWA compliance and enforcement activities are conducted and reported to EPA as outlined in the annual PWSS workplan commitments.

FDEP-HQ Office of General Counsel (OGC): Provide legal counsel and represent FDEP in implementing enforcement, permitting and programmatic actions. Provide training and consultation to FDEP staff.

FDEP-HQ Office of Technology and Information Services (OTIS): Manage functionality and security of the information technology systems that support FDEP mission success. Provide application development and customer support services to FDEP divisions and regulatory districts that use regulatory databases, including SDWP and WCAP support needs for public water systems.

FDEP Regulatory District Offices: Coordinate and implement all permitting, compliance and enforcement activities for counties located within District boundaries, including permit reviews, facility inspections, compliance assistance, rule enforcement and response to reports of environmental damage. Six separate offices serve counties located in the Northwest, Northeast, Central, South, Southeast and Southwest portions of the state. Provide legal, technical and training assistance to delegated FDOH county offices.

Florida Department of Health

- The current FDEP-FDOH Interagency Agreement delegates lead PWSS program implementation authority from the responsible FDEP District Office to FDOH offices in the counties of Broward, Miami-Dade, Hillsborough, Lee, Sarasota, Palm Beach, Polk and Volusia. Delegated FDOH county offices coordinate and implement permitting, compliance and enforcement activities for that county.
- The FDOH laboratory in Jacksonville maintains a State program for the certification of laboratories conducting analytical measurements of all drinking water contaminants, in

accordance with Florida Statutes 403.862-.8635 and Florida Administrative Code (F.A.C.) Chapter 62-550.550.

South Carolina Department of Health: South Carolina's radiological laboratory is the designated Principal State Laboratory for radionucludes for Florida, in accordance with an MOA approved by SESD on January 28, 2013.

This organization is significantly changed from the structure that was in place during the previous 2009 Program Review conducted by The Cadmus Group, Inc. on behalf of EPA. In 2012, FDEP underwent a reorganization which affected both FDEP-HQ and FDEP District offices. At FDEP-HQ, the source and drinking water program staff were merged to form the Source and Drinking Water Program. Staff were relocated from the Drinking Water Program to support (1) formation of a centralized compliance and enforcement group (WCAP) and (2) OTIS. District boundaries were redrawn, and resources were re-allocated, to allow for a more even distribution of resources among FDEP District offices. A primary objective of this reorganization was to improve program efficiency/effectiveness and promote consistency and cross-utilization of resources, particularly in the areas of compliance determination and data management.

FDEP's authority to implement provisions of the SDWA derives from Chapter 403, Part VI, Florida Statutes and by delegation of the federal program from the U.S. Environmental Protection Agency. The Department has promulgated a number of rules in Chapters 62-4, 62-550, 62-555, 62-560, 62-602 and 62-699 F.A.C. to address drinking water standards, monitoring and reporting; public water system permitting and compliance; and treatment plant operators, classification and staffing. These requirements impact approximately 5245 federally regulated public water systems with approximately 1649 (or 31%) of Florida's public water systems being community water systems, approximately 776 or (15%) being non-transient non-community systems, and approximately 2820 or (54%) being transient non-community systems (Table 1).

Table 1. Count of Florida Public Water Systems by Type and Source

PWS TYPE	WATER SOURCE	COUNT
CWS	Surface Water only	5
	Surface & Ground Water	69
	Ground Water only	1575
NTNC	Surface Water only	0
	Surface & Ground Water	4
	Ground Water only	772
TNC	Surface Water only	5
	Surface & Ground Water	1
	Ground Water only	2819
TOTAL		5245

PRIORITY REVIEW OF SELECTED PROGRAM AREAS

Enforcement of Drinking Water Regulations

Background

Compliance and Enforcement Program Implementation was selected as a priority for review in order to assess whether a state is implementing the requirements of the PWSS program. The states ensure that human health is safeguarded by enforcing the requirements of the SDWA to ensure that the states' public drinking water supply and its sources are protected. Historically, the reviews of the states' PWSS programs, whether that be through a Data Verification, Program Review, or a Priority Review, did not typically include an evaluation of the compliance and enforcement program at the states. EPA Region 4 has determined that this is an important aspect of a review of the implementation of a PWSS program, and plans to include this in future Priority Reviews, as appropriate. Through this review, EPA Region 4 promotes regional consistency, identifies successes in implementation of the PWSS program, and identifies opportunities for improvement in the compliance and enforcement programs.

In January of 2010, EPA began implementation of a new enforcement approach designed to help our nation's public water systems comply with the requirements of the SDWA. This new approach replaced the previous system of a contaminant to contaminant compliance strategy with one that focuses attention on the drinking water systems with the most serious or repeated violations. This strategy identifies public water systems with violations that rise to the level of significant noncompliance by focusing on those systems with health-based violations and those that show a history of violations across multiple rules. This system-based methodology is intended to ensure consistency and the integrity of the PWSS national enforcement program. This approach includes a revised Enforcement Response Policy (ERP) and new Enforcement Targeting Tool (ETT).

The ETT uses a tool that enables the prioritization of public water systems by assigning each violation a "weight" or number of points based on the assigned threat to public health. Points for each violation at a water system are summed to provide a total score for that water system. Water systems whose scores exceed a certain threshold will be considered a priority system for enforcement.

EPA recognizes that states carry out both formal and informal enforcement and compliance assistance activities. These activities are effective tools for achieving compliance. Nevertheless, systems specifically identified by the ETT as priorities must be returned to compliance (RTC) or EPA will expect formal, enforceable mechanisms to return such systems to compliance. States are expected to escalate their response to ensure that RTC is accomplished. Once a public water system is identified as an enforcement priority on the ETT list, an appropriate formal action or RTC will be required within two calendar quarters to be considered "timely". However, regardless of a public water system's position on a state's ETT list, EPA expects that states will act immediately on acute, health-based violations and subsequently confirm that systems with such violations return to compliance.

Priority Evaluation Method

Region 4 utilized a combination of data analysis, personnel interviews, comparison of established program strategies with the ERP, and onsite file reviews to evaluate Florida's successes in implementation of the PWSS program and identify opportunities for improvement in its compliance and enforcement program. Data analysis included a review of the EPA ETT Tracker, which is a tool that provides useful metrics and graphing capabilities for systems' current and past ETT scores for up to twenty (20) quarters. This information was used to aide in the selection of the files to be reviewed and get a rough evaluation of Florida's ability to timely and appropriately return systems to compliance or issue formal, enforceable mechanisms that will return a system to compliance. Additionally, EPA's SDWIS data system was used to determine what violations and enforcement had been done for each of the selected files to review. Nine (9) files were selected for review, however, only eight (8) were reviewed (see Table 2. Timeline for Settlement of Identification as a Priority System on the ETT List below). Interview questions were used to understand the dynamics of the organization including staffing resources and demands and to determine how the established program strategies were being implemented with regards to Florida's compliance and enforcement program. The *Department of Environmental Protection (DEP) Enforcement Manual* and *Directive* 923 were reviewed for consistency with the EPA ERP requirements to ensure that these policies enabled the state to meet the requirements of timely and appropriate compliance and enforcement. File reviews included a review of the violations determined, an evaluation of the enforcement mechanisms issued for consistency with the *DEP Enforcement Manual* and the EPA ERP, and a comparison of the information found during the file review with the data reported to EPA's SDWIS data system.

Key Findings

The accuracy of data reported by FDEP to SDWIS was found to be in need of improvement in the following ways:

- All violations identified in the file and/or provided from the FDEP tracking system, are not being submitted to SDWIS. This discrepancy was found in the District office and both FDOH offices. Primarily the violations that are not being submitted are monitoring and reporting violations for various parameters. For the identified systems, 6 of the 8 reviewed had violations noted in the file/data provided that were not identified in SDWIS.

- Enforcement actions taken and submitted to SDWIS, are either not being timely uploaded, properly linked to relevant violations, and/or the data uploaded is inconsistent with the documents provided for review. For the identified systems, 7 of the 8 reviewed had discrepancies with the information for the enforcement actions submitted to SDWIS. Specifically, for the files reviewed, there were instances where violation(s) were linked to enforcement actions that upon review of the enforcement action, it was determined that the action did not include or address those violations. Also, there were several instances where the data submitted to SDWIS showed multiple dates for the same enforcement action. It appears that the dates of enforcement are not being consistently entered (i.e.

dates were submitted for the signature date of the effective order, receipt date of the effective, or the date the proposed order was sent to the respondent). So it was noted that at times there would be two formal actions entered into SDWIS when there was only one issued.

During the file review, EPA Region 4 tracked compliance and enforcement mechanisms used and evaluated them for timeliness and appropriateness of the action or return to compliance. Based on this review, the following was determined in regards to the timeline for systems identified as a priority on the ETT list to be returned to compliance or have a formal enforcement action issued.

Table 2: Timeline for Settlement of Identification as a Priority System on the ETT List

PWS ID	System Name	Date of First Appearance on ETT List as Priority System	Date of Settlement (RTC or issuance of Formal Enf)	Days Between ETT and Settlement	Settlement RTC or Formal Action ?	Quarters on ETT List as a Priority System
FL6095083	**Seven Rivers Professional Center**	**9/30/2010**	**2/20/2013**	**874**	**RTC**	**10/2010, 01/11, 04/11, 07/11, 10/11, 1/2012, 04/2012, 7/2012, 10/2012, 1/2013, 4/2013, 7/2013**
FL6510807	Holiday Gardens Util Inc.	3/31/2011	7/7/2011	98	Formal Action	04/2011, 07/2011, 10/2011, 04/2014, 7/2014, 10/2014
FL6510807	Holiday Gardens Util Inc.	3/31/2014	2/27/2014	-32	RTC	
FL6272304	**Camper's Holiday**	**3/31/2011**	**4/15/2011**	**15**	**Formal Action**	**04/2011, 07/2011, 01/2013, 10/2013, 01/2014, 10/2014**
FL6272304	**Camper's Holiday**	**12/31/2012**	**6/5/2013**	**156**	**Formal Action**	
FL4064392	Kids Paradise	12/31/2011	4/26/2012	117	Formal Action	01/2012, 04/2012, 07/2012, 04/2014, 07/2014
FL4064392	Kids Paradise	3/31/2014	4/24/2014	24	Formal Action	
FL4060402	**Everglades Holiday Park**	**12/31/2009**	**3/23/2012**	**813**	**Formal Action**	**01/2010, 04/2010, 10/2011, 01/2012, 04/2012, 01/2013, 04/2013, 07/2013, 10/2013, 01/2014, 04/2014**
FL4060402	**Everglades Holiday Park**	**3/31/2013**	**3/13/2013**	**-18**	**Formal Action**	
FL4061517	Royal Utility Company	3/31/2011	10/20/2010	-162	RTC	04/2011, 07/2013, 10/2013, 01/2014
FL4061517	Royal Utility Company	6/30/2013	2/12/2013	-138	Formal Action	
FL4131403	**Americana Village**	**3/31/2010**	**8/28/2012**	**881**	**RTC**	**04/2010, 07/2010, 10/2010, 01/2011, 04/2011, 07/2011, 10/2011, 01/2012, 04/2012, 07/2012, 10/2012, 01/2013, 04/2013, 07/2013**
FL4130833	Jones Trailer Park	12/31/2009	9/30/2011	638	RTC	01/2010, 04/2010, 07/2010, 01/2011, 04/2011, 07/2011, 10/2011, 01/2012, 01/2013
FL4130833	Jones Trailer Park	12/31/2011	10/3/2012	277	RTC	
Average Days Between ETT and Settlement				**253.07**		

Note: Some of the systems had multiple dates evaluated because they were bouncing on and off the ETT Priority List

For the evaluated systems, only two (for all the specified appearances on the ETT List as a priority system) met the 2-quarter timeliness goal established in the EPA ERP, 3 of the 8 met the goal for one of the appearances on the ETT list but not for all of the appearances, 6 of the 8 did not meet the goal for one or more of the appearances the system had on the ETT List as a priority system. On average for the identified systems (including those with multiple appearances as a priority system on the ETT List), the days between appearing on the ETT list as a priority and settlement of the violations was 253 days. This is in excess of the 2-quarter timeliness goal.

Also, in evaluation of the data above, there is an indication that formal actions and/or return to compliance data is not consistently being entered timely so that the ETT scores accurately depict the compliance and enforcement history. Therefore, some of the systems above, remained on the ETT list as priority systems multiple quarters after the resolving action had been issued.

During the file review, it was discovered that in 2 of the 8 files, enforcement actions were initiated but never completed and there was no explanation in the documents provided that explained why the action was not pursued. This was especially important information since both of those systems had been identified as priority systems for multiple consecutive quarters without returning to compliance or having a formal action issued.

The *DEP Enforcement Manual,* developed jointly by the Secretary, Deputy Secretary, and Assistant Deputy Secretary of Regulatory Programs, is periodically revised as necessary. The latest revisions occurred in September 2013 and October 2014 for the chapters addressing compliance and enforcement processes. The manual describes FDEP's enforcement organization, compliance options, enforcement options, inspections and investigations protocol, administrative process and remedies, judicial process and remedies, litigation procedures, data management, and penalty policies. Overall, the *DEP Enforcement Manual* is a thorough document which is provided to all District offices and authorized FDOH offices. However, when compared to the EPA ERP, it was determined that the *DEP Enforcement Manual* was not consistent with the EPA ERP in that it did not define an expectation of timely and appropriate enforcement. The *DEP Enforcement Manual* had no clear expectation and/or goal for timelines associated with issuing formal enforcement for systems that are identified as priority on the ETT nor for systems with acute, health-based violations. During the interviews and file reviews, it was determined that the goals of issuing formal enforcement varied between the offices evaluated. The Southwest District office indicated that they were given some established guidelines on the expectations of timely and appropriate enforcement in the annual *SWD Business Plans*. However, both FDOH offices (Broward County DOH and Miami-Dade DOH), indicated that there were no set timelines provided by FDEP-HQ for issuance of formal enforcement or returning the system compliance. Each of the FDOH offices had established goals/expectations for timely and appropriate enforcement on their own. In Broward County, for example, the written expectation for each employee is that enforcement actions start within five days of discovering any violation. In addition, actions commence immediately upon discovery of cases where public health may potentially be at risk.

Staff in the Division, Districts, and FDOH offices are provided with training on the *DEP Enforcement Manual* and *923 Directive*.

In February of 2013, the Division instituted a Peer Review Process. This Peer Review Process establishes that prior to the issuance of formal enforcement by the District offices, a Peer Review Recommendation Memo must be sent to the Division. The Division then reviews the Peer Review Recommendation Memo to determine if formal enforcement is appropriate, ensure that penalties are consistently calculated across all District offices, and that all regulations and violations are appropriately and consistently included in the enforcement. This process was established to ensure a consistent and equally applied approach to enforcement across all District Offices. This approach is not applied to the FDOH offices, who independently establish their

enforcement activities within the confines of the Interagency Agreement and the *DEP Enforcement Manual.*

The Southwest District office and Broward DOH office have both implemented a strategy of sending reminders to the systems of their monitoring responsibilities and timelines. The reminders are sent out to the systems at a minimum of annually and in some cases monthly or quarterly as well. These activities were implemented to decrease instances of monitoring and reporting violations. The Miami-Dade DOH office has also implemented a program that aides in decreasing monitoring and reporting violations, by conducting sampling for the small systems and as well as for the transient non-community systems and a few community systems. These sampling efforts are being done through a state laboratory in Miami.

Recommendations

Update the *DEP Enforcement Manual* or provide official written guidance to all offices of the following:

- The expectation to address those systems identified as priority systems on the ETT list within 2 quarters of appearance on the list, either by returning the system to compliance or issuing formal and enforceable enforcement as well as to act immediately on acute, health-based violations and subsequently confirm that systems with such violations return to compliance. This would help to ensure that the state is consistent with the EPA ERP, the state's PWSS grant work plan, and that the State is consistently implementing the compliance and enforcement program throughout all of the districts and authorized programs.

- The expectation that the date that is being used as the date of enforcement action, which is entered into the Potable Water System (PWS) Database and ultimately into SDWIS, is consistently the same date across all districts and authorized programs. Note: The date the proposed order is sent/signed, the date of receipt of the proposed order, and the date of signature by the respondent should not be used as the date of enforcement for reporting purposes. These dates are not indicative of an effective order.

Efforts should be made to ensure that data submitted to SDWIS is timely, enforcement action dates are accurately and consistently entered, all violations are identified and submitted to SDWIS, and that all violations are accurately linked to the appropriate enforcement mechanisms. FDEP should develop and implement revised procedures to ensure accurate reporting of enforcement and compliance information into SDWIS.

Records should be maintained in the file that denote any and all decisions made with regard to enforcement actions, such as if there is a change from the proposed document or a decision to not pursue the enforcement action initiated.

The Division should continue with the Peer Review Process initiated to ensure consistency of the enforcement activities across District offices, and evaluate whether the process should be

expanded to require that all formal actions, including those where both parties are in complete agreement, are submitted to the Division for review.

Internal state coordination between FDEP and FDOH on the drinking water program

Background

Program coordination was selected as a priority review topic due to the number of separate offices that implement Florida's PWSS program and the significant impacts that a 2012 FDEP reorganization had on many of these offices. A first goal of the review is to better understand what kinds of coordination activities occur between offices and how these activities impact PWSS program implementation. A second goal is to determine how the 2012 reorganization altered previous coordination tools and pathways and describe Florida's efforts to adjust to those changes.

As described in the Overview section of this report, Florida implements the PWSS program through multiple offices, each of which handles specified duties for a designated portion of the state. The Division manages Florida's overall primacy program and develops and maintains many of the resources used by six District offices and eight delegated FDOH offices. District and FDOH offices have autonomy to implement the program at the individual system level, but must conduct activities consistent with the Division rules, policy and guidance and communicate accomplishments and issues to the Division. The Division and District offices both report to FDEP's Deputy Secretary for Regulatory Programs. The 2012 reorganization redefined the FDEP's leadership structure and redistributed staff in the Division and some District offices in several ways, as described in the overview section of this report. FDOH offices were unaffected by the reorganization.

Florida's assignment of PWSS program duties to multiple offices and agencies allows the state to leverage significant additional resources and expertise. However, good communication and collaboration is needed to ensure effective, consistent operation of this decentralized program. The overall objective of this review is to ensure that effective mechanisms for ensuring good program coordination remain in place, and to document any particular strengths or weaknesses that require further consideration.

Priority Evaluation Method

Region 4 used a combination of document reviews and personnel interviews to understand past and present coordination activities in Florida and evaluate how well those activities support Florida's overall PWSS program implementation. The documents and information reviewed were obtained from EPA Region 4 files, Division files and the Division's SDWP website (http://www.dep.state.fl.us/water/drinkingwater/). Of these, the following documents provided information on Florida's internal and external program coordination activities:

- FDEP responses to EPA Region 4's PWSS Priority Review Background Questions
- FDEP's 2014 Operator Certification Program Annual Submittal
- FDEP's FY13 Annual Capacity Development Program Implementation Report

- FDEP's 2014 triennial report to the governor on "Florida's Strategy to Improve Public Water Supply"
- FDEP-HQ PWSS Program Review Reports for 2013-2014 program evaluations of FDEP District and FDOH county field offices
- Issues of the Floridan newsletter
- Information available to public water systems on the SDWP website

The Division also provided EPA Region 4 staff with a walk-through of the information and data management tools available on the Division's internal PWS Application during this review. These tools are accessible to all District and FDOH offices.

To obtain a range of perspectives on coordination activities, EPA Region 4 visited multiple offices that together represent a cross-section of PWSS program components. These included the Division office, the Southwest District office and FDOH offices in Broward and Miami-Dade counties. FDOH headquarters staff and Southeast District staff also participated in FDOH office visits. EPA Region 4 interviewed multiple staff at varying levels of responsibility in each office. The names of program managers and technical staff interviewed in each office were obtained from FDEP in advance. EPA Region 4 developed a comprehensive list of questions on internal, inter-office and external (i.e. outreach) coordination, and selected appropriate questions from this list for each interviewee, depending on that person's responsibilities. Program Coordination interviews were conducted with groups of employees, as this approach allowed office staff to provide a more complete description of program interaction and also allowed EPA Region 4 to better observe the dynamics of each office.

Key Findings

To achieve successful program coordination, program components must be organized in a way that allows them to work together effectively to achieve overall program goals. Florida has used many methods to facilitate effective program coordination across all offices. During interviews, staff noted the following existing and historical tools:

Existing Tools:

1) Regular internal office staff meetings
2) Monthly communication calls between the Division and all District-FDOH offices to introduce new policy and regulations
3) Regular comprehensive program evaluations are performed by the Division of District offices (triennially) and by the Division, FDOH HQ and District staff of FDOH offices (annually)
4) One-on-one communication between District liaisons/experts and FDOH office staff
5) Internal PWS communications website - repository for SDWP information, including current announcements, guidance, available training, webcasts, powerpoint presentations and historical meeting minutes; maintained by the Division
6) Internal PWS database – standardized data entry tools facilitate data reporting/retrieval and compliance determination by staff; developed and updated by the Division to address changing requirements and user needs

7) Technical assistance from Florida Rural Waters Association (FRWA) – a Division-managed contract that provides assistance to small systems and conducts FRWA training sessions on many topics, including full day "Focus on Change" Seminars

Previous Tools:

1) Quarterly Permitting, Compliance and Enforcement (PCE) Meetings – means of informally sharing policy and implementation issues between Division and FDEP-FDOH offices
2) Annual PWSS Conference – face-to-face meeting of Division and all FDEP-FDOH office staff that provided information on program policies and issues, rule training and valuable discussion of specific questions, concerns and needs.
3) Quarterly meetings between each District liaison and delegated FDOH offices located within that District. EPA Region 4 believes there is still an expectation for these meeting to occur, but it appears that currently the meetings occur infrequently and only in some Districts.

All offices emphasized that internal staff levels are minimally adequate to implement the assigned program workload. Administrators work closely with their staff to coordinate individual responsibilities in ways that build employee job satisfaction while maximizing output and work quality. One office recognized efficiencies by assigning individual staff both compliance and permitting duties in order to develop more holistic program knowledge. Another office supported employee skills development by devising a detailed training program that included both classroom and on-the-job shadowing. The assignment of job duties commensurate with skill level improved work product and employee satisfaction. Several offices strove to reduce the number of compliance issues by annually notifying systems of required upcoming monitoring activities. One office also achieved greater compliance levels by having staff conduct required monitoring for most small systems.

Many administrators stated that their programs achieve much more by leveraging resources available from the Division and other offices. Leveraging occurs in many ways, including meetings, training and the use of common tools to manage and share SDWP data and information.

The PWSS program conducts various meetings and calls on a regular basis. Monthly 1-2 hour calls coordinated by the Division provide regular updates on pertinent program issues, but are limited in scope. District liaisons noted that they continue to share expertise and have good interaction with staff in FDOH offices, but these discussions are also limited, and some District offices have lost technical expertise. Conference calls and informal information sharing also occur between some District and FDOH offices. However, the regularity and strength of these exchanges varies widely. Lengthier face-to-face meetings (such as the annual PWSS conference and quarterly PCE meetings) have historically provided the most valuable opportunities for education and exchange among office staff. These meetings have included presentations on regulations, technical issues, policy, guidance and data management tools. They also provided time for face-to-face discussions among staff with varied backgrounds and expertise. Quarterly PCE meetings sometimes facilitated the scheduling of follow-up meetings. For example, some

Districts followed quarterly PCE meetings with meetings with their delegated FDOH offices, allowing continued discussions on some PCE meeting topics or introduce other discussion topics of concern. The information exchanged in all of these meetings often facilitated faster, more comprehensive, consistent resolution of specific PWSS program concerns.

The Division conducts regular program reviews of each District and FDOH office. Program Review reports provide a consistent, in-depth assessment of 8 key program components across all 14 offices, as shown in Table 3 on the following page.

The relative weighting that the Division assigns to each of the 8 components is shown in the first row of this table. Individual cells display the percentage of total points which each office received for each component during the most recent 2013-2014 Program Evaluations. The results show that all offices successfully implement Data/File Management and Permit/Plan Review program components. Most offices also successfully implement Compliance, Enforcement and Sanitary Survey/Compliance Inspection program components. However, the basis for bonus points awarded for certain additional activities within these components, which often contribute to elevated scores, is somewhat unclear. Scores for the remaining three program components (Organization/Staffing/Resources, DEP Coordination/Assistance and Training) were more variable, with some offices receiving significantly lower scores. For the Organization/Staffing/Resources program component, three offices received less than 90%, and an additional two offices received less than 92%, of the total possible points. Offices generally received point reductions for having a higher ratio of public water systems to professional staff. However, all offices received the maximum allowable points for their response to the question: "Is the current staffing adequate to cover required workload?". These findings suggest that additional information is needed to better evaluate the adequacy of current office staffing/resource levels. For the DEP Coordination/Assistance component, four offices received 90% or less of total possible points. Point reductions were generally received due to lack of scanning capabilities for purposes of generating electronic files. Most questions required only "yes/no" responses, and the scoring system did not consider the more detailed comments provided by offices. Reconsideration of the kind of information needed to assess this component may be helpful. For the Training component, four offices received less than 85%, and an additional three offices received less than 92%, of total possible points. Point reductions were based on failure of staff to complete one or more of the identified core training courses, or lack of a written office training plan. These findings suggest that many offices do not have access to all needed training. The Division's basis for updating the list of needed courses is also unclear. EPA Region 4 believes this portion of FDEP's program evaluation is inadequate to fully assess training needs.

Table 3.
Summary of 2013-2014 FDEP Program Evaluation Results for 6 FDEP District and 8 DOH County Offices

Sum of Score (as % of PE Weight) Row Labels	Column Labels 1_Organization/ Staffing/ Resources	2_Data/File Management	3_Compliance	4_Enforcement	5_Sanitary Survey/ Compliance Inspections	6_Permit/Plan Reviews	7_DEP Coordination/ Assistance Activities	8_Training	9_Overall Score
1_PE Weight(%)	5.00	25.00	15.00	15.00	15.00	15.00	5.00	5.00	100
A_Central	91.60	94.96	100.00	100.00	93.60	100.00	100.00	100.00	97.36
A_NE	[redacted]	[redacted]	[redacted]	[redacted]	90.40	98.00	100.00	91.60	94.08
A_NW	100.00	97.36	100.00	[redacted]	100.00	97.93	100.00	91.60	99.49
A_SE	102.00	95.28	[redacted]	[redacted]	97.33	101.07	100.00	100.00	97.2
A_South	102.00	90.76	100.00	[redacted]	[redacted]	101.00	100.00	[redacted]	98.12
A_SW	94.80	97.96	100.00	[redacted]	[redacted]	97.87	100.00	[redacted]	99.36
C_Broward	102.00	95.20	[redacted]	[redacted]	102.33	95.87	100.00	100.00	100.59
C_Hillsborough	[redacted]	99.60	100.00	100.00	[redacted]	92.80	100.00	100.00	98.33
C_Lee	91.60	97.12	100.00	[redacted]	100.00	93.73	90.00	100.00	98.31
C_Miami-Dade	96.80	95.24	100.00	[redacted]	96.40	93.93	90.00	100.00	97.58
C_Palm Beach	102.00	93.36	[redacted]	[redacted]	[redacted]	96.87	[redacted]	100.00	99.76
C_Polk	89.60	96.48	[redacted]	100.00	102.73	100.00	100.00	[redacted]	99.25
C_Sarasota	91.60	97.08	100.00	[redacted]	[redacted]	[redacted]	90.00	[redacted]	97.04
C_Volusia	102.00	95.12	[redacted]	[redacted]	96.27	93.60	100.00	91.60	94.49

LOW 100% HIGH

Staff interviews conducted during this Priority Review provided information on how Florida currently identifies and addresses training needs. While training needs are a clear priority, the resources to address those needs are often limited. In order to justify training, the Division and District offices each prepare comprehensive annual training plans. Some FDOH offices prepare office training plans, and many notify District offices of additional training needs on an ad-hoc basis. In response to identified needs, the Division develops some training courses and makes these available to all offices. Division training generally focuses on rule implementation or database usage. District and FDOH offices conduct varied amounts of duty-specific training internally and access external training sources as resources allow.

Florida's PWSS program does not currently appear to have a clear means for tracking and addressing training needs on a program-wide basis. Staff in multiple offices identified the need for training on: use of PWS Application tools, information on DBP formation and treatment, DBP Stage 2 implementation, technical knowledge that allows staff to tie rules together and optimize overall system compliance, and state enforcement policies. These responses suggest that the PWSS program could realize some efficiencies by implementing more seamless, universal communication of training needs and resources. Several offices stated that they are in the process of re-tooling existing training plans, to adjust for changing duties and priorities that resulted from the 2012 reorganization. This re-tooling period may provide an opportunity for Florida to revisit the way in which it identifies and addresses training needs on a program-wide basis.

A primary goal of the 2012 reorganization was to recognize efficiencies and achieve greater statewide consistency by realigning staff in the Division and some District offices. The changes implemented were initially disruptive, as they altered established communication pathways and sometimes significantly revised staff workload. However, during interviews, staff provided evidence that re-tooling of the organization aimed at improving overall program coordination is now occurring on several fronts. The Division is re-examining training plans and the value of regular, lengthier face-to-face meetings. The Division continues to revisit strategies for maintaining timely access to critical information technology resources. Given the realignment of compliance staff and the revision of some enforcement guidance, the Division has also recognized the importance of clarifying the enforcement process to all offices. Districts clearly desire autonomy to implement enforcement/compliance issues; however, they are also striving to exchange information and expertise with other Districts, and expressed a desire for clearer guidance from the Division on some issues. District offices that were more heavily impacted by the reorganization continue to re-calibrate their programs to ensure effective public water system oversight.

Resources which were unchanged through the 2012 reorganization contributed considerably to the continued strength of Florida's PWSS program. These resources include FDOH-HQ and FDOH offices, the continued use of 14 geographically-targeted District and FDOH offices to maintain close working relationships with public water systems operators, the technical support contract with FRWA, and the Division's continued maintenance of several tools for managing data and information essential to the PWSS program.

Recommendations

The 2012 reorganization refocused Florida's PWSS program on the critical goals of strengthening overall program consistency, and renewing focus on timely accomplishment of program priorities (such as the prevention and resolution of health-based violations). The associated reorganization of staff and resources disrupted many valuable coordination pathways that existed under the old organization. Some expertise was also lost during the reorganization. The re-tooling period that is now occurring is critical to ensuring that Florida maintains and establishes communication pathways and tools that will allow them to best accomplish the priorities of the PWSS program under the new organization. Based on information gathered during this priority review, the following program coordination-related activities are recommended as key to strengthening Florida's PWSS program.

Regular, established communications have historically provided the Division, District and FDOH offices with some of the most valuable ways to leverage the expertise and resources available in the many offices that comprise Florida's PWSS program. Interviewed staff unanimously stated that regular face-to-face meetings (such as the annual FDEP PWS conference and quarterly PCE meetings) were the most valuable tools, as these provided the broadest exchange of PWSS program and technical information to the greatest number of staff. Reinstatement of these meetings would strengthen staff knowledge and promote rebuilding of communication pathways. Continued strengthening of regular communication pathways between District offices would increase the exchange of information and expertise relevant to direct oversight of public water system facilities. Increased District expertise could also be leveraged by FDOH offices.

EPA Region 4 recommends FDEP lead a statewide assessment of technical and programmatic training needs of all offices given the number of new drinking water regulations and new staff to the program. A re-tooling of Florida's training program that allows PWSS program offices to better identify and address training needs would be helpful.

Individual offices provide various levels of internal training, but this could be supplemented with the resources and expertise available from other offices across the state. Reinstatement of the face-to-face meetings noted earlier would provide an efficient means for providing broadly-needed training, such as guidance on program enforcement tools and priorities as well as provide a meaningful opportunity for offices to share training plans (such as the training program being developed by the SW District).

Some re-tooling of the Division's standard Program Evaluation template may increase the usefulness of Program Evaluation findings. These regular program evaluations of District and FDOH offices provide an excellent tool for consistently evaluating key components of Florida's PWSS program. However, for some components, the information collected does not clearly explain the basis for differing, or lower, scores among offices. This finding primarily applies to components that do not include reviews of specific public water systems (i.e. Organization/Staffing/Resources, DEP Coordination/Assistance and Training components). Questions and scoring mechanisms used for these components could be re-examined and modified to better characterize office strengths or deficiencies. For example, the Division might

develop a standard process for updating core training courses to reflect changing program priorities and individual office needs.

Florida's PWSS program may strengthen external coordination though increased participation by local office level in EPA's Area Wide Optimization Program (AWOP) program. This participation would allow office staff to better evaluate and assist surface water systems in optimizing treatment goals and enhancing microbial and disinfection byproduct control. The technical expertise gained could also be shared with other offices.

Local District and FDOH offices are encouraged to make use of the OCULUS and Permitting Application document management systems, particularly in an effort to coordinate compliance and permitting activities.

Disinfection Byproduct Rules Implementation

Background

DBP Rules Implementation was selected as a priority for review based on an analysis of state-wide violation data by specific contaminant group. Other than total coliform MCL violations, DBP MCL violations represented the greatest number of health-based violations for water systems in Florida over the past five years. Many water sources in Florida have high quantities of naturally occurring organic matter. When the water with high levels of organics is disinfected with chlorine, high levels of disinfection byproducts can form. Levels of many DBPs increase with water age in finished water storage tanks and distribution systems. Treatment strategies for DBPs can include adjustments to treatment systems (examples: removal of organics prior to disinfection, change of disinfectant, pH adjustment, or removal of DBPs after formation, etc.) or changes to operations of distribution systems (examples: adjustments to storage tank levels or fill/draw cycles, flushing practices, elimination of "dead ends" in distribution lines, etc.).

Over the past few years States and water systems have been transitioning from monitoring requirements associated with the Stage 1 Disinfectants and Disinfection Byproduct Rule to the Stage 2 DBP Rule. Some of the key changes include the number, frequency and locations of routine monitoring, inclusion of consecutive water systems to rule requirements, and how compliance is calculated based on locational running annual averages. The transition from the Stage 1 to Stage 2 Rule involved a period of time when EPA Region 4 was implementing aspects of rule focused on identifying potential new monitoring locations. These early implementation activities were a result of the regulatory timeline beginning before states were required to have the rule adopted. As a result, FDEP and FDOH field staff played a limited role in training and implementation associated with monitoring site selection. FRWA did provide a significant amount of outreach to water systems during this time. Florida had adopted the Stage 2 Rule by the time routine monitoring requirements began and worked with water systems to finalize monitoring plans.

Priority Evaluation Method

Region 4 utilized a combination of data analysis, personnel interviews and onsite file reviews to evaluate strengths and needs associated with Florida's implementation of the DBP Rules. Data analysis include reviews of DBP monitoring results from Florida's PWS Database and DBP violation data available from EPA's SDWIS data system. Interview questions were used to determine strategies utilized to affect system compliance, understand expertise levels and resource demands for staff and management, and to gage consistency in implementing the regulations and guidance associated with the DBP Rules. File reviews included a review of information used to develop system monitoring plans, an evaluation of system monitoring data to ensure monitoring was done in accordance with the plan, and a review of compliance determinations based on the analytical results. A complete list of the files reviewed is provided in Appendix A.

Key Findings

Most health-based violations for chemical monitoring in Florida are associated with DBPs.

Review of DBP monitoring results from the PWS Database identified a significant number of questionable values of "0" for TTHM and HAA5 analytical results, often at systems/locations that had previous and subsequent high levels. While some amount of fluctuation of results is expected, systems with detected levels greater than ½ of the MCL typically do not have fluctuations that would result in associated non-detect levels.

Staff determine compliance manually based on review of monitoring results as the Stage 2 module of the PWS Database was not yet available at the time of the review. The module has since been completed. Errors were identified in both water system reporting and state compliance determination including:

- Incorrectly calculating the locational running annual average of monitoring results
- Water system not monitoring in correct months
- Failure of systems to submit Operational Evaluation Reports when required
- Changes in monitoring locations without justifications

Staff have had training on DBP rule compliance. However, very few staff indicated they had much, if any, training related to DBP formation and/or treatment.

Reviewers found recommendations to water systems on flushing strategies that are not supported by EPA and will result in masking ongoing health risks to water system customers.

Some offices have made efforts to integrate compliance and permitting activities to ensure DBP compliance is considered in project review and the potential need for DBP monitoring plan changes based on relevant water system infrastructure changes. Efforts range from having the same staff perform both engineering review/permitting and compliance determination, to developing a liaison responsibility between permitting and compliance office staff.

Recommendations

There is a need for District and County staff to re-evaluate DBP monitoring locations identified in Stage 2 Monitoring Plans. FDEP and FDOH should consider enhancing the review of distribution systems during sanitary surveys to include an evaluation of DBP monitoring locations. Considerations for enhancing the sanitary survey include:

- Checking disinfectant residual levels (and pH when available) to assess water quality at areas of high probable water age relative to approved DBP compliance monitoring locations.
- Reviewing flushing practices to determine if water systems are using practices to improve water quality system-wide or just at compliance locations.
- Visit the DBP monitoring locations to identify any changes (e.g. installation of auto-flushing device) that may give reason to modify the monitoring plan.
- Evaluate the appropriateness of changing one monitoring location to Point of Entry for consecutive systems based on the number of monitoring locations and associated baseline data already collected. POE data can be valuable for coordination between wholesale and consecutive water systems.

Provide technical training to staff on how to limit DBP levels in water systems through improved distribution system operation practices. The AWOP implemented in Region 4 has been used by several states to provide training to water system personnel on DBP compliance strategies that minimize the need for costly infrastructure and to develop the staff expertise to perform the enhanced sanitary survey practices outlined above. Due to the low number of surface water systems in the state, FDEP has minimally participated in EPA's AWOP. With the network's significant change in focus to disinfection byproducts, FDEP should engage all districts and counties with opportunities to participate in AWOP.

FDEP should investigate the number of "0" monitoring results to determine if there are any obvious laboratory or data entry errors, or any trends that would raise question as to the integrity of the results.

FDEP-HQ should continue to prioritize development of the PWS Database to facilitate implementation tasks for inspectors and compliance officers.

Data Management

Background

One of the required functions of delegated PWSS Programs is to maintain a data management system for tracking compliance, enforcement actions and public water system inventory. FDEP-HQ's database for the drinking water program is the Oracle-based PWS Database. Reports are produced in Active Server Pages. Data are transmitted to SDWIS/Fed via an Extensible Markup Language file created from extrapolated data. Data are reported quarterly, including inventory, samples and violations and enforcement updates.

Automated compliance determinations for TCR, GWR, Phase II/IV, RAD, CCR, Turbidity and Stage 2 DBPs (just recently, in time to evaluate 1st Q 2015) are performed by the PWS Database nightly and verified by the district and county offices. All violations are posted automatically but can be over-ruled by the point person in each office. All other compliance determinations are entered manually within the individual offices, as are all violation letters and enforcement actions.

FDEP uses the SDWIS/Fed error reports to correct errors but finds that the ".pdf" format is not useful. That format is too difficult to mark up and data cannot be sorted. FDEP would greatly prefer data in Excel spreadsheets.

Key Findings

The Division has developed and maintains several effective tools for entering and accessing PWSS data and reports including:

PWS Database – In addition to tracking lab samples, the PWS Database tracks inventory, permit compliance/enforcement, monthly operations, inspections and complaints. The PWS Database includes reports for staff, but also posts five reports to the public FDEP website that are further divided by year or geographic area. Basic Facility Reports, Flow Data and Plant Treatment Data files are updated quarterly. Chemical Data and Microbiological Data files are updated annually in March. Reports provide information on sample results, average/max monthly flows, types of water treatment, the type of system, address, capacity, sources of water, population and service connections served, dates the Department performed the last sanitary survey, and the dates the last bacteriological and inorganic/organic contaminant testing was performed.

PA (Permitting Application) System – database that tracks the permit application process to ensure statutory time clocks are met.

OCULUS – an electronic, web-based document management system that allows the public and staff to search and review permitting documents, lab reports, inspections, etc. within DEP and at two of eight FDOH offices.

FDEP-DW standardized PDF/Word data/information entry forms - for use by public water systems and laboratories to document: (1) Permitting/Construction/O&M activities (Chapter 62-555.900 F.A.C.) and (2) reporting results for required test measurements or analyses (Chapter 62-550.730 F.A.C.). Users may generate computer-generated versions of same (see http://www.dep.state.fl.us/water/drinkingwater/forms.htm).

NEXUS – user-friendly information portal for retrieving documents from OCULUS archival database.

PASS (Permit Application Subscription Service) System - Allows user to receive automated, customized notification of permit application status (e.g by application types, geographic area, etc.)

Data entry and compliance determination tools available through the PWS Database provide staff in all offices with a rapid, reliable, consistent way to upload system monitoring data and accurately calculate compliance. The value of this tool was readily apparent during staff interviews, as staff unanimously emphasized the need for the Division's soon to be released DBP Stage 2 compliance determination tool.

Use of a state-developed tool also allows staff to more easily request helpful database changes. Simpler changes are implemented by Division staff, while more comprehensive changes are made by staff in OTIS. Requests to OTIS are sometimes delayed, as OTIS must prioritize database needs for multiple programs. The Division works to maintain the priority level of key PWS Database updates, but limited OTIS resources are an ongoing challenge.

The Division also maintains two web-based document tracking systems that allow staff and the public to obtain SDWP documents of interest. OCULUS houses copies of permitting, lab, inspection, operational and compliance/enforcement documents. The PA System allows the user to retrieve permit applications currently under review. While these systems may provide a valuable resource to inspectors and permit reviewers, it is unclear to what extent some offices use these systems. More comprehensive training on these systems may facilitate the exchange of information between permitting and compliance staff.

Recommendations

Florida's PWSS program should continue to implement a strong data and information management program that is available to all offices. The PWS Database addresses a critical need, providing a consistent suite of tools for data entry and compliance determination that can also be modified to address staff needs.

External Outreach

Background

In selecting topics for review, FDEP's compliance assistance outreach to public water systems was identified as a program strength. The review included a combination of document review and interviews of key staff and managers. With recent changes in drinking water law (Stage 2 DBP Rule, Ground Water Rule, Reduction of Lead in Drinking Water Act, Revised Total Coliform Rule), water systems are increasingly dependent on state agencies to provide the outreach necessary to explain the details of the rules and regulations that will ensure sector compliance and protection of public health.

FDEP and FDOH value a strong relationship with the regulated community and strive to ensure that, where possible, concerns are addressed through compliance assistance activities prior to water systems incurring a potential violation. Florida's drinking water program achieves outreach to water systems through site visits to water systems, training classes, contracts with technical assistance partners, and direct mailings to water systems and water system professionals.

Key Findings

FDEP and FDOH utilized a number of mechanisms to provide meaningful outreach activities to public water systems, including:

- Drinking Water Technical Assistance Program
- Contract with FRWA to provide training and operator certification
  - Focus on Change training seminars ~ 6 events/year
  - Water treatment plant operator certification ~16 events/year
  - Water distribution system certification training ~5 events/year
  - Water treatment plant operation and maintenance ~17 events/year
  - Electrical safety and generator set up ~ 1 event/year
  - Treatment technologies and conservation ~ 1 event/year
  - Emergency Response Plans ~ 0-1 event/year
  - Over 3,000 technical assistance site visits/year from Circuit Riders
- Limited Involvement in Area-Wide Optimization Program
- Operator Certification Program
- Floridian Newsletter
- Sanitary Surveys and other inspections

Florida's strong suite of outreach tools provide office staff with ways to enhance coordination with local public water system operators. The Division's Technical Assistance Program assists all offices in resolving technical, managerial and financial challenges of individual public water systems at no cost to those systems. The contracted services of FRWA are frequently used by smaller rural water systems. FRWA also provides training on various topics of interest to both system operators and FDEP and FDOH staff, including full-day sessions during the "Focus on Change" seminars which are held year-round at locations throughout the state. Available training sessions are listed on the FRWA website. The Division participates minimally in EPA's AWOP, and uses this program to more closely evaluate and assist the ability of surface water systems to optimize disinfection and filtration treatment goals and enhance microbial and disinfectant byproduct control. While participation has recently decreased, staff interviewed in some District and FDOH offices expressed interest in increasing participation in order to benefit public water systems while strengthening the expertise of office staff.

All offices expressed a need for greater technical training of inspectors, compliance, and permitting staff citing a concern with being able to adequately address simultaneous compliance concerns with water systems. Some entities expressed concern over a perceived loss of drinking water programmatic expertise within FDEP.

The Division offers a Sanitary Survey School annually to train newer FDEP and FDOH inspectors on not only the eight elements that are required by EPA when conducting a sanitary

survey, but also on operation and maintenance activities, as well as treatment theory and technologies.

Customer complaints made to the state are address in a timely and appropriate fashion. There was some uncertainty as to what FDOH laboratory support is available to District staff when responding to customer complaints.

Every office makes a concerted effort to send letters to each water system annually to provide minimum monitoring requirements to ensure water systems complete all required monitoring.

Recommendations

Florida should continue to implement a strong PWSS outreach program. FRWA contracted services and training sessions provide invaluable support to local offices in their efforts to assist public water system operators. Focus on Change seminars also provide opportunities for exchange between office staff and public water system operators, strengthening communications between these parties.

Consider exploring the appropriateness of addressing laboratory support for bacteriological monitoring in the interagency agreement between FDOH and FDEP. The support would be used when responding to customer complaints or in carrying out any special studies that would enhance the value of Department outreach for water systems.

EPA Region 4 believes District and County staff participation in the AWOP would facilitate improved outreach to water systems. In addition to new regulations, large turnover in drinking water staff, in some areas, has created a need for increased investment in drinking water program training. EPA Region 4 strongly encourages Districts and Counties to interact more, through routine meetings and trainings, to discuss implementation challenges/successes so that expertise across the state is better leveraged to fill the knowledge gaps associated with new regulations and new program staff.

Appendix A

Florida Drinking Water Program Priority Review
File Review Summary

For the enforcement cases, EPA Region 4 reviewed all actions and associated non-compliance over the past 3 years (2012-14). The case files should contain all of the case development work (violations, initial correspondence, informal and formal actions, etc.) even if prior to 2012. Example: If an enforcement order was issued in 2012 for an arsenic violation in 2010, EPA Region 4 evaluated everything from 2010 up until the system returned to compliance.

For the DBP files, EPA Region 4 reviewed files for monitoring results, monitoring plans, documents used in developing/approving monitoring locations, correspondence related to monitoring location changes, and documents related to compliance assistance outreach.

Broward County DOH

Enforcement Case Files

FL4060402	Everglades Holiday Park
FL4061517	Royal Utility Company
FL4064392	Kids Paradise

Disinfection Byproduct Files

FL4060402	Everglades Holiday Park
FL4060254	City of Deerfield Beach

Miami-Dade County DOH

Enforcement Case Files

FL4131403	American Village
FL4130833	Jones' Trailer Park
FL4130970	City of North Bay Village

Disinfection Byproduct Files

FL4131403	American Village
FL4130871	MDWASA
FL4131531	Virginia Gardens
FL4131001	Opalocka

Tampa, SW District

Enforcement Case Files

FL6095083	Seven Rivers Professional Center
FL6272304	Camper's Holiday
FL6510807	Holiday Gardens Utility, Inc.

Disinfection Byproduct Files

FL6512033	PCUD Blanton Lake Park
FL6520336	Clearwater Water System
FL6521576	Safety Water
FL6277059	Hernando Co. Utility-West
FL6280049	City of Avon Park

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Armstrong, Kathy

From: Driskell, Amanda
Sent: Monday, June 08, 2015 1:33 PM
To: Humphris, Allison; Smith, Brian
Subject: Florida Edits
Attachments: FIPriorityReview_CompleteDraft-060815 enf edits.docx

Attached is the edited document for the enforcement section of the report based on Becky's comments.

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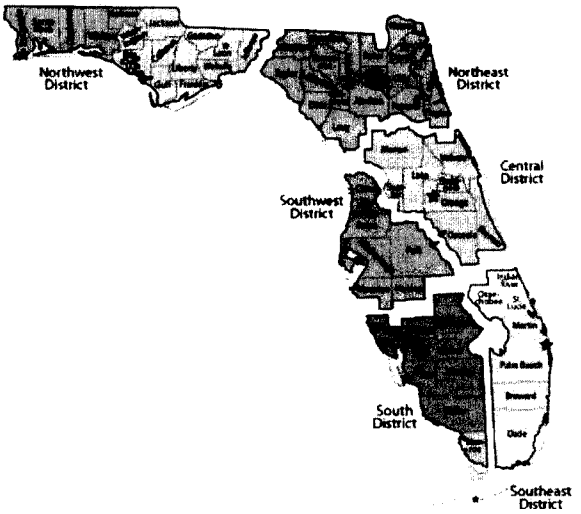
PRIORITY REVIEW

OF THE PUBLIC WATER SYSTEM SUPERVISION PROGRAM FOR THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

DRAFT REPORT



Prepared by the
Environmental Protection Agency, Region 4
Drinking Water Section, Water Protection Division

June 1, 2015

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Appendix A - Florida Drinking Water Program Priority Review – File Review Summary

EXECUTIVE SUMMARY

In December 2014, staff from the U.S Environmental Protection Agency Region 4 Drinking Water Section (EPA Region 4) conducted a Priority Review of Florida's Public Water System Supervision (PWSS) Program. The Priority Review is an oversight approach developed by Region 4 to assess the needs and success of a PWSS Program, based on an in-depth review of priority areas jointly selected by the state and EPA Region 4. EPA Region 4 and Florida identified five specific areas of Florida's Program for review, including (a) enforcement of drinking water regulations, (b) internal state coordination between the Florida Department of Environmental Protection (FDEP) and the Florida Department of Health (FDOH) on the PWSS program, (c) disinfection byproducts (DBP) rule implementation, (d) data management and (e) external outreach.

The priority areas were assessed through review of existing documentation submitted to EPA Region 4, review of selected water system files and interviews with staff and managers. If approaches in need of improvement were identified, Region 4 discussed and attempted to identify possible remedies for these concerns with Florida PWSS program staff. Following is a summary of key findings for each priority area and key recommendations on how to address areas needing improvement.

- Enforcement of Drinking Water Regulations
  In general, FDEP runs a strong enforcement program that facilitates the compliance of most Public Water Systems with Safe Drinking Water Act (SDWA) regulations. In the vast majority of cases, Florida's Program is timely in responding to violations. Few cases do not meet the expectations for issuing formal enforcement to significant violators according to EPA's Enforcement Response Policy (ERP) (see http://www2.epa.gov/sites/production/files/documents/drinking_water_erp_2009.pdf). However, the expectation to meet ERP timeframes are not expressed in FDEP's enforcement manual or any other policy. FDEP's Division of Water Resource Management (the Division) should clearly communicate the expectation that systems identified as priority systems on the Enforcement Targeting Tool (ETT) list must be addressed within two quarters of appearance on the list. Violation and enforcement data is not always submitted to SDWIS in a timely manner. The date of enforcement action, as entered into the Division's Potable Water System (PWS) Database and ultimately into SDWIS, is not always clear and consistent. Additionally, violations are not always accurately linked to the appropriate enforcement mechanisms. Processes should be established to ensure that this data and information is provided in a timely, clear and consistent manner. To assist with this goal, FDEP should also ensure that enforcement files include all records of all decisions made with regard to enforcement actions. The Division's Peer Review Process provides a good means for ensuring consistency of enforcement activities.

(b)(5) Deliberative Process Privilege

[redacted]

(b)(5) Deliberative Process Privilege

[redacted]

- DBP Rule Implementation
  Most chemical health-based violations in Florida are associated with DBPs. Staff interviews and file reviews identified potential vulnerabilities in DBP rule implementation, mostly associated with a lack of understanding of DBP formation, DBP control strategies or minimal review of monitoring results for compliance determination. Office staff should re-assess water system monitoring plans and sampling protocols during sanitary surveys or other routine site visits. The Division should provide staff access to technical training on the formation and/or treatment of DBP, allowing staff to better evaluate current monitoring locations and/or proposed changes to those locations. Additional data review protocols may also be needed to ensure that any questionable monitoring results reported are identified and resolved. Florida's Drinking Water Program would benefit from expanding District and County staff participation in the Area Wide Optimization Program (AWOP) training and field evaluation activities. This would help address the need for staff training on DBP formation and treatment and improve compliance assistance offered by inspectors, resulting in improved public health protection.

- Data Management
  The Division has developed and maintains several effective tools for reporting and accessing drinking water program data and information. These include the PWS Application, which includes both an Oracle-based database and an internal communications website; standardized PDF/Word data/information entry forms for use by public water systems and laboratories; OCULUS document management system; NEXUS user-friendly portal for retrieving documents from OCULUS; Permit Application Subscription Service (PASS) system for receiving automated notifications of permit application status. The PWS Database in particular addresses a critical program need by providing a consistent suite of tools for data entry, data retrieval and compliance determination. Many of the other tools developed also provide valuable information to the public. Florida should continue to provide strong support for the maintenance and continued development of these tools.

- External Outreach
  FDEP and FDOH value a strong relationship with the regulated community and strive to ensure that, where possible, concerns are addressed through compliance assistance

activities prior to water systems incurring a potential violation. All offices expressed a need for greater technical training of inspectors, compliance and permitting staff, citing a concern with being able to adequately address simultaneous compliance concerns with water systems. In addition to new regulations, large turnover in drinking water staff, in some areas, has created a need for increased investment in drinking water program training. EPA Region 4 strongly encourages Districts and Counties to interact more, through routine meetings and trainings, to discuss implementation challenges and successes, so that expertise across the state is better leveraged to fill the knowledge gaps associated with new regulations and new program staff.

INTRODUCTION

The U.S Environmental Protection Agency Region 4 Drinking Water Section (EPA Region 4) developed a protocol, called a Priority Review, for assessing the performance of state Public Water System Supervision (PWSS) Programs and for evaluating the adequacy of resources dedicated to identify priorities for individual state programs. The Priority Review replaces EPA's Data Verifications that historically reviewed state data associated with each rule in the National Primary Drinking Water Regulations. The new approach is intended to be transparent and targeted in assessing a few priority focus areas identified in a collaborative effort between the state and EPA Region 4. The following priority areas of focus have been identified for Florida:

1. Enforcement of drinking water regulations
2. Internal state coordination between FDEP and FDOH on the drinking water program
3. Disinfection Byproduct (DBP) Rules implementation
4. Data Management, and
5. External outreach

EPA Region 4 used three basic methods to obtain information: (1) identification and review of key documents and tools used by Florida to implement their PWSS program (e.g. guidance, websites, internal review protocols, databases, file management systems, reports, etc.), (2) interviews with managers and staff, and (3) review of individual system files. For the third method, EPA Region 4 selected systems for the review that were likely to provide a good understanding of Florida's approach to addressing more challenging and problematic situations.

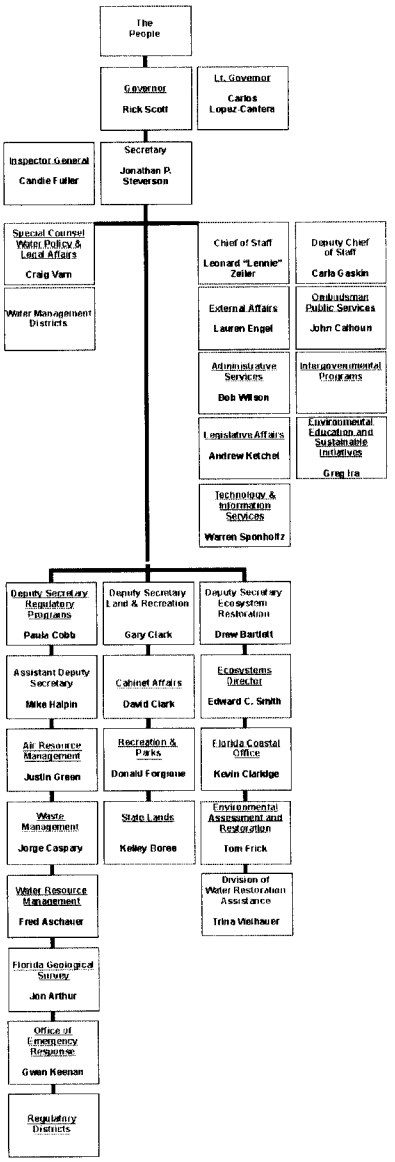
OVERVIEW OF FLORIDA'S PWSS PROGRAM

EPA gives flexibility to state primacy agencies for required PWSS program activities. In Florida, PWSS implementation activities are spread over a decentralized organizational structure. FDEP has the primary role of regulating public water systems in Florida. The Source and Drinking Water Program (SDWP) located in the FDEP headquarters in Tallahassee (FDEP-HQ) is responsible for writing rules, developing policy, managing funds, providing training and managing special initiatives. The Water Compliance Assurance Program (WCAP), also located in FDEP-HQ, is responsible for oversight, tracking and reporting of enforcement and compliance

activities and data management. The enforcement of rules and permitting of new construction for individual public water systems is handled by six FDEP district offices. In eight Florida counties FDEP-HQ has delegated this enforcement and permitting authority to local approved FDOH county health departments through an Interagency Agreement. FDEP-HQ has also delegated laboratory certification to the FDOH Laboratory in Jacksonville.

FDEP environmental programs are divided into three main areas, one of which is Regulatory Programs (Figure 1). The Deputy Secretary for Regulatory Programs provides oversight and direction to four FDEP-HQ regulatory divisions, including the Division of Water Resource Management (Division) and six regulatory district offices.

Figure 1. FDEP Organizational Structure (last updated April 6, 2015)



The SDWP and WCAP programs are both located within the Division, while the regulatory district offices report directly to the Deputy Secretary for Regulatory Programs. Following is a complete list and description of all programs which contribute to FDEP's implementation of Safe Drinking Water Act (SDWA) requirements.

Florida Department of Environmental Protection

FDEP-HQ Division of Water Resource Management (Division):

- SDWP: Coordinate overall PWSS implementation through policy and rule development, and management of funding, training and special initiatives. Ensure all SDWA program requirements are conducted and reported to EPA as outlined in the annual PWSS workplan.
- WCAP: Facilitate statewide coordination of compliance and enforcement activities by providing and/or supporting the development of guidance and training to ensure consistency among the six District Offices for state Drinking Water and Wastewater Programs. Integral to this consistency are the automated nightly compliance routines for evaluating lab results (discussed further under the Data Management section of this report). Ensure all SDWA compliance and enforcement activities are conducted and reported to EPA as outlined in the annual PWSS workplan commitments.

FDEP-HQ Office of General Counsel (OGC): Provide legal counsel and represent FDEP in implementing enforcement, permitting and programmatic actions. Provide training and consultation to FDEP staff.

FDEP-HQ Office of Technology and Information Services (OTIS): Manage functionality and security of the information technology systems that support FDEP mission success. Provide application development and customer support services to FDEP divisions and regulatory districts that use regulatory databases, including SDWP and WCAP support needs for public water systems.

FDEP Regulatory District Offices: Coordinate and implement all permitting, compliance and enforcement activities for counties located within District boundaries, including permit reviews, facility inspections, compliance assistance, rule enforcement and response to reports of environmental damage. Six separate offices serve counties located in the Northwest, Northeast, Central, South, Southeast and Southwest portions of the state. Provide legal, technical and training assistance to delegated FDOH county offices.

Florida Department of Health

- The current FDEP-FDOH Interagency Agreement delegates lead PWSS program implementation authority from the responsible FDEP District Office to FDOH offices in the counties of Broward, Miami-Dade, Hillsborough, Lee, Sarasota, Palm Beach, Polk and Volusia. Delegated FDOH county offices coordinate and implement permitting, compliance and enforcement activities for that county.
- The FDOH laboratory in Jacksonville maintains a State program for the certification of laboratories conducting analytical measurements of all drinking water contaminants, in

accordance with Florida Statutes 403.862-.8635 and Florida Administrative Code (F.A.C.) Chapter 62-550.550.

South Carolina Department of Health: South Carolina's radiological laboratory is the designated Principal State Laboratory for radionucludes for Florida, in accordance with an MOA approved by SESD on January 28, 2013.

This organization is significantly changed from the structure that was in place during the previous 2009 Program Review conducted by The Cadmus Group, Inc. on behalf of EPA. In 2012, FDEP underwent a reorganization which affected both FDEP-HQ and FDEP District offices. At FDEP-HQ, the source and drinking water program staff were merged to form the Source and Drinking Water Program. Staff were relocated from the Drinking Water Program to support (1) formation of a centralized compliance and enforcement group (WCAP) and (2) OTIS. District boundaries were redrawn, and resources were re-allocated, to allow for a more even distribution of resources among FDEP District offices. A primary objective of this reorganization was to improve program efficiency/effectiveness and promote consistency and cross-utilization of resources, particularly in the areas of compliance determination and data management.

FDEP's authority to implement provisions of the SDWA derives from Chapter 403, Part VI, Florida Statutes and by delegation of the federal program from the U.S. Environmental Protection Agency. The Department has promulgated a number of rules in Chapters 62-4, 62-550, 62-555, 62-560, 62-602 and 62-699 F.A.C. to address drinking water standards, monitoring and reporting; public water system permitting and compliance; and treatment plant operators, classification and staffing. These requirements impact approximately 5245 federally regulated public water systems with approximately 1649 (or 31%) of Florida's public water systems being community water systems, approximately 776 or (15%) being non-transient non-community systems, and approximately 2820 or (54%) being transient non-community systems (Table 1).

Table 1. Count of Florida Public Water Systems by Type and Source

PWS TYPE	WATER SOURCE	COUNT
CWS	Surface Water only	5
	Surface & Ground Water	69
	Ground Water only	1575
NTNC	Surface Water only	0
	Surface & Ground Water	4
	Ground Water only	772
TNC	Surface Water only	5
	Surface & Ground Water	1
	Ground Water only	2819
TOTAL		5245

PRIORITY REVIEW OF SELECTED PROGRAM AREAS

Enforcement of Drinking Water Regulations

Background

Compliance and Enforcement Program Implementation was selected as a priority for review in order to assess whether a state is implementing the requirements of the PWSS program. The states ensure that human health is safeguarded by enforcing the requirements of the SDWA to ensure that the states' public drinking water supply and its sources are protected. Historically, the reviews of the states' PWSS programs, whether that be through a Data Verification, Program Review, or a Priority Review, did not typically include an evaluation of the compliance and enforcement program at the states. EPA Region 4 has determined that this is an important aspect of a review of the implementation of a PWSS program, and plans to include this in future Priority Reviews, as appropriate. Through this review, EPA Region 4 promotes regional consistency, identifies successes in implementation of the PWSS program, and identifies opportunities for improvement in the compliance and enforcement programs.

In January of 2010, EPA began implementation of a new enforcement approach designed to help our nation's public water systems comply with the requirements of the SDWA. This new approach replaced the previous system of a contaminant to contaminant compliance strategy with one that focuses attention on the drinking water systems with the most serious or repeated violations. This strategy identifies public water systems with violations that rise to the level of significant noncompliance by focusing on those systems with health-based violations and those that show a history of violations across multiple rules. This system-based methodology is intended to ensure consistency and the integrity of the PWSS national enforcement program. This approach includes a revised Enforcement Response Policy (ERP) and new Enforcement Targeting Tool (ETT).

The ETT uses a tool that enables the prioritization of public water systems by assigning each violation a "weight" or number of points based on the assigned threat to public health. Points for each violation at a water system are summed to provide a total score for that water system. Water systems whose scores exceed a certain threshold ~~will be~~are considered a priority system for enforcement.

EPA recognizes that states carry out both formal and informal enforcement and compliance assistance activities. These activities are effective tools for achieving compliance. Nevertheless, systems specifically identified by the ETT as priorities must be returned to compliance (RTC) or EPA will expect formal, enforceable mechanisms to return such systems to compliance. States are expected to escalate their response to ensure that RTC is accomplished. Once a public water system is identified as an enforcement priority on the ETT list, an appropriate formal action or RTC will be required within two calendar quarters to be considered "timely". However, regardless of a public water system's position on a state's ETT list, EPA expects that states will act immediately on acute, health-based violations and subsequently confirm that systems with such violations return to compliance.

Priority Evaluation Method

Region 4 utilized a combination of data analysis, personnel interviews, comparison of established program strategies with the ERP, and onsite file reviews to evaluate Florida's successes in implementation of the PWSS program and identify opportunities for improvement in its compliance and enforcement program. Data analysis included a review of the EPA ETT Tracker, which is a tool that provides useful metrics and graphing capabilities for systems' current and past ETT scores for up to twenty (20) quarters. This information was used to aide in the selection of the files to be reviewed and get a rough evaluation of Florida's ability to timely and appropriately return systems to compliance or issue formal, enforceable mechanisms that will return a system to compliance. Additionally, EPA's SDWIS data system was used to determine what violations and enforcement had been done for each of the selected files to review. ~~Nine (9) files were selected for review, however, only e~~Eight (8)files were selected for review~~ed~~ (see Table 2. Timeline for Settlement of Identification as a Priority System on the ETT List below). Interview questions were used to understand the dynamics of the organization including staffing resources and demands and to determine how the established program strategies were being implemented with regards to Florida's compliance and enforcement program. The *Department of Environmental Protection (DEP) Enforcement Manual* and *Directive* 923 were reviewed for consistency with the EPA ERP requirements to ensure that these policies enabled the state to meet the requirements of timely and appropriate compliance and enforcement. File reviews included a review of the violations determined, an evaluation of the enforcement mechanisms issued for consistency with the *DEP Enforcement Manual* and the EPA ERP, and a comparison of the information found during the file review with the data reported to EPA's SDWIS data system.

Key Findings

The accuracy of data reported by FDEP to SDWIS was found to be in need of improvement in the following ways:

- All violations identified in the file and/or provided from the FDEP tracking system, are not being submitted to SDWIS. This discrepancy was found in the District office and both FDOH offices. Primarily the violations that are not being submitted are monitoring and reporting violations for various parameters. For the identified systems, 6 of the 8 reviewed had violations noted in the file/data provided that were not identified in SDWIS.

- Enforcement actions taken and submitted to SDWIS, are either not being timely uploaded, properly linked to relevant violations, and/or the data uploaded is inconsistent with the documents provided for review. For the identified systems, 7 of the 8 reviewed had discrepancies with the information for the enforcement actions submitted to SDWIS. Specifically, for the files reviewed, there were instances where violation(s) were linked to enforcement actions that upon review of the enforcement action, it was determined that the action did not include or address those violations. Also, there were several instances where the data submitted to SDWIS showed multiple dates for the same enforcement action. It appears that the dates of enforcement are not being consistently entered (i.e.

dates were submitted for the signature date of the effective order, receipt date of the effective order, or the date the proposed order was sent to the respondent). So it was noted that at times there would be two formal actions entered into SDWIS when there was only one issued.

During the file review, EPA Region 4 tracked compliance and enforcement mechanisms used and evaluated them for timeliness and appropriateness of the action or return to compliance. Based on this review, the following was determined in regards to the timeline for systems identified as a priority on the ETT list to be returned to compliance or have a formal enforcement action issued.

Table 2: Timeline for Settlement of Identification as a Priority System on the ETT List

PWS ID	System Name	Date of First Appearance on ETT List as Priority System	Date of Settlement (RTC or issuance of Formal Enf)	Days Between ETT and Settlement	Settlement RTC or Formal Action ?	Quarters on ETT List as a Priority System
FL6095083	Seven Rivers Professional Center	9/30/2010	2/20/2013	874	RTC	10/2010, 01/11, 04/11, 07/11, 10/11, 1/2012, 04/2012, 7/2012, 10/2012, 1/2013, 4/2013, 7/2013
FL6510807	Holiday Gardens Util Inc.	3/31/2011	7/7/2011	98	Formal Action	04/2011, 07/2011, 10/2011, 04/2014, 7/2014, 10/2014
FL6510807	Holiday Gardens Util Inc.	3/31/2014	2/27/2014	-32	RTC	
FL6272304	Camper's Holiday	3/31/2011	4/15/2011	15	Formal Action	04/2011, 07/2011, 01/2013, 10/2013, 01/2014, 10/2014
FL6272304	Camper's Holiday	12/31/2012	6/5/2013	156	Formal Action	
FL4064392	Kids Paradise	12/31/2011	4/26/2012	117	Formal Action	01/2012, 04/2012, 07/2012, 04/2014, 07/2014
FL4064392	Kids Paradise	3/31/2014	4/24/2014	24	Formal Action	
FL4060402	Everglades Holiday Park	12/31/2009	3/23/2012	813	Formal Action	01/2010, 04/2010, 10/2011, 01/2012, 04/2012, 01/2013, 04/2013, 07/2013, 10/2013, 01/2014, 04/2014
FL4060402	Everglades Holiday Park	3/31/2013	3/13/2013	-18	Formal Action	
FL4061517	Royal Utility Company	3/31/2011	10/20/2010	-162	RTC	04/2011, 07/2013, 10/2013, 01/2014
FL4061517	Royal Utility Company	6/30/2013	2/12/2013	-138	Formal Action	
FL4131403	Americana Village	3/31/2010	8/28/2012	881	RTC	04/2010, 07/2010, 10/2010, 01/2011, 04/2011, 07/2011, 10/2011, 01/2012, 04/2012, 07/2012, 10/2012, 01/2013, 04/2013, 07/2013
FL4130833	Jones Trailer Park	12/31/2009	9/30/2011	638	RTC	01/2010, 04/2010, 07/2010, 01/2011, 04/2011, 07/2011, 10/2011, 01/2012, 01/2013
FL4130833	Jones Trailer Park	12/31/2011	10/3/2012	277	RTC	
Average Days Between ETT and Settlement				253.07		

Note: Some of the systems had multiple dates evaluated because they were bouncing on and off the ETT Priority List

For the evaluated systems, only two (for all the specified appearances on the ETT List as a priority system) met the 2-quarter timeliness goal established in the EPA ERP, 3 of the 8 met the goal for one of the appearances on the ETT list but not for all of the appearances, 6 of the 8 did not meet the goal for one or more of the appearances the system had on the ETT List as a priority system. On average for the identified systems (including those with multiple appearances as a priority system on the ETT List), the days between appearing on the ETT list as a priority and settlement of the violations was 253 days. This is in excess of the 2-quarter timeliness goal.

Also, in evaluation of the data above, there is an indication that formal actions and/or return to compliance data is not consistently being entered timely so that the ETT scores accurately depict the compliance and enforcement history. Therefore, some of the systems above, remained on the ETT list as priority systems multiple quarters after the resolving action had been issued.

During the file review, it was discovered that in 2 of the 8 files, enforcement actions were initiated but never completed and there was no explanation in the documents provided that explained why the action was not pursued. This was especially important information since both of those systems had been identified as priority systems for multiple consecutive quarters without returning to compliance or having a formal action issued.

The *DEP Enforcement Manual,* developed jointly by the Secretary, Deputy Secretary, and Assistant Deputy Secretary of Regulatory Programs, is periodically revised as necessary. The latest revisions occurred in September 2013 and October 2014 for the chapters addressing compliance and enforcement processes. The manual describes FDEP's enforcement organization, compliance options, enforcement options, inspections and investigations protocol, administrative process and remedies, judicial process and remedies, litigation procedures, data management, and penalty policies. Overall, the *DEP Enforcement Manual* is a thorough document which is provided to all District offices and authorized FDOH offices. However, when compared to the EPA ERP, it was determined that the *DEP Enforcement Manual* was not consistent with the EPA ERP in that it did not define an expectation of timely and appropriate enforcement. The *DEP Enforcement Manual* had no clear expectation and/or goal for timelines associated with issuing formal enforcement for systems that are identified as priority on the ETT nor for systems with acute, health-based violations. During the interviews and file reviews, it was determined that the goals of issuing formal enforcement varied between the offices evaluated. The Southwest District office indicated that they were given some established guidelines on the expectations of timely and appropriate enforcement in the annual *SWD Business Plans*. However, both FDOH offices (Broward County DOH and Miami-Dade DOH), indicated that there were no set timelines provided by FDEP-HQ for issuance of formal enforcement or returning the system compliance. Each of the FDOH offices had established goals/expectations for timely and appropriate enforcement on their own. In Broward County, for example, the written expectation for each employee is that enforcement actions start within five days of discovering any violation. In addition, actions commence immediately upon discovery of cases where public health may potentially be at risk.

Staff in the Division, Districts, and FDOH offices are provided with training on the *DEP Enforcement Manual* and *923 Directive*.

In February of 2013, the Division instituted a Peer Review Process. This Peer Review Process establishes that prior to the issuance of formal enforcement by the District offices, a Peer Review Recommendation Memo must be sent to the Division. The Division then reviews the Peer Review Recommendation Memo to determine if formal enforcement is appropriate, ensures that penalties are consistently calculated across all District offices, and that all regulations and violations are appropriately and consistently included in the enforcement. This process was established to ensure a consistent and equally applied approach to enforcement across all District Offices. This approach is not applied to the FDOH offices, who independently establish their

enforcement activities within the confines of the Interagency Agreement and the *DEP Enforcement Manual.*

The Southwest District office and Broward DOH office have both implemented a strategy of sending reminders to the systems of their monitoring responsibilities and timelines. The reminders are sent out to the systems at a minimum of annually and in some cases monthly or quarterly as well. These activities were implemented to decrease instances of monitoring and reporting violations. The Miami-Dade DOH office has also implemented a program that aides in decreasing monitoring and reporting violations, by conducting sampling for the small systems and as well as for the transient non-community systems and a few community systems. These sampling efforts are being done through a state laboratory in Miami.

Recommendations

Update the *DEP Enforcement Manual* or provide official written guidance to all offices of the following:

- The expectation to address those systems identified as priority systems on the ETT list within 2 quarters of appearance on the list, either by returning the system to compliance or issuing formal and enforceable enforcement as well as to act immediately on acute, health-based violations and subsequently confirm that systems with such violations return to compliance. This would help to ensure that the state is consistent with the EPA ERP, the state's PWSS grant work plan, and that the State is consistently implementing the compliance and enforcement program throughout all of the districts and authorized programs.

- The expectation that the date that is being used as the date of enforcement action, which is entered into the Potable Water System (PWS) Database and ultimately into SDWIS, is consistently the same date across all districts and authorized programs. Note: The date the proposed order is sent/signed, the date of receipt of the proposed order, and the date of signature by the respondent should not be used as the date of enforcement for reporting purposes. These dates are not indicative of an effective order.

Efforts should be made to ensure that data submitted to SDWIS is timely, enforcement action dates are accurately and consistently entered, all violations are identified and submitted to SDWIS, and that all violations are accurately linked to the appropriate enforcement mechanisms. FDEP should develop and implement revised procedures to ensure accurate reporting of enforcement and compliance information into SDWIS.

Records should be maintained in the file that denote any and all decisions made with regard to enforcement actions, such as if there is a change from the proposed document or a decision to not pursue the enforcement action initiated.

The Division should continue with the Peer Review Process initiated to ensure consistency of the enforcement activities across District offices, and evaluate whether the process should be

expanded to require that all formal actions, including those where both parties are in complete agreement, are submitted to the Division for review.

Internal state coordination between FDEP and FDOH on the drinking water program

Background

Program coordination was selected as a priority review topic due to the number of separate offices that implement Florida's PWSS program and the significant impacts that a 2012 FDEP reorganization had on many of these offices. A first goal of the review is to better understand what kinds of coordination activities occur between offices and how these activities impact PWSS program implementation. A second goal is to determine how the 2012 reorganization altered previous coordination tools and pathways and describe Florida's efforts to adjust to those changes.

As described in the Overview section of this report, Florida implements the PWSS program through multiple offices, each of which handles specified duties for a designated portion of the state. The Division manages Florida's overall primacy program and develops and maintains many of the resources used by six District offices and eight delegated FDOH offices. District and FDOH offices have autonomy to implement the program at the individual system level, but must conduct activities consistent with the Division rules, policy and guidance and communicate accomplishments and issues to the Division. The Division and District offices both report to FDEP's Deputy Secretary for Regulatory Programs. The 2012 reorganization redefined the FDEP's leadership structure and redistributed staff in the Division and some District offices in several ways, as described in the overview section of this report. FDOH offices were unaffected by the reorganization.

Florida's assignment of PWSS program duties to multiple offices and agencies allows the state to leverage significant additional resources and expertise. However, good communication and collaboration is needed to ensure effective, consistent operation of this decentralized program. The overall objective of this review is to ensure that effective mechanisms for ensuring good program coordination remain in place, and to document any particular strengths or weaknesses that require further consideration.

Priority Evaluation Method

Region 4 used a combination of document reviews and personnel interviews to understand past and present coordination activities in Florida and evaluate how well those activities support Florida's overall PWSS program implementation. The documents and information reviewed were obtained from EPA Region 4 files, Division files and the Division's SDWP website (http://www.dep.state.fl.us/water/drinkingwater/). Of these, the following documents provided information on Florida's internal and external program coordination activities:

- FDEP responses to EPA Region 4's PWSS Priority Review Background Questions
- FDEP's 2014 Operator Certification Program Annual Submittal
- FDEP's FY13 Annual Capacity Development Program Implementation Report

- FDEP's 2014 triennial report to the governor on "Florida's Strategy to Improve Public Water Supply"
- FDEP-HQ PWSS Program Review Reports for 2013-2014 program evaluations of FDEP District and FDOH county field offices
- Issues of the Floridan newsletter
- Information available to public water systems on the SDWP website

The Division also provided EPA Region 4 staff with a walk-through of the information and data management tools available on the Division's internal PWS Application during this review. These tools are accessible to all District and FDOH offices.

To obtain a range of perspectives on coordination activities, EPA Region 4 visited multiple offices that together represent a cross-section of PWSS program components. These included the Division office, the Southwest District office and FDOH offices in Broward and Miami-Dade counties. FDOH headquarters staff and Southeast District staff also participated in FDOH office visits. EPA Region 4 interviewed multiple staff at varying levels of responsibility in each office. The names of program managers and technical staff interviewed in each office were obtained from FDEP in advance. EPA Region 4 developed a comprehensive list of questions on internal, inter-office and external (i.e. outreach) coordination, and selected appropriate questions from this list for each interviewee, depending on that person's responsibilities. Program Coordination interviews were conducted with groups of employees, as this approach allowed office staff to provide a more complete description of program interaction and also allowed EPA Region 4 to better observe the dynamics of each office.

Key Findings

To achieve successful program coordination, program components must be organized in a way that allows them to work together effectively to achieve overall program goals. Florida has used many methods to facilitate effective program coordination across all offices. During interviews, staff noted the following existing and historical tools:

Existing Tools:

1) Regular internal office staff meetings
2) Monthly communication calls between the Division and all District-FDOH offices to introduce new policy and regulations
3) Regular comprehensive program evaluations are performed by the Division of District offices (triennially) and by the Division, FDOH HQ and District staff of FDOH offices (annually)
4) One-on-one communication between District liaisons/experts and FDOH office staff
5) Internal PWS communications website - repository for SDWP information, including current announcements, guidance, available training, webcasts, powerpoint presentations and historical meeting minutes; maintained by the Division
6) Internal PWS database – standardized data entry tools facilitate data reporting/retrieval and compliance determination by staff; developed and updated by the Division to address changing requirements and user needs

7) Technical assistance from Florida Rural Waters Association (FRWA) – a Division-managed contract that provides assistance to small systems and conducts FRWA training sessions on many topics, including full day "Focus on Change" Seminars

Previous Tools:

1) Quarterly Permitting, Compliance and Enforcement (PCE) Meetings – means of informally sharing policy and implementation issues between Division and FDEP-FDOH offices
2) Annual PWSS Conference – face-to-face meeting of Division and all FDEP-FDOH office staff that provided information on program policies and issues, rule training and valuable discussion of specific questions, concerns and needs.
3) Quarterly meetings between each District liaison and delegated FDOH offices located within that District. EPA Region 4 believes there is still an expectation for these meeting to occur, but it appears that currently the meetings occur infrequently and only in some Districts.

All offices emphasized that internal staff levels are minimally adequate to implement the assigned program workload. Administrators work closely with their staff to coordinate individual responsibilities in ways that build employee job satisfaction while maximizing output and work quality. One office recognized efficiencies by assigning individual staff both compliance and permitting duties in order to develop more holistic program knowledge. Another office supported employee skills development by devising a detailed training program that included both classroom and on-the-job shadowing. The assignment of job duties commensurate with skill level improved work product and employee satisfaction. Several offices strove to reduce the number of compliance issues by annually notifying systems of required upcoming monitoring activities. One office also achieved greater compliance levels by having staff conduct required monitoring for most small systems.

Many administrators stated that their programs achieve much more by leveraging resources available from the Division and other offices. Leveraging occurs in many ways, including meetings, training and the use of common tools to manage and share SDWP data and information.

The PWSS program conducts various meetings and calls on a regular basis. Monthly 1-2 hour calls coordinated by the Division provide regular updates on pertinent program issues, but are limited in scope. District liaisons noted that they continue to share expertise and have good interaction with staff in FDOH offices, but these discussions are also limited, and some District offices have lost technical expertise. Conference calls and informal information sharing also occur between some District and FDOH offices. However, the regularity and strength of these exchanges varies widely. Lengthier face-to-face meetings (such as the annual PWSS conference and quarterly PCE meetings) have historically provided the most valuable opportunities for education and exchange among office staff. These meetings have included presentations on regulations, technical issues, policy, guidance and data management tools. They also provided time for face-to-face discussions among staff with varied backgrounds and expertise. Quarterly PCE meetings sometimes facilitated the scheduling of follow-up meetings. For example, some

Districts followed quarterly PCE meetings with meetings with their delegated FDOH offices, allowing continued discussions on some PCE meeting topics or introduce other discussion topics of concern. The information exchanged in all of these meetings often facilitated faster, more comprehensive, consistent resolution of specific PWSS program concerns.

The Division conducts regular program reviews of each District and FDOH office. Program Review reports provide a consistent, in-depth assessment of 8 key program components across all 14 offices, as shown in Table 3 on the following page.

The relative weighting that the Division assigns to each of the 8 components is shown in the first row of this table. Individual cells display the percentage of total points which each office received for each component during the most recent 2013-2014 Program Evaluations. The results show that all offices successfully implement Data/File Management and Permit/Plan Review program components. Most offices also successfully implement Compliance, Enforcement and Sanitary Survey/Compliance Inspection program components. However, the basis for bonus points awarded for certain additional activities within these components, which often contribute to elevated scores, is somewhat unclear. Scores for the remaining three program components (Organization/Staffing/Resources, DEP Coordination/Assistance and Training) were more variable, with some offices receiving significantly lower scores. For the Organization/Staffing/Resources program component, three offices received less than 90%, and an additional two offices received less than 92%, of the total possible points. Offices generally received point reductions for having a higher ratio of public water systems to professional staff. However, all offices received the maximum allowable points for their response to the question: "Is the current staffing adequate to cover required workload?". These findings suggest that additional information is needed to better evaluate the adequacy of current office staffing/resource levels. For the DEP Coordination/Assistance component, four offices received 90% or less of total possible points. Point reductions were generally received due to lack of scanning capabilities for purposes of generating electronic files. Most questions required only "yes/no" responses, and the scoring system did not consider the more detailed comments provided by offices. Reconsideration of the kind of information needed to assess this component may be helpful. For the Training component, four offices received less than 85%, and an additional three offices received less than 92%, of total possible points. Point reductions were based on failure of staff to complete one or more of the identified core training courses, or lack of a written office training plan. These findings suggest that many offices do not have access to all needed training. The Division's basis for updating the list of needed courses is also unclear. EPA Region 4 believes this portion of FDEP's program evaluation is inadequate to fully assess training needs.

Table 3.

Summary of 2013-2014 FDEP Program Evaluation Results for 6 FDEP District and 8 DOH County Offices

Sum of Score (as % of PE Weight) Row Labels	Column Labels 1_Organization/ Staffing/ Resources	2_Data/File Management	3_Compliance	4_Enforcement	5_Sanitary Survey/ Compliance Inspections	6_Permit/Plan Reviews	7_DEP Coordination/ Assistance Activities	8_Training	9_Overall Score
1_PE Weight(%)	5.00	25.00	15.00	15.00	15.00	15.00	5.00	5.00	100
A_Central	91.60	94.96	100.00	100.00	93.60	100.00	100.00	100.00	97.36
A_NE	[redacted]	[redacted]	[redacted]	[redacted]	90.40	98.00	100.00	91.60	94.08
A_NW	100.00	97.36	100.00	[redacted]	100.00	97.93	100.00	91.60	99.49
A_SE	102.00	95.28	[redacted]	[redacted]	97.33	101.07	100.00	100.00	97.2
A_South	102.00	90.76	100.00	[redacted]	[redacted]	101.00	100.00	[redacted]	98.12
A_SW	94.80	97.96	100.00	[redacted]	[redacted]	97.87	100.00	[redacted]	99.36
C_Broward	102.00	95.20	[redacted]	[redacted]	103.33	95.87	100.00	100.00	100.59
C_Hillsborough	[redacted]	99.60	100.00	100.00	[redacted]	92.80	100.00	100.00	98.33
C_Lee	91.60	97.12	100.00	[redacted]	100.00	93.73	[redacted]	100.00	98.31
C_Miami-Dade	96.80	95.24	100.00	[redacted]	96.40	93.93	[redacted]	100.00	97.58
C_Palm Beach	102.00	93.36	[redacted]	[redacted]	[redacted]	96.87	[redacted]	100.00	99.76
C_Polk	89.60	96.48	[redacted]	100.00	102.73	100.00	100.00	[redacted]	99.25
C_Sarasota	91.60	97.08	100.00	[redacted]	[redacted]	[redacted]	90.00	[redacted]	97.04
C_Volusia	102.00	95.12	[redacted]	[redacted]	96.27	93.60	100.00	91.60	94.49

LOW 100% HIGH

Staff interviews conducted during this Priority Review provided information on how Florida currently identifies and addresses training needs. While training needs are a clear priority, the resources to address those needs are often limited. In order to justify training, the Division and District offices each prepare comprehensive annual training plans. Some FDOH offices prepare office training plans, and many notify District offices of additional training needs on an ad-hoc basis. In response to identified needs, the Division develops some training courses and makes these available to all offices. Division training generally focuses on rule implementation or database usage. District and FDOH offices conduct varied amounts of duty-specific training internally and access external training sources as resources allow.

Florida's PWSS program does not currently appear to have a clear means for tracking and addressing training needs on a program-wide basis. Staff in multiple offices identified the need for training on: use of PWS Application tools, information on DBP formation and treatment, DBP Stage 2 implementation, technical knowledge that allows staff to tie rules together and optimize overall system compliance, and state enforcement policies. These responses suggest that the PWSS program could realize some efficiencies by implementing more seamless, universal communication of training needs and resources. Several offices stated that they are in the process of re-tooling existing training plans, to adjust for changing duties and priorities that resulted from the 2012 reorganization. This re-tooling period may provide an opportunity for Florida to revisit the way in which it identifies and addresses training needs on a program-wide basis.

A primary goal of the 2012 reorganization was to recognize efficiencies and achieve greater statewide consistency by realigning staff in the Division and some District offices. The changes implemented were initially disruptive, as they altered established communication pathways and sometimes significantly revised staff workload. However, during interviews, staff provided evidence that re-tooling of the organization aimed at improving overall program coordination is now occurring on several fronts. The Division is re-examining training plans and the value of regular, lengthier face-to-face meetings. The Division continues to revisit strategies for maintaining timely access to critical information technology resources. Given the realignment of compliance staff and the revision of some enforcement guidance, the Division has also recognized the importance of clarifying the enforcement process to all offices. Districts clearly desire autonomy to implement enforcement/compliance issues; however, they are also striving to exchange information and expertise with other Districts, and expressed a desire for clearer guidance from the Division on some issues. District offices that were more heavily impacted by the reorganization continue to re-calibrate their programs to ensure effective public water system oversight.

Resources which were unchanged through the 2012 reorganization contributed considerably to the continued strength of Florida's PWSS program. These resources include FDOH-HQ and FDOH offices, the continued use of 14 geographically-targeted District and FDOH offices to maintain close working relationships with public water systems operators, the technical support contract with FRWA, and the Division's continued maintenance of several tools for managing data and information essential to the PWSS program.

Recommendations

The 2012 reorganization refocused Florida's PWSS program on the critical goals of strengthening overall program consistency, and renewing focus on timely accomplishment of program priorities (such as the prevention and resolution of health-based violations). The associated reorganization of staff and resources disrupted many valuable coordination pathways that existed under the old organization. Some expertise was also lost during the reorganization. The re-tooling period that is now occurring is critical to ensuring that Florida maintains and establishes communication pathways and tools that will allow them to best accomplish the priorities of the PWSS program under the new organization. Based on information gathered during this priority review, the following program coordination-related activities are recommended as key to strengthening Florida's PWSS program.

Regular, established communications have historically provided the Division, District and FDOH offices with some of the most valuable ways to leverage the expertise and resources available in the many offices that comprise Florida's PWSS program. Interviewed staff unanimously stated that regular face-to-face meetings (such as the annual FDEP PWS conference and quarterly PCE meetings) were the most valuable tools, as these provided the broadest exchange of PWSS program and technical information to the greatest number of staff. Reinstatement of these meetings would strengthen staff knowledge and promote rebuilding of communication pathways. Continued strengthening of regular communication pathways between District offices would increase the exchange of information and expertise relevant to direct oversight of public water system facilities. Increased District expertise could also be leveraged by FDOH offices.

EPA Region 4 recommends FDEP lead a statewide assessment of technical and programmatic training needs of all offices given the number of new drinking water regulations and new staff to the program. A re-tooling of Florida's training program that allows PWSS program offices to better identify and address training needs would be helpful.

Individual offices provide various levels of internal training, but this could be supplemented with the resources and expertise available from other offices across the state. Reinstatement of the face-to-face meetings noted earlier would provide an efficient means for providing broadly-needed training, such as guidance on program enforcement tools and priorities as well as provide a meaningful opportunity for offices to share training plans (such as the training program being developed by the SW District).

Some re-tooling of the Division's standard Program Evaluation template may increase the usefulness of Program Evaluation findings. These regular program evaluations of District and FDOH offices provide an excellent tool for consistently evaluating key components of Florida's PWSS program. However, for some components, the information collected does not clearly explain the basis for differing, or lower, scores among offices. This finding primarily applies to components that do not include reviews of specific public water systems (i.e. Organization/Staffing/Resources, DEP Coordination/Assistance and Training components). Questions and scoring mechanisms used for these components could be re-examined and modified to better characterize office strengths or deficiencies. For example, the Division might

develop a standard process for updating core training courses to reflect changing program priorities and individual office needs.

Florida's PWSS program may strengthen external coordination though increased participation by local office level in EPA's Area Wide Optimization Program (AWOP) program. This participation would allow office staff to better evaluate and assist surface water systems in optimizing treatment goals and enhancing microbial and disinfection byproduct control. The technical expertise gained could also be shared with other offices.

Local District and FDOH offices are encouraged to make use of the OCULUS and Permitting Application document management systems, particularly in an effort to coordinate compliance and permitting activities.

Disinfection Byproduct Rules Implementation

Background

DBP Rules Implementation was selected as a priority for review based on an analysis of state-wide violation data by specific contaminant group. Other than total coliform MCL violations, DBP MCL violations represented the greatest number of health-based violations for water systems in Florida over the past five years. Many water sources in Florida have high quantities of naturally occurring organic matter. When the water with high levels of organics is disinfected with chlorine, high levels of disinfection byproducts can form. Levels of many DBPs increase with water age in finished water storage tanks and distribution systems. Treatment strategies for DBPs can include adjustments to treatment systems (examples: removal of organics prior to disinfection, change of disinfectant, pH adjustment, or removal of DBPs after formation, etc.) or changes to operations of distribution systems (examples: adjustments to storage tank levels or fill/draw cycles, flushing practices, elimination of "dead ends" in distribution lines, etc.).

Over the past few years States and water systems have been transitioning from monitoring requirements associated with the Stage 1 Disinfectants and Disinfection Byproduct Rule to the Stage 2 DBP Rule. Some of the key changes include the number, frequency and locations of routine monitoring, inclusion of consecutive water systems to rule requirements, and how compliance is calculated based on locational running annual averages. The transition from the Stage 1 to Stage 2 Rule involved a period of time when EPA Region 4 was implementing aspects of rule focused on identifying potential new monitoring locations. These early implementation activities were a result of the regulatory timeline beginning before states were required to have the rule adopted. As a result, FDEP and FDOH field staff played a limited role in training and implementation associated with monitoring site selection. FRWA did provide a significant amount of outreach to water systems during this time. Florida had adopted the Stage 2 Rule by the time routine monitoring requirements began and worked with water systems to finalize monitoring plans.

Priority Evaluation Method

Region 4 utilized a combination of data analysis, personnel interviews and onsite file reviews to evaluate strengths and needs associated with Florida's implementation of the DBP Rules. Data analysis include reviews of DBP monitoring results from Florida's PWS Database and DBP violation data available from EPA's SDWIS data system. Interview questions were used to determine strategies utilized to affect system compliance, understand expertise levels and resource demands for staff and management, and to gage consistency in implementing the regulations and guidance associated with the DBP Rules. File reviews included a review of information used to develop system monitoring plans, an evaluation of system monitoring data to ensure monitoring was done in accordance with the plan, and a review of compliance determinations based on the analytical results. A complete list of the files reviewed is provided in Appendix A.

Key Findings

Most health-based violations for chemical monitoring in Florida are associated with DBPs.

Review of DBP monitoring results from the PWS Database identified a significant number of questionable values of "0" for TTHM and HAA5 analytical results, often at systems/locations that had previous and subsequent high levels. While some amount of fluctuation of results is expected, systems with detected levels greater than ½ of the MCL typically do not have fluctuations that would result in associated non-detect levels.

Staff determine compliance manually based on review of monitoring results as the Stage 2 module of the PWS Database was not yet available at the time of the review. The module has since been completed. Errors were identified in both water system reporting and state compliance determination including:

- Incorrectly calculating the locational running annual average of monitoring results
- Water system not monitoring in correct months
- Failure of systems to submit Operational Evaluation Reports when required
- Changes in monitoring locations without justifications

Staff have had training on DBP rule compliance. However, very few staff indicated they had much, if any, training related to DBP formation and/or treatment.

Reviewers found recommendations to water systems on flushing strategies that are not supported by EPA and will result in masking ongoing health risks to water system customers.

Some offices have made efforts to integrate compliance and permitting activities to ensure DBP compliance is considered in project review and the potential need for DBP monitoring plan changes based on relevant water system infrastructure changes. Efforts range from having the same staff perform both engineering review/permitting and compliance determination, to developing a liaison responsibility between permitting and compliance office staff.

Recommendations

There is a need for District and County staff to re-evaluate DBP monitoring locations identified in Stage 2 Monitoring Plans. FDEP and FDOH should consider enhancing the review of distribution systems during sanitary surveys to include an evaluation of DBP monitoring locations. Considerations for enhancing the sanitary survey include:

- Checking disinfectant residual levels (and pH when available) to assess water quality at areas of high probable water age relative to approved DBP compliance monitoring locations.
- Reviewing flushing practices to determine if water systems are using practices to improve water quality system-wide or just at compliance locations.
- Visit the DBP monitoring locations to identify any changes (e.g. installation of auto-flushing device) that may give reason to modify the monitoring plan.
- Evaluate the appropriateness of changing one monitoring location to Point of Entry for consecutive systems based on the number of monitoring locations and associated baseline data already collected. POE data can be valuable for coordination between wholesale and consecutive water systems.

Provide technical training to staff on how to limit DBP levels in water systems through improved distribution system operation practices. The AWOP implemented in Region 4 has been used by several states to provide training to water system personnel on DBP compliance strategies that minimize the need for costly infrastructure and to develop the staff expertise to perform the enhanced sanitary survey practices outlined above. Due to the low number of surface water systems in the state, FDEP has minimally participated in EPA's AWOP. With the network's significant change in focus to disinfection byproducts, FDEP should engage all districts and counties with opportunities to participate in AWOP.

FDEP should investigate the number of "0" monitoring results to determine if there are any obvious laboratory or data entry errors, or any trends that would raise question as to the integrity of the results.

FDEP-HQ should continue to prioritize development of the PWS Database to facilitate implementation tasks for inspectors and compliance officers.

Data Management

Background

One of the required functions of delegated PWSS Programs is to maintain a data management system for tracking compliance, enforcement actions and public water system inventory. FDEP-HQ's database for the drinking water program is the Oracle-based PWS Database. Reports are produced in Active Server Pages. Data are transmitted to SDWIS/Fed via an Extensible Markup Language file created from extrapolated data. Data are reported quarterly, including inventory, samples and violations and enforcement updates.

Automated compliance determinations for TCR, GWR, Phase II/IV, RAD, CCR, Turbidity and Stage 2 DBPs (just recently, in time to evaluate 1st Q 2015) are performed by the PWS Database nightly and verified by the district and county offices. All violations are posted automatically but can be over-ruled by the point person in each office. All other compliance determinations are entered manually within the individual offices, as are all violation letters and enforcement actions.

FDEP uses the SDWIS/Fed error reports to correct errors but finds that the ".pdf" format is not useful. That format is too difficult to mark up and data cannot be sorted. FDEP would greatly prefer data in Excel spreadsheets.

Key Findings

The Division has developed and maintains several effective tools for entering and accessing PWSS data and reports including:

PWS Database – In addition to tracking lab samples, the PWS Database tracks inventory, permit compliance/enforcement, monthly operations, inspections and complaints. The PWS Database includes reports for staff, but also posts five reports to the public FDEP website that are further divided by year or geographic area. Basic Facility Reports, Flow Data and Plant Treatment Data files are updated quarterly. Chemical Data and Microbiological Data files are updated annually in March. Reports provide information on sample results, average/max monthly flows, types of water treatment, the type of system, address, capacity, sources of water, population and service connections served, dates the Department performed the last sanitary survey, and the dates the last bacteriological and inorganic/organic contaminant testing was performed.

PA (Permitting Application) System – database that tracks the permit application process to ensure statutory time clocks are met.

OCULUS – an electronic, web-based document management system that allows the public and staff to search and review permitting documents, lab reports, inspections, etc. within DEP and at two of eight FDOH offices.

FDEP-DW standardized PDF/Word data/information entry forms - for use by public water systems and laboratories to document: (1) Permitting/Construction/O&M activities (Chapter 62-555.900 F.A.C.) and (2) reporting results for required test measurements or analyses (Chapter 62-550.730 F.A.C.). Users may generate computer-generated versions of same (see http://www.dep.state.fl.us/water/drinkingwater/forms.htm).

NEXUS – user-friendly information portal for retrieving documents from OCULUS archival database.

PASS (Permit Application Subscription Service) System - Allows user to receive automated, customized notification of permit application status (e.g by application types, geographic area, etc.)

Data entry and compliance determination tools available through the PWS Database provide staff in all offices with a rapid, reliable, consistent way to upload system monitoring data and accurately calculate compliance. The value of this tool was readily apparent during staff interviews, as staff unanimously emphasized the need for the Division's soon to be released DBP Stage 2 compliance determination tool.

Use of a state-developed tool also allows staff to more easily request helpful database changes. Simpler changes are implemented by Division staff, while more comprehensive changes are made by staff in OTIS. Requests to OTIS are sometimes delayed, as OTIS must prioritize database needs for multiple programs. The Division works to maintain the priority level of key PWS Database updates, but limited OTIS resources are an ongoing challenge.

The Division also maintains two web-based document tracking systems that allow staff and the public to obtain SDWP documents of interest. OCULUS houses copies of permitting, lab, inspection, operational and compliance/enforcement documents. The PA System allows the user to retrieve permit applications currently under review. While these systems may provide a valuable resource to inspectors and permit reviewers, it is unclear to what extent some offices use these systems. More comprehensive training on these systems may facilitate the exchange of information between permitting and compliance staff.

Recommendations

Florida's PWSS program should continue to implement a strong data and information management program that is available to all offices. The PWS Database addresses a critical need, providing a consistent suite of tools for data entry and compliance determination that can also be modified to address staff needs.

External Outreach

Background

In selecting topics for review, FDEP's compliance assistance outreach to public water systems was identified as a program strength. The review included a combination of document review and interviews of key staff and managers. With recent changes in drinking water law (Stage 2 DBP Rule, Ground Water Rule, Reduction of Lead in Drinking Water Act, Revised Total Coliform Rule), water systems are increasingly dependent on state agencies to provide the outreach necessary to explain the details of the rules and regulations that will ensure sector compliance and protection of public health.

FDEP and FDOH value a strong relationship with the regulated community and strive to ensure that, where possible, concerns are addressed through compliance assistance activities prior to water systems incurring a potential violation. Florida's drinking water program achieves outreach to water systems through site visits to water systems, training classes, contracts with technical assistance partners, and direct mailings to water systems and water system professionals.

Key Findings

FDEP and FDOH utilized a number of mechanisms to provide meaningful outreach activities to public water systems, including:

- Drinking Water Technical Assistance Program
- Contract with FRWA to provide training and operator certification
  - Focus on Change training seminars ~ 6 events/year
  - Water treatment plant operator certification ~16 events/year
  - Water distribution system certification training ~5 events/year
  - Water treatment plant operation and maintenance ~17 events/year
  - Electrical safety and generator set up ~ 1 event/year
  - Treatment technologies and conservation ~ 1 event/year
  - Emergency Response Plans ~ 0-1 event/year
  - Over 3,000 technical assistance site visits/year from Circuit Riders
- Limited Involvement in Area-Wide Optimization Program
- Operator Certification Program
- Floridian Newsletter
- Sanitary Surveys and other inspections

Florida's strong suite of outreach tools provide office staff with ways to enhance coordination with local public water system operators. The Division's Technical Assistance Program assists all offices in resolving technical, managerial and financial challenges of individual public water systems at no cost to those systems. The contracted services of FRWA are frequently used by smaller rural water systems. FRWA also provides training on various topics of interest to both system operators and FDEP and FDOH staff, including full-day sessions during the "Focus on Change" seminars which are held year-round at locations throughout the state. Available training sessions are listed on the FRWA website. The Division participates minimally in EPA's AWOP, and uses this program to more closely evaluate and assist the ability of surface water systems to optimize disinfection and filtration treatment goals and enhance microbial and disinfectant byproduct control. While participation has recently decreased, staff interviewed in some District and FDOH offices expressed interest in increasing participation in order to benefit public water systems while strengthening the expertise of office staff.

All offices expressed a need for greater technical training of inspectors, compliance, and permitting staff citing a concern with being able to adequately address simultaneous compliance concerns with water systems. Some entities expressed concern over a perceived loss of drinking water programmatic expertise within FDEP.

The Division offers a Sanitary Survey School annually to train newer FDEP and FDOH inspectors on not only the eight elements that are required by EPA when conducting a sanitary

survey, but also on operation and maintenance activities, as well as treatment theory and technologies.

Customer complaints made to the state are address in a timely and appropriate fashion. There was some uncertainty as to what FDOH laboratory support is available to District staff when responding to customer complaints.

Every office makes a concerted effort to send letters to each water system annually to provide minimum monitoring requirements to ensure water systems complete all required monitoring.

Recommendations

Florida should continue to implement a strong PWSS outreach program. FRWA contracted services and training sessions provide invaluable support to local offices in their efforts to assist public water system operators. Focus on Change seminars also provide opportunities for exchange between office staff and public water system operators, strengthening communications between these parties.

Consider exploring the appropriateness of addressing laboratory support for bacteriological monitoring in the interagency agreement between FDOH and FDEP. The support would be used when responding to customer complaints or in carrying out any special studies that would enhance the value of Department outreach for water systems.

EPA Region 4 believes District and County staff participation in the AWOP would facilitate improved outreach to water systems. In addition to new regulations, large turnover in drinking water staff, in some areas, has created a need for increased investment in drinking water program training. EPA Region 4 strongly encourages Districts and Counties to interact more, through routine meetings and trainings, to discuss implementation challenges/successes so that expertise across the state is better leveraged to fill the knowledge gaps associated with new regulations and new program staff.

Appendix A

Florida Drinking Water Program Priority Review
File Review Summary

For the enforcement cases, EPA Region 4 reviewed all actions and associated non-compliance over the past 3 years (2012-14). The case files should contain all of the case development work (violations, initial correspondence, informal and formal actions, etc.) even if prior to 2012. Example: If an enforcement order was issued in 2012 for an arsenic violation in 2010, EPA Region 4 evaluated everything from 2010 up until the system returned to compliance.

For the DBP files, EPA Region 4 reviewed files for monitoring results, monitoring plans, documents used in developing/approving monitoring locations, correspondence related to monitoring location changes, and documents related to compliance assistance outreach.

Broward County DOH

Enforcement Case Files

FL4060402	Everglades Holiday Park
FL4061517	Royal Utility Company
FL4064392	Kids Paradise

Disinfection Byproduct Files

FL4060402	Everglades Holiday Park
FL4060254	City of Deerfield Beach

Miami-Dade County DOH

Enforcement Case Files

FL4131403	American Village
FL4130833	Jones' Trailer Park
FL4130970	City of North Bay Village

Disinfection Byproduct Files

FL4131403	American Village
FL4130871	MDWASA
FL4131531	Virginia Gardens
FL4131001	Opalocka

Tampa, SW District

Enforcement Case Files

FL6095083	Seven Rivers Professional Center
FL6272304	Camper's Holiday
FL6510807	Holiday Gardens Utility, Inc.

Disinfection Byproduct Files

FL6512033	PCUD Blanton Lake Park
FL6520336	Clearwater Water System
FL6521576	Safety Water
FL6277059	Hernando Co. Utility-West
FL6280049	City of Avon Park

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Armstrong, Kathy

From: Humphris, Allison
Sent: Wednesday, June 10, 2015 2:45 PM
To: Smith, Brian; Driskell, Amanda
Subject: Revised Florida PR Report
Attachments: FlPriorityReview_CompleteDraft-060815 all edits-adh.docx

Brian/Amanda,
Attached is a redlined version of the report, created by starting with Amanda's redlined document and adding remaining changes.
Hopefully this addresses all of Becky's comments except:

1) Language/supporting documentation re: "minimally adequate staff levels" (pp. 2 & 14).
2) Language describing purpose of PR vs. Data Verification (p. 3) (I took a stab at addressing this one).

What is a good time to discuss? Anytime tomorrow morning works for me.

Thanks, Allison

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Appendix A - Florida Drinking Water Program Priority Review – File Review Summary

EXECUTIVE SUMMARY

In December 2014, staff from the U.S Environmental Protection Agency Region 4 Drinking Water Section (EPA Region 4) conducted a Priority Review of Florida's Public Water System Supervision (PWSS) Program. The Priority Review is an oversight approach developed by Region 4 to assess the needs and success of a PWSS Program, based on an in-depth review of priority areas jointly selected by the state and EPA Region 4. EPA Region 4 and Florida identified five specific areas of Florida's Program for review, including (a) enforcement of drinking water regulations, (b) internal Sstate coordination between the Florida Department of Environmental Protection (FDEP) and the Florida Department of Health (FDOH) on the PWSS program, (c) disinfection byproducts (DBP) rule implementation, (d) data management and (e) external outreach.

The priority areas were assessed through review of existing documentation submitted to EPA Region 4, review of selected water system files and interviews with staff and managers. If approaches in need of improvement were identified, Region 4 discussed and attempted to identify possible remedies for these concerns with Florida PWSS program staff. Following is a summary of key findings for each priority area and key recommendations on how to address areas needing improvement.

- Enforcement of Drinking Water Regulations
  In general, FDEP runs a strong enforcement program that facilitates the compliance of most Public Water Systems with Safe Drinking Water Act (SDWA) regulations. In the vast majority of cases, Florida's Program is timely in responding to violations. Few cases do not meet the expectations for issuing formal enforcement to significant violators according to EPA's Enforcement Response Policy (ERP) (see http://www2.epa.gov/sites/production/files/documents/drinking_water_erp_2009.pdf). However, the expectation to meet ERP timeframes are not expressed in FDEP's enforcement manual or any other policy. FDEP's Division of Water Resource Management (the Division) should clearly communicate the expectation that systems identified as priority systems on the Enforcement Targeting Tool (ETT) list must be addressed within two quarters of appearance on the list. Violation and enforcement data is not always submitted to SDWIS in a timely manner. The date of enforcement action, as entered into the Division's Potable Water System (PWS) Database and ultimately into SDWIS, is not always clear and consistent. Additionally, violations are not always accurately linked to the appropriate enforcement mechanisms. Processes should be established to ensure that this data and information is provided in a timely, clear and consistent manner. To assist with this goal, FDEP should also ensure that enforcement files include all records of all decisions made with regard to enforcement actions. The Division's Peer Review Process provides a good means for ensuring consistency of enforcement activities.

(b)(5) Deliberative Process Privilege

[redacted]

(b)(5) Deliberative Process Privilege

[redacted]

- DBP Rule Implementation
  Most chemical health-based violations in Florida are associated with DBPs. Staff interviews and file reviews identified potential vulnerabilities in DBP rule implementation, mostly associated with a lack of understanding of DBP formation, DBP control strategies or minimal review of monitoring results for compliance determination. Office staff should re-assess water system monitoring plans and sampling protocols during sanitary surveys or other routine site visits. The Division should provide staff access to technical training on the formation and/or treatment of DBP, allowing staff to better evaluate current monitoring locations and/or proposed changes to those locations. Additional data review protocols may also be needed to ensure that any questionable monitoring results reported are identified and resolved. Florida's Drinking Water Program would benefit from expanding District and County staff participation in the Area Wide Optimization Program (AWOP) training and field evaluation activities. This would help address the need for staff training on DBP formation and treatment and improve compliance assistance offered by inspectors, resulting in improved public health protection.

- Data Management
  The Division has developed and maintains several effective tools for reporting and accessing drinking water program data and information. These include the PWS Application, which includes both an Oracle-based database and an internal communications website; standardized PDF/Word data/information entry forms for use by public water systems and laboratories; OCULUS document management system; NEXUS user-friendly portal for retrieving documents from OCULUS; Permit Application Subscription Service (PASS) system for receiving automated notifications of permit application status. The PWS Database in particular addresses a critical program need by providing a consistent suite of tools for data entry, data retrieval and compliance determination. Many of the other tools developed also provide valuable information to the public. Florida should continue to provide strong support for the maintenance and continued development of these tools.

- External Outreach

FDEP and FDOH value a strong relationship with the regulated community and strive to ensure that, where possible, concerns are addressed through compliance assistance activities prior to water systems incurring a potential violation. All offices expressed a need for greater technical training of inspectors, compliance and permitting staff, citing a concern with being able to adequately address simultaneous compliance concerns with water systems. In addition to new regulations, large turnover in drinking water staff, in some areas, has created a need for increased investment in drinking water program training. EPA Region 4 strongly encourages Districts and Counties to interact more, through routine meetings and trainings, to discuss implementation challenges and successes, so that expertise across the Sstate is better leveraged to fill the knowledge gaps associated with new regulations and new program staff.

INTRODUCTION

(b)(5) Deliberative Process Privilege

[redacted]

1. Enforcement of drinking water regulations
2. Internal Sstate coordination between FDEP and FDOH on the drinking water program
3. Disinfection Byproduct (DBP) Rules implementation
4. Data Management, and
5. External outreach

EPA Region 4 used three basic methods to obtain information: (1) identification and review of key documents and tools used by Florida to implement their PWSS program (e.g. guidance, websites, internal review protocols, databases, file management systems, reports, etc.), (2) interviews with managers and staff, and (3) review of individual system files. For the third method, EPA Region 4 selected systems for the review that were likely to provide a good understanding of Florida's approach to addressing more challenging and problematic situations.

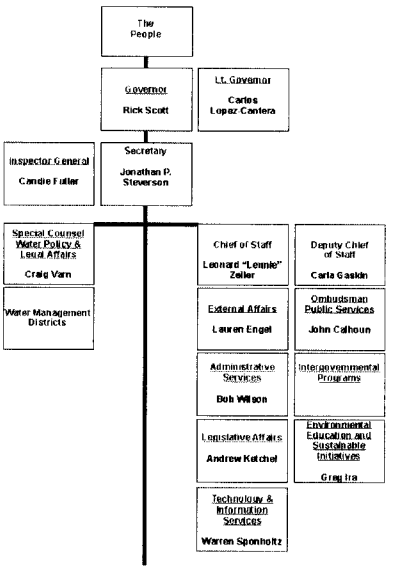
OVERVIEW OF FLORIDA'S PWSS PROGRAM

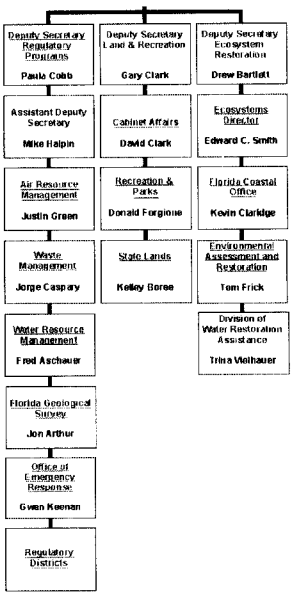
EPA gives flexibility to state primacy agencies for required PWSS program activities. In Florida, PWSS implementation activities are spread over a decentralized organizational structure. FDEP has the primary role of regulating public water systems in Florida. The Source and Drinking

Water Program (SDWP) located in the FDEP headquarters in Tallahassee (FDEP-HQ) is responsible for writing rules, developing policy, managing funds, providing training and managing special initiatives. The Water Compliance Assurance Program (WCAP), also located in FDEP-HQ, is responsible for oversight, tracking and reporting of enforcement and compliance activities and data management. The enforcement of rules and permitting of new construction for individual public water systems is handled by six FDEP district offices. In eight Florida counties FDEP-HQ has delegated this enforcement and permitting authority to local approved FDOH county health departments through an Interagency Agreement. FDEP-HQ has also delegated laboratory certification to the FDOH Laboratory in Jacksonville.

FDEP environmental programs are divided into three main areas, one of which is Regulatory Programs (Figure 1). The Deputy Secretary for Regulatory Programs provides oversight and direction to four FDEP-HQ regulatory divisions, including the Division of Water Resource Management (Division) and six regulatory district offices.

Figure 1. FDEP Organizational Structure (last updated April 6, 2015)





The SDWP and WCAP programs are both located within the Division, while the regulatory district offices report directly to the Deputy Secretary for Regulatory Programs. Following is a complete list and description of all programs which contribute to FDEP's implementation of Safe Drinking Water Act (SDWA) requirements.

Florida Department of Environmental Protection

FDEP-HQ Division of Water Resource Management (Division):

- SDWP: Coordinate overall PWSS implementation through policy and rule development, and management of funding, training and special initiatives. Ensure all SDWA program requirements are conducted and reported to EPA as outlined in the annual PWSS Grant Wworkplan.
- WCAP: Facilitate Sstatewide coordination of compliance and enforcement activities by providing and/or supporting the development of guidance and training to ensure consistency among the six District Offices for Sstate Drinking Water and Wastewater Programs. Integral to this consistency are the automated nightly compliance routines for evaluating lab results (discussed further under the Data Management section of this report). Ensure all SDWA compliance and enforcement activities are conducted and reported to EPA as outlined in the annual PWSS Grant Wworkplan commitments.

FDEP-HQ Office of General Counsel (OGC): Provide legal counsel and represent FDEP in implementing enforcement, permitting and programmatic actions. Provide training and consultation to FDEP staff.

FDEP-HQ Office of Technology and Information Services (OTIS): Manage functionality and security of the information technology systems that support FDEP mission success. Provide application development and customer support services to FDEP divisions and regulatory districts that use regulatory databases, including SDWP and WCAP support needs for public water systems.

FDEP Regulatory District Offices: Coordinate and implement all permitting, compliance and enforcement activities for counties located within District boundaries, including permit reviews, facility inspections, compliance assistance, rule enforcement and response to reports of environmental damage. Six separate offices serve counties located in the Northwest, Northeast, Central, South, Southeast and Southwest portions of the S~~s~~tate. Provide legal, technical and training assistance to delegated FDOH county offices.

Florida Department of Health

- The current FDEP-FDOH Interagency Agreement delegates lead PWSS program implementation authority from the responsible FDEP District Office to FDOH offices in the counties of Broward, Miami-Dade, Hillsborough, Lee, Sarasota, Palm Beach, Polk and Volusia. Delegated FDOH county offices coordinate and implement permitting, compliance and enforcement activities for that county.
- The FDOH laboratory in Jacksonville maintains a State program for the certification of laboratories conducting analytical measurements of all drinking water contaminants, in accordance with Florida Statutes 403.862-.8635 and Florida Administrative Code (F.A.C.) Chapter 62-550.550.

South Carolina Department of Health: South Carolina's radiological laboratory is the designated Principal State Laboratory for ~~radionucludes~~radionuclides for Florida, in accordance with an MOA approved by SESD on January 28, 2013.

This organization is significantly changed from the structure that was in place during the previous 2009 Program Review conducted by The Cadmus Group, Inc. on behalf of EPA. In 2012, FDEP underwent a reorganization which affected both FDEP-HQ and FDEP District offices. At FDEP-HQ, the source and drinking water program staff were merged to form the Source and Drinking Water Program. Staff were relocated from the Drinking Water Program to support (1) formation of a centralized compliance and enforcement group (WCAP) and (2) OTIS. District boundaries were redrawn, and resources were re-allocated, to allow for a more even distribution of resources among FDEP District offices. A primary objective of this reorganization was to improve program efficiency/effectiveness and promote consistency and cross-utilization of resources, particularly in the areas of compliance determination and data management.

FDEP's authority to implement provisions of the SDWA derives from Chapter 403, Part VI, Florida Statutes and by delegation of the federal program from the U.S. Environmental Protection Agency. The Department has promulgated a number of rules in Chapters 62-4, 62-550, 62-555, 62-560, 62-602 and 62-699 F.A.C. to address drinking water standards, monitoring and reporting; public water system permitting and compliance; and treatment plant operators, classification and staffing. These requirements impact approximately 5245 federally regulated public water systems with approximately 1649 (or 31%) of Florida's public water systems being community water systems, approximately 776 or (15%) being non-transient non-community systems, and approximately 2820 or (54%) being transient non-community systems (Table 1).

Table 1. Count of Florida Public Water Systems by Type and Source

PWS TYPE	WATER SOURCE	COUNT
CWS	Surface Water only	5
	Surface & Ground Water	69
	Ground Water only	1575
NTNC	Surface Water only	0
	Surface & Ground Water	4
	Ground Water only	772
TNC	Surface Water only	5
	Surface & Ground Water	1
	Ground Water only	2819
TOTAL		5245

PRIORITY REVIEW OF SELECTED PROGRAM AREAS

Enforcement of Drinking Water Regulations

Background

Compliance and Enforcement Program Implementation was selected as a priority for review in order to assess whether a state is implementing the requirements of the PWSS program. The states ensure that human health is safeguarded by enforcing the requirements of the SDWA to ensure that the states' public drinking water supply and its sources are protected. Historically, the reviews of the states' PWSS programs, whether that be through a Data Verification, Program Review, or a Priority Review, did not typically include an evaluation of the compliance and enforcement program at the states. EPA Region 4 has determined that this is an important aspect of a review of the implementation of a PWSS program, and plans to include this in future Priority Reviews, as appropriate. Through this review, EPA Region 4 promotes regional consistency, identifies successes in implementation of the PWSS program, and identifies opportunities for improvement in the compliance and enforcement programs.

In January of 2010, EPA began implementation of a new enforcement approach designed to help our nation's public water systems comply with the requirements of the SDWA. This new approach replaced the previous system of a contaminant to contaminant compliance strategy with one that focuses attention on the drinking water systems with the most serious or repeated violations. This strategy identifies public water systems with violations that rise to the level of significant noncompliance by focusing on those systems with health-based violations and those that show a history of violations across multiple rules. This system-based methodology is intended to ensure consistency and the integrity of the PWSS national enforcement program. This approach includes a revised Enforcement Response Policy (ERP) and new Enforcement Targeting Tool (ETT).

The ETT uses a tool that enables the prioritization of public water systems by assigning each violation a "weight" or number of points based on the assigned threat to public health. Points for each violation at a water system are summed to provide a total score for that water system. Water

systems whose scores exceed a certain threshold ~~will be~~are considered a priority system for enforcement.

EPA recognizes that states carry out both formal and informal enforcement and compliance assistance activities. These activities are effective tools for achieving compliance. Nevertheless, systems specifically identified by the ETT as priorities must be returned to compliance (RTC) or EPA will expect formal, enforceable mechanisms to return such systems to compliance. States are expected to escalate their response to ensure that RTC is accomplished. Once a public water system is identified as an enforcement priority on the ETT list, an appropriate formal action or RTC will be required within two calendar quarters to be considered "timely". However, regardless of a public water system's position on a state's ETT list, EPA expects that states will act immediately on acute, health-based violations and subsequently confirm that systems with such violations return to compliance.

Priority Evaluation Method

Region 4 utilized a combination of data analysis, personnel interviews, comparison of established program strategies with the ERP, and onsite file reviews to evaluate Florida's successes in implementation of the PWSS program and identify opportunities for improvement in its compliance and enforcement program. Data analysis included a review of the EPA ETT Tracker, which is a tool that provides useful metrics and graphing capabilities for systems' current and past ETT scores for up to twenty (20) quarters. This information was used to aide in the selection of the files to be reviewed and get a rough evaluation of Florida's ability to timely and appropriately return systems to compliance or issue formal, enforceable mechanisms that will return a system to compliance. Additionally, EPA's SDWIS data system was used to determine what violations and enforcement had been done for each of the selected files to review. ~~Nine (9) files were selected for review, however, only e~~Eight (8)files were selected for review~~ed~~ (see Table 2. Timeline for Settlement of Identification as a Priority System on the ETT List below). Interview questions were used to understand the dynamics of the organization including staffing resources and demands and to determine how the established program strategies were being implemented with regards to Florida's compliance and enforcement program. The *Department of Environmental Protection (DEP) Enforcement Manual* and *Directive* 923 were reviewed for consistency with the EPA ERP requirements to ensure that these policies enabled the S~~s~~tate to meet the requirements of timely and appropriate compliance and enforcement. File reviews included a review of the violations determined, an evaluation of the enforcement mechanisms issued for consistency with the *DEP Enforcement Manual* and the EPA ERP, and a comparison of the information found during the file review with the data reported to EPA's SDWIS data system.

Key Findings

The accuracy of data reported by FDEP to SDWIS was found to be in need of improvement in the following ways:

- All violations identified in the file and/or provided from the FDEP tracking system, are not being submitted to SDWIS. This discrepancy was found in the District office and both FDOH offices. Primarily the violations that are not being submitted are monitoring

and reporting violations for various parameters. For the identified systems, 6 of the 8 reviewed had violations noted in the file/data provided that were not identified in SDWIS.

- Enforcement actions taken and submitted to SDWIS, are either not being timely uploaded, properly linked to relevant violations, and/or the data uploaded is inconsistent with the documents provided for review. For the identified systems, 7 of the 8 reviewed had discrepancies with the information for the enforcement actions submitted to SDWIS. Specifically, for the files reviewed, there were instances where violation(s) were linked to enforcement actions that upon review of the enforcement action, it was determined that the action did not include or address those violations. Also, there were several instances where the data submitted to SDWIS showed multiple dates for the same enforcement action. It appears that the dates of enforcement are not being consistently entered (i.e. dates were submitted for the signature date of the effective order, receipt date of the effective order, or the date the proposed order was sent to the respondent). So it was noted that at times there would be two formal actions entered into SDWIS when there was only one issued.

During the file review, EPA Region 4 tracked compliance and enforcement mechanisms used and evaluated them for timeliness and appropriateness of the action or return to compliance. Based on this review, the following was determined in regards to the timeline for systems identified as a priority on the ETT list to be returned to compliance or have a formal enforcement action issued.

Table 2: Timeline for Settlement of Identification as a Priority System on the ETT List

PWS ID	System Name	Date of First Appearance on ETT List as Priority System	Date of Settlement (RTC or issuance of Formal Enf)	Days Between ETT and Settlement	Settlement RTC or Formal Action ?	Quarters on ETT List as a Priority System
FL6095083	Seven Rivers Professional Center	9/30/2010	2/20/2013	874	RTC	10/2010, 01/11, 04/11, 07/11, 10/11, 1/2012, 04/2012, 7/2012, 10/2012, 1/2013, 4/2013, 7/2013
FL6510807	Holiday Gardens Util Inc.	3/31/2011	7/7/2011	98	Formal Action	04/2011, 07/2011, 10/2011, 04/2014, 7/2014, 10/2014
FL6510807	Holiday Gardens Util Inc.	3/31/2014	2/27/2014	-32	RTC	
FL6272304	Camper's Holiday	3/31/2011	4/15/2011	15	Formal Action	04/2011, 07/2011, 01/2013, 10/2013, 01/2014, 10/2014
FL6272304	Camper's Holiday	12/31/2012	6/5/2013	156	Formal Action	
FL4064392	Kids Paradise	12/31/2011	4/26/2012	117	Formal Action	01/2012, 04/2012, 07/2012, 04/2014, 07/2014
FL4064392	Kids Paradise	3/31/2014	4/24/2014	24	Formal Action	
FL4060402	Everglades Holiday Park	12/31/2009	3/23/2012	813	Formal Action	01/2010, 04/2010, 10/2011, 01/2012, 04/2012, 01/2013, 04/2013, 07/2013, 10/2013, 01/2014, 04/2014
FL4060402	Everglades Holiday Park	3/31/2013	3/13/2013	-18	Formal Action	
FL4061517	Royal Utility Company	3/31/2011	10/20/2010	-162	RTC	04/2011, 07/2013, 10/2013, 01/2014
FL4061517	Royal Utility Company	6/30/2013	2/12/2013	-138	Formal Action	
FL4131403	Americana Village	3/31/2010	8/28/2012	881	RTC	04/2010, 07/2010, 10/2010, 01/2011, 04/2011, 07/2011, 10/2011, 01/2012, 04/2012, 07/2012, 10/2012, 01/2013, 04/2013, 07/2013
FL4130833	Jones Trailer Park	12/31/2009	9/30/2011	638	RTC	01/2010, 04/2010, 07/2010, 01/2011, 04/2011, 07/2011, 10/2011, 01/2012, 01/2013
FL4130833	Jones Trailer Park	12/31/2011	10/3/2012	277	RTC	

Average Days Between ETT and Settlement				253.07		

Note: Some of the systems had multiple dates evaluated because they were bouncing on and off the ETT Priority List

For the evaluated systems, only two (for all the specified appearances on the ETT List as a priority system) met the 2-quarter timeliness goal established in the EPA ERP, 3 of the 8 met the goal for one of the appearances on the ETT list but not for all of the appearances, 6 of the 8 did not meet the goal for one or more of the appearances the system had on the ETT List as a priority system. On average for the identified systems (including those with multiple appearances as a priority system on the ETT List), the days between appearing on the ETT list as a priority and settlement of the violations was 253 days. This is in excess of the 2-quarter timeliness goal. Also, in evaluation of the data above, there is an indication that formal actions and/or return to compliance data is not consistently being entered timely so that the ETT scores accurately depict the compliance and enforcement history. Therefore, some of the systems above, remained on the ETT list as priority systems multiple quarters after the resolving action had been issued.

During the file review, it was discovered that in 2 of the 8 files, enforcement actions were initiated but never completed and there was no explanation in the documents provided that explained why the action was not pursued. This was especially important information since both of those systems had been identified as priority systems for multiple consecutive quarters without returning to compliance or having a formal action issued.

The *DEP Enforcement Manual,* developed jointly by the Secretary, Deputy Secretary, and Assistant Deputy Secretary of Regulatory Programs, is periodically revised as necessary. The latest revisions occurred in September 2013 and October 2014 for the chapters addressing compliance and enforcement processes. The manual describes FDEP's enforcement organization, compliance options, enforcement options, inspections and investigations protocol, administrative process and remedies, judicial process and remedies, litigation procedures, data management, and penalty policies. Overall, the *DEP Enforcement Manual* is a thorough document which is provided to all District offices and authorized FDOH offices. However, when compared to the EPA ERP, it was determined that the *DEP Enforcement Manual* was not consistent with the EPA ERP in that it did not define an expectation of timely and appropriate enforcement. The *DEP Enforcement Manual* had no clear expectation and/or goal for timelines associated with issuing formal enforcement for systems that are identified as priority on the ETT nor for systems with acute, health-based violations. During the interviews and file reviews, it was determined that the goals of issuing formal enforcement varied between the offices evaluated. The Southwest District office indicated that they were given some established guidelines on the expectations of timely and appropriate enforcement in the annual *SWD Business Plans*. However, both FDOH offices (Broward County DOH and Miami-Dade DOH), indicated that there were no set timelines provided by FDEP-HQ for issuance of formal enforcement or returning the system compliance. Each of the FDOH offices had established goals/expectations for timely and appropriate enforcement on their own. In Broward County, for example, the written expectation for each employee is that enforcement actions start within five days of discovering any violation. In addition, actions commence immediately upon discovery of cases where public health may potentially be at risk.

Staff in the Division, Districts, and FDOH offices are provided with training on the *DEP Enforcement Manual* and *923 Directive*.

In February of 2013, the Division instituted a Peer Review Process. This Peer Review Process establishes that prior to the issuance of formal enforcement by the District offices, a Peer Review Recommendation Memo must be sent to the Division. The Division then reviews the Peer Review Recommendation Memo to determine if formal enforcement is appropriate, ensures that penalties are consistently calculated across all District offices, and ensure that all regulations and violations are appropriately and consistently included in the enforcement. This process was established to ensure a consistent and equally applied approach to enforcement across all District Offices. This approach is not applied to the FDOH offices, who independently establish their enforcement activities within the confines of the Interagency Agreement and the *DEP Enforcement Manual*.

The Southwest District office and Broward DOH office have both implemented a strategy of sending reminders to the systems of their monitoring responsibilities and timelines. The reminders are sent out to the systems at a minimum of annually and in some cases monthly or quarterly as well. These activities were implemented to decrease instances of monitoring and reporting violations. The Miami-Dade DOH office has also implemented a program that aides in decreasing monitoring and reporting violations, by conducting sampling for the small systems and as well as for the transient non-community systems and a few community systems. These sampling efforts are being done through a Sstate laboratory in Miami.

Recommendations

Update the *DEP Enforcement Manual* or provide official written guidance to all offices of the following:

- The expectation to address those systems identified as priority systems on the ETT list within 2 quarters of appearance on the list, either by returning the system to compliance or issuing formal and enforceable enforcement as well as to act immediately on acute, health-based violations and subsequently confirm that systems with such violations return to compliance. This would help to ensure that the Sstate is consistent with the EPA ERP, the Sstate's PWSS Ggrant Wwork-plan, and that the State is consistently implementing the compliance and enforcement program throughout all of the districts and authorized programs.

- The expectation that the date that is being used as the date of enforcement action, which is entered into the Potable Water System (PWS) Database and ultimately into SDWIS, is consistently the same date across all districts and authorized programs. Note: The date the proposed order is sent/signed, the date of receipt of the proposed order, and the date of signature by the respondent should not be used as the date of enforcement for reporting purposes. These dates are not indicative of an effective order.

Efforts should be made to ensure that data submitted to SDWIS is timely, enforcement action dates are accurately and consistently entered, all violations are identified and submitted to SDWIS, and that all violations are accurately linked to the appropriate enforcement mechanisms. FDEP should develop and implement revised procedures to ensure accurate reporting of enforcement and compliance information into SDWIS.

Records should be maintained in the file that denote any and all decisions made with regard to enforcement actions, such as if there is a change from the proposed document or a decision to not pursue the enforcement action initiated.

The Division should continue with the Peer Review Process initiated to ensure consistency of the enforcement activities across District offices, and evaluate whether the process should be expanded to require that all formal actions, including those where both parties are in complete agreement, are submitted to the Division for review.

Internal Sstate coordination between FDEP and FDOH on the drinking water program

Background

Program coordination was selected as a priority review topic due to the number of separate offices that implement Florida's PWSS program and the significant impacts that a 2012 FDEP reorganization had on many of these offices. A first goal of the review is to better understand what kinds of coordination activities occur between offices and how these activities impact PWSS program implementation. A second goal is to determine how the 2012 reorganization altered previous coordination tools and pathways and describe Florida's efforts to adjust to those changes.

As described in the Overview section of this report, Florida implements the PWSS program through multiple offices, each of which handles specified duties for a designated portion of the Sstate. The Division manages Florida's overall primacy program and develops and maintains many of the resources used by six District offices and eight delegated FDOH offices. District and FDOH offices have autonomy to implement the program at the individual system level, but must conduct activities consistent with the Division rules, policy and guidance and communicate accomplishments and issues to the Division. The Division and District offices both report to FDEP's Deputy Secretary for Regulatory Programs. The 2012 reorganization redefined the FDEP's leadership structure and redistributed staff in the Division and some District offices in several ways, as described in the overview section of this report. FDOH offices were unaffected by the reorganization.

Florida's assignment of PWSS program duties to multiple offices and agencies allows the Sstate to leverage significant additional resources and expertise. However, good communication and collaboration is needed to ensure effective, consistent operation of this decentralized program. The overall objective of this review is to ensure that effective mechanisms for ensuring good program coordination remain in place, and to document any particular strengths or weaknesses that require further consideration.

Priority Evaluation Method

Region 4 used a combination of document reviews and personnel interviews to understand past and present coordination activities in Florida and evaluate how well those activities support Florida's overall PWSS program implementation. The documents and information reviewed were obtained from EPA Region 4 files, Division files and the Division's SDWP website (http://www.dep.state.fl.us/water/drinkingwater/). Of these, the following documents provided information on Florida's internal and external program coordination activities:

- FDEP responses to EPA Region 4's PWSS Priority Review Background Questions
- FDEP's 2014 Operator Certification Program Annual Submittal
- FDEP's FY13 Annual Capacity Development Program Implementation Report
- FDEP's 2014 triennial report to the governor on "Florida's Strategy to Improve Public Water Supply"
- FDEP-HQ PWSS Program Review Reports for 2013-2014 program evaluations of FDEP District and FDOH county field offices
- Issues of the Floridan newsletter
- Information available to public water systems on the SDWP website

The Division also provided EPA Region 4 staff with a walk-through of the information and data management tools available on the Division's internal PWS Application during this review. These tools are accessible to all District and FDOH offices.

To obtain a range of perspectives on coordination activities, EPA Region 4 visited multiple offices that together represent a cross-section of PWSS program components. These included the Division office, the Southwest District office and FDOH offices in Broward and Miami-Dade counties. FDOH headquarters staff and Southeast District staff also participated in FDOH office visits. EPA Region 4 interviewed multiple staff at varying levels of responsibility in each office. The names of program managers and technical staff interviewed in each office were obtained from FDEP in advance. EPA Region 4 developed a comprehensive list of questions on internal, inter-office and external (i.e. outreach) coordination, and selected appropriate questions from this list for each interviewee, depending on that person's responsibilities. Program Coordination interviews were conducted with groups of employees, as this approach allowed office staff to provide a more complete description of program interaction and also allowed EPA Region 4 to better observe the dynamics of each office.

Key Findings

To achieve successful program coordination, program components must be organized in a way that allows them to work together effectively to achieve overall program goals. Florida has used many methods to facilitate effective program coordination across all offices. During interviews, staff noted the following existing and historical tools:

Existing Tools:

1) Regular internal office staff meetings

2) Monthly communication calls between the Division and all District-FDOH offices to introduce new policy and regulations
3) Regular comprehensive program evaluations are performed by the Division of District offices (triennially) and by the Division, FDOH HQ and District staff of FDOH offices (annually)
4) One-on-one communication between District liaisons/experts and FDOH office staff
5) Internal PWS communications website - repository for SDWP information, including current announcements, guidance, available training, webcasts, powerpoint presentations and historical meeting minutes; maintained by the Division
6) Internal PWS database – standardized data entry tools facilitate data reporting/retrieval and compliance determination by staff; developed and updated by the Division to address changing requirements and user needs
7) Technical assistance from Florida Rural Waters Association (FRWA) – a Division-managed contract that provides assistance to small systems and conducts FRWA training sessions on many topics, including full day "Focus on Change" Seminars

Previous Tools:

1) Quarterly Permitting, Compliance and Enforcement (PCE) Meetings – means of informally sharing policy and implementation issues between Division and FDEP-FDOH offices
2) Annual PWSS Conference – face-to-face meeting of Division and all FDEP-FDOH office staff that provided information on program policies and issues, rule training and valuable discussion of specific questions, concerns and needs.
3) Quarterly meetings between each District liaison and delegated FDOH offices located within that District. EPA Region 4 believes there is still an expectation for these meeting to occur, but it appears that currently the meetings occur infrequently and only in some Districts.

(b)(5) Deliberative Process Privilege

[redacted]

Many administrators stated that their programs achieve much more by leveraging resources available from the Division and other offices. Leveraging occurs in many ways, including meetings, training and the use of common tools to manage and share SDWP data and information.

The PWSS program conducts various meetings and calls on a regular basis. Monthly 1-2 hour calls coordinated by the Division provide regular updates on pertinent program issues, but are limited in scope. District liaisons noted that they continue to share expertise and have good interaction with staff in FDOH offices, but these discussions are also limited, and some District offices have lost technical expertise. Conference calls and informal information sharing also occur between some District and FDOH offices. However, the regularity and strength of these exchanges varies widely. Lengthier face-to-face meetings (such as the annual PWSS conference and quarterly PCE meetings) have historically provided the most valuable opportunities for education and exchange among office staff. These meetings have included presentations on regulations, technical issues, policy, guidance and data management tools. They also provided time for face-to-face discussions among staff with varied backgrounds and expertise. Quarterly PCE meetings sometimes facilitated the scheduling of follow-up meetings. For example, some Districts followed quarterly PCE meetings with meetings with their delegated FDOH offices, allowing continued discussions on some PCE meeting topics or introduce other discussion topics of concern. The information exchanged in all of these meetings often facilitated faster, more comprehensive, consistent resolution of specific PWSS program concerns.

The Division conducts regular program reviews of each District and FDOH office. Program Review reports provide a consistent, in-depth assessment of 8 key program components across all 14 offices, as shown in Table 3 on the following page.

The relative weighting that the Division assigns to each of the 8 components is shown in the first row of this table. Individual cells display the percentage of total points which each office received for each component during the most recent 2013-2014 Program Evaluations. The results show that all offices successfully implement Data/File Management and Permit/Plan Review program components. Most offices also successfully implement Compliance, Enforcement and Sanitary Survey/Compliance Inspection program components. However, the basis for bonus points awarded for certain additional activities within these components, which often contribute to elevated scores, is somewhat unclear. Scores for the remaining three program components (Organization/Staffing/Resources, DEP Coordination/Assistance and Training) were more variable, with some offices receiving significantly lower scores. For the Organization/Staffing/Resources program component, three offices received less than 90%, and an additional two offices received less than 92%, of the total possible points. Offices generally received point reductions for having a higher ratio of public water systems to professional staff. However, all offices received the maximum allowable points for their response to the question: "Is the current staffing adequate to cover required workload?". These findings suggest that additional information is needed to better evaluate the adequacy of current office staffing/resource levels. For the DEP Coordination/Assistance component, four offices received 90% or less of total possible points. Point reductions were generally received due to lack of scanning capabilities for purposes of generating electronic files. Most questions required only "yes/no" responses, and the scoring system did not consider the more detailed comments provided by offices. Reconsideration of the kind of information needed to assess this component may be helpful. For the Training component, four offices received less than 85%, and an additional three offices received less than 92%, of total possible points. Point reductions were based on failure of staff to complete one or more of the identified core training courses, or lack of a written office training plan. These findings suggest that many offices do not have access to

all needed training. The Division's basis for updating the list of needed courses is also unclear. EPA Region 4 believes this portion of FDEP's program evaluation is inadequate to fully assess training needs.

Table 3.

Summary of 2013-2014 FDEP Program Evaluation Results for 6 FDEP District and 8 DOH County Offices

Sum of Score (as % of PE Weight) Row Labels	Column Labels 1_Organization/ Staffing/ Resources	2_Data/File Management	3_Compliance	4_Enforcement	5_Sanitary Survey/ Compliance Inspections	6_Permit/Plan Reviews	7_DEP Coordination/ Assistance Activities	8_Training	9_Overall Score
1_PE Weight(%)	5.00	25.00	15.00	15.00	15.00	15.00	5.00	5.00	100
A_Central	91.60	94.96	100.00	100.00	93.60	100.00	100.00	100.00	97.36
A_NE	[redacted]	[redacted]	[redacted]	[redacted]	90.40	98.00	100.00	91.60	94.08
A_NW	100.00	97.36	100.00	[redacted]	100.00	97.93	100.00	91.60	99.49
A_SE	102.00	95.28	[redacted]	[redacted]	97.33	101.07	100.00	100.00	97.2
A_South	102.00	90.76	100.00	[redacted]	[redacted]	101.00	100.00	[redacted]	98.12
A_SW	94.80	97.96	100.00	[redacted]	[redacted]	97.87	100.00	[redacted]	99.36
C_Broward	102.00	95.20	[redacted]	[redacted]	[redacted]	95.87	100.00	100.00	100.59
C_Hillsborough	[redacted]	99.60	100.00	100.00	[redacted]	92.80	100.00	100.00	98.33
C_Lee	91.60	97.12	100.00	[redacted]	100.00	93.73	[redacted]	100.00	98.31
C_Miami-Dade	96.80	95.24	100.00	[redacted]	96.40	93.93	[redacted]	100.00	97.58
C_Palm Beach	102.00	93.36	[redacted]	[redacted]	[redacted]	96.87	[redacted]	100.00	99.76
C_Polk	89.60	96.48	[redacted]	100.00	[redacted]	100.00	100.00	[redacted]	99.25
C_Sarasota	91.60	97.08	100.00	[redacted]	[redacted]	[redacted]	90.00	[redacted]	97.04
C_Volusia	102.00	95.12	[redacted]	[redacted]	96.27	93.60	100.00	91.60	94.49

LOW 100% HIGH

Staff interviews conducted during this Priority Review provided information on how Florida currently identifies and addresses training needs. While training needs are a clear priority, the resources to address those needs are often limited. In order to justify training, the Division and District offices each prepare comprehensive annual training plans. Some FDOH offices prepare office training plans, and many notify District offices of additional training needs on an ad-hoc basis. In response to identified needs, the Division develops some training courses and makes these available to all offices. Division training generally focuses on rule implementation or database usage. District and FDOH offices conduct varied amounts of duty-specific training internally and access external training sources as resources allow.

Florida's PWSS program does not currently appear to have a clear means for tracking and addressing training needs on a program-wide basis. Staff in multiple offices identified the need for training on: use of PWS Application tools, information on DBP formation and treatment, DBP Stage 2 implementation, technical knowledge that allows staff to tie rules together and optimize overall system compliance, and Sstate enforcement policies. These responses suggest that the PWSS program could realize some efficiencies by implementing more seamless, universal communication of training needs and resources. Several offices stated that they are in the process of re-tooling existing training plans, to adjust for changing duties and priorities that resulted from the 2012 reorganization. This re-tooling period may provide an opportunity for Florida to revisit the way in which it identifies and addresses training needs on a program-wide basis.

A primary goal of the 2012 reorganization was to recognize efficiencies and achieve greater Sstatewide consistency by realigning staff in the Division and some District offices. The changes implemented were initially disruptive, as they altered established communication pathways and sometimes significantly revised staff workload. However, during interviews, staff provided evidence that re-tooling of the organization aimed at improving overall program coordination is now occurring on several fronts. The Division is re-examining training plans and the value of regular, lengthier face-to-face meetings. The Division continues to revisit strategies for maintaining timely access to critical information technology resources. Given the realignment of compliance staff and the revision of some enforcement guidance, the Division has also recognized the importance of clarifying the enforcement process to all offices. Districts clearly desire autonomy to implement enforcement/compliance issues; however, they are also striving to exchange information and expertise with other Districts, and expressed a desire for clearer guidance from the Division on some issues. District offices that were more heavily impacted by the reorganization continue to re-calibrate their programs to ensure effective public water system oversight.

Resources which were unchanged through the 2012 reorganization contributed considerably to the continued strength of Florida's PWSS program. These resources include FDOH-HQ and FDOH offices, the continued use of 14 geographically-targeted District and FDOH offices to maintain close working relationships with public water systems operators, the technical support contract with FRWA, and the Division's continued maintenance of several tools for managing data and information essential to the PWSS program.

Recommendations

The 2012 reorganization refocused Florida's PWSS program on the critical goals of strengthening overall program consistency, and renewing focus on timely accomplishment of program priorities (such as the prevention and resolution of health-based violations). The associated reorganization of staff and resources disrupted many valuable coordination pathways that existed under the old organization. Some expertise was also lost during the reorganization. The re-tooling period that is now occurring is critical to ensuring that Florida maintains and establishes communication pathways and tools that will allow them to best accomplish the priorities of the PWSS program under the new organization. Based on information gathered during this priority review, the following program coordination-related activities are recommended as key to strengthening Florida's PWSS program.

Regular, established communications have historically provided the Division, District and FDOH offices with some of the most valuable ways to leverage the expertise and resources available in the many offices that comprise Florida's PWSS program. Interviewed staff unanimously stated that regular face-to-face meetings (such as the annual FDEP PWS conference and quarterly PCE meetings) were the most valuable tools, as these provided the broadest exchange of PWSS program and technical information to the greatest number of staff. Reinstatement of these meetings would strengthen staff knowledge and promote rebuilding of communication pathways. Continued strengthening of regular communication pathways between District offices would increase the exchange of information and expertise relevant to direct oversight of public water system facilities. Increased District expertise could also be leveraged by FDOH offices.

EPA Region 4 recommends FDEP lead a Sstatewide assessment of technical and programmatic training needs of all offices given the number of new drinking water regulations and new staff to the program. A re-tooling of Florida's training program that allows PWSS program offices to better identify and address training needs would be helpful.

Individual offices provide various levels of internal training, but this could be supplemented with the resources and expertise available from other offices across the Sstate. Reinstatement of the face-to-face meetings noted earlier would provide an efficient means for providing broadly-needed training, such as guidance on program enforcement tools and priorities as well as provide a meaningful opportunity for offices to share training plans (such as the training program being developed by the SW District).

Some re-tooling of the Division's standard Program Evaluation template may increase the usefulness of Program Evaluation findings. These regular program evaluations of District and FDOH offices provide an excellent tool for consistently evaluating key components of Florida's PWSS program. However, for some components, the information collected does not clearly explain the basis for differing, or lower, scores among offices. This finding primarily applies to components that do not include reviews of specific public water systems (i.e. Organization/Staffing/Resources, DEP Coordination/Assistance and Training components). Questions and scoring mechanisms used for these components could be re-examined and modified to better characterize office strengths or deficiencies. For example, the Division might

develop a standard process for updating core training courses to reflect changing program priorities and individual office needs.

Florida's PWSS program may strengthen external coordination though increased participation by local office level in EPA's Area Wide Optimization Program (AWOP) program. This participation would allow office staff to better evaluate and assist surface water systems in optimizing treatment goals and enhancing microbial and disinfection byproduct control. The technical expertise gained could also be shared with other offices.

Local District and FDOH offices are encouraged to make use of the OCULUS and Permitting Application document management systems, particularly in an effort to coordinate compliance and permitting activities.

Disinfection Byproduct Rules Implementation

Background

DBP Rules Implementation was selected as a priority for review based on an analysis of Sstate-wide violation data by specific contaminant group. Other than total coliform MCL violations, DBP MCL violations represented the greatest number of health-based violations for water systems in Florida over the past five years. Many water sources in Florida have high quantities of naturally occurring organic matter. When the water with high levels of organics is disinfected with chlorine, high levels of disinfection byproducts can form. Levels of many DBPs increase with water age in finished water storage tanks and distribution systems. Treatment strategies for DBPs can include adjustments to treatment systems (examples: removal of organics prior to disinfection, change of disinfectant, pH adjustment, or removal of DBPs after formation, etc.) or changes to operations of distribution systems (examples: adjustments to storage tank levels or fill/draw cycles, flushing practices, elimination of "dead ends" in distribution lines, etc.).

Over the past few years sStates and water systems have been transitioning from monitoring requirements associated with the Stage 1 Disinfectants and Disinfection Byproduct Rule to the Stage 2 DBP Rule. Some of the key changes include the number, frequency and locations of routine monitoring, inclusion of consecutive water systems to rule requirements, and how compliance is calculated based on locational running annual averages. The transition from the Stage 1 to Stage 2 Rule involved a period of time when EPA Region 4 was implementing aspects of rule focused on identifying potential new monitoring locations. These early implementation activities were a result of the regulatory timeline beginning before states were required to have the rule adopted. As a result, FDEP and FDOH field staff played a limited role in training and implementation associated with monitoring site selection. FRWA did provide a significant amount of outreach to water systems during this time. Florida had adopted the Stage 2 Rule by the time routine monitoring requirements began and worked with water systems to finalize monitoring plans.

Priority Evaluation Method

Region 4 utilized a combination of data analysis, personnel interviews and onsite file reviews to evaluate strengths and needs associated with Florida's implementation of the DBP Rules. Data analysis include reviews of DBP monitoring results from Florida's PWS Database and DBP violation data available from EPA's SDWIS data system. Interview questions were used to determine strategies utilized to affect system compliance, understand expertise levels and resource demands for staff and management, and to gage consistency in implementing the regulations and guidance associated with the DBP Rules. File reviews included a review of information used to develop system monitoring plans, an evaluation of system monitoring data to ensure monitoring was done in accordance with the plan, and a review of compliance determinations based on the analytical results. A complete list of the files reviewed is provided in Appendix A.

Key Findings

Most health-based violations for chemical monitoring in Florida are associated with DBPs.

Review of DBP monitoring results from the PWS Database identified a significant number of questionable values of "0" for TTHM and HAA5 analytical results, often at systems/locations that had previous and subsequent high levels. While some amount of fluctuation of results is expected, systems with detected levels greater than ½ of the MCL typically do not have fluctuations that would result in associated non-detect levels.

Staff determine compliance manually based on review of monitoring results as the Stage 2 module of the PWS Database was not yet available at the time of the review. The module has since been completed. Errors were identified in both water system reporting and Sstate compliance determination including:

- Incorrectly calculating the locational running annual average of monitoring results
- Water system not monitoring in correct months
- Failure of systems to submit Operational Evaluation Reports when required
- Changes in monitoring locations without justifications

Staff have had training on DBP rule compliance. However, very few staff indicated they had much, if any, training related to DBP formation and/or treatment.

Reviewers found recommendations to water systems on flushing strategies that are not supported by EPA and will result in masking ongoing health risks to water system customers.

Some offices have made efforts to integrate compliance and permitting activities to ensure DBP compliance is considered in project review and the potential need for DBP monitoring plan changes based on relevant water system infrastructure changes. Efforts range from having the same staff perform both engineering review/permitting and compliance determination, to developing a liaison responsibility between permitting and compliance office staff.

Recommendations

There is a need for District and County staff to re-evaluate DBP monitoring locations identified in Stage 2 Monitoring Plans. FDEP and FDOH should consider enhancing the review of distribution systems during sanitary surveys to include an evaluation of DBP monitoring locations. Considerations for enhancing the sanitary survey include:

- Checking disinfectant residual levels (and pH when available) to assess water quality at areas of high probable water age relative to approved DBP compliance monitoring locations.
- Reviewing flushing practices to determine if water systems are using practices to improve water quality system-wide or just at compliance locations.
- Visit the DBP monitoring locations to identify any changes (e.g. installation of auto-flushing device) that may give reason to modify the monitoring plan.
- Evaluate the appropriateness of changing one monitoring location to Point of Entry for consecutive systems based on the number of monitoring locations and associated baseline data already collected. POE data can be valuable for coordination between wholesale and consecutive water systems.

Provide technical training to staff on how to limit DBP levels in water systems through improved distribution system operation practices. The AWOP implemented in Region 4 has been used by several states to provide training to water system personnel on DBP compliance strategies that minimize the need for costly infrastructure and to develop the staff expertise to perform the enhanced sanitary survey practices outlined above. Due to the low number of surface water systems in the Sstate, FDEP has minimally participated in EPA's AWOP. With the network's significant change in focus to disinfection byproducts, FDEP should engage all districts and counties with opportunities to participate in AWOP.

FDEP should investigate the number of "0" monitoring results to determine if there are any obvious laboratory or data entry errors, or any trends that would raise question as to the integrity of the results.

FDEP-HQ should continue to prioritize development of the PWS Database to facilitate implementation tasks for inspectors and compliance officers.

Data Management

Background

One of the required functions of delegated PWSS Programs is to maintain a data management system for tracking compliance, enforcement actions and public water system inventory. FDEP-HQ's database for the drinking water program is the Oracle-based PWS Database. Reports are produced in Active Server Pages. Data are transmitted to SDWIS/Fed via an Extensible Markup Language file created from extrapolated data. Data are reported quarterly, including inventory, samples and violations and enforcement updates.

Automated compliance determinations for TCR, GWR, Phase II/IV, RAD, CCR, Turbidity and Stage 2 DBPs (just recently, in time to evaluate 1st Q 2015) are performed by the PWS Database nightly and verified by the district and county offices. All violations are posted automatically but can be over-ruled by the point person in each office. All other compliance determinations are entered manually within the individual offices, as are all violation letters and enforcement actions.

FDEP uses the SDWIS/Fed error reports to correct errors but finds that the ".pdf" format is not useful. That format is too difficult to mark up and data cannot be sorted. FDEP would greatly prefer data in Excel spreadsheets.

Key Findings

The Division has developed and maintains several effective tools for entering and accessing PWSS data and reports including:

PWS Database – In addition to tracking lab samples, the PWS Database tracks inventory, permit compliance/enforcement, monthly operations, inspections and complaints. The PWS Database includes reports for staff, but also posts five reports to the public FDEP website that are further divided by year or geographic area. Basic Facility Reports, Flow Data and Plant Treatment Data files are updated quarterly. Chemical Data and Microbiological Data files are updated annually in March. Reports provide information on sample results, average/max monthly flows, types of water treatment, the type of system, address, capacity, sources of water, population and service connections served, dates the Department performed the last sanitary survey, and the dates the last bacteriological and inorganic/organic contaminant testing was performed.

PA (Permitting Application) System – database that tracks the permit application process to ensure statutory time clocks are met.

OCULUS – an electronic, web-based document management system that allows the public and staff to search and review permitting documents, lab reports, inspections, etc. within DEP and at two of eight FDOH offices.

FDEP-DW standardized PDF/Word data/information entry forms - for use by public water systems and laboratories to document: (1) Permitting/Construction/O&M activities (Chapter 62-555.900 F.A.C.) and (2) reporting results for required test measurements or analyses (Chapter 62-550.730 F.A.C.). Users may generate computer-generated versions of same (see http://www.dep.state.fl.us/water/drinkingwater/forms.htm).

NEXUS – user-friendly information portal for retrieving documents from OCULUS archival database.

PASS (Permit Application Subscription Service) System - Allows user to receive automated, customized notification of permit application status (e.g by application types, geographic area, etc.)

Data entry and compliance determination tools available through the PWS Database provide staff in all offices with a rapid, reliable, consistent way to upload system monitoring data and accurately calculate compliance. The value of this tool was readily apparent during staff interviews, as staff unanimously emphasized the need for the Division's soon to be released DBP Stage 2 compliance determination tool.

Use of a Sstate-developed tool also allows staff to more easily request helpful database changes. Simpler changes are implemented by Division staff, while more comprehensive changes are made by staff in OTIS. Requests to OTIS are sometimes delayed, as OTIS must prioritize database needs for multiple programs. The Division works to maintain the priority level of key PWS Database updates, but limited OTIS resources are an ongoing challenge.

The Division also maintains two web-based document tracking systems that allow staff and the public to obtain SDWP documents of interest. OCULUS houses copies of permitting, lab, inspection, operational and compliance/enforcement documents. The PA System allows the user to retrieve permit applications currently under review. While these systems may provide a valuable resource to inspectors and permit reviewers, it is unclear to what extent some offices use these systems. More comprehensive training on these systems may facilitate the exchange of information between permitting and compliance staff.

Recommendations

Florida's PWSS program should continue to implement a strong data and information management program that is available to all offices. The PWS Database addresses a critical need, providing a consistent suite of tools for data entry and compliance determination that can also be modified to address staff needs.

External Outreach

Background

In selecting topics for review, FDEP's compliance assistance outreach to public water systems was identified as a program strength. The review included a combination of document review and interviews of key staff and managers. With recent changes in drinking water ~~law~~ regulations (Stage 2 DBP Rule, Ground Water Rule, Reduction of Lead in Drinking Water Act, Revised Total Coliform Rule), water systems are increasingly dependent on state agencies to provide the outreach necessary to explain the details of the rules and regulations that will ensure sector compliance and protection of public health.

FDEP and FDOH value a strong relationship with the regulated community and strive to ensure that, where possible, concerns are addressed through compliance assistance activities prior to water systems incurring a potential violation. Florida's drinking water program achieves outreach to water systems through site visits to water systems, training classes, contracts with technical assistance partners, and direct mailings to water systems and water system professionals.

Key Findings

FDEP and FDOH utilized a number of mechanisms to provide meaningful outreach activities to public water systems, including:

- Drinking Water Technical Assistance Program
- Contract with FRWA to provide training and operator certification
  - Focus on Change training seminars ~ 6 events/year
  - Water treatment plant operator certification ~16 events/year
  - Water distribution system certification training ~5 events/year
  - Water treatment plant operation and maintenance ~17 events/year
  - Electrical safety and generator set up ~ 1 event/year
  - Treatment technologies and conservation ~ 1 event/year
  - Emergency Response Plans ~ 0-1 event/year
  - Over 3,000 technical assistance site visits/year from Circuit Riders
- Limited Involvement in Area-Wide Optimization Program
- Operator Certification Program
- Floridian Newsletter
- Sanitary Surveys and other inspections

Florida's strong suite of outreach tools provide office staff with ways to enhance coordination with local public water system operators. The Division's Technical Assistance Program assists all offices in resolving technical, managerial and financial challenges of individual public water systems at no cost to those systems. The contracted services of FRWA are frequently used by smaller rural water systems. FRWA also provides training on various topics of interest to both system operators and FDEP and FDOH staff, including full-day sessions during the "Focus on Change" seminars which are held year-round at locations throughout the Sstate. Available training sessions are listed on the FRWA website. The Division participates minimally in EPA's AWOP, and uses this program to more closely evaluate and assist the ability of surface water systems to optimize disinfection and filtration treatment goals and enhance microbial and disinfectant byproduct control. While participation has recently decreased, staff interviewed in some District and FDOH offices expressed interest in increasing participation in order to benefit public water systems while strengthening the expertise of office staff.

All offices expressed a need for greater technical training of inspectors, compliance, and permitting staff citing a concern with being able to adequately address simultaneous compliance concerns with water systems. Some entities expressed concern over a perceived loss of drinking water programmatic expertise within FDEP.

The Division offers a Sanitary Survey School annually to train newer FDEP and FDOH inspectors on not only the eight elements that are required by EPA when conducting a sanitary

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Customer complaints made to the Sstate are addressed in a timely and appropriate fashion. There was some uncertainty as to what FDOH laboratory support is available to District staff when responding to customer complaints.

Every office makes a concerted effort to send letters to each water system annually to provide minimum monitoring requirements to ensure water systems complete all required monitoring.

Recommendations

Florida should continue to implement a strong PWSS outreach program. FRWA contracted services and training sessions provide invaluable support to local offices in their efforts to assist public water system operators. Focus on Change seminars also provide opportunities for exchange between office staff and public water system operators, strengthening communications between these parties.

Consider exploring the appropriateness of addressing laboratory support for bacteriological monitoring in the interagency agreement between FDOH and FDEP. The support would be used when responding to customer complaints or in carrying out any special studies that would enhance the value of Department outreach for water systems.

EPA Region 4 believes District and County staff participation in the AWOP would facilitate improved outreach to water systems. In addition to new regulations, large turnover in drinking water staff, in some areas, has created a need for increased investment in drinking water program training. EPA Region 4 strongly encourages Districts and Counties to interact more, through routine meetings and trainings, to discuss implementation challenges/successes so that expertise across the Sstate is better leveraged to fill the knowledge gaps associated with new regulations and new program staff.

Appendix A

Florida Drinking Water Program Priority Review
File Review Summary

For the enforcement cases, EPA Region 4 reviewed all actions and associated non-compliance over the past 3 years (2012-14). The case files should contain all of the case development work (violations, initial correspondence, informal and formal actions, etc.) even if prior to 2012. Example: If an enforcement order was issued in 2012 for an arsenic violation in 2010, EPA Region 4 evaluated everything from 2010 up until the system returned to compliance.

For the DBP files, EPA Region 4 reviewed files for monitoring results, monitoring plans, documents used in developing/approving monitoring locations, correspondence related to monitoring location changes, and documents related to compliance assistance outreach.

Broward County DOH

Enforcement Case Files

FL4060402	Everglades Holiday Park
FL4061517	Royal Utility Company
FL4064392	Kids Paradise

Disinfection Byproduct Files

FL4060402	Everglades Holiday Park
FL4060254	City of Deerfield Beach

Miami-Dade County DOH

Enforcement Case Files

FL4131403	American Village
FL4130833	Jones' Trailer Park
FL4130970	City of North Bay Village

Disinfection Byproduct Files

FL4131403	American Village
FL4130871	MDWASA
FL4131531	Virginia Gardens
FL4131001	Opalocka

Tampa, SW District

Enforcement Case Files

FL6095083	Seven Rivers Professional Center
FL6272304	Camper's Holiday
FL6510807	Holiday Gardens Utility, Inc.

Disinfection Byproduct Files

FL6512033	PCUD Blanton Lake Park
FL6520336	Clearwater Water System
FL6521576	Safety Water
FL6277059	Hernando Co. Utility-West
FL6280049	City of Avon Park

Priority #3: Disinfection Byproduct Rules Implementation

Background

Disinfection Byproduct Rules Implementation was selected as a priority for review based on an analysis of state-wide violation data by specific contaminant group. Other than total coliform MCL violations, DBP MCL violations represented the greatest number of health-based violations for water systems in Florida over the past five years. Many water sources in Florida have high quantities of naturally occurring organic matter. When the water with high levels of organics is disinfected with chlorine, high levels of disinfection byproducts can form. Levels of many ~~DPB~~ DBPs increase with water age in finished water storage tanks and distribution systems. Treatment strategies for DBPs can include adjustments to treatment systems (examples: removal of organics prior to disinfection, change of disinfectant, pH adjustment, or removal of DBPs after formation, etc.) or changes to operations of distribution systems (examples: adjustments to storage tank levels or fill/draw cycles, flushing practices, elimination of "dead ends" in distribution lines, etc.).

Over the past few years States and water systems have been transitioning from monitoring requirements associated with the Stage 1 Disinfectants and Disinfection Byproduct Rule to the Stage 2 DBP Rule. Some of the key changes ~~including~~ include the number, frequency and locations of ~~routing~~ routine monitoring, inclusion of consecutive water systems to rule requirements, and how compliance is calculated based on locational running annual averages. The transition from the Stage 1 to Stage 2 Rule involved a period of time when EPA, Region 4 was implementing aspects of rule focused on identifying potential new monitoring locations. These early implementation activities were a result of the regulatory timeline beginning before states were required to have the rule adopted. As a result, DEP and DOH field staff played a limited role in training and implementation associated with monitoring site selection. Florida Rural Water Association did provide a significant amount of outreach to water systems during this time. Florida had adopted the Stage 2 Rule by the time ~~routing~~ routine monitoring requirements began and worked with water systems to finalize monitoring plans.

Priority Evaluation Method

Region 4 utilized a combination of data analysis, personnel interviews and onsite file reviews to ~~evaluation~~ evaluate strengths and needs associated with Florida's implementation of the DBP ~~rules~~ Rules. Data analysis include reviews of DBP monitoring results from Florida's PWS database and DBP violation data available from EPA's SDWIS data system. Interview questions were used to determine strategies utilized to affect system compliance, understand expertise levels and resource demands for staff and management, and to gage consistency in implementing the regulations and guidance associated with the DBP Rules. File reviews included a review of information used to develop system monitoring plans, an evaluation of system monitoring data to ensure monitoring was done in accordance with the plan, and a review of compliance determinations based on the analytical results.

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Priority #4: Data Management

Background

One of the required functions of delegated PWSS Programs is to maintain a data management system for tracking compliance, enforcement actions and public water system inventory. FDEP's ~~main~~ database for the drinking water program is an Oracle-based database called PWS. ~~PWS analytical results are received electronically through the Oculus 5.6.2. Program. The Oculus Program is also accessible to the public for review of PWS documentation. FDEP also uses an Oracle-based database of their own design, PWS~~. Reports are produced in ~~American Standard Code for Information Interchange (ASCII)~~ Active Server Pages (ASP). Data are transmitted to SDWIS/Fed via an Extensible Markup Language (XML) file created from extrapolated data. Data are reported quarterly, including inventory, samples, and violations and enforcement updates.

Automated ~~C~~compliance determinations for TCR, GWR, Phase II/IV, RAD, CCR, Turbidity, and finally, in time to evaluate 1st Q 2015, Stage 2 DBPs, are performed by PWS nightly and verified by ~~in~~ the district and county offices~~, using the PWS program~~. ~~Pre-compliance reports run every night and are available to the offices the following day.~~ All violations are posted automatically, but can be over-ruled by ~~A~~ the point person in each office ~~is responsible for posting the previous month's violations so they can be compiled by Tallahassee. Treatment technique and Public Notice violations are entered manually~~. All other compliance determinations are entered manually within the individual offices ~~is automated~~ as are ~~A~~all violation letters and enforcement actions ~~are handled within the individual offices~~.

FDEP uses the SDWIS/Fed error reports to correct errors but finds that the ".pdf" format is not useful. That format is too difficult to mark up and data cannot be sorted. FDEP would greatly prefer data in Excel spreadsheets.

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(b)(5) Deliberative Process Privilege

[redacted]

(b)(5) Deliberative Process Privilege

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Priority #5: Outreach Activities

Background

In selecting topics for review, FL's compliance assistance outreach to public water systems was identified as a program strength. The review included a combination of document review and interviews of key staff and managers. With recent changes in drinking water law (Stage 2 Disinfection Byproduct Rule, Ground Water Rule, Reduction of Lead in Drinking Water Act, Revised Total Coliform Rule), water systems are increasingly dependent on state agencies to provide the outreach necessary to explain the details of the rules and regulations that will ensure sector compliance and protection of public health.

FDEP and FDOH value a strong relationship with the regulated community and strive to ensure that, where possible, concerns are addressed through compliance assistance activities prior to water systems incurring a potential violation. The FL drinking water program achieves outreach to water systems through site visits to water systems, training classes, contracts with technical assistance partners, and direct mailings to water systems and water system professionals.

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Armstrong, Kathy

From: Humphris, Allison
Sent: Friday, February 20, 2015 4:51 PM
To: Smith, Brian; Driskell, Amanda
Subject: Revised Overview and Program Coordination sections
Attachments: Overview_021915.docx; ProgramCoordination_022015.docx

Brian/Amanda,
Here are revised portions of the report that hopefully address the concerns that we discussed.
Let me know if you think additional changes are needed.
The coordination section is now a bit long, but it should be easier to cut than add.

Thanks, Allison

PRIORITY REVIEW OVERVIEW:

Historical Approach

Pre-2012	HQ contract supported resource-intensive "Data Verifications" that followed specific protocols to conduct comprehensive file reviews of each state PWSS regulation.
2012 -present:	Region 4 desired to maintain state PWSS program oversight by developing a protocol that can be supported with existing staff levels.

Priority Review Protocol

Objective	Work with state to identify state PWSS program elements for in-depth Region 4 review that are likely to identify actions that can be readily implemented by the state to maintain or strengthen their PWSS program.
Elements	Potential universe includes individual regulations and critical program functions (e.g. enforcement, program coordination, data management).

2014 FLORIDA PRIORITY REVIEW

Approach

Selection of Priority Program Elements - informed by extensive pre-review of available information (e.g. previously-submitted data/reports, FDEP program information) and discussions with FDEP staff.

Critical Program Elements not previously reviewed by EPA	Enforcement Activities
Program Elements potentially in need of improvement	Internal Program Coordination, DBP Rule Implementation
Program Elements that appear to be functioning well and are key to maintaining a strong PWSS program	Data Management, External Outreach

On-sight Review Process – Visited four Florida offices (FDEP HQ, FDEP-SW District, FDOH-Broward County and FDOH-Dade County) to conduct interviews with management/staff and review enforcement and DBP files.

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Summary of 2013-2014 FDEP Program Evaluation Results for 6 FDEP District and 8 DOH County Offices

Sum of Score (as % of PE Weight) Row Labels	Column Labels 1_Organization/ Staffing/ Resources	2_Data/File Management	3_Compliance	4_Enforcement	5_Sanitary Survey/ Compliance Inspections	6_Permit/Plan Reviews	7_DEP Coordination/ Assistance Activities	8_Training	9_Overall Score
1_PE Weight(%)	5.00	25.00	15.00	15.00	15.00	15.00	5.00	5.00	100
A_Central	91.60	94.96	100.00	100.00	93.60	100.00	100.00	100.00	97.36
A_NE	[redacted]	[redacted]	[redacted]	[redacted]	90.40	98.00	100.00	91.60	94.08
A_NW	100.00	97.36	100.00	[redacted]	100.00	97.93	100.00	91.60	99.49
A_SE	102.00	95.28	[redacted]	[redacted]	97.33	101.07	100.00	100.00	97.2
A_South	102.00	90.76	100.00	[redacted]	103.60	101.00	100.00	[redacted]	98.12
A_SW	94.80	97.96	100.00	[redacted]	102.60	97.87	100.00	[redacted]	99.36
C_Broward	102.00	95.20	[redacted]	[redacted]	102.33	95.87	100.00	100.00	100.59
C_Hillsborough	[redacted]	99.60	100.00	100.00	[redacted]	92.80	100.00	100.00	98.33
C_Lee	91.60	97.12	100.00	[redacted]	100.00	93.73	[redacted]	100.00	98.31
C_Miami-Dade	96.80	95.24	100.00	[redacted]	96.40	93.93	[redacted]	100.00	97.58
C_Palm Beach	102.00	93.36	[redacted]	[redacted]	[redacted]	96.87	[redacted]	100.00	99.76
C_Polk	89.60	96.48	[redacted]	100.00	102.73	100.00	100.00	[redacted]	99.25
C_Sarasota	91.60	97.08	100.00	[redacted]	[redacted]	[redacted]	90.00	[redacted]	97.04
C_Volusia	102.00	95.12	[redacted]	[redacted]	96.27	93.60	100.00	91.60	94.49

[redacted]

LOW 100% HIGH

(b)(5) Deliberative Process Privilege

[redacted]

PRIORITY REVIEW OVERVIEW:

Historical Approach

Pre-2012	HQ contract supported resource-intensive "Data Verifications" that followed specific protocols to conduct comprehensive file reviews of each state PWSS regulation.
2012 -present:	Region 4 desired to maintain state PWSS program oversight by developing a protocol that can be supported with existing staff levels.

Priority Review Protocol

Objective	Work with state to identify state PWSS program elements for in-depth Region 4 review that are likely to identify actions that can be readily implemented by the state to maintain or strengthen their PWSS program.
Elements	Potential universe includes individual regulations and critical program functions (e.g. enforcement, program coordination, data management).

2014 FLORIDA PRIORITY REVIEW

Approach

Selection of Priority Program Elements - informed by extensive pre-review of available information (e.g. previously-submitted data/reports, FDEP program information) and discussions with FDEP staff.

Critical Program Elements not previously reviewed by EPA	Enforcement Activities
Program Elements potentially in need of improvement	Internal Program Coordination, DBP Rule Implementation
Program Elements that appear to be functioning well and are key to maintaining a strong PWSS program	Data Management, External Outreach

On-sight Review Process – In December 2014, the EPA ~~V~~visited four Florida offices (FDEP HQ, FDEP-SW District, FDOH-Broward County and FDOH-Dade County) to conduct interviews with management/staff and review enforcement and DBP files.

(b)(5) Deliberative Process Privilege

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Armstrong, Kathy

From: Humphris, Allison
Sent: Monday, February 09, 2015 6:29 PM
To: Smith, Brian; Driskell, Amanda
Subject: 2 Draft Sections of FL PR Report
Attachments: Overview_020915.docx; ProgramCoordination_020915.docx

Brian/Amanda,
Attached are drafts of two sections of the Priority Review Report: Overview and Program Coordination.
I apologize for the lateness of this draft.
I think the Overview section is on the right track, but am having some trouble identifying the right focus for the Program Coordination section. I've included a lot of information, but still struggling to determine what the 'main point' is - and there may be some overlap with other sections that needs to be removed. Also didn't get a chance to extract recommendations into a separate subsection yet.

Getting together tomorrow to discuss will be helpful.

Thanks, Allison

OVERVIEW OF FLORIDA'S PWSS PROGRAM

EPA gives flexibility to state primacy agencies for required PWSS program activities. In Florida, PWSS implementation activities are spread over a decentralized organizational structure. The Department of Environmental Protection has the primary role of regulating public water systems (PWSs) in Florida. The Source and Drinking Water Program (SDWP) located in the FDEP headquarters in Tallahassee (FDEP-HQ) is responsible for writing rules, developing policy, managing funds, providing training, managing data, and managing special initiatives. The Water Compliance Assurance Program (WCAP) is responsible for oversight, tracking and reporting of enforcement and permitting activities. The enforcement of rules and permitting of new construction for individual PWSs is handled by six FDEP district offices. In eight Florida counties, the Districts have currently delegated this enforcement and permitting authority to local approved county health departments through Interagency Agreement. FDEP has also delegated laboratory certification to the Department of Health Laboratory in Jacksonville.

FDEP-HQ environmental programs are divided into three main areas, one of which is Regulatory Programs. The Deputy Secretary for Regulatory Programs provides oversight and direction to four FDEP-HQ regulatory divisions, including the Division of Water Resource Management (DWRM) and six regulatory district offices. The SDWP and WCAP programs are both located within DWRM, while the regulatory district offices report directly to the Deputy Secretary for Regulatory Programs. Following is a complete list and description of all programs which contribute to FDEP's implementation of Safe Drinking Water Act (SDWA) requirements.

Florida Department of Environmental Protection

FDEP-HQ Division of Water Resource Management (DWRM):

- FDEP-HQ Source and Drinking Water Program (SDWP): Coordinate overall PWSS implementation through policy and rule development, and management of funding, training, data and special initiatives. Ensure all SDWA program requirements are conducted and reported to EPA as outlined in the annual PWSS workplan.
- FDEP-HQ Water Compliance Assurance Program (WCAP): Facilitate statewide coordination of compliance and enforcement activities by providing and/or supporting the development of policy, guidance and training to ensure consistency among the six District Offices for state Drinking Water and Wastewater Programs. Ensure all SDWA compliance and enforcement activities are conducted and reported to EPA as outlined in the annual PWSS workplan commitments.

FDEP-HQ Office of General Counsel (OGC): Provide legal counsel and represent FDEP in implementing enforcement, permitting and programmatic actions. Provide training and consultation to FDEP staff.

FDEP-HQ Office of Technology and Information Services (OTIS): Manage functionality and security of the information technology systems that support FDEP mission success.

Provide application development and customer support services to FDEP Divisions and regulatory districts that use regulatory databases, including SDWP support needs for PWS.

FDEP Regulatory District Offices: Coordinate and implement all permitting, compliance and enforcement activities for counties located within District boundaries, including permit reviews, facility inspections, compliance assistance, rule enforcement and response to reports of environmental damage. Six separate offices serve counties located in the Northwest, Northeast, Central, South, Southeast and Southwest portions of the state. The FDEP District Office delegates this authority to qualified individual Florida Department of Health (FDOH) county offices. Provide legal, technical and training assistance to delegated FDOH county offices.

Florida Department of Health

- The current DEP-DOH Interagency Agreement delegates lead PWSS program implementation authority from the responsible FDEP District Office to DOH offices in the counties of Broward, Miami-Dade, Hillsborough, Lee, Sarasota, Palm Beach, Polk and Volusia. Delegated FDOH county offices coordinate and implement permitting, compliance and enforcement activities for that county.
- The Florida Department of Health laboratory in Jacksonville maintains a State program for the certification of laboratories conducting analytical measurements of all drinking water contaminants, with the exception of radionuclides, in accordance with Florida Statutes 403.862-.8635 and Florida Administrative Code (F.A.C.) Chapter 62-550.550.

South Carolina Department of Health: South Carolina's radiological laboratory is responsible for the analysis of all radionuclude samples for Florida PWSs, in accordance with an MOA approved by SESD on January 28, 2013.

This organization is significantly changed from the structure that was in place during the previous 2009 Program Review conducted by The Cadmus Group, Inc. on behalf of EPA. In 2012, FDEP underwent a reorganization which affected both FDEP-HQ and FDEP District offices. At FDEP-HQ, the source and drinking water program staff were merged to form the Source and Drinking Water Program. Staff were relocated from the Drinking Water Program to support the formation of a centralized compliance and enforcement group (WCAP) and a more centralized information technology group (OTIS). District boundaries were redrawn, and resources were re-allocated, to allow for a more even distribution of resources among Districts. A primary objective of this reorganization was to improve program efficiency/effectiveness and promote consistency by streamlining the management structure and increasing cross-utilization of resources, particularly in the areas of compliance determination and data management.

FDEP's authority to implement provisions of the Safe Drinking Water Act (SDWA) derives from Chapter 403, Part VI, Florida Statutes and by delegation of the federal program from the U.S. Environmental Protection Agency. The Department has promulgated a number of rules in Chapters 62-4, 62-550, 62-555, 62-560, 62-602 and 62-699 F.A.C. to address drinking water standards, monitoring and reporting; public water system permitting and compliance; and treatment plant operators, classification and staffing. These requirements impact approximately

5245 federally regulated public water systems (PWSs) with approximately 1649 (or 31%) of Florida's PWSs being community water systems, approximately 776 or (15%) being non-transient non-community systems, and approximately 2820 or (54%) being transient non-community systems (Table 1).

PWS TYPE	WATER SOURCE	COUNT
CWS	Surface Water only	5
	Surface & Ground Water	69
	Ground Water only	1575
NTNC	Surface Water only	0
	Surface & Ground Water	4
	Ground Water only	772
TNC	Surface Water only	5
	Surface & Ground Water	1
	Ground Water only	2819
TOTAL		5245

Table 1. Count of Florida Public Water Systems by Type and Source

Priority #2 Program Coordination

Background

The FDEP Source and Drinking Water Program (SDWP) is a decentralized program that implements provisions of the Safe Drinking Water Act (SDWA) through multiple offices. Each office handles specified duties for a designated portion of the state. The structure of FDEP's SDWP was also significantly revised in a 2012 reorganization. EPA selected program coordination as a priority review topic in order to better understand the coordination processes that occur within and between offices, determine how the reorganization impacted these processes and assess how well the current processes allow FDEP to fully implement provisions of the SDWA.

FDEP has primacy for implementing Florida's Public Water System Supervision (PWSS) Program. FDEP's headquarters office in Tallahassee (FDEP-HQ) manages the overall primacy program and develops and maintains many of the resources used by six FDEP district offices and eight FDOH county health department offices to implement the program at the individual system level. Each FDEP District and delegated FDOH county field office has autonomy to implement the program but must conduct activities consistent with FDEP rules, policy and guidance and communicate accomplishments to FDEP-HQ. FDOH authority to implement the program is delegated from the geographically co-located FDEP District to the FDOH county office via interagency agreement. Both parties periodically evaluate the county office's ability to implement the program. In order to maintain primacy, FDEP must also ensure that Florida maintains a comprehensive laboratory certification program. Florida Statute assigns FDOH the responsibility for implementing Florida's laboratory certification program. FDOH oversees all certified laboratories in the state of Florida with the exception of a radiochemistry lab. In 2012, FDOH and the South Carolina Department of Health and Environmental Control Bureau of Laboratories (SCBL) entered into a Memorandum of Agreement that allows the SCBL Radiochemistry lab to serve as the SDWA Primacy Radiochemistry lab for Florida's PWSS program.

The 2012 reorganization redefined FDEP's leadership structure and redistributed staff in FDEP-HQ and some District offices, as described in the overview section of this report. FDOH county offices were unaffected by the reorganization. These changes may have impacted existing communication tools and pathways, or necessitated re-tooling of those pathways.

The assignment of duties to multiple offices and agencies allows Florida to leverage significant additional resources and expertise. However, good communication and collaboration is needed to ensure that this decentralized program operates effectively and consistently. The overall objective of this review is to ensure that effective mechanisms for ensuring good program coordination remain in place, and to document any particular strengths or weaknesses that require further consideration.

Priority Evaluation Method

Region 4 used a combination of document reviews and personnel interviews to understand past and present coordination activities in Florida and evaluate how well those activities support Florida's overall implementation of the PWSS Program. The documents and information reviewed were obtained from EPA Region 4 files, FDEP-HQ files and FDEP's SDWP website (http://www.dep.state.fl.us/water/drinkingwater/). Of these, the following documents provided information on Florida's internal and external program coordination activities:

- FDEP responses to EPA's PWSS Priority Review Background Questions
- FDEP's 2014 Operator Certification Program Annual Submittal
- FDEP's FY13 Annual Capacity Development Program Implementation Report
- FDEP's 2014 triennial report to the governor on "Florida's Strategy to Improve Public Water Supply"
- FDEP-HQ PWSS Program Review Reports for 2013-2014 program evaluations of FDEP District and FDOH county field offices
- Issues of the Floridan newsletter
- Information available to public water systems on the SDWP website

During the review, FDEP-HQ also provided EPA Region 4 staff with a walk-through of the tools available on FDEP's internal PWS website. This tool is accessible to all FDEP Districts and delegated FDOH county offices.

To obtain a range of perspectives on coordination activities, EPA visited multiple FDEP and FDOH offices and interviewed several staff in each office. The following offices were selected following discussions with FDEP and FDOH:

- FDEP-HQ (Tallahassee)
- FDEP's Southwest District office
- FDOH's Broward County office
- FDOH's Miami-Dade County office.

Personnel from FDOH-HQ and FDEP Southeast District office who are responsible for FDEP-FDOH coordination also participated in the visits to FDOH county offices.

To prepare for the review, EPA obtained a list of program managers and technical staff to be interviewed in each office from FDEP (Appendix ?). EPA then developed a comprehensive list of questions on internal, inter-office and external (i.e. outreach) coordination (Appendix ?), and selected appropriate questions from this list for each interviewee, based on that person's responsibilities.

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Armstrong, Kathy

From: Driskell, Amanda
Sent: Wednesday, February 11, 2015 12:54 PM
To: Smith, Brian; Humphris, Allison
Subject: Updated Enforcement Section of the FL Report
Attachments: FL Review Enforcement Report.docx

Brian and Allison,

I made the edits to my portion of the report that were discussed during our meeting. I think that I addressed all of the comments, if not, just let me know. There was one item that I came across while editing, that I wanted to ask both of you before making a change. Allison refers to tallahasseee as FDEP-HQ. I used the reference, "the Division" for Tallahassee, "the District" for the districts, and DOH for the DOH offices. I got those references directly from the DEP Enforcement Manual. Is there a preference? I am not particularly married to either way, just wanted to check before I made any changes.

Thanks

Amanda

Amanda L. Driskell, Senior Enforcement Officer
USEPA - Region 4
Grants & Drinking Water Protection Branch
Drinking Water Section
61 Forsyth Street, 15th Floor
Atlanta, GA 30303
404-562-9735
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driskell.amanda@epa.gov

Priority #1: Enforcement Program

Background

Compliance and Enforcement Program Implementation was selected as a priority for review in order to assess whether a state is implementing the requirements of the Public Water System Supervision (PWSS) program. The states ensure that human health is safeguarded by enforcing the requirements of the Safe Drinking Water Act (SDWA) to ensure that the states' public drinking water supply and its sources are protected. Historically, the reviews of the states' PWSS programs, whether that be through a Data Verification, Program Review, or a Priority Review, did not typically include an evaluation of the compliance and enforcement program at the states. Region 4 has determined that this is an important aspect of a review of the implementation of a PWSS program, and plans to include this in future Priority Reviews, as appropriate. Through this review, EPA promotes regional consistency, identifies successes in implementation of the PWSS program, and identifies opportunities for improvement in the compliance and enforcement programs.

In January of 2010, EPA began implementation of a new enforcement approach designed to help our nation's public water systems comply with the requirements of the SDWA. This new approach replaced the previous system of a contaminant to contaminant compliance strategy with one that focuses attention on the drinking water systems with the most serious or repeated violations. This strategy identifies public water systems with violations that rise to the level of significant noncompliance by focusing on those systems with health-based violations and those that show a history of violations across multiple rules. This system-based methodology is intended to ensure consistency and the integrity of the PWSS national enforcement program. This approach includes a revised Enforcement Response Policy (ERP) and new Enforcement Targeting Tool (ETT).

The ETT uses a tool that enables the prioritization of public water systems by assigning each violation a "weight" or number of points based on the assigned threat to public health. Points for each violation at a water system are summed to provide a total score for that water system. Water systems whose scores exceed a certain threshold will be considered a priority system for enforcement.

EPA recognizes that states carry out both formal and informal enforcement and compliance assistance activities. These activities are effective tools for achieving compliance. Nevertheless, systems specifically identified by the ETT as priorities must be returned to compliance (RTC) or EPA will expect formal, enforceable mechanisms to return such systems to compliance. States are expected to escalate their response to ensure that RTC is accomplished. Once a public water system is identified as an enforcement priority on the ETT list, an appropriate formal action or RTC will be required within two calendar quarters to be considered "timely". However, regardless of a public water system's position on a state's ETT list, EPA expects that states will act immediately on acute, health-based violations and subsequently confirm that systems with such violations return to compliance.

Priority Evaluation Method

Region 4 utilized a combination of data analysis, personnel interviews, comparison of established program strategies with the ERP, and onsite file reviews to evaluate Florida's successes in implementation of the PWSS program and identify opportunities for improvement in its compliance and enforcement program. Data analysis included a review of the EPA ETT Tracker, which is a tool that provides useful metrics and graphing capabilities for systems' current and past ETT scores for up to twenty (20) quarters. This information was used to aide in the selection of the files to be reviewed and

get a rough evaluation of Florida's ability to timely and appropriately return systems to compliance or issue formal, enforceable mechanisms that will return a system to compliance. Additionally, EPA's SDWIS data system was used to determine what violations and enforcement had been done for each of the selected files to review. Nine (9) files were selected for review, however, only eight (8) were reviewed (See table named *Timeline for Settlement of Identification as a Priority System on the ETT List* below). Interview questions were used to understand the dynamics of the organization including staffing resources and demands and to determine how the established program strategies were being implemented with regards to Florida's compliance and enforcement program. The *Department of Environmental Protection (DEP) Enforcement Manual* and *Directive* 923 were reviewed for consistency with the EPA ERP requirements to ensure that these policies enabled the state to meet the requirements of timely and appropriate compliance and enforcement. File reviews included a review of the violations determined, an evaluation of the enforcement mechanisms issued for consistency with the *DEP Enforcement Manual* and the EPA ERP, and a comparison of the information found during the file review with the data reported to EPA's SDWIS data system.

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Armstrong, Kathy

From: Driskell, Amanda
Sent: Thursday, February 05, 2015 1:13 PM
To: Smith, Brian; Humphris, Allison
Subject: Enforcement Element of the Florida Review
Attachments: FL Review Enforcement Report.docx

Brian and Allison,

In preparation for our meeting next week, I am sending my write up on the enforcement portion of the Florida Priority Review. I haven't yet gone through it for grammar or massaged the sentences yet. I have read it and worked with it for so long that it's all starting to look the same. So I need to step away for a minute before I edit. So feel free to let me know if there is anything that needs work or should be added.

Thanks

Amanda

Amanda L. Driskell, Senior Enforcement Officer
USEPA - Region 4
Grants & Drinking Water Protection Branch
Drinking Water Section
61 Forsyth Street, 15th Floor
Atlanta, GA 30303
404-562-9735
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driskell.amanda@epa.gov

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In January of 2010, EPA began implementation of a new enforcement approach designed to help our nation's public water systems comply with the requirements of the SDWA. This new approach replaced the previous system of a contaminant to contaminant compliance strategy with one that focuses attention on the drinking water systems with the most serious or repeated violations. This strategy identifies public water systems with violations that rise to the level of significant noncompliance by focusing on those systems with health-based violations and those that show a history of violations across multiple rules. This system-based methodology is intended to ensure consistency and the integrity of the PWSS national enforcement program. This approach includes a revised Enforcement Response Policy (ERP) and new Enforcement Targeting Tool (ETT).

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Armstrong, Kathy

From: Smith, Brian
Sent: Monday, January 12, 2015 3:24 PM
To: Humphris, Allison; Burns, Robert; Driskell, Amanda; Campbell-Dunbar, Shawneille
Subject: FL Priority Review - DBP draft write-up
Attachments: FL Priority Reveiw Report Template.docx; DBP Priority write-up.docx

Hey all,

Attached is my draft of the DBP priority write-up for the FL report. I tried to follow the report template we discussed in a prep-meeting, though I never received comments on the template (also attached) and I'll happily take any recommendations for improvement...or feel free to copy the structure of the write-up for the other priorities (Coordination – Allison/me, Enforcement – Amanda, Data/outreach – me). Please feel free to provide any comments on the DBP section - substantive, editorial, or religious.

Robert – You and I had a pretty extended conversation one day in preparation for the site visit where we reviewed quite a bit of monitoring data available from FL's website. Please let me know if there are other 'Key Findings' that you remember and I don't.

-Brian

FL PWSS Priority Review Report Outline (Template)

Executive Summary

Introduction (Brian)

Overview of Florida's Public Water System Supervision Program (Allison)

Program Priorities (Brian)

- Priority 1: Enforcement Program (Amanda)
  - Evaluation Method
  - Findings
  - Recommendations

- Priority 2: Disinfection Byproduct Rules Transition and Implementation (Robert/Brian)
  - Evaluation Method
  - Findings
  - Recommendations

- Priority 3: Program Coordination with FDEP and DOH (Allison/Brian)
  - Evaluation Method
  - Findings
  - Recommendations

Other Areas of Significance (Brian)

INTRODUCTION

This section should include a description of the Priority Review approach to evaluating a states' PWSS Program. The description should highlight the involvement of the state in setting priorities for the review and the focus on transparency throughout the effort.

OVERVIEW OF State's PWSS Program

This section should provide a broad overview of the entire state program. The answers to the baseline questions can be compiled into narrative paragraphs. In addition to the baseline questions, the state program manager can include other information from the following sources:

- Quarterly uploads to SDWIS
- Operator Certification Annual Report
- Capacity Development report to the Governor
- include list from PR protocol

This section is based on resources (reports, data, correspondance) available for each state and therefore represents the portion of the review that is common among all states in Region 4. Therefore any aspect of the program can be discussed in this section.

PROGRAM PRIORITIES

Identify the priorities chosen for the review and provide a brief description of why each priority was chosen. It may also be appropriate to identify priorities that were not chosen, but may be considered for future reviews or internal investigations by the state.

A separate section for each identified priority should include a description of the priority, the methods that will be used to evaluate state performance (e.g. data review, file reviews, interviews), findings discovered in reviewing state documents/reports prior to the site visit as well as findings from the onsite file reviews and interviews. Some effort should be focused on developing numeric measures of evaluation/performance that can be referenced when making recommendations for programmatic improvements. Recommendations should be made for each priority based on findings discovered throughout the review process.

OTHER AREAS OF SIGNIFICANCE

This section can be used to address other important issues discover during the review. The issues can be programmatic strengths as well as potential concerns.

Priority #3: Disinfection Byproduct Rules Implementation

Background

Disinfection Byproduct Rules Implementation was selected as a priority for review based on an analysis of state-wide violation data by specific contaminant group. Other than total coliform MCL violations, DBP MCL violations represented the greatest number of health-based violations for water systems in Florida over the past five years. Many water sources in Florida have high quantities of naturally occurring organic matter. When the water with high levels of organics is disinfected with chlorine, high levels of disinfection byproducts can form. Levels of many DPBs increase with water age in finished water storage tanks and distribution systems. Treatment strategies for DBPs can include adjustments to treatment systems (examples: removal of organics prior to disinfection, change of disinfectant, pH adjustment, or removal of DBPs after formation, etc) or changes to operations of distribution systems (examples: adjustments to storage tank levels or fill/draw cycles, flushing practices, elimination of "dead ends" in distribution lines, etc.).

Over the past few years States and water systems have been transitioning from monitoring requirements associated with the Stage 1 Disinfectants and Disinfection Byproduct Rule to the Stage 2 DBP Rule. Some of the key changes including the number, frequency and locations of routing monitoring, inclusion of consecutive water systems to rule requirements, and how compliance is calculated based on locational averages. The transition from the Stage 1 to Stage 2 Rule involved a period of time when EPA, Region 4 was implementing aspects of rule focused on identifying potential new monitoring locations. These early implementation activities were a result of the regulatory timeline beginning before states were required to have the rule adopted. As a result, DEP and DOH field staff played a limited role in training and implementation associated with monitoring site selection. Florida Rural Water did provide a significant amount of outreach to water systems during this time. Florida had adopted the Stage 2 Rule by the time routing monitoring requirements began and worked with water systems to finalize monitoring plans.

Priority Evaluation Method

Region 4 utilized a combination of data analysis, personnel interviews and onsite file reviews to evaluation strengths and needs associated with Florida's implementation of the DBP rules. Data analysis include reviews of DBP monitoring results from Florida's PWS database and DBP violation data available from EPA's SDWIS data system. Interview questions were used to determine strategies utilized to affect system compliance, understand expertise levels and resource demands for staff and management, and to gage consistency in implementing the regulations and guidance associated with the DBP Rules. File reviews included a review of information used to develop system monitoring plans, an evaluation of system monitoring data to ensure monitoring was done in accordance with the plan, and a review of compliance determinations based on the analytical results.

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- Priority 2: Disinfection Byproduct Rules Transition and Implementation (Robert/Brian)
  - Evaluation Method
  - Findings
  - Recommendations

- Priority 3: Program Coordination with FDEP and DOH (Allison/Brian)
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Other Areas of Significance (Brian)

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Priority #3: Disinfection Byproduct Rules Implementation

Background

Disinfection Byproduct Rules Implementation was selected as a priority for review based on an analysis of state-wide violation data by specific contaminant group. Other than total coliform MCL violations, DBP MCL violations represented the greatest number of health-based violations for water systems in Florida over the past five years. Many water sources in Florida have high quantities of naturally occurring organic matter. When the water with high levels of organics is disinfected with chlorine, high levels of disinfection byproducts can form. Levels of many DPBs increase with water age in finished water storage tanks and distribution systems. Treatment strategies for DBPs can include adjustments to treatment systems (examples: removal of organics prior to disinfection, change of disinfectant, pH adjustment, or removal of DBPs after formation, etc) or changes to operations of distribution systems (examples: adjustments to storage tank levels or fill/draw cycles, flushing practices, elimination of "dead ends" in distribution lines, etc.).

Over the past few years States and water systems have been transitioning from monitoring requirements associated with the Stage 1 Disinfectants and Disinfection Byproduct Rule to the Stage 2 DBP Rule. Some of the key changes including the number, frequency and locations of routing monitoring, inclusion of consecutive water systems to rule requirements, and how compliance is calculated based on locational averages. The transition from the Stage 1 to Stage 2 Rule involved a period of time when EPA, Region 4 was implementing aspects of rule focused on identifying potential new monitoring locations. These early implementation activities were a result of the regulatory timeline beginning before states were required to have the rule adopted. As a result, DEP and DOH field staff played a limited role in training and implementation associated with monitoring site selection. Florida Rural Water did provide a significant amount of outreach to water systems during this time. Florida had adopted the Stage 2 Rule by the time routing monitoring requirements began and worked with water systems to finalize monitoring plans.

Priority Evaluation Method

Region 4 utilized a combination of data analysis, personnel interviews and onsite file reviews to evaluation strengths and needs associated with Florida's implementation of the DBP rules. Data analysis include reviews of DBP monitoring results from Florida's PWS database and DBP violation data available from EPA's SDWIS data system. Interview questions were used to determine strategies utilized to affect system compliance, understand expertise levels and resource demands for staff and management, and to gage consistency in implementing the regulations and guidance associated with the DBP Rules. File reviews included a review of information used to develop system monitoring plans, an evaluation of system monitoring data to ensure monitoring was done in accordance with the plan, and a review of compliance determinations based on the analytical results.

(b)(5) Deliberative Process Privilege

[redacted]

(b)(5) Deliberative Process Privilege

[redacted]

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Armstrong, Kathy

From: Smith, Brian
Sent: Monday, January 12, 2015 3:24 PM
To: Humphris, Allison; Burns, Robert; Driskell, Amanda; Campbell-Dunbar, Shawneille
Subject: FL Priority Review - DBP draft write-up
Attachments: FL Priority Reveiw Report Template.docx; DBP Priority write-up.docx

Hey all,

Attached is my draft of the DBP priority write-up for the FL report. I tried to follow the report template we discussed in a prep-meeting, though I never received comments on the template (also attached) and I'll happily take any recommendations for improvement...or feel free to copy the structure of the write-up for the other priorities (Coordination – Allison/me, Enforcement – Amanda, Data/outreach – me). Please feel free to provide any comments on the DBP section - substantive, editorial, or religious.

Robert – You and I had a pretty extended conversation one day in preparation for the site visit where we reviewed quite a bit of monitoring data available from FL's website. Please let me know if there are other 'Key Findings' that you remember and I don't.

-Brian

FL PWSS Priority Review Report Outline (Template)

Executive Summary

Introduction (Brian)

Overview of Florida's Public Water System Supervision Program (Allison)

Program Priorities (Brian)

- Priority 1: Enforcement Program (Amanda)
  - Evaluation Method
  - Findings
  - Recommendations

- Priority 2: Disinfection Byproduct Rules Transition and Implementation (Robert/Brian)
  - Evaluation Method
  - Findings
  - Recommendations

- Priority 3: Program Coordination with FDEP and DOH (Allison/Brian)
  - Evaluation Method
  - Findings
  - Recommendations

Other Areas of Significance (Brian)

INTRODUCTION

This section should include a description of the Priority Review approach to evaluating a states' PWSS Program. The description should highlight the involvement of the state in setting priorities for the review and the focus on transparency throughout the effort.

OVERVIEW OF State's PWSS Program

This section should provide a broad overview of the entire state program. The answers to the baseline questions can be compiled into narrative paragraphs. In addition to the baseline questions, the state program manager can include other information from the following sources:

- Quarterly uploads to SDWIS
- Operator Certification Annual Report
- Capacity Development report to the Governor
- include list from PR protocol

This section is based on resources (reports, data, correspondance) available for each state and therefore represents the portion of the review that is common among all states in Region 4. Therefore any aspect of the program can be discussed in this section.

PROGRAM PRIORITIES

Identify the priorities chosen for the review and provide a brief description of why each priority was chosen. It may also be appropriate to identify priorities that were not chosen, but may be considered for future reviews or internal investigations by the state.

A separate section for each identified priority should include a description of the priority, the methods that will be used to evaluate state performance (e.g. data review, file reviews, interviews), findings discovered in reviewing state documents/reports prior to the site visit as well as findings from the onsite file reviews and interviews. Some effort should be focused on developing numeric measures of evaluation/performance that can be referenced when making recommendations for programmatic improvements. Recommendations should be made for each priority based on findings discovered throughout the review process.

OTHER AREAS OF SIGNIFICANCE

This section can be used to address other important issues discover during the review. The issues can be programmatic strengths as well as potential concerns.

Priority #3: Disinfection Byproduct Rules Implementation

Background

Disinfection Byproduct Rules Implementation was selected as a priority for review based on an analysis of state-wide violation data by specific contaminant group. Other than total coliform MCL violations, DBP MCL violations represented the greatest number of health-based violations for water systems in Florida over the past five years. Many water sources in Florida have high quantities of naturally occurring organic matter. When the water with high levels of organics is disinfected with chlorine, high levels of disinfection byproducts can form. Levels of many DPBs increase with water age in finished water storage tanks and distribution systems. Treatment strategies for DBPs can include adjustments to treatment systems (examples: removal of organics prior to disinfection, change of disinfectant, pH adjustment, or removal of DBPs after formation, etc) or changes to operations of distribution systems (examples: adjustments to storage tank levels or fill/draw cycles, flushing practices, elimination of "dead ends" in distribution lines, etc.).

Over the past few years States and water systems have been transitioning from monitoring requirements associated with the Stage 1 Disinfectants and Disinfection Byproduct Rule to the Stage 2 DBP Rule. Some of the key changes including the number, frequency and locations of routing monitoring, inclusion of consecutive water systems to rule requirements, and how compliance is calculated based on locational averages. The transition from the Stage 1 to Stage 2 Rule involved a period of time when EPA, Region 4 was implementing aspects of rule focused on identifying potential new monitoring locations. These early implementation activities were a result of the regulatory timeline beginning before states were required to have the rule adopted. As a result, DEP and DOH field staff played a limited role in training and implementation associated with monitoring site selection. Florida Rural Water did provide a significant amount of outreach to water systems during this time. Florida had adopted the Stage 2 Rule by the time routing monitoring requirements began and worked with water systems to finalize monitoring plans.

Priority Evaluation Method

Region 4 utilized a combination of data analysis, personnel interviews and onsite file reviews to evaluation strengths and needs associated with Florida's implementation of the DBP rules. Data analysis include reviews of DBP monitoring results from Florida's PWS database and DBP violation data available from EPA's SDWIS data system. Interview questions were used to determine strategies utilized to affect system compliance, understand expertise levels and resource demands for staff and management, and to gage consistency in implementing the regulations and guidance associated with the DBP Rules. File reviews included a review of information used to develop system monitoring plans, an evaluation of system monitoring data to ensure monitoring was done in accordance with the plan, and a review of compliance determinations based on the analytical results.

(b)(5) Deliberative Process Privilege

[redacted]

(b)(5) Deliberative Process Privilege

[redacted]

Armstrong, Kathy

From: Smith, Brian
Sent: Monday, March 20, 2017 5:12 PM
To: Armstrong, Kathy
Subject: FW: FL Review Briefing
Attachments: Priority Review overview.docx; DDbriefing_FL-PR_v2.docx

From: Smith, Brian
Sent: Sunday, March 19, 2017 5:24 PM
To: Smith, Brian <Smith.Brian@epa.gov>
Subject: Fw: FL Review Briefing

From: Humphris, Allison
Sent: Monday, July 13, 2015 10:19 AM
To: Smith, Brian; Driskell, Amanda
Cc: Campbell-Dunbar, Shawneille
Subject: FW: FL Review Briefing

Also attached is a revised version of the Florida PR Report summary, addressing comments received.
Let me know of any other changes.
I will plan to forward final versions of these and the Florida PR report to Jim, and other meeting attendees, by COB today.

Thanks, Allison

From: Smith, Brian
Sent: Thursday, July 09, 2015 6:12 PM
To: Driskell, Amanda; Humphris, Allison
Cc: Campbell-Dunbar, Shawneille
Subject: RE: FL Review Briefing

Please comment/edit the attached Priority Review summary as you see fit. Thanks.

From: Driskell, Amanda
Sent: Thursday, July 09, 2015 8:02 AM
To: Humphris, Allison; Smith, Brian
Subject: FL Review Briefing

Allison/Brian,

I drafted up a couple slides for the enforcement issues in prep for the Briefing. Even if we decide we don't need slides, it is helpful for me to have something to use for the briefing discussion. We can talk about this in today's meeting.

Amanda

Amanda L. Driskell, Senior Enforcement Officer
USEPA - Region 4
Grants & Drinking Water Protection Branch
Drinking Water Section
61 Forsyth Street, 15th Floor
Atlanta, GA 30303
404-562-9735
404-562-9439 (fax)
driskell.amanda@epa.gov

EPA, Region 4 Drinking Water Section Priority Review Process Summary

Review National Databases and State Reports to Evaluate General State PWSS Program Performance

Work with State to Identify 3-4 Priorities for In-depth Review

Priority 1 | Priority 2 | Priority 3

Note: State Program Manager and Section Chief identify appropriate subject matter experts to identify/develop review protocol and assist with state evaluation.

EPA Team conducts file reviews and interviews at state office(s) and presents key findings at exit interview

Report sent to State with recommendations for program improvement

The EPA, Region 4 DWS created a Priority Review process to facilitate state oversight of State PWSS Programs after HQs contract support for Data Verification (DV) audits was discontinued. The Priority Reviews utilize available state reports, program data and a standard question set to jointly identify, with each state, 3-4 priority areas for in-depth review. The Priority Review process is still resource intensive, but given limited resources as both EPA and the states, hopefully targets areas that are most in need of attention and likely to improve.

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[redacted]

DECEMBER 2014 FLORIDA PWSS PRIORITY PROGRAM REVIEW

Initial preparation entailed review of several sources of data and information, including:

- Data available in SDWIS/Fed and reports previously submitted to EPA by DEP
- DEP responses to a standard list of Priority Review background questions
- PWS data and other PWSS program information on available on FDEP's website

and discussions with Florida to better understand their perspective and concerns, and determine how EPA can best assist their program.

Information gathered was used to identify the most effective areas for review.

IDENTIFY PRIORITY AREAS (Rules, Program Components, etc.)	
Critical Area not previously reviewed by EPA	Enforcement Activities
Program Areas potentially in need of improvement	Internal Program Coordination, DBP Rule Implementation
Program Areas that appear to be functioning well and are key to maintaining a strong PWSS program	Data Management, External Outreach

To prepare for the actual site visits R4 DWS staff developed protocols for conducting interviews & file reviews, identified appropriate DEP/DOH offices & staff to visit & provided participants with an overview of the PR process via teleconference.

CONDUCT SITE VISIT
December 2014
FDEP-HQ, FDEP SW District, FDOH-Broward County, FDOH Miami-Dade County

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[redacted]

Summary of 2013-2014 FDEP Program Evaluation Results for 6 FDEP District and 8 DOH County Offices

Sum of Score (as % of PE Weight) Row Labels	Column Labels 1_Organization/ Staffing/ Resources	2_Data/File Management	3_Compliance	4_Enforcement	5_Sanitary Survey/ Compliance Inspections	6_Permit/Plan Reviews	7_DEP Coordination/ Assistance Activities	8_Training	9_Overall Score
1_PE Weight(%)	5.00	25.00	15.00	15.00	15.00	15.00	5.00	5.00	100
A_Central	91.60	94.96	100.00	100.00	93.60	100.00	100.00	100.00	97.36
A_NE	[redacted]	84.52	[redacted]	[redacted]	90.40	98.00	100.00	91.60	94.08
A_NW	100.00	97.36	100.00	[redacted]	100.00	97.93	100.00	91.60	99.49
A_SE	102.00	95.28	84.20	[redacted]	97.33	101.07	100.00	100.00	97.2
A_South	102.00	90.76	100.00	[redacted]	103.60	101.00	100.00	[redacted]	98.12
A_SW	94.80	97.96	100.00	[redacted]	102.60	97.87	100.00	83.40	99.36
C_Broward	102.00	95.20	[redacted]	[redacted]	102.33	95.87	100.00	100.00	100.59
C_Hillsborough	[redacted]	99.60	100.00	100.00	[redacted]	92.80	100.00	100.00	98.33
C_Lee	91.60	97.12	100.00	[redacted]	100.00	93.73	90.00	100.00	98.31
C_Miami-Dade	96.80	95.24	100.00	[redacted]	96.40	93.93	90.00	100.00	97.58
C_Palm Beach	102.00	93.36	[redacted]	[redacted]	[redacted]	96.87	[redacted]	100.00	99.76
C_Polk	89.60	96.48	[redacted]	100.00	102.73	100.00	100.00	83.40	99.25
C_Sarasota	91.60	97.08	100.00	[redacted]	[redacted]	86.47	90.00	[redacted]	97.04
C_Volusia	102.00	95.12	[redacted]	[redacted]	96.27	93.60	100.00	91.60	94.49

Armstrong, Kathy

From: Smith, Brian
Sent: Monday, March 20, 2017 5:12 PM
To: Armstrong, Kathy
Subject: FW: Draft FL PR - summary for briefing
Attachments: BS comments DDbriefing_FL-PR (3).docx

From: Smith, Brian
Sent: Sunday, March 19, 2017 5:25 PM
To: Smith, Brian <Smith.Brian@epa.gov>
Subject: Fw: Draft FL PR - summary for briefing

From: Smith, Brian
Sent: Friday, July 10, 2015 9:59 AM
To: Humphris, Allison
Subject: RE: Draft FL PR - summary for briefing

My only comment is related to formatting. I suggest putting the information in the highlighted boxes in the attached version as introductory text. I think this will make the priorities and recommendations which is what we really want Jim to focus on.

From: Humphris, Allison
Sent: Thursday, July 09, 2015 6:12 PM
To: Smith, Brian; Driskell, Amanda
Subject: Draft FL PR - summary for briefing

For your review.
Thanks, Allison

DECEMBER 2014 FLORIDA PWSS PRIORITY PROGRAM REVIEW

REVIEW EXISTING INFORMATION

Reports, data & information provided to EPA
Publicly available information (DEP-DW website)

HOLD DISCUSSIONS WITH FLORIDA

Understand State perspective & concerns
Determine how we can best assist program

IDENTIFY PRIORITY AREAS (Rules, Program Components, etc.)	
Critical Areas not previously reviewed by EPA	Enforcement Activities
Program Areas potentially in need of improvement	Internal Program Coordination, DBP Rule Implementation
Program Areas that appear to be functioning well and are key to maintaining a strong PWSS program	Data Management, External Outreach

PREPARE FOR SITE VISIT

Develop interview & file review protocols
Identify representative DEP/DOH offices & staff
Provide participants with overview of PR process

CONDUCT SITE VISIT

December 2014
FDEP-HQ, FDEP SW District, FDOH-Broward County, FDOH Miami-Dade County

(b)(5) Deliberative Process Privilege

[redacted]

Summary of 2013-2014 FDEP Program Evaluation Results for 6 FDEP District and 8 DOH County Offices

Sum of Score (as % of PE Weight) Row Labels	Column Labels 1_Organization/ Staffing/ Resources	2_Data/File Management	3_Compliance	4_Enforcement	5_Sanitary Survey/ Compliance Inspections	6_Permit/Plan Reviews	7_DEP Coordination/ Assistance Activities	8_Training	9_Overall Score
1_PE Weight(%)	5.00	25.00	15.00	15.00	15.00	15.00	5.00	5.00	100
A_Central	91.60	94.96	100.00	100.00	93.60	100.00	100.00	100.00	97.36
A_NE	[redacted]	84.52	103.27	[redacted]	90.40	98.00	100.00	91.60	94.08
A_NW	100.00	97.36	100.00	[redacted]	100.00	97.93	100.00	91.60	99.49
A_SE	102.00	95.28	84.20	[redacted]	97.33	101.07	100.00	100.00	97.2
A_South	102.00	90.76	100.00	[redacted]	103.60	101.00	100.00	[redacted]	98.12
A_SW	94.80	97.96	100.00	[redacted]	102.60	97.87	100.00	83.40	99.36
C_Broward	102.00	95.20	[redacted]	[redacted]	102.33	95.87	100.00	100.00	100.59
C_Hillsborough	[redacted]	99.60	100.00	100.00	[redacted]	92.80	100.00	100.00	98.33
C_Lee	91.60	97.12	100.00	[redacted]	100.00	93.73	90.00	100.00	98.31
C_Miami-Dade	96.80	95.24	100.00	[redacted]	96.40	93.93	90.00	100.00	97.58
C_Palm Beach	102.00	93.36	[redacted]	[redacted]	[redacted]	96.87	[redacted]	100.00	99.76
C_Polk	89.60	96.48	[redacted]	100.00	102.73	100.00	100.00	83.40	99.25
C_Sarasota	91.60	97.08	100.00	[redacted]	[redacted]	86.47	90.00	[redacted]	97.04
C_Volusia	102.00	95.12	[redacted]	[redacted]	96.27	93.60	100.00	91.60	94.49

Armstrong, Kathy

From: Smith, Brian
Sent: Monday, March 20, 2017 5:12 PM
To: Armstrong, Kathy
Subject: FW: Florida Priority Review Report - final draft for your review

From: Smith, Brian
Sent: Sunday, March 19, 2017 5:28 PM
To: Smith, Brian <Smith.Brian@epa.gov>
Subject: Fw: Florida Priority Review Report - final draft for your review

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From: Smith, Brian
Sent: Thursday, June 11, 2015 2:32 PM
To: Allenbach, Becky; Humphris, Allison; Campbell-Dunbar, Shawneille
Cc: Driskell, Amanda; Burns, Robert
Subject: RE: Florida Priority Review Report - final draft for your review

Becky,

Alison, Amanda and I have made the edits you suggested in the report. Below are edited versions of three sentences where you raised concerns and requested them to be reworded or supported with findings. Please let us know if you are comfortable with the revised language. Thanks! -Brian

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[redacted]

(pg. 14) ~~All~~ Some offices emphasized that internal staff levels are minimally adequate to implement the assigned program workload. Water system-to-professional staff ratios across FDEP and FDOH offices range from 9:1 to 110:1 and staff turnover have reduced drinking water program expertise in some offices more than others.

From: Allenbach, Becky
Sent: Friday, June 05, 2015 11:29 AM

To: Humphris, Allison; Campbell-Dunbar, Shawneille
Cc: Smith, Brian; Driskell, Amanda; Burns, Robert
Subject: RE: Florida Priority Review Report - final draft for your review

I completed my review on the plane last night. Great work everyone! I do have a few questions and will schedule a meeting this week. Anyone on travel? I will use the scheduling assistant.

Becky B. Allenbach, Chief
Grants and Drinking Water Protection Branch
EPA Region 4 - Atlanta
(404)562-9687
allenbach.becky@epa.gov

From: Humphris, Allison
Sent: Monday, June 01, 2015 5:18 PM
To: Campbell-Dunbar, Shawneille; Allenbach, Becky
Cc: Smith, Brian; Driskell, Amanda; Burns, Robert
Subject: Florida Priority Review Report - final draft for your review

Shawneille/Becky,
Attached for your review is a final draft of our report for the December 2014 Priority Review of Florida's PWSS program. This version addresses all comments/concerns that we received from FDEP and the offices visited.

Please let us know of any input or questions you may have.

Thanks, Allison

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Armstrong, Kathy

From: Smith, Brian
Sent: Monday, March 20, 2017 5:11 PM
To: Armstrong, Kathy
Subject: FW: FL Priority Review - Coordination section edits
Attachments: ProgramCoordination_031115 BS comments.docx

From: Smith, Brian
Sent: Sunday, March 19, 2017 5:32 PM
To: Smith, Brian <Smith.Brian@epa.gov>
Subject: Fw: FL Priority Review - Coordination section edits

From: Smith, Brian
Sent: Wednesday, March 11, 2015 12:53 PM
To: Humphris, Allison
Subject: FL Priority Review - Coordination section edits

Alison,

Here is the version with the edits we discussed the other day. The only thing that needs to be added is the updated chart you created.

-Brian

Priority #2 Program Coordination

Background

Program coordination was selected as a priority review topic due to the number of separate offices that implement Florida's Public Water System Supervision (PWSS) program and the significant impacts that a 2012 FDEP reorganization had on many of these offices. A first goal of the review is to better understand what kinds of coordination activities occur between offices and how these activities impact PWSS program implementation. A second goal is to determine how the 2012 reorganization altered previous coordination tools and pathways and describe Florida's efforts to adjust to those changes.

As described in the Overview section of this report, Florida implements the PWSS program through multiple offices, each of which handles specified duties for a designated portion of the state. The Division manages Florida's overall primacy program and develops and maintains many of the resources used by six District offices and eight delegated FDOH offices. District and FDOH offices have autonomy to implement the program at the individual system level, but must conduct activities consistent with the Division rules, policy and guidance and communicate accomplishments to the Division. The Division and Districts both report to FDEP's Deputy Secretary for Regulatory Programs. The 2012 reorganization redefined the FDEP's leadership structure and redistributed staff in the Division and some District offices in several ways, as described in the overview section of this report. FDOH offices were unaffected by the reorganization.

Florida's assignment of PWSS program duties to multiple offices and agencies allows the state to leverage significant additional resources and expertise. However, good communication and collaboration is needed to ensure effective, consistent operation of this decentralized program. The overall objective of this review is to ensure that effective mechanisms for ensuring good program coordination remain in place, and to document any particular strengths or weaknesses that require further consideration.

Priority Evaluation Method

Region 4 used a combination of document reviews and personnel interviews to understand past and present coordination activities in Florida and evaluate how well those activities support Florida's overall PWSS program implementation. The documents and information reviewed were obtained from EPA Region 4 files, Division files and the Division's SDWP website (http://www.dep.state.fl.us/water/drinkingwater/). Of these, the following documents provided information on Florida's internal and external program coordination activities:

- FDEP responses to EPA's PWSS Priority Review Background Questions
- FDEP's 2014 Operator Certification Program Annual Submittal
- FDEP's FY13 Annual Capacity Development Program Implementation Report
- FDEP's 2014 triennial report to the governor on "Florida's Strategy to Improve Public Water Supply"
- FDEP-HQ PWSS Program Review Reports for 2013-2014 program evaluations of FDEP District and FDOH county field offices
- Issues of the Floridan newsletter
- Information available to public water systems on the SDWP website

The Division also provided EPA Region 4 staff with a walk-through of the information and data management tools available on the Division's internal PWS website during this review. These tools are accessible to all District and FDOH offices.

To obtain a range of perspectives on coordination activities, EPA visited multiple offices that together represent a cross-section of PWSS program components. These included the Division office, the Southwest District office and FDOH offices in Broward and Miami-Dade counties. FDOH headquarters staff and Southeast District staff also participated in FDOH office visits. EPA interviewed multiple staff at varying levels of responsibility in each office. The names of program managers and technical staff interviewed in each office were obtained from FDEP in advance (Appendix ?). EPA developed a comprehensive list of questions on internal, inter-office and external (i.e. outreach) coordination (Appendix ?), and selected appropriate questions from this list for each interviewee, depending on that person's responsibilities. Program Coordination interviews were conducted with groups of employees, as this approach allowed office staff to provide a more complete description of program interaction and also allowed EPA to better observe the dynamics of each office.

Key Findings

To achieve successful program coordination, program components must be organized in a way that allows them to work together effectively to achieve overall program goals. Florida has used many methods to facilitate effective program coordination across all offices. During interviews, staff noted the following existing and historical tools:

Existing Tools:

(b)(5) Deliberative Process Privilege

[redacted]

(b)(5) Deliberative Process Privilege

[redacted]

Summary of 2013-2014 FDEP Program Evaluation Results for 6 FDEP District and 8 DOH County Offices

Sum of Score (as % of PE Weight) Row Labels	Column Labels 1_Organization/ Staffing/ Resources	2_Data/File Management	3_Compliance	4_Enforcement	5_Sanitary Survey/ Compliance Inspections	6_Permit/Plan Reviews	7_DEP Coordination/ Assistance Activities	8_Training	9_Overall Score
1_PE Weight(%)	5.00	25.00	15.00	15.00	15.00	15.00	5.00	5.00	100
A_Central	91.60	94.96	100.00	100.00	93.60	100.00	100.00	100.00	97.36
A_NE		84.52	103.33		90.40	98.00	100.00	91.60	94.08
A_NW	100.00	97.36	100.00		100.00	97.93	100.00	91.60	99.49
A_SE	102.00	95.28	84.20		97.33	101.07	100.00	100.00	97.2
A_South	102.00	90.76	100.00		103.60	101.00	100.00		98.12
A_SW	94.80	97.96	100.00		102.60	97.87	100.00	83.40	99.36
C_Broward	102.00	95.20			102.33	95.87	100.00	100.00	100.59
C_Hillsborough		99.60	100.00	100.00		92.80	100.00	100.00	98.33
C_Lee	91.60	97.12	100.00		100.00	93.73	90.00	100.00	98.31
C_Miami-Dade	96.80	95.24	100.00		96.40	93.93	90.00	100.00	97.58
C_Palm Beach	102.00	93.36				96.87	90.00	100.00	99.76
C_Polk	89.60	96.48		100.00	102.73	100.00	100.00	85.40	99.25
C_Sarasota	91.60	97.08	100.00			86.47	90.00		97.04
C_Volusia	102.00	95.12			96.27	93.60	100.00	91.60	94.49

LOW 100% HIGH

(b)(5) Deliberative Process Privilege

[redacted]

A primary goal of the 2012 reorganization was to recognize efficiencies and achieve greater statewide consistency by realigning staff in the Division and some District offices. The changes implemented were initially disruptive, as they altered established communication pathways and sometimes significantly revised staff workload. However, during interviews, staff provided evidence that re-tooling of the organization aimed at strengthening overall program coordination is now occurring on several fronts. The Division is re-examining training plans and the value of regular, lengthier face-to-face meetings. The Division continues to revisit strategies for maintaining timely access to critical information technology resources. Given the realignment of compliance staff and the revision of some enforcement guidance, the Division has also recognized the importance of clarifying the enforcement process to all offices. Districts clearly desire autonomy to implementing enforcement/compliance issues. However, they are also striving to exchange information and expertise with other Districts, and expressed a desire for clearer guidance from the Division on some issues. District offices that were more heavily impacted by the reorganization continue to re-calibrate their programs to ensure effective PWS oversight.

Resources which were unchanged through the 2012 reorganization contributed considerably to the continued strength of Florida's PWSS program. These resources include FDOH-HQ and FDOH offices, the continued use of 14 geographically-targeted District and FDOH offices to maintain close working relationships with PWS operators, the technical support contract with FWRA, and the Division's continued maintenance of several tools for managing data and information essential to the PWSS program.

Recommendations

The 2012 reorganization refocused Florida's PWSS program on the critical goals of strengthening overall program consistency, and renewing focus on timely accomplishment of program priorities (such as the prevention and resolution of health-based violations). The associated reorganization of staff and resources disrupted many valuable coordination pathways that existed under the old organization. Some expertise was also lost during the reorganization. The re-tooling period that is now occurring is critical to ensuring that Florida maintains and establishes communication pathways and tools that will allow them to best accomplish the priorities of the PWSS program under the new organization. Based on information gathered during this priority review, the following program coordination-related activities are recommended as key to strengthening Florida's PWSS program.

Regular, established communications have historically provided the Division, District and FDOH offices with some of the most valuable ways to leverage the expertise and resources available in the many offices that comprise Florida's PWSS program. Interviewed staff unanimously stated that regular face-to-face meetings (such as the annual PWS conference and quarterly PCE meetings) were the most valuable tools, as these provided the broadest exchange of PWSS program and technical information to the greatest number of staff. Reinstatement of these meetings would strengthen staff knowledge and promote rebuilding of communication pathways. Continued strengthening of regular communication pathways between District offices would increase the exchange of information and expertise relevant to direct oversight of PWS facilities. Increased District expertise could also be leveraged by FDOH offices.

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Appendix ?

EPA Priority Review of Florida Drinking Water Program
Overview and Site Visit Prep Document

Assistance in scheduling interviews (30 minutes each) for key staff and managers associated with drinking water enforcement, disinfection byproduct rules, internal coordination between DEP and DOH, and external outreach with water systems. Please provide names for the following interviews (1-2 per category, as appropriate for your office):

Miami-Dade FDOH

a. Enforcement Program Manager
   (Paul L. Andre)
b. Enforcement Officer (Staff)
   (Reinaldo Caballero, Tracie Dickerson, Heather Beaton)
c. Drinking Water Program Manager
   (Paul LEVELT André)
d. Staff responsible for DBP implementation
   (Richard Rojas and Paul Andre)
e. Staff responsible for conducting water system inspections and/or providing technical assistance
   (Richard Rojas and Paul Andre)

Broward FDOH

a. Enforcement Program Manager
   (Rafael Reyes)
b. Enforcement Officer (Staff)
   (Paul Thompson and Rafael Reyes)
c. Drinking Water Program Manager
   (Rafael Reyes)
d. Staff responsible for DBP implementation
   (Sandra Giraldo and Rafael Reyes)
e. Staff responsible for conducting water system inspections and/or providing technical assistance
   (Bill Lorenzo, Sandra Giraldo, Shani Grant, Paul Thompson, and Rafael Reyes)

SWD DEP

a. Enforcement Program Manager
   (Ed Watson and Gerald Foster)
b. Enforcement Officer (Staff)
   (Ed Watson and Gerald Foster)
c. Drinking Water Program Manager
   (Ed Watson)
d. Staff responsible for DBP implementation

(Ed Watson and Gerald Foster)

e. Staff responsible for conducting water system inspections and/or providing technical assistance
(Ed Watson and Jayme Brock)

DEP HQ

a. Enforcement Program Manager
(Jessica Kleinfelter)
b. Enforcement Officer (Staff)
(Eric Bengtson, David Wales)
c. Drinking Water Program Manager
(Trevor Noble)
d. Staff responsible for DBP implementation
(Virginia Harmon, Eric Bengtson)
e. ~~Staff responsible for conducting water system inspections and/or~~ providing technical assistance
(John Sowerby, Virginia Harmon, and David Wales)

Additional contacts:

DOH HQ: **Bob Vincent and Ed Bettinger**

SED DEP: Michele Owens

Appendix ?

Potential Questions on FL Agency Coordination

1. Describe the current structure, duties and staffing of your office? Have these been altered by recent reorganizations? If so, describe how?

2. Briefly describe the working relationship (e.g. communication, work flow) between the Division, District offices and FDOH offices?

3. What information do you most often provide to other FDEP/FDOH offices?

4. What means/tools do you use to receive/provide this information (e.g. verbal/email, website post, database upload/download, reports, conferences, meetings, training)? How well do these transmittal pathways function?

5. What kinds of issues are typically discussed in monthly conference calls with all agencies (or quarterly conference calls between Districts and DOH)? Do the meetings and follow-up communications (e.g. meeting minutes, postings on website bulletin board) address your needs?

6. What other meetings, webinars, conferences, workgroups have you participated in with other DEP/DOH offices over the last year?
    a. Have these assisted you in accomplishing assigned duties or facilitated improvements in FDEP's SDW program?
    b. Any suggested improvements (e.g. in structure, content, frequency) that would allow these meetings better meet your needs?

7. Training:
    a. Which training courses have you attended over the past year? Were these useful?
    b. Were you able to attend all desired/needed training? If not, why?
    c. Are there any additional training courses that you wish you had access to?
    d. Describe your office's training plan. Is this a helpful tool?

8. What data management tools does your office use to implement SDWA activities?
    a. How well do these tools support your implementation efforts?
    b. What kinds of change/improvements have been made to the data management process in recent years?
    c. What, if any, additional improvements to the data management process would you suggest?
    d. What impact, if any, have recent reorganizations had on FDEP-HQ data management activities?

9. Describe the delegation process
    a. How is the decision to delegate made?
    b. How is the delegation documented (e.g. Interagency Agreement)?
    c. How is the delegation implemented (e.g. scope of delegated functions, District oversight process, daily operation)
    d. How are laboratory certification information/issues communicated and addressed?
    e. How well is the delegation process working? Areas in need of improvement?

10. What would you like to highlight regarding FDEP's drinking water program?

11. What are the greatest resource demands for the drinking water program?

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Armstrong, Kathy

From: Smith, Brian
Sent: Monday, March 20, 2017 5:11 PM
To: Armstrong, Kathy
Subject: FW: FL Priority Review - DBP draft write-up
Attachments: FL Priority Reveiw Report Template.docx; DBP Priority write-up.docx

From: Smith, Brian
Sent: Sunday, March 19, 2017 5:34 PM
To: Smith, Brian <Smith.Brian@epa.gov>
Subject: Fw: FL Priority Review - DBP draft write-up

From: Smith, Brian
Sent: Monday, January 12, 2015 3:23 PM
To: Humphris, Allison; Burns, Robert; Driskell, Amanda; Campbell-Dunbar, Shawneille
Subject: FL Priority Review - DBP draft write-up

Hey all,

Attached is my draft of the DBP priority write-up for the FL report. I tried to follow the report template we discussed in a prep-meeting, though I never received comments on the template (also attached) and I'll happily take any recommendations for improvement...or feel free to copy the structure of the write-up for the other priorities (Coordination – Allison/me, Enforcement – Amanda, Data/outreach – me). Please feel free to provide any comments on the DBP section - substantive, editorial, or religious.

Robert – You and I had a pretty extended conversation one day in preparation for the site visit where we reviewed quite a bit of monitoring data available from FL's website. Please let me know if there are other 'Key Findings' that you remember and I don't.

-Brian

FL PWSS Priority Review Report Outline (Template)

Executive Summary

Introduction (Brian)

Overview of Florida's Public Water System Supervision Program (Allison)

Program Priorities (Brian)

- Priority 1: Enforcement Program (Amanda)
  - Evaluation Method
  - Findings
  - Recommendations

- Priority 2: Disinfection Byproduct Rules Transition and Implementation (Robert/Brian)
  - Evaluation Method
  - Findings
  - Recommendations

- Priority 3: Program Coordination with FDEP and DOH (Allison/Brian)
  - Evaluation Method
  - Findings
  - Recommendations

Other Areas of Significance (Brian)

INTRODUCTION

This section should include a description of the Priority Review approach to evaluating a states' PWSS Program. The description should highlight the involvement of the state in setting priorities for the review and the focus on transparency throughout the effort.

OVERVIEW OF State's PWSS Program

This section should provide a broad overview of the entire state program. The answers to the baseline questions can be compiled into narrative paragraphs. In addition to the baseline questions, the state program manager can include other information from the following sources:

- Quarterly uploads to SDWIS
- Operator Certification Annual Report
- Capacity Development report to the Governor
- include list from PR protocol

This section is based on resources (reports, data, correspondance) available for each state and therefore represents the portion of the review that is common among all states in Region 4. Therefore any aspect of the program can be discussed in this section.

PROGRAM PRIORITIES

Identify the priorities chosen for the review and provide a brief description of why each priority was chosen. It may also be appropriate to identify priorities that were not chosen, but may be considered for future reviews or internal investigations by the state.

A separate section for each identified priority should include a description of the priority, the methods that will be used to evaluate state performance (e.g. data review, file reviews, interviews), findings discovered in reviewing state documents/reports prior to the site visit as well as findings from the onsite file reviews and interviews. Some effort should be focused on developing numeric measures of evaluation/performance that can be referenced when making recommendations for programmatic improvements. Recommendations should be made for each priority based on findings discovered throughout the review process.

OTHER AREAS OF SIGNIFICANCE

This section can be used to address other important issues discover during the review. The issues can be programmatic strengths as well as potential concerns.

Priority #3: Disinfection Byproduct Rules Implementation

Background

Disinfection Byproduct Rules Implementation was selected as a priority for review based on an analysis of state-wide violation data by specific contaminant group. Other than total coliform MCL violations, DBP MCL violations represented the greatest number of health-based violations for water systems in Florida over the past five years. Many water sources in Florida have high quantities of naturally occurring organic matter. When the water with high levels of organics is disinfected with chlorine, high levels of disinfection byproducts can form. Levels of many DPBs increase with water age in finished water storage tanks and distribution systems. Treatment strategies for DBPs can include adjustments to treatment systems (examples: removal of organics prior to disinfection, change of disinfectant, pH adjustment, or removal of DBPs after formation, etc) or changes to operations of distribution systems (examples: adjustments to storage tank levels or fill/draw cycles, flushing practices, elimination of "dead ends" in distribution lines, etc.).

Over the past few years States and water systems have been transitioning from monitoring requirements associated with the Stage 1 Disinfectants and Disinfection Byproduct Rule to the Stage 2 DBP Rule. Some of the key changes including the number, frequency and locations of routing monitoring, inclusion of consecutive water systems to rule requirements, and how compliance is calculated based on locational averages. The transition from the Stage 1 to Stage 2 Rule involved a period of time when EPA, Region 4 was implementing aspects of rule focused on identifying potential new monitoring locations. These early implementation activities were a result of the regulatory timeline beginning before states were required to have the rule adopted. As a result, DEP and DOH field staff played a limited role in training and implementation associated with monitoring site selection. Florida Rural Water did provide a significant amount of outreach to water systems during this time. Florida had adopted the Stage 2 Rule by the time routing monitoring requirements began and worked with water systems to finalize monitoring plans.

Priority Evaluation Method

Region 4 utilized a combination of data analysis, personnel interviews and onsite file reviews to evaluation strengths and needs associated with Florida's implementation of the DBP rules. Data analysis include reviews of DBP monitoring results from Florida's PWS database and DBP violation data available from EPA's SDWIS data system. Interview questions were used to determine strategies utilized to affect system compliance, understand expertise levels and resource demands for staff and management, and to gage consistency in implementing the regulations and guidance associated with the DBP Rules. File reviews included a review of information used to develop system monitoring plans, an evaluation of system monitoring data to ensure monitoring was done in accordance with the plan, and a review of compliance determinations based on the analytical results.

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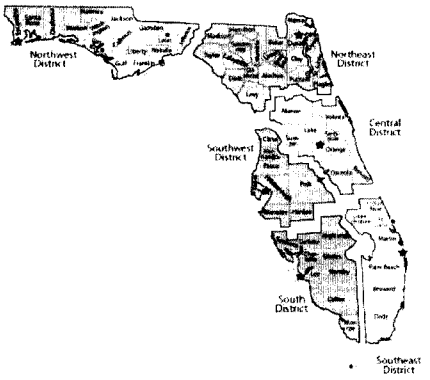
PRIORITY REVIEW

OF THE PUBLIC WATER SYSTEM SUPERVISION PROGRAM FOR THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

DRAFT REPORT



Prepared by the
Environmental Protection Agency, Region 4
Drinking Water Section, Water Protection Division

June 1, 2015

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Appendix A - Florida Drinking Water Program Priority Review – File Review Summary

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INTRODUCTION

The U.S Environmental Protection Agency Region 4 Drinking Water Section (EPA Region 4) developed a protocol, called a Priority Review, for assessing the performance of state Public Water System Supervision (PWSS) Programs and for evaluating the adequacy of resources dedicated to identify priorities for individual state programs. The Priority Review replaces EPA's Data Verifications that historically reviewed state data associated with each rule in the National Primary Drinking Water Regulations. The new approach is intended to be transparent and targeted in assessing a few priority focus areas identified in a collaborative effort between the state and EPA Region 4. The following priority areas of focus have been identified for Florida:

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1. Enforcement of drinking water regulations
2. Internal state coordination between FDEP and FDOH on the drinking water program
3. Disinfection Byproduct (DBP) Rules implementation
4. Data Management, and
5. External outreach

EPA Region 4 used three basic methods to obtain information: (1) identification and review of key documents and tools used by Florida to implement their PWSS program (e.g. guidance, websites, internal review protocols, databases, file management systems, reports, etc.), (2) interviews with managers and staff, and (3) review of individual system files. For the third method, EPA Region 4 selected systems for the review that were likely to provide a good understanding of Florida's approach to addressing more challenging and problematic situations.

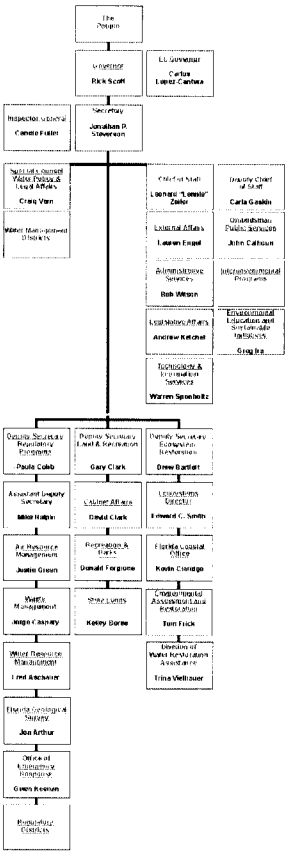
OVERVIEW OF FLORIDA'S PWSS PROGRAM

EPA gives flexibility to state primacy agencies for required PWSS program activities. In Florida, PWSS implementation activities are spread over a decentralized organizational structure. FDEP has the primary role of regulating public water systems in Florida. The Source and Drinking Water Program (SDWP) located in the FDEP headquarters in Tallahassee (FDEP-HQ) is responsible for writing rules, developing policy, managing funds, providing training and managing special initiatives. The Water Compliance Assurance Program (WCAP), also located in FDEP-HQ, is responsible for oversight, tracking and reporting of enforcement and compliance

activities and data management. The enforcement of rules and permitting of new construction for individual public water systems is handled by six FDEP district offices. In eight Florida counties FDEP-HQ has delegated this enforcement and permitting authority to local approved FDOH county health departments through an Interagency Agreement. FDEP-HQ has also delegated laboratory certification to the FDOH Laboratory in Jacksonville.

FDEP environmental programs are divided into three main areas, one of which is Regulatory Programs (Figure 1). The Deputy Secretary for Regulatory Programs provides oversight and direction to four FDEP-HQ regulatory divisions, including the Division of Water Resource Management (Division) and six regulatory district offices.

Figure 1. FDEP Organizational Structure (last updated April 6, 2015)



The SDWP and WCAP programs are both located within the Division, while the regulatory district offices report directly to the Deputy Secretary for Regulatory Programs. Following is a complete list and description of all programs which contribute to FDEP's implementation of Safe Drinking Water Act (SDWA) requirements.

Florida Department of Environmental Protection

FDEP-HQ Division of Water Resource Management (Division):

- SDWP: Coordinate overall PWSS implementation through policy and rule development, and management of funding, training and special initiatives. Ensure all SDWA program requirements are conducted and reported to EPA as outlined in the annual PWSS workplan.
- WCAP: Facilitate statewide coordination of compliance and enforcement activities by providing and/or supporting the development of guidance and training to ensure consistency among the six District Offices for state Drinking Water and Wastewater Programs. Integral to this consistency are the automated nightly compliance routines for evaluating lab results (discussed further under the Data Management section of this report). Ensure all SDWA compliance and enforcement activities are conducted and reported to EPA as outlined in the annual PWSS workplan commitments.

FDEP-HQ Office of General Counsel (OGC): Provide legal counsel and represent FDEP in implementing enforcement, permitting and programmatic actions. Provide training and consultation to FDEP staff.

FDEP-HQ Office of Technology and Information Services (OTIS): Manage functionality and security of the information technology systems that support FDEP mission success. Provide application development and customer support services to FDEP divisions and regulatory districts that use regulatory databases, including SDWP and WCAP support needs for public water systems.

FDEP Regulatory District Offices: Coordinate and implement all permitting, compliance and enforcement activities for counties located within District boundaries, including permit reviews, facility inspections, compliance assistance, rule enforcement and response to reports of environmental damage. Six separate offices serve counties located in the Northwest, Northeast, Central, South, Southeast and Southwest portions of the state. Provide legal, technical and training assistance to delegated FDOH county offices.

Florida Department of Health

- The current FDEP-FDOH Interagency Agreement delegates lead PWSS program implementation authority from the responsible FDEP District Office to FDOH offices in the counties of Broward, Miami-Dade, Hillsborough, Lee, Sarasota, Palm Beach, Polk and Volusia. Delegated FDOH county offices coordinate and implement permitting, compliance and enforcement activities for that county.
- The FDOH laboratory in Jacksonville maintains a State program for the certification of laboratories conducting analytical measurements of all drinking water contaminants, in

accordance with Florida Statutes 403.862-.8635 and Florida Administrative Code (F.A.C.) Chapter 62-550.550.

South Carolina Department of Health: South Carolina's radiological laboratory is the designated Principal State Laboratory for radionucludes for Florida, in accordance with an MOA approved by SESD on January 28, 2013.

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This organization is significantly changed from the structure that was in place during the previous 2009 Program Review conducted by The Cadmus Group, Inc. on behalf of EPA. In 2012, FDEP underwent a reorganization which affected both FDEP-HQ and FDEP District offices. At FDEP-HQ, the source and drinking water program staff were merged to form the Source and Drinking Water Program. Staff were relocated from the Drinking Water Program to support (1) formation of a centralized compliance and enforcement group (WCAP) and (2) OTIS. District boundaries were redrawn, and resources were re-allocated, to allow for a more even distribution of resources among FDEP District offices. A primary objective of this reorganization was to improve program efficiency/effectiveness and promote consistency and cross-utilization of resources, particularly in the areas of compliance determination and data management.

FDEP's authority to implement provisions of the SDWA derives from Chapter 403, Part VI, Florida Statutes and by delegation of the federal program from the U.S. Environmental Protection Agency. The Department has promulgated a number of rules in Chapters 62-4, 62-550, 62-555, 62-560, 62-602 and 62-699 F.A.C. to address drinking water standards, monitoring and reporting; public water system permitting and compliance; and treatment plant operators, classification and staffing. These requirements impact approximately 5245 federally regulated public water systems with approximately 1649 (or 31%) of Florida's public water systems being community water systems, approximately 776 or (15%) being non-transient non-community systems, and approximately 2820 or (54%) being transient non-community systems (Table 1).

Table 1. Count of Florida Public Water Systems by Type and Source

PWS TYPE	WATER SOURCE	COUNT
CWS	Surface Water only	5
	Surface & Ground Water	69
	Ground Water only	1575
NTNC	Surface Water only	0
	Surface & Ground Water	4
	Ground Water only	772
TNC	Surface Water only	5
	Surface & Ground Water	1
	Ground Water only	2819
TOTAL		5245

PRIORITY REVIEW OF SELECTED PROGRAM AREAS

Enforcement of Drinking Water Regulations

Background

Compliance and Enforcement Program Implementation was selected as a priority for review in order to assess whether a state is implementing the requirements of the PWSS program. The states ensure that human health is safeguarded by enforcing the requirements of the SDWA to ensure that the states' public drinking water supply and its sources are protected. Historically, the reviews of the states' PWSS programs, whether that be through a Data Verification, Program Review, or a Priority Review, did not typically include an evaluation of the compliance and enforcement program at the states. EPA Region 4 has determined that this is an important aspect of a review of the implementation of a PWSS program, and plans to include this in future Priority Reviews, as appropriate. Through this review, EPA Region 4 promotes regional consistency, identifies successes in implementation of the PWSS program, and identifies opportunities for improvement in the compliance and enforcement programs.

In January of 2010, EPA began implementation of a new enforcement approach designed to help our nation's public water systems comply with the requirements of the SDWA. This new approach replaced the previous system of a contaminant to contaminant compliance strategy with one that focuses attention on the drinking water systems with the most serious or repeated violations. This strategy identifies public water systems with violations that rise to the level of significant noncompliance by focusing on those systems with health-based violations and those that show a history of violations across multiple rules. This system-based methodology is intended to ensure consistency and the integrity of the PWSS national enforcement program. This approach includes a revised Enforcement Response Policy (ERP) and new Enforcement Targeting Tool (ETT).

The ETT uses a tool that enables the prioritization of public water systems by assigning each violation a "weight" or number of points based on the assigned threat to public health. Points for each violation at a water system are summed to provide a total score for that water system. Water systems whose scores exceed a certain threshold will be considered a priority system for enforcement.

EPA recognizes that states carry out both formal and informal enforcement and compliance assistance activities. These activities are effective tools for achieving compliance. Nevertheless, systems specifically identified by the ETT as priorities must be returned to compliance (RTC) or EPA will expect formal, enforceable mechanisms to return such systems to compliance. States are expected to escalate their response to ensure that RTC is accomplished. Once a public water system is identified as an enforcement priority on the ETT list, an appropriate formal action or RTC will be required within two calendar quarters to be considered "timely". However, regardless of a public water system's position on a state's ETT list, EPA expects that states will act immediately on acute, health-based violations and subsequently confirm that systems with such violations return to compliance.

Priority Evaluation Method

Region 4 utilized a combination of data analysis, personnel interviews, comparison of established program strategies with the ERP, and onsite file reviews to evaluate Florida's successes in implementation of the PWSS program and identify opportunities for improvement in its compliance and enforcement program. Data analysis included a review of the EPA ETT Tracker, which is a tool that provides useful metrics and graphing capabilities for systems' current and past ETT scores for up to twenty (20) quarters. This information was used to aide in the selection of the files to be reviewed and get a rough evaluation of Florida's ability to timely and appropriately return systems to compliance or issue formal, enforceable mechanisms that will return a system to compliance. Additionally, EPA's SDWIS data system was used to determine what violations and enforcement had been done for each of the selected files to review. Nine (9) files were selected for review, however, only eight (8) were reviewed (see Table 2. Timeline for Settlement of Identification as a Priority System on the ETT List below). Interview questions were used to understand the dynamics of the organization including staffing resources and demands and to determine how the established program strategies were being implemented with regards to Florida's compliance and enforcement program. The *Department of Environmental Protection (DEP) Enforcement Manual* and *Directive* 923 were reviewed for consistency with the EPA ERP requirements to ensure that these policies enabled the state to meet the requirements of timely and appropriate compliance and enforcement. File reviews included a review of the violations determined, an evaluation of the enforcement mechanisms issued for consistency with the *DEP Enforcement Manual* and the EPA ERP, and a comparison of the information found during the file review with the data reported to EPA's SDWIS data system.

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Key Findings

The accuracy of data reported by FDEP to SDWIS was found to be in need of improvement in the following ways:

- All violations identified in the file and/or provided from the FDEP tracking system, are not being submitted to SDWIS. This discrepancy was found in the District office and both FDOH offices. Primarily the violations that are not being submitted are monitoring and reporting violations for various parameters. For the identified systems, 6 of the 8 reviewed had violations noted in the file/data provided that were not identified in SDWIS.

- Enforcement actions taken and submitted to SDWIS, are either not being timely uploaded, properly linked to relevant violations, and/or the data uploaded is inconsistent with the documents provided for review. For the identified systems, 7 of the 8 reviewed had discrepancies with the information for the enforcement actions submitted to SDWIS. Specifically, for the files reviewed, there were instances where violation(s) were linked to enforcement actions that upon review of the enforcement action, it was determined that the action did not include or address those violations. Also, there were several instances where the data submitted to SDWIS showed multiple dates for the same enforcement action. It appears that the dates of enforcement are not being consistently entered (i.e.

dates were submitted for the signature date of the effective order, receipt date of the effective order, or the date the proposed order was sent to the respondent). So it was noted that at times there would be two formal actions entered into SDWIS when there was only one issued.

During the file review, EPA Region 4 tracked compliance and enforcement mechanisms used and evaluated them for timeliness and appropriateness of the action or return to compliance. Based on this review, the following was determined in regards to the timeline for systems identified as a priority on the ETT list to be returned to compliance or have a formal enforcement action issued.

Table 2: Timeline for Settlement of Identification as a Priority System on the ETT List

PWS ID	System Name	Date of First Appearance on ETT List as Priority System	Date of Settlement (RTC or issuance of Formal Enf)	Days Between ETT and Settlement	Settlement RTC or Formal Action ?	Quarters on ETT List as a Priority System
FL6095083	**Seven Rivers Professional Center**	**9/30/2010**	**2/20/2013**	**874**	**RTC**	**10/2010, 01/11, 04/11, 07/11, 10/11, 1/2012, 04/2012, 7/2012, 10/2012, 1/2013, 4/2013, 7/2013**
FL6510807	Holiday Gardens Util Inc.	3/31/2011	7/7/2011	98	Formal Action	04/2011, 07/2011, 10/2011, 04/2014, 7/2014, 10/2014
FL6510807	Holiday Gardens Util Inc.	3/31/2014	2/27/2014	-32	RTC	
FL6272304	**Camper's Holiday**	**3/31/2011**	**4/15/2011**	**15**	**Formal Action**	**04/2011, 07/2011, 01/2013, 10/2013, 01/2014, 10/2014**
FL6272304	**Camper's Holiday**	**12/31/2012**	**6/5/2013**	**156**	**Formal Action**	
FL4064392	Kids Paradise	12/31/2011	4/26/2012	117	Formal Action	01/2012, 04/2012, 07/2012, 04/2014, 07/2014
FL4064392	Kids Paradise	3/31/2014	4/24/2014	24	Formal Action	
FL4060402	**Everglades Holiday Park**	**12/31/2009**	**3/23/2012**	**813**	**Formal Action**	**01/2010, 04/2010, 10/2011, 01/2012, 04/2012, 01/2013, 04/2013, 07/2013, 10/2013, 01/2014, 04/2014**
FL4060402	**Everglades Holiday Park**	**3/31/2013**	**3/13/2013**	**-18**	**Formal Action**	
FL4061517	Royal Utility Company	3/31/2011	10/20/2010	-162	RTC	04/2011, 07/2013, 10/2013, 01/2014
FL4061517	Royal Utility Company	6/30/2013	2/12/2013	-138	Formal Action	
FL4131403	**Americana Village**	**3/31/2010**	**8/28/2012**	**881**	**RTC**	**04/2010, 07/2010, 10/2010, 01/2011, 04/2011, 07/2011, 10/2011, 01/2012, 04/2012, 07/2012, 10/2012, 01/2013, 04/2013, 07/2013**
FL4130833	Jones Trailer Park	12/31/2009	9/30/2011	638	RTC	01/2010, 04/2010, 07/2010, 01/2011, 04/2011, 07/2011, 10/2011, 01/2012, 01/2013
FL4130833	Jones Trailer Park	12/31/2011	10/3/2012	277	RTC	
Average Days Between ETT and Settlement				**253.07**		

Note: Some of the systems had multiple dates evaluated because they were bouncing on and off the ETT Priority List

For the evaluated systems, only two (for all the specified appearances on the ETT List as a priority system) met the 2-quarter timeliness goal established in the EPA ERP, 3 of the 8 met the goal for one of the appearances on the ETT list but not for all of the appearances, 6 of the 8 did not meet the goal for one or more of the appearances the system had on the ETT List as a priority system. On average for the identified systems (including those with multiple appearances as a priority system on the ETT List), the days between appearing on the ETT list as a priority and settlement of the violations was 253 days. This is in excess of the 2-quarter timeliness goal.

Also, in evaluation of the data above, there is an indication that formal actions and/or return to compliance data is not consistently being entered timely so that the ETT scores accurately depict the compliance and enforcement history. Therefore, some of the systems above, remained on the ETT list as priority systems multiple quarters after the resolving action had been issued.

During the file review, it was discovered that in 2 of the 8 files, enforcement actions were initiated but never completed and there was no explanation in the documents provided that explained why the action was not pursued. This was especially important information since both of those systems had been identified as priority systems for multiple consecutive quarters without returning to compliance or having a formal action issued.

The *DEP Enforcement Manual,* developed jointly by the Secretary, Deputy Secretary, and Assistant Deputy Secretary of Regulatory Programs, is periodically revised as necessary. The latest revisions occurred in September 2013 and October 2014 for the chapters addressing compliance and enforcement processes. The manual describes FDEP's enforcement organization, compliance options, enforcement options, inspections and investigations protocol, administrative process and remedies, judicial process and remedies, litigation procedures, data management, and penalty policies. Overall, the *DEP Enforcement Manual* is a thorough document which is provided to all District offices and authorized FDOH offices. However, when compared to the EPA ERP, it was determined that the *DEP Enforcement Manual* was not consistent with the EPA ERP in that it did not define an expectation of timely and appropriate enforcement. The *DEP Enforcement Manual* had no clear expectation and/or goal for timelines associated with issuing formal enforcement for systems that are identified as priority on the ETT nor for systems with acute, health-based violations. During the interviews and file reviews, it was determined that the goals of issuing formal enforcement varied between the offices evaluated. The Southwest District office indicated that they were given some established guidelines on the expectations of timely and appropriate enforcement in the annual *SWD Business Plans*. However, both FDOH offices (Broward County DOH and Miami-Dade DOH), indicated that there were no set timelines provided by FDEP-HQ for issuance of formal enforcement or returning the system compliance. Each of the FDOH offices had established goals/expectations for timely and appropriate enforcement on their own. In Broward County, for example, the written expectation for each employee is that enforcement actions start within five days of discovering any violation. In addition, actions commence immediately upon discovery of cases where public health may potentially be at risk.

Staff in the Division, Districts, and FDOH offices are provided with training on the *DEP Enforcement Manual* and *923 Directive*.

In February of 2013, the Division instituted a Peer Review Process. This Peer Review Process establishes that prior to the issuance of formal enforcement by the District offices, a Peer Review Recommendation Memo must be sent to the Division. The Division then reviews the Peer Review Recommendation Memo to determine if formal enforcement is appropriate, ensure that penalties are consistently calculated across all District offices, and that all regulations and violations are appropriately and consistently included in the enforcement. This process was established to ensure a consistent and equally applied approach to enforcement across all District Offices. This approach is not applied to the FDOH offices, who independently establish their

enforcement activities within the confines of the Interagency Agreement and the *DEP Enforcement Manual.*

The Southwest District office and Broward DOH office have both implemented a strategy of sending reminders to the systems of their monitoring responsibilities and timelines. The reminders are sent out to the systems at a minimum of annually and in some cases monthly or quarterly as well. These activities were implemented to decrease instances of monitoring and reporting violations. The Miami-Dade DOH office has also implemented a program that aides in decreasing monitoring and reporting violations, by conducting sampling for the small systems and as well as for the transient non-community systems and a few community systems. These sampling efforts are being done through a state laboratory in Miami.

Recommendations

Update the *DEP Enforcement Manual* or provide official written guidance to all offices of the following:

- The expectation to address those systems identified as priority systems on the ETT list within 2 quarters of appearance on the list, either by returning the system to compliance or issuing formal and enforceable enforcement as well as to act immediately on acute, health-based violations and subsequently confirm that systems with such violations return to compliance. This would help to ensure that the state is consistent with the EPA ERP, the state's PWSS grant work plan, and that the State is consistently implementing the compliance and enforcement program throughout all of the districts and authorized programs.

- The expectation that the date that is being used as the date of enforcement action, which is entered into the Potable Water System (PWS) Database and ultimately into SDWIS, is consistently the same date across all districts and authorized programs. Note: The date the proposed order is sent/signed, the date of receipt of the proposed order, and the date of signature by the respondent should not be used as the date of enforcement for reporting purposes. These dates are not indicative of an effective order.

Efforts should be made to ensure that data submitted to SDWIS is timely, enforcement action dates are accurately and consistently entered, all violations are identified and submitted to SDWIS, and that all violations are accurately linked to the appropriate enforcement mechanisms. FDEP should develop and implement revised procedures to ensure accurate reporting of enforcement and compliance information into SDWIS.

Records should be maintained in the file that denote any and all decisions made with regard to enforcement actions, such as if there is a change from the proposed document or a decision to not pursue the enforcement action initiated.

The Division should continue with the Peer Review Process initiated to ensure consistency of the enforcement activities across District offices, and evaluate whether the process should be

expanded to require that all formal actions, including those where both parties are in complete agreement, are submitted to the Division for review.

Internal state coordination between FDEP and FDOH on the drinking water program

Background

Program coordination was selected as a priority review topic due to the number of separate offices that implement Florida's PWSS program and the significant impacts that a 2012 FDEP reorganization had on many of these offices. A first goal of the review is to better understand what kinds of coordination activities occur between offices and how these activities impact PWSS program implementation. A second goal is to determine how the 2012 reorganization altered previous coordination tools and pathways and describe Florida's efforts to adjust to those changes.

As described in the Overview section of this report, Florida implements the PWSS program through multiple offices, each of which handles specified duties for a designated portion of the state. The Division manages Florida's overall primacy program and develops and maintains many of the resources used by six District offices and eight delegated FDOH offices. District and FDOH offices have autonomy to implement the program at the individual system level, but must conduct activities consistent with the Division rules, policy and guidance and communicate accomplishments and issues to the Division. The Division and District offices both report to FDEP's Deputy Secretary for Regulatory Programs. The 2012 reorganization redefined the FDEP's leadership structure and redistributed staff in the Division and some District offices in several ways, as described in the overview section of this report. FDOH offices were unaffected by the reorganization.

Florida's assignment of PWSS program duties to multiple offices and agencies allows the state to leverage significant additional resources and expertise. However, good communication and collaboration is needed to ensure effective, consistent operation of this decentralized program. The overall objective of this review is to ensure that effective mechanisms for ensuring good program coordination remain in place, and to document any particular strengths or weaknesses that require further consideration.

Priority Evaluation Method

Region 4 used a combination of document reviews and personnel interviews to understand past and present coordination activities in Florida and evaluate how well those activities support Florida's overall PWSS program implementation. The documents and information reviewed were obtained from EPA Region 4 files, Division files and the Division's SDWP website (http://www.dep.state.fl.us/water/drinkingwater/). Of these, the following documents provided information on Florida's internal and external program coordination activities:

- FDEP responses to EPA Region 4's PWSS Priority Review Background Questions
- FDEP's 2014 Operator Certification Program Annual Submittal
- FDEP's FY13 Annual Capacity Development Program Implementation Report

- FDEP's 2014 triennial report to the governor on "Florida's Strategy to Improve Public Water Supply"
- FDEP-HQ PWSS Program Review Reports for 2013-2014 program evaluations of FDEP District and FDOH county field offices
- Issues of the Floridan newsletter
- Information available to public water systems on the SDWP website

The Division also provided EPA Region 4 staff with a walk-through of the information and data management tools available on the Division's internal PWS Application during this review. These tools are accessible to all District and FDOH offices.

To obtain a range of perspectives on coordination activities, EPA Region 4 visited multiple offices that together represent a cross-section of PWSS program components. These included the Division office, the Southwest District office and FDOH offices in Broward and Miami-Dade counties. FDOH headquarters staff and Southeast District staff also participated in FDOH office visits. EPA Region 4 interviewed multiple staff at varying levels of responsibility in each office. The names of program managers and technical staff interviewed in each office were obtained from FDEP in advance. EPA Region 4 developed a comprehensive list of questions on internal, inter-office and external (i.e. outreach) coordination, and selected appropriate questions from this list for each interviewee, depending on that person's responsibilities. Program Coordination interviews were conducted with groups of employees, as this approach allowed office staff to provide a more complete description of program interaction and also allowed EPA Region 4 to better observe the dynamics of each office.

Key Findings

To achieve successful program coordination, program components must be organized in a way that allows them to work together effectively to achieve overall program goals. Florida has used many methods to facilitate effective program coordination across all offices. During interviews, staff noted the following existing and historical tools:

Existing Tools:

1) Regular internal office staff meetings
2) Monthly communication calls between the Division and all District-FDOH offices to introduce new policy and regulations
3) Regular comprehensive program evaluations are performed by the Division of District offices (triennially) and by the Division, FDOH HQ and District staff of FDOH offices (annually)
4) One-on-one communication between District liaisons/experts and FDOH office staff
5) Internal PWS communications website - repository for SDWP information, including current announcements, guidance, available training, webcasts, powerpoint presentations and historical meeting minutes; maintained by the Division
6) Internal PWS database – standardized data entry tools facilitate data reporting/retrieval and compliance determination by staff; developed and updated by the Division to address changing requirements and user needs

7) Technical assistance from Florida Rural Waters Association (FRWA) – a Division-managed contract that provides assistance to small systems and conducts FRWA training sessions on many topics, including full day "Focus on Change" Seminars

Previous Tools:

1) Quarterly Permitting, Compliance and Enforcement (PCE) Meetings – means of informally sharing policy and implementation issues between Division and FDEP-FDOH offices
2) Annual PWSS Conference – face-to-face meeting of Division and all FDEP-FDOH office staff that provided information on program policies and issues, rule training and valuable discussion of specific questions, concerns and needs.
3) Quarterly meetings between each District liaison and delegated FDOH offices located within that District. EPA Region 4 believes there is still an expectation for these meeting to occur, but it appears that currently the meetings occur infrequently and only in some Districts.

All offices emphasized that internal staff levels are minimally adequate to implement the assigned program workload. Administrators work closely with their staff to coordinate individual responsibilities in ways that build employee job satisfaction while maximizing output and work quality. One office recognized efficiencies by assigning individual staff both compliance and permitting duties in order to develop more holistic program knowledge. Another office supported employee skills development by devising a detailed training program that included both classroom and on-the-job shadowing. The assignment of job duties commensurate with skill level improved work product and employee satisfaction. Several offices strove to reduce the number of compliance issues by annually notifying systems of required upcoming monitoring activities. One office also achieved greater compliance levels by having staff conduct required monitoring for most small systems.

Many administrators stated that their programs achieve much more by leveraging resources available from the Division and other offices. Leveraging occurs in many ways, including meetings, training and the use of common tools to manage and share SDWP data and information.

The PWSS program conducts various meetings and calls on a regular basis. Monthly 1-2 hour calls coordinated by the Division provide regular updates on pertinent program issues, but are limited in scope. District liaisons noted that they continue to share expertise and have good interaction with staff in FDOH offices, but these discussions are also limited, and some District offices have lost technical expertise. Conference calls and informal information sharing also occur between some District and FDOH offices. However, the regularity and strength of these exchanges varies widely. Lengthier face-to-face meetings (such as the annual PWSS conference and quarterly PCE meetings) have historically provided the most valuable opportunities for education and exchange among office staff. These meetings have included presentations on regulations, technical issues, policy, guidance and data management tools. They also provided time for face-to-face discussions among staff with varied backgrounds and expertise. Quarterly PCE meetings sometimes facilitated the scheduling of follow-up meetings. For example, some

Districts followed quarterly PCE meetings with meetings with their delegated FDOH offices, allowing continued discussions on some PCE meeting topics or introduce other discussion topics of concern. The information exchanged in all of these meetings often facilitated faster, more comprehensive, consistent resolution of specific PWSS program concerns.

The Division conducts regular program reviews of each District and FDOH office. Program Review reports provide a consistent, in-depth assessment of 8 key program components across all 14 offices, as shown in Table 3 on the following page.

The relative weighting that the Division assigns to each of the 8 components is shown in the first row of this table. Individual cells display the percentage of total points which each office received for each component during the most recent 2013-2014 Program Evaluations. The results show that all offices successfully implement Data/File Management and Permit/Plan Review program components. Most offices also successfully implement Compliance, Enforcement and Sanitary Survey/Compliance Inspection program components. However, the basis for bonus points awarded for certain additional activities within these components, which often contribute to elevated scores, is somewhat unclear. Scores for the remaining three program components (Organization/Staffing/Resources, DEP Coordination/Assistance and Training) were more variable, with some offices receiving significantly lower scores. For the Organization/Staffing/Resources program component, three offices received less than 90%, and an additional two offices received less than 92%, of the total possible points. Offices generally received point reductions for having a higher ratio of public water systems to professional staff. However, all offices received the maximum allowable points for their response to the question: "Is the current staffing adequate to cover required workload?". These findings suggest that additional information is needed to better evaluate the adequacy of current office staffing/resource levels. For the DEP Coordination/Assistance component, four offices received 90% or less of total possible points. Point reductions were generally received due to lack of scanning capabilities for purposes of generating electronic files. Most questions required only "yes/no" responses, and the scoring system did not consider the more detailed comments provided by offices. Reconsideration of the kind of information needed to assess this component may be helpful. For the Training component, four offices received less than 85%, and an additional three offices received less than 92%, of total possible points. Point reductions were based on failure of staff to complete one or more of the identified core training courses, or lack of a written office training plan. These findings suggest that many offices do not have access to all needed training. The Division's basis for updating the list of needed courses is also unclear. EPA Region 4 believes this portion of FDEP's program evaluation is inadequate to fully assess training needs.

Table 3.
Summary of 2013-2014 FDEP Program Evaluation Results for 6 FDEP District and 8 DOH County Offices

Sum of Score (as % of PE Weight) Row Labels	Column Labels 1_Organization/ Staffing/ Resources	2_Data/File Management	3_Compliance	4_Enforcement	5_Sanitary Survey/ Compliance Inspections	6_Permit/Plan Reviews	7_DEP Coordination/ Assistance Activities	8_Training	9_Overall Score
1_PE Weight(%)	5.00	25.00	15.00	15.00	15.00	15.00	5.00	5.00	100
A_Central	91.60	94.96	100.00	100.00	93.60	100.00	100.00	100.00	97.36
A_NE	[illegible]	84.52	105.27	105.87	90.40	98.00	100.00	91.60	94.08
A_NW	100.00	97.36	100.00	105.87	100.00	97.93	100.00	91.60	99.49
A_SE	102.00	95.28	84.20	105.87	97.33	101.07	100.00	100.00	97.2
A_South	102.00	90.76	100.00	105.87	103.60	101.00	100.00	75.00	98.12
A_SW	94.80	97.96	100.00	105.87	102.60	97.87	100.00	83.40	99.36
C_Broward	102.00	95.20	107.13	105.87	102.33	95.87	100.00	100.00	100.59
C_Hillsborough	[illegible]	99.60	100.00	100.00	106.40	92.80	100.00	100.00	98.33
C_Lee	91.60	97.12	100.00	105.87	100.00	93.73	90.00	100.00	98.31
C_Miami-Dade	96.80	95.24	100.00	105.87	96.40	93.93	90.00	100.00	97.58
C_Palm Beach	102.00	93.36	105.87	105.87	106.80	96.87	80.00	100.00	99.76
C_Polk	89.60	96.48	109.13	100.00	102.73	100.00	100.00	83.40	99.25
C_Sarasota	91.60	97.08	100.00	105.87	107.27	86.47	90.00	75.00	97.04
C_Volusia	102.00	95.12	107.13	76.47	96.27	93.60	100.00	91.60	94.49

LOW 100% HIGH

Staff interviews conducted during this Priority Review provided information on how Florida currently identifies and addresses training needs. While training needs are a clear priority, the resources to address those needs are often limited. In order to justify training, the Division and District offices each prepare comprehensive annual training plans. Some FDOH offices prepare office training plans, and many notify District offices of additional training needs on an ad-hoc basis. In response to identified needs, the Division develops some training courses and makes these available to all offices. Division training generally focuses on rule implementation or database usage. District and FDOH offices conduct varied amounts of duty-specific training internally and access external training sources as resources allow.

Florida's PWSS program does not currently appear to have a clear means for tracking and addressing training needs on a program-wide basis. Staff in multiple offices identified the need for training on: use of PWS Application tools, information on DBP formation and treatment, DBP Stage 2 implementation, technical knowledge that allows staff to tie rules together and optimize overall system compliance, and state enforcement policies. These responses suggest that the PWSS program could realize some efficiencies by implementing more seamless, universal communication of training needs and resources. Several offices stated that they are in the process of re-tooling existing training plans, to adjust for changing duties and priorities that resulted from the 2012 reorganization. This re-tooling period may provide an opportunity for Florida to revisit the way in which it identifies and addresses training needs on a program-wide basis.

A primary goal of the 2012 reorganization was to recognize efficiencies and achieve greater statewide consistency by realigning staff in the Division and some District offices. The changes implemented were initially disruptive, as they altered established communication pathways and sometimes significantly revised staff workload. However, during interviews, staff provided evidence that re-tooling of the organization aimed at improving overall program coordination is now occurring on several fronts. The Division is re-examining training plans and the value of regular, lengthier face-to-face meetings. The Division continues to revisit strategies for maintaining timely access to critical information technology resources. Given the realignment of compliance staff and the revision of some enforcement guidance, the Division has also recognized the importance of clarifying the enforcement process to all offices. Districts clearly desire autonomy to implement enforcement/compliance issues; however, they are also striving to exchange information and expertise with other Districts, and expressed a desire for clearer guidance from the Division on some issues. District offices that were more heavily impacted by the reorganization continue to re-calibrate their programs to ensure effective public water system oversight.

Resources which were unchanged through the 2012 reorganization contributed considerably to the continued strength of Florida's PWSS program. These resources include FDOH-HQ and FDOH offices, the continued use of 14 geographically-targeted District and FDOH offices to maintain close working relationships with public water systems operators, the technical support contract with FRWA, and the Division's continued maintenance of several tools for managing data and information essential to the PWSS program.

Recommendations

The 2012 reorganization refocused Florida's PWSS program on the critical goals of strengthening overall program consistency, and renewing focus on timely accomplishment of program priorities (such as the prevention and resolution of health-based violations). The associated reorganization of staff and resources disrupted many valuable coordination pathways that existed under the old organization. Some expertise was also lost during the reorganization. The re-tooling period that is now occurring is critical to ensuring that Florida maintains and establishes communication pathways and tools that will allow them to best accomplish the priorities of the PWSS program under the new organization. Based on information gathered during this priority review, the following program coordination-related activities are recommended as key to strengthening Florida's PWSS program.

Regular, established communications have historically provided the Division, District and FDOH offices with some of the most valuable ways to leverage the expertise and resources available in the many offices that comprise Florida's PWSS program. Interviewed staff unanimously stated that regular face-to-face meetings (such as the annual FDEP PWS conference and quarterly PCE meetings) were the most valuable tools, as these provided the broadest exchange of PWSS program and technical information to the greatest number of staff. Reinstatement of these meetings would strengthen staff knowledge and promote rebuilding of communication pathways. Continued strengthening of regular communication pathways between District offices would increase the exchange of information and expertise relevant to direct oversight of public water system facilities. Increased District expertise could also be leveraged by FDOH offices.

EPA Region 4 recommends FDEP lead a statewide assessment of technical and programmatic training needs of all offices given the number of new drinking water regulations and new staff to the program. A re-tooling of Florida's training program that allows PWSS program offices to better identify and address training needs would be helpful.

Individual offices provide various levels of internal training, but this could be supplemented with the resources and expertise available from other offices across the state. Reinstatement of the face-to-face meetings noted earlier would provide an efficient means for providing broadly-needed training, such as guidance on program enforcement tools and priorities as well as provide a meaningful opportunity for offices to share training plans (such as the training program being developed by the SW District).

Some re-tooling of the Division's standard Program Evaluation template may increase the usefulness of Program Evaluation findings. These regular program evaluations of District and FDOH offices provide an excellent tool for consistently evaluating key components of Florida's PWSS program. However, for some components, the information collected does not clearly explain the basis for differing, or lower, scores among offices. This finding primarily applies to components that do not include reviews of specific public water systems (i.e. Organization/Staffing/Resources, DEP Coordination/Assistance and Training components). Questions and scoring mechanisms used for these components could be re-examined and modified to better characterize office strengths or deficiencies. For example, the Division might

develop a standard process for updating core training courses to reflect changing program priorities and individual office needs.

Florida's PWSS program may strengthen external coordination though increased participation by local office level in EPA's Area Wide Optimization Program (AWOP) program. This participation would allow office staff to better evaluate and assist surface water systems in optimizing treatment goals and enhancing microbial and disinfection byproduct control. The technical expertise gained could also be shared with other offices.

Local District and FDOH offices are encouraged to make use of the OCULUS and Permitting Application document management systems, particularly in an effort to coordinate compliance and permitting activities.

Disinfection Byproduct Rules Implementation

Background

DBP Rules Implementation was selected as a priority for review based on an analysis of state-wide violation data by specific contaminant group. Other than total coliform MCL violations, DBP MCL violations represented the greatest number of health-based violations for water systems in Florida over the past five years. Many water sources in Florida have high quantities of naturally occurring organic matter. When the water with high levels of organics is disinfected with chlorine, high levels of disinfection byproducts can form. Levels of many DBPs increase with water age in finished water storage tanks and distribution systems. Treatment strategies for DBPs can include adjustments to treatment systems (examples: removal of organics prior to disinfection, change of disinfectant, pH adjustment, or removal of DBPs after formation, etc.) or changes to operations of distribution systems (examples: adjustments to storage tank levels or fill/draw cycles, flushing practices, elimination of "dead ends" in distribution lines, etc.).

Over the past few years States and water systems have been transitioning from monitoring requirements associated with the Stage 1 Disinfectants and Disinfection Byproduct Rule to the Stage 2 DBP Rule. Some of the key changes include the number, frequency and locations of routine monitoring, inclusion of consecutive water systems to rule requirements, and how compliance is calculated based on locational running annual averages. The transition from the Stage 1 to Stage 2 Rule involved a period of time when EPA Region 4 was implementing aspects of rule focused on identifying potential new monitoring locations. These early implementation activities were a result of the regulatory timeline beginning before states were required to have the rule adopted. As a result, FDEP and FDOH field staff played a limited role in training and implementation associated with monitoring site selection. FRWA did provide a significant amount of outreach to water systems during this time. Florida had adopted the Stage 2 Rule by the time routine monitoring requirements began and worked with water systems to finalize monitoring plans.

Priority Evaluation Method

Region 4 utilized a combination of data analysis, personnel interviews and onsite file reviews to evaluate strengths and needs associated with Florida's implementation of the DBP Rules. Data analysis include reviews of DBP monitoring results from Florida's PWS Database and DBP violation data available from EPA's SDWIS data system. Interview questions were used to determine strategies utilized to affect system compliance, understand expertise levels and resource demands for staff and management, and to gage consistency in implementing the regulations and guidance associated with the DBP Rules. File reviews included a review of information used to develop system monitoring plans, an evaluation of system monitoring data to ensure monitoring was done in accordance with the plan, and a review of compliance determinations based on the analytical results. A complete list of the files reviewed is provided in Appendix A.

Key Findings

Most health-based violations for chemical monitoring in Florida are associated with DBPs.

Review of DBP monitoring results from the PWS Database identified a significant number of questionable values of "0" for TTHM and HAA5 analytical results, often at systems/locations that had previous and subsequent high levels. While some amount of fluctuation of results is expected, systems with detected levels greater than ½ of the MCL typically do not have fluctuations that would result in associated non-detect levels.

Staff determine compliance manually based on review of monitoring results as the Stage 2 module of the PWS Database was not yet available at the time of the review. The module has since been completed. Errors were identified in both water system reporting and state compliance determination including:

- Incorrectly calculating the locational running annual average of monitoring results
- Water system not monitoring in correct months
- Failure of systems to submit Operational Evaluation Reports when required
- Changes in monitoring locations without justifications

Staff have had training on DBP rule compliance. However, very few staff indicated they had much, if any, training related to DBP formation and/or treatment.

Reviewers found recommendations to water systems on flushing strategies that are not supported by EPA and will result in masking ongoing health risks to water system customers.

Some offices have made efforts to integrate compliance and permitting activities to ensure DBP compliance is considered in project review and the potential need for DBP monitoring plan changes based on relevant water system infrastructure changes. Efforts range from having the same staff perform both engineering review/permitting and compliance determination, to developing a liaison responsibility between permitting and compliance office staff.

Recommendations

There is a need for District and County staff to re-evaluate DBP monitoring locations identified in Stage 2 Monitoring Plans. FDEP and FDOH should consider enhancing the review of distribution systems during sanitary surveys to include an evaluation of DBP monitoring locations. Considerations for enhancing the sanitary survey include:

- Checking disinfectant residual levels (and pH when available) to assess water quality at areas of high probable water age relative to approved DBP compliance monitoring locations.
- Reviewing flushing practices to determine if water systems are using practices to improve water quality system-wide or just at compliance locations.
- Visit the DBP monitoring locations to identify any changes (e.g. installation of auto-flushing device) that may give reason to modify the monitoring plan.
- Evaluate the appropriateness of changing one monitoring location to Point of Entry for consecutive systems based on the number of monitoring locations and associated baseline data already collected. POE data can be valuable for coordination between wholesale and consecutive water systems.

Provide technical training to staff on how to limit DBP levels in water systems through improved distribution system operation practices. The AWOP implemented in Region 4 has been used by several states to provide training to water system personnel on DBP compliance strategies that minimize the need for costly infrastructure and to develop the staff expertise to perform the enhanced sanitary survey practices outlined above. Due to the low number of surface water systems in the state, FDEP has minimally participated in EPA's AWOP. With the network's significant change in focus to disinfection byproducts, FDEP should engage all districts and counties with opportunities to participate in AWOP.

FDEP should investigate the number of "0" monitoring results to determine if there are any obvious laboratory or data entry errors, or any trends that would raise question as to the integrity of the results.

FDEP-HQ should continue to prioritize development of the PWS Database to facilitate implementation tasks for inspectors and compliance officers.

Data Management

Background

One of the required functions of delegated PWSS Programs is to maintain a data management system for tracking compliance, enforcement actions and public water system inventory. FDEP-HQ's database for the drinking water program is the Oracle-based PWS Database. Reports are produced in Active Server Pages. Data are transmitted to SDWIS/Fed via an Extensible Markup Language file created from extrapolated data. Data are reported quarterly, including inventory, samples and violations and enforcement updates.

Automated compliance determinations for TCR, GWR, Phase II/IV, RAD, CCR, Turbidity and Stage 2 DBPs (just recently, in time to evaluate 1st Q 2015) are performed by the PWS Database nightly and verified by the district and county offices. All violations are posted automatically but can be over-ruled by the point person in each office. All other compliance determinations are entered manually within the individual offices, as are all violation letters and enforcement actions.

FDEP uses the SDWIS/Fed error reports to correct errors but finds that the ".pdf" format is not useful. That format is too difficult to mark up and data cannot be sorted. FDEP would greatly prefer data in Excel spreadsheets.

Key Findings

The Division has developed and maintains several effective tools for entering and accessing PWSS data and reports including:

PWS Database – In addition to tracking lab samples, the PWS Database tracks inventory, permit compliance/enforcement, monthly operations, inspections and complaints. The PWS Database includes reports for staff, but also posts five reports to the public FDEP website that are further divided by year or geographic area. Basic Facility Reports, Flow Data and Plant Treatment Data files are updated quarterly. Chemical Data and Microbiological Data files are updated annually in March. Reports provide information on sample results, average/max monthly flows, types of water treatment, the type of system, address, capacity, sources of water, population and service connections served, dates the Department performed the last sanitary survey, and the dates the last bacteriological and inorganic/organic contaminant testing was performed.

PA (Permitting Application) System – database that tracks the permit application process to ensure statutory time clocks are met.

OCULUS – an electronic, web-based document management system that allows the public and staff to search and review permitting documents, lab reports, inspections, etc. within DEP and at two of eight FDOH offices.

FDEP-DW standardized PDF/Word data/information entry forms - for use by public water systems and laboratories to document: (1) Permitting/Construction/O&M activities (Chapter 62-555.900 F.A.C.) and (2) reporting results for required test measurements or analyses (Chapter 62-550.730 F.A.C.). Users may generate computer-generated versions of same (see http://www.dep.state.fl.us/water/drinkingwater/forms.htm).

NEXUS – user-friendly information portal for retrieving documents from OCULUS archival database.

PASS (Permit Application Subscription Service) System - Allows user to receive automated, customized notification of permit application status (e.g by application types, geographic area, etc.)

Data entry and compliance determination tools available through the PWS Database provide staff in all offices with a rapid, reliable, consistent way to upload system monitoring data and accurately calculate compliance. The value of this tool was readily apparent during staff interviews, as staff unanimously emphasized the need for the Division's soon to be released DBP Stage 2 compliance determination tool.

Use of a state-developed tool also allows staff to more easily request helpful database changes. Simpler changes are implemented by Division staff, while more comprehensive changes are made by staff in OTIS. Requests to OTIS are sometimes delayed, as OTIS must prioritize database needs for multiple programs. The Division works to maintain the priority level of key PWS Database updates, but limited OTIS resources are an ongoing challenge.

The Division also maintains two web-based document tracking systems that allow staff and the public to obtain SDWP documents of interest. OCULUS houses copies of permitting, lab, inspection, operational and compliance/enforcement documents. The PA System allows the user to retrieve permit applications currently under review. While these systems may provide a valuable resource to inspectors and permit reviewers, it is unclear to what extent some offices use these systems. More comprehensive training on these systems may facilitate the exchange of information between permitting and compliance staff.

Recommendations

Florida's PWSS program should continue to implement a strong data and information management program that is available to all offices. The PWS Database addresses a critical need, providing a consistent suite of tools for data entry and compliance determination that can also be modified to address staff needs.

External Outreach

Background

In selecting topics for review, FDEP's compliance assistance outreach to public water systems was identified as a program strength. The review included a combination of document review and interviews of key staff and managers. With recent changes in drinking water ~~law~~ rules and regulations (Stage 2 DBP Rule, Ground Water Rule, Reduction of Lead in Drinking Water Act, Revised Total Coliform Rule), water systems are increasingly dependent on state agencies to provide the outreach necessary to explain the details of the rules and regulations that will ensure sector compliance and protection of public health.

FDEP and FDOH value a strong relationship with the regulated community and strive to ensure that, where possible, concerns are addressed through compliance assistance activities prior to water systems incurring a potential violation. Florida's drinking water program achieves outreach to water systems through site visits to water systems, training classes, contracts with technical assistance partners, and direct mailings to water systems and water system professionals.

Key Findings

FDEP and FDOH utilized a number of mechanisms to provide meaningful outreach activities to public water systems, including:

- Drinking Water Technical Assistance Program
- Contract with FRWA to provide training and operator certification
  - Focus on Change training seminars ~ 6 events/year
  - Water treatment plant operator certification ~16 events/year
  - Water distribution system certification training ~5 events/year
  - Water treatment plant operation and maintenance ~17 events/year
  - Electrical safety and generator set up ~ 1 event/year
  - Treatment technologies and conservation ~ 1 event/year
  - Emergency Response Plans ~ 0-1 event/year
  - Over 3,000 technical assistance site visits/year from Circuit Riders
- Limited Involvement in Area-Wide Optimization Program
- Operator Certification Program
- Floridian Newsletter
- Sanitary Surveys and other inspections

Florida's strong suite of outreach tools provide office staff with ways to enhance coordination with local public water system operators. The Division's Technical Assistance Program assists all offices in resolving technical, managerial and financial challenges of individual public water systems at no cost to those systems. The contracted services of FRWA are frequently used by smaller rural water systems. FRWA also provides training on various topics of interest to both system operators and FDEP and FDOH staff, including full-day sessions during the "Focus on Change" seminars which are held year-round at locations throughout the state. Available training sessions are listed on the FRWA website. The Division participates minimally in EPA's AWOP, and uses this program to more closely evaluate and assist the ability of surface water systems to optimize disinfection and filtration treatment goals and enhance microbial and disinfectant byproduct control. While participation has recently decreased, staff interviewed in some District and FDOH offices expressed interest in increasing participation in order to benefit public water systems while strengthening the expertise of office staff.

All offices expressed a need for greater technical training of inspectors, compliance, and permitting staff citing a concern with being able to adequately address simultaneous compliance concerns with water systems. Some entities expressed concern over a perceived loss of drinking water programmatic expertise within FDEP.

The Division offers a Sanitary Survey School annually to train newer FDEP and FDOH inspectors on not only the eight elements that are required by EPA when conducting a sanitary

survey, but also on operation and maintenance activities, as well as treatment theory and technologies.

Customer complaints made to the state are addressed in a timely and appropriate fashion. There was some uncertainty as to what FDOH laboratory support is available to District staff when responding to customer complaints.

Every office makes a concerted effort to send letters to each water system annually to provide minimum monitoring requirements to ensure water systems complete all required monitoring.

Recommendations

Florida should continue to implement a strong PWSS outreach program. FRWA contracted services and training sessions provide invaluable support to local offices in their efforts to assist public water system operators. Focus on Change seminars also provide opportunities for exchange between office staff and public water system operators, strengthening communications between these parties.

Consider exploring the appropriateness of addressing laboratory support for bacteriological monitoring in the interagency agreement between FDOH and FDEP. The support would be used when responding to customer complaints or in carrying out any special studies that would enhance the value of Department outreach for water systems.

EPA Region 4 believes District and County staff participation in the AWOP would facilitate improved outreach to water systems. In addition to new regulations, large turnover in drinking water staff, in some areas, has created a need for increased investment in drinking water program training. EPA Region 4 strongly encourages Districts and Counties to interact more, through routine meetings and trainings, to discuss implementation challenges/successes so that expertise across the state is better leveraged to fill the knowledge gaps associated with new regulations and new program staff.

Appendix A

Florida Drinking Water Program Priority Review
File Review Summary

For the enforcement cases, EPA Region 4 reviewed all actions and associated non-compliance over the past 3 years (2012-14). The case files should contain all of the case development work (violations, initial correspondence, informal and formal actions, etc.) even if prior to 2012. Example: If an enforcement order was issued in 2012 for an arsenic violation in 2010, EPA Region 4 evaluated everything from 2010 up until the system returned to compliance.

For the DBP files, EPA Region 4 reviewed files for monitoring results, monitoring plans, documents used in developing/approving monitoring locations, correspondence related to monitoring location changes, and documents related to compliance assistance outreach.

Broward County DOH

Enforcement Case Files

FL4060402	Everglades Holiday Park
FL4061517	Royal Utility Company
FL4064392	Kids Paradise

Disinfection Byproduct Files

FL4060402	Everglades Holiday Park
FL4060254	City of Deerfield Beach

Miami-Dade County DOH

Enforcement Case Files

FL4131403	American Village
FL4130833	Jones' Trailer Park
FL4130970	City of North Bay Village

Disinfection Byproduct Files

FL4131403	American Village
FL4130871	MDWASA
FL4131531	Virginia Gardens
FL4131001	Opalocka

Tampa, SW District

Enforcement Case Files

FL6095083	Seven Rivers Professional Center
FL6272304	Camper's Holiday
FL6510807	Holiday Gardens Utility, Inc.

Disinfection Byproduct Files

FL6512033	PCUD Blanton Lake Park
FL6520336	Clearwater Water System
FL6521576	Safety Water
FL6277059	Hernando Co. Utility-West
FL6280049	City of Avon Park

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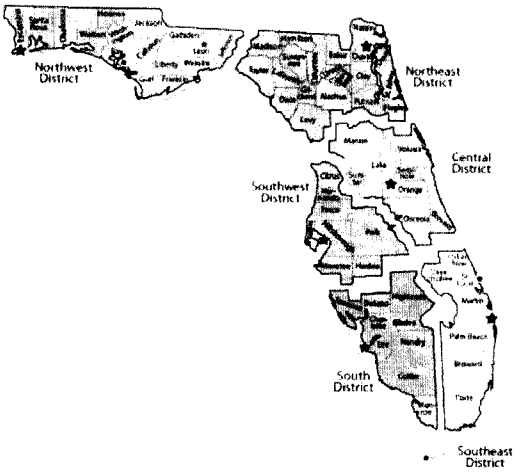
PRIORITY REVIEW

OF THE PUBLIC WATER SYSTEM SUPERVISION PROGRAM FOR THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

DRAFT REPORT



Prepared by the
Environmental Protection Agency, Region 4
Drinking Water Section, Water Protection Division

May 21, 2015

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Appendix

(b)(5) Deliberative Process Privilege

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(b)(5) Deliberative Process Privilege

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INTRODUCTION

The U.S. EPA, Region 4 Drinking Water Section (EPA, Region 4) developed a protocol, called a Priority Review, for assessing the performance of state PWSS Programs and for evaluating the adequacy of resources dedicated to identify priorities for individual state programs. The Priority Review replaces EPA's Data Verifications that historically reviewed state data associated with each rule in the National Primary Drinking Water Regulations. The new approach is intended to be transparent and targeted in assessing a few priority focus areas identified in a collaborative effort between the state and EPA, Region 4. The following priority areas of focus have been identified for Florida:

1. Enforcement of drinking water regulations
2. Internal state coordination between DEP and DOH on the drinking water program
3. Disinfection Byproduct Rules implementation
4. Data Management, and
5. External outreach

Region 4 used three basic methods to obtain information: (1) identification and review of key documents and tools used by Florida to implement their PWSS program (e.g. guidance, websites, internal review protocols, databases, file management systems, reports, etc.), (2) interviews with managers and staff and (3) review of individual system files. For the third method, Region 4 selected systems for the review that were likely to provide a good understanding of Florida's approach to addressing more challenging or problematic situations.

OVERVIEW OF FLORIDA'S PWSS PROGRAM

EPA gives flexibility to state primacy agencies for required PWSS program activities. In Florida, PWSS implementation activities are spread over a decentralized organizational structure. The Department of Environmental Protection has the primary role of regulating public water systems (PWSs) in Florida. The Source and Drinking Water Program (SDWP) located in the FDEP headquarters in Tallahassee (FDEP-HQ) is responsible for writing rules, developing policy, managing funds, providing training, managing data, and managing special initiatives. The Water Compliance Assurance Program (WCAP) is responsible for oversight, tracking and reporting of enforcement and permitting activities. The enforcement of rules and permitting of new construction for individual PWSs is handled by six FDEP district offices. In eight Florida counties, the Districts have currently delegated this enforcement and permitting authority to local approved county health departments through Interagency Agreement. FDEP has also delegated laboratory certification to the Department of Health Laboratory in Jacksonville.

FDEP-HQ environmental programs are divided into three main areas, one of which is Regulatory Programs. The Deputy Secretary for Regulatory Programs provides oversight and direction to four FDEP-HQ regulatory divisions, including the Division of Water Resource Management (DWRM) and six regulatory district offices. The SDWP and WCAP programs are both located within DWRM, while the regulatory district offices report directly to the Deputy Secretary for Regulatory Programs.

Following is a complete list and description of all programs which contribute to FDEP's implementation of Safe Drinking Water Act (SDWA) requirements.

Florida Department of Environmental Protection

FDEP-HQ Division of Water Resource Management (DWRM):

- FDEP-HQ Source and Drinking Water Program (SDWP): Coordinate overall PWSS implementation through policy and rule development, and management of funding, training, data and special initiatives. Ensure all SDWA program requirements are conducted and reported to EPA as outlined in the annual PWSS workplan.
- FDEP-HQ Water Compliance Assurance Program (WCAP): Facilitate statewide coordination of compliance and enforcement activities by providing and/or supporting the development of policy, guidance and training to ensure consistency among the six District Offices for state Drinking Water and Wastewater Programs. Ensure all SDWA compliance and enforcement activities are conducted and reported to EPA as outlined in the annual PWSS workplan commitments.

FDEP-HQ Office of General Counsel (OGC): Provide legal counsel and represent FDEP in implementing enforcement, permitting and programmatic actions. Provide training and consultation to FDEP staff.

FDEP-HQ Office of Technology and Information Services (OTIS): Manage functionality and security of the information technology systems that support FDEP mission success. Provide application development and customer support services to FDEP Divisions and regulatory districts that use regulatory databases, including SDWP support needs for PWS.

FDEP Regulatory District Offices: Coordinate and implement all permitting, compliance and enforcement activities for counties located within District boundaries, including permit reviews, facility inspections, compliance assistance, rule enforcement and response to reports of environmental damage. Six separate offices serve counties located in the Northwest, Northeast, Central, South, Southeast and Southwest portions of the state. The FDEP District Office delegates this authority to qualified individual Florida Department of Health (FDOH) county offices. Provide legal, technical and training assistance to delegated FDOH county offices.

Florida Department of Health

- The current DEP-DOH Interagency Agreement delegates lead PWSS program implementation authority from the responsible FDEP District Office to DOH offices in the counties of Broward, Miami-Dade, Hillsborough, Lee, Sarasota, Palm Beach, Polk and Volusia. Delegated FDOH county offices coordinate and implement permitting, compliance and enforcement activities for that county.
- The Florida Department of Health laboratory in Jacksonville maintains a State program for the certification of laboratories conducting analytical measurements of all drinking water contaminants, with the exception of radionuclides, in accordance with Florida Statutes 403.862-.8635 and Florida Administrative Code (F.A.C.) Chapter 62-550.550.

South Carolina Department of Health: South Carolina's radiological laboratory is responsible for the analysis of all radionuclude samples for Florida PWSs, in accordance with an MOA approved by SESD on January 28, 2013.

This organization is significantly changed from the structure that was in place during the previous 2009 Program Review conducted by The Cadmus Group, Inc. on behalf of EPA. In 2012, FDEP underwent a reorganization which affected both FDEP-HQ and FDEP District offices. At FDEP-HQ, the source and drinking water program staff were merged to form the Source and Drinking Water Program. Staff were relocated from the Drinking Water Program to support the formation of a centralized compliance and enforcement group (WCAP) and a more centralized information technology group (OTIS). District boundaries were redrawn, and resources were re-allocated, to allow for a more even distribution of resources among Districts. A primary objective of this reorganization was to improve program efficiency/effectiveness and promote consistency by streamlining the management structure and increasing cross-utilization of resources, particularly in the areas of compliance determination and data management.

FDEP's authority to implement provisions of the Safe Drinking Water Act (SDWA) derives from Chapter 403, Part VI, Florida Statutes and by delegation of the federal program from the U.S. Environmental Protection Agency. The Department has promulgated a number of rules in Chapters 62-4, 62-550, 62-555, 62-560, 62-602 and 62-699 F.A.C. to address drinking water standards, monitoring and reporting; public water system permitting and compliance; and treatment plant operators, classification and staffing. These requirements impact approximately 5245 federally regulated public water systems (PWSs) with approximately 1649 (or 31%) of Florida's PWSs being community water systems, approximately 776 or (15%) being non-transient non-community systems, and approximately 2820 or (54%) being transient non-community systems (Table 1).

PWS TYPE	WATER SOURCE	COUNT
CWS	Surface Water only	5
	Surface & Ground Water	69
	Ground Water only	1575
NTNC	Surface Water only	0
	Surface & Ground Water	4
	Ground Water only	772
TNC	Surface Water only	5
	Surface & Ground Water	1
	Ground Water only	2819
TOTAL		5245

Table 1. Count of Florida Public Water Systems by Type and Source

Enforcement of Drinking Water Regulations

Background

Compliance and Enforcement Program Implementation was selected as a priority for review in order to assess whether a state is implementing the requirements of the Public Water System Supervision (PWSS) program. The states ensure that human health is safeguarded by enforcing the requirements of the Safe Drinking Water Act (SDWA) to ensure that the states' public drinking water supply and its sources are protected. Historically, the reviews of the states' PWSS programs, whether that be through a Data Verification, Program Review, or a Priority Review, did not typically include an evaluation of the compliance and enforcement program at the states. Region 4 has determined that this is an important aspect of a review of the implementation of a PWSS program, and plans to include this in future Priority Reviews, as appropriate. Through this review, EPA promotes regional consistency, identifies successes in implementation of the PWSS program, and identifies opportunities for improvement in the compliance and enforcement programs.

In January of 2010, EPA began implementation of a new enforcement approach designed to help our nation's public water systems comply with the requirements of the SDWA. This new approach replaced the previous system of a contaminant to contaminant compliance strategy with one that focuses attention on the drinking water systems with the most serious or repeated violations. This strategy identifies public water systems with violations that rise to the level of significant noncompliance by focusing on those systems with health-based violations and those that show a history of violations across multiple rules. This system-based methodology is intended to ensure consistency and the integrity of the PWSS national enforcement program. This approach includes a revised Enforcement Response Policy (ERP) and new Enforcement Targeting Tool (ETT).

The ETT uses a tool that enables the prioritization of public water systems by assigning each violation a "weight" or number of points based on the assigned threat to public health. Points for each violation at a water system are summed to provide a total score for that water system. Water systems whose scores exceed a certain threshold will be considered a priority system for enforcement.

EPA recognizes that states carry out both formal and informal enforcement and compliance assistance activities. These activities are effective tools for achieving compliance. Nevertheless, systems specifically identified by the ETT as priorities must be returned to compliance (RTC) or EPA will expect formal, enforceable mechanisms to return such systems to compliance. States are expected to escalate their response to ensure that RTC is accomplished. Once a public water system is identified as an enforcement priority on the ETT list, an appropriate formal action or RTC will be required within two calendar quarters to be considered "timely". However, regardless of a public water system's position on a state's ETT list, EPA expects that states will act immediately on acute, health-based violations and subsequently confirm that systems with such violations return to compliance.

Priority Evaluation Method

Region 4 utilized a combination of data analysis, personnel interviews, comparison of established program strategies with the ERP, and onsite file reviews to evaluate Florida's successes in implementation of the PWSS program and identify opportunities for improvement in its compliance and enforcement program. Data analysis included a review of the EPA ETT Tracker, which is a tool that provides useful metrics and graphing capabilities for systems' current and past ETT scores for up to twenty (20) quarters. This information was used to aide in the selection of the files to be reviewed and get a rough evaluation of Florida's ability to timely and appropriately return systems to compliance or issue formal, enforceable mechanisms that will return a system to compliance. Additionally, EPA's SDWIS data system was used to determine what violations and enforcement had been done for each of the selected files to review. Nine (9) files were selected for review, however, only eight (8) were

reviewed (See table named *Timeline for Settlement of Identification as a Priority System on the ETT List* below). Interview questions were used to understand the dynamics of the organization including staffing resources and demands and to determine how the established program strategies were being implemented with regards to Florida's compliance and enforcement program. The *Department of Environmental Protection (DEP) Enforcement Manual* and *Directive* 923 were reviewed for consistency with the EPA ERP requirements to ensure that these policies enabled the state to meet the requirements of timely and appropriate compliance and enforcement. File reviews included a review of the violations determined, an evaluation of the enforcement mechanisms issued for consistency with the *DEP Enforcement Manual* and the EPA ERP, and a comparison of the information found during the file review with the data reported to EPA's SDWIS data system.

Key Findings

The accuracy of data reported by FDEP to SDWIS was found to be in need of improvement in the following ways:

- All violations identified in the file and/or provided from the FDEP tracking system, are not being submitted to SDWIS. This discrepancy was found in the District and both DOH offices. Primarily the violations that are not being submitted are monitoring and reporting violations for various parameters. For the identified systems, 6 of the 8 reviewed had violations noted in the file/data provided that were not identified in SDWIS.

- Enforcement actions taken and submitted to SDWIS, are either not being timely uploaded, properly linked to relevant violations, and/or the data uploaded is inconsistent with the documents provided for review. For the identified systems, 7 of the 8 reviewed had discrepancies with the information for the enforcement actions submitted to SDWIS. Specifically, for the files reviewed, there were instances where violation(s) were linked to enforcement actions that upon review of the enforcement action, it was determined that the action did not include or address those violations. Also, there were several instances where the data submitted to SDWIS showed multiple dates for the same enforcement action. It appears that the dates of enforcement are not being consistently entered (i.e. dates were submitted for the signature date of the effective order, receipt date of the effective, or the date the proposed order was sent to the respondent). So it was noted that at times there would be two formal actions entered into SDWIS when there was only one issued.

During the file review, EPA tracked compliance and enforcement mechanisms used and evaluated them for timeliness and appropriateness of the action or return to compliance. Based on this review, the following was determined in regards to the timeline for systems identified as a priority on the ETT list to be returned to compliance or have a formal enforcement action issued.

Timeline for Settlement of Identification as a Priority System on the ETT List

PWS ID	System Name	Date of First Appearance on ETT List as Priority System	Date of Settlement (RTC or issuance of Formal Enf)	Days Between ETT and Settlement	Settlement RTC or Formal Action ?	Quarters on ETT List as a Priority System
FL6095083	Seven Rivers Professional Center	9/30/2010	2/20/2013	874	RTC	10/2010, 01/11, 04/11, 07/11, 10/11, 1/2012, 04/2012, 7/2012, 10/2012, 1/2013, 4/2013, 7/2013
FL6510807	Holiday Gardens Util Inc.	3/31/2011	7/7/2011	98	Formal Action	04/2011, 07/2011, 10/2011, 04/2014, 7/2014, 10/2014

FL6510807	Holiday Gardens Util Inc.	3/31/2014	2/27/2014	-32	RTC	
FL6272304	Camper's Holiday	3/31/2011	4/15/2011	15	Formal Action	04/2011, 07/2011, 01/2013, 10/2013, 01/2014, 10/2014
FL6272304	Camper's Holiday	12/31/2012	6/5/2013	156	Formal Action	
FL4064392	Kids Paradise	12/31/2011	4/26/2012	117	Formal Action	01/2012, 04/2012, 07/2012, 04/2014, 07/2014
FL4064392	Kids Paradise	3/31/2014	4/24/2014	24	Formal Action	
FL4060402	Everglades Holiday Park	12/31/2009	3/23/2012	813	Formal Action	01/2010, 04/2010, 10/2011, 01/2012, 04/2012, 01/2013, 04/2013, 07/2013, 10/2013, 01/2014, 04/2014
FL4060402	Everglades Holiday Park	3/31/2013	3/13/2013	-18	Formal Action	
FL4061517	Royal Utility Company	3/31/2011	10/20/2010	-162	RTC	04/2011, 07/2013, 10/2013, 01/2014
FL4061517	Royal Utility Company	6/30/2013	2/12/2013	-138	Formal Action	
FL4131403	Americana Village	3/31/2010	8/28/2012	881	RTC	04/2010, 07/2010, 10/2010, 01/2011, 04/2011, 07/2011, 10/2011, 01/2012, 04/2012, 07/2012, 10/2012, 01/2013, 04/2013, 07/2013
FL4130833	Jones Trailer Park	12/31/2009	9/30/2011	638	RTC	01/2010, 04/2010, 07/2010, 01/2011, 04/2011, 07/2011, 10/2011, 01/2012, 01/2013
FL4130833	Jones Trailer Park	12/31/2011	10/3/2012	277	RTC	
Average Days Between ETT and Settlement				253.07		

Note: Some of the systems had multiple dates evaluated because they were bouncing on and off the ETT Priority List

For the evaluated systems, only two (for all the specified appearances on the ETT List as a priority system) met the 2-quarter timeliness goal established in the EPA ERP, 3 of the 8 met the goal for one of the appearances on the ETT list but not for all of the appearances, 6 of the 8 did not meet the goal for one or more of the appearances the system had on the ETT List as a priority system. On average for the identified systems (including those with multiple appearances as a priority system on the ETT List), the days between appearing on the ETT list as a priority and settlement of the violations was 253 days. This is in excess of the 2-quarter timeliness goal.

Also, in evaluation of the data above, there is an indication that formal actions and/or return to compliance data is not consistently being entered timely so that the ETT scores accurately depict the compliance and enforcement history. Therefore, some of the systems above, remained on the ETT list as priority systems multiple quarters after the resolving action had been issued.

During the file review, it was discovered that in 2 of the 8 files, enforcement actions were initiated but never completed and there was no explanation in the documents provided that explained why the action was not pursued. This was especially important information since both of those systems had been identified as priority systems for multiple consecutive quarters without returning to compliance or having a formal action issued.

The *DEP Enforcement Manual,* developed jointly by the Secretary, Deputy Secretary, and Assistant Deputy Secretary of Regulatory Programs, is periodically revised as necessary. The latest revisions occurred in September 2013 and October 2014 for the chapters addressing compliance and enforcement processes. The manual describes FDEP's enforcement organization, compliance options, enforcement options, inspections and investigations protocol, administrative process and remedies, judicial process and remedies, litigation procedures, data management, and penalty policies. Overall, the *DEP Enforcement Manual* is a thorough document which is provided to all District offices and authorized Department of Health (DOH) offices. However, when compared to the EPA ERP, it was determined that the *DEP Enforcement Manual* was not consistent with the EPA ERP in that it did not define an expectation of timely and appropriate enforcement. The *DEP Enforcement Manual* had no clear

expectation and/or goal for timelines associated with issuing formal enforcement for systems that are identified as priority on the ETT nor for systems with acute, health-based violations. During the interviews and file reviews, it was determined that the goals of issuing formal enforcement varied between the offices evaluated. The Southwest District (SWD) indicated that they were given some established guidelines on the expectations of timely and appropriate enforcement in the annual *SWD Business Plans*. However, both of the DOH offices (Broward County DOH and Miami-Dade DOH), indicated that there were no set timelines provided by FDEP for issuance of formal enforcement or returning the system compliance. Each of the DOH offices had established goals/expectations for timely and appropriate enforcement on their own. In Broward County, for example, the written expectations for each employee is that enforcement actions start within five days of discovering any violation. In addition, actions commence immediately upon discovery of cases where public health may potentially be at risk.

Staff in the Division, Districts, and DOH offices are provided with training on the *DEP Enforcement Manual* and *923 Directive*.

In February of 2013, the FDEP Division instituted a Peer Review Process. This Peer Review Process establishes that prior to the issuance of formal enforcement by the District offices, a Peer Review Recommendation Memo must be sent to the Division. The Division then reviews the Peer Review Recommendation Memo to determine if formal enforcement is appropriate, ensure that penalties are consistently calculated across all District offices, and that all regulations and violations are appropriately and consistently included in the enforcement. This process was established to ensure a consistent and equally applied approach to enforcement across all District Offices. This approach is not applied to the DOH offices, who independently establish their enforcement activities within the confines of the Interagency Agreement and the *DEP Enforcement Manual*.

The SWD office and Broward DOH office have both implemented a strategy of sending reminders to the systems of their monitoring responsibilities and timelines. The reminders are sent out to the systems at a minimum of annually and in some cases monthly or quarterly as well. These activities were implemented to decrease instances of monitoring and reporting violations. The Miami-Dade DOH office has also implemented a program that aides in decreasing monitoring and reporting violations, by conducting sampling for the small systems and as well as for the transient non-community systems and a few community systems. These sampling efforts are being done through a state laboratory in Miami.

Recommendations

Update the *DEP Enforcement Manual* or provide official written guidance to all offices of the following:

- The expectation to address those systems identified as priority systems on the ETT list within 2 quarters of appearance on the list, either by returning the system to compliance or issuing formal and enforceable enforcement as well as to act immediately on acute, health-based violations and subsequently confirm that systems with such violations return to compliance. This would help to ensure that the state is consistent with the EPA ERP, the state's PWSS grant work plan, and that the State is consistently implementing the compliance and enforcement program throughout all of the districts and authorized programs.

- The expectation that the date that is being used as the date of enforcement action, which is entered into the PWS data system and ultimately into SDWIS, is consistently the same date across all districts and authorized programs. Note: The date the proposed order is sent/signed, the

date of receipt of the proposed order, and the date of signature by the respondent should not be used as the date of enforcement for reporting purposes. These dates are not indicative of an effective order.

Efforts should be made to ensure that data submitted to SDWIS is timely, enforcement action dates are accurately and consistently entered, all violations are identified and submitted to SDWIS, and that all violations are accurately linked to the appropriate enforcement mechanisms. FDEP should develop and implement revised procedures to ensure accurate reporting of enforcement and compliance information into SDWIS.

Records should be maintained in the file that denote any and all decisions made with regard to enforcement actions, such as if there is a change from the proposed document or a decision to not pursue the enforcement action initiated.

FDEP should continue with the Peer Review Process initiated to ensure consistency of the enforcement activities across the Districts, and evaluate whether the process should be expanded to require that all formal actions, including those where both parties are in complete agreement, are submitted to the Division for review.

Internal state coordination between DEP and DOH on the drinking water program

Background

Program coordination was selected as a priority review topic due to the number of separate offices that implement Florida's Public Water System Supervision (PWSS) program and the significant impacts that a 2012 FDEP reorganization had on many of these offices. A first goal of the review is to better understand what kinds of coordination activities occur between offices and how these activities impact PWSS program implementation. A second goal is to determine how the 2012 reorganization altered previous coordination tools and pathways and describe Florida's efforts to adjust to those changes.

As described in the Overview section of this report, Florida implements the PWSS program through multiple offices, each of which handles specified duties for a designated portion of the state. The Division manages Florida's overall primacy program and develops and maintains many of the resources used by six District offices and eight delegated FDOH offices. District and FDOH offices have autonomy to implement the program at the individual system level, but must conduct activities consistent with the Division rules, policy and guidance and communicate accomplishments to the Division. The Division and Districts both report to FDEP's Deputy Secretary for Regulatory Programs. The 2012 reorganization redefined the FDEP's leadership structure and redistributed staff in the Division and some District offices in several ways, as described in the overview section of this report. FDOH offices were unaffected by the reorganization.

Florida's assignment of PWSS program duties to multiple offices and agencies allows the state to leverage significant additional resources and expertise. However, good communication and collaboration is needed to ensure effective, consistent operation of this decentralized program. The overall objective of this review is to ensure that effective mechanisms for ensuring good program coordination remain in place, and to document any particular strengths or weaknesses that require further consideration.

Priority Evaluation Method

Region 4 used a combination of document reviews and personnel interviews to understand past and present coordination activities in Florida and evaluate how well those activities support Florida's overall PWSS program implementation. The documents and information reviewed were obtained from EPA Region 4 files, Division files and the Division's SDWP website (http://www.dep.state.fl.us/water/drinkingwater/). Of these, the following documents provided information on Florida's internal and external program coordination activities:

- FDEP responses to EPA's PWSS Priority Review Background Questions
- FDEP's 2014 Operator Certification Program Annual Submittal
- FDEP's FY13 Annual Capacity Development Program Implementation Report
- FDEP's 2014 triennial report to the governor on "Florida's Strategy to Improve Public Water Supply"
- FDEP-HQ PWSS Program Review Reports for 2013-2014 program evaluations of FDEP District and FDOH county field offices
- Issues of the Floridan newsletter
- Information available to public water systems on the SDWP website

The Division also provided EPA Region 4 staff with a walk-through of the information and data management tools available on the Division's internal PWS website during this review. These tools are accessible to all District and FDOH offices.

To obtain a range of perspectives on coordination activities, EPA visited multiple offices that together represent a cross-section of PWSS program components. These included the Division office, the Southwest District office and FDOH offices in Broward and Miami-Dade counties. FDOH headquarters staff and Southeast District staff also participated in FDOH office visits. EPA interviewed multiple staff at varying levels of responsibility in each office. The names of program managers and technical staff interviewed in each office were obtained from FDEP in advance (Appendix ?). EPA developed a comprehensive list of questions on internal, inter-office and external (i.e. outreach) coordination (Appendix ?), and selected appropriate questions from this list for each interviewee, depending on that person's responsibilities. Program Coordination interviews were conducted with groups of employees, as this approach allowed office staff to provide a more complete description of program interaction and also allowed EPA to better observe the dynamics of each office.

Key Findings

To achieve successful program coordination, program components must be organized in a way that allows them to work together effectively to achieve overall program goals. Florida has used many methods to facilitate effective program coordination across all offices. During interviews, staff noted the following existing and historical tools:

Existing Tools:

1) Regular internal office staff meetings
2) Monthly communication calls between the Division and all District-DOH offices to introduce new policy and regulations

3) Regular comprehensive program evaluations by the Division of District offices (triennially) and FDOH offices (annually)
4) One-on-one communication between District liaisons/experts and FDOH office staff
5) Internal PWS communications website - repository for SDWP information, including current announcements, guidance, available training, webcasts, powerpoint presentations and historical meeting minutes; maintained by the Division
6) Internal PWS database – standardized data entry tools facilitate data reporting/retrieval and compliance determination by staff; developed and updated by the Division to address changing requirements and user needs
7) Technical assistance from Florida Rural Waters Association (FRWA) – a Division-managed contract that provides assistance to small systems and conducts FRWA training sessions on many topics, including full day "Focus on Change" Seminars

Previous Tools:

1) Quarterly Permitting, Compliance and Enforcement (PCE) Meetings – means of informally sharing policy and implementation issues between Division and FDEP-FDOH offices
2) Annual PWSS Conference – face-to-face meeting of Division and all FDEP-FDOH office staff that provided information on program policies and issues, rule training and valuable discussion of specific questions, concerns and needs.
3) Quarterly meetings between each District liaison and delegated FDOH offices located within that District. EPA believes there is still an expectation for these meeting to occur, but it appears that currently the meetings occur infrequently and only in some Districts.

All offices emphasized that internal staff levels are minimally adequate to implement the assigned program workload. Administrators work closely with their staff to coordinate individual responsibilities in ways that build employee job satisfaction while maximizing output and work quality. One office recognized efficiencies by assigning individual staff both compliance and permitting duties in order to develop more holistic program knowledge. Another office supported employee skills development by devising a detailed training program that included both classroom and on-the-job shadowing. The assignment of job duties commensurate with skill level improved work product and employee satisfaction. Several offices strove to reduce the number of compliance issues by annually notifying systems of required upcoming monitoring activities. One office also achieved greater compliance levels, by having staff conduct required monitoring for most small systems.

Many administrators stated that their programs achieve much more by leveraging resources available from the Division and other offices. Leveraging occurs in many ways, including meetings, training and the use of common tools to manage and share SDWP data and information.

The PWSS program conducts various meetings and calls on a regular basis. Monthly 1-2 hour calls coordinated by the Division provide regular updates on pertinent program issues, but are limited in scope. District liaisons noted that they continue to share expertise and have good interaction with staff in FDOH offices, but these discussions are also limited, and some District offices have lost technical expertise. Conference calls and informal information sharing also occur between some District offices. However, the regularity and strength of these exchanges varies widely. Lengthier face-to-face meetings (such as the annual PWSS conference and quarterly PCE meetings) have historically provided the most valuable opportunities for education and exchange among office staff. These meetings have included presentations on regulations, technical issues, policy, guidance and data management tools. They also provided time for face-to-face discussions among staff with varied backgrounds and expertise. Quarterly

PCE meetings sometimes facilitated the scheduling of follow-up meetings. For example, some Districts followed quarterly PCE meetings with meetings with their delegated FDOH offices, allowing continued discussions on some PCE meeting topics or introduce other discussion topics of concern. The information exchanged in all of these meetings often facilitated faster, more comprehensive, consistent resolution of specific PWSS program concerns.

The Division conducts regular program reviews of each District and DOH office. Program Review reports provide a consistent, in-depth assessment of 8 key program components across all 14 offices, as shown in Table _ below.

Table 2:

Summary of 2013-2014 FDEP Program Evaluation Results for 6 FDEP District and 8 DOH County Offices

Sum of Score (as % of PE Weight) Row Labels	Column Labels 1_Organization/ Staffing/ Resources	2_Data/File Management	3_Compliance	4_Enforcement	5_Sanitary Survey/ Compliance Inspections	6_Permit/Plan Reviews	7_DEP Coordination/ Assistance Activities	8_Training	9_Overall Score
1_PE Weight(%)	5.00	25.00	15.00	15.00	15.00	15.00	5.00	5.00	100
A_Central	91.60	94.96	100.00	100.00	93.60	100.00	100.00	100.00	97.36
A_NE	[illegible]	84.52	105.27	105.87	90.40	98.00	100.00	91.60	94.08
A_NW	100.00	97.36	100.00	105.87	100.00	97.93	100.00	91.60	99.49
A_SE	102.00	95.28	84.20	105.87	97.33	101.07	100.00	100.00	97.2
A_South	102.00	90.76	100.00	105.87	103.60	101.00	100.00	75.00	98.12
A_SW	94.80	97.96	100.00	105.87	102.60	97.87	100.00	83.40	99.36
C_Broward	102.00	95.20	107.13	105.87	102.33	95.87	100.00	100.00	100.59
C_Hillsborough	[illegible]	99.60	100.00	100.00	106.47	92.80	100.00	100.00	98.33
C_Lee	91.60	97.12	100.00	105.87	100.00	93.73	90.00	100.00	98.31
C_Miami-Dade	96.80	95.24	100.00	105.87	96.40	93.93	90.00	100.00	97.58
C_Palm Beach	102.00	93.36	105.87	105.87	106.80	96.87	80.00	100.00	99.76
C_Polk	89.60	96.48	107.13	100.00	102.73	100.00	100.00	83.40	99.25
C_Sarasota	91.60	97.08	100.00	105.87	104.87	86.47	90.00	75.00	97.04
C_Volusia	102.00	95.12	107.13	76.47	96.27	93.60	100.00	91.60	94.49

LOW 100% HIGH

The relative weighting that the Division assigns to each of the 8 components is shown in the first row of this table. Individual cells display the percentage of total points which each office received for each component during the most recent 2013-2014 Program Evaluations. The results show that all offices successfully implement Data/File Management and Permit/Plan Review program components. Most offices also successfully implement Compliance, Enforcement and Sanitary Survey/Compliance Inspection program components. However, the basis for bonus points awarded for certain additional activities within these components, which often contribute to elevated scores, is somewhat unclear. Scores for the remaining three program components (Organization/Staffing/Resources, DEP Coordination/Assistance and Training) were more variable, with some offices receiving significantly lower scores. For the Organization/Staffing/Resources program component, three offices received less than 90%, and an additional two offices received less than 92%, of the total possible points. Offices generally received point reductions for having a lower ratio of PWS to professional staff. However, all offices received the maximum allowable points for their response to the question: "Is the current staffing adequate to cover required workload?". These findings suggest that additional information is needed to better evaluate the adequacy of current office staffing/resource levels. For the DEP Coordination/Assistance component, four offices received 90% or less of total possible points. Point reductions were generally received due to lack of scanning capabilities for purposes of generating electronic files. Most questions required only "yes/no" responses, and the scoring system did not consider the more detailed comments provided by offices. Reconsideration of the kind of information needed to assess this component may be helpful. For the Training component, four offices received less than 85%, and an additional three offices received less than 92%, of total possible points. Point reductions were based on failure of staff to complete one or more of the identified core training courses, or lack of a written office training plan. These findings suggest that many offices do not have access to all needed training. The Division's basis for updating the list of needed courses is also unclear. EPA believes this portion of FL's program evaluation is inadequate to fully assess training needs.

Staff interviews conducted during this Priority Review provided information on how Florida currently identifies and addresses training needs. While training needs are a clear priority, the resources to address those needs are often limited. In order to justify training, the Division and District offices each prepare comprehensive annual training plans. Some FDOH offices prepare office training plans, and many notify District offices of additional training needs on an ad-hoc basis. In response to identified needs, the Division develops some training courses and makes these available to all offices. Division training generally focuses on rule implementation or database usage. District and FDOH offices conduct varied amounts of duty-specific training internally and access external training sources as resources allow.

Florida's PWSS program does not currently appear to have a clear means for tracking and addressing training needs on a program-wide basis. Staff in multiple offices identified the need for training on: use of PWS website/database tools, information on DBP formation and treatment, DBP stage 2 implementation, technical knowledge that allows staff to tie rules together and optimize overall system compliance, and state enforcement policies. These responses suggest that the PWSS program could realize some efficiencies by implementing more seamless, universal communication of training needs and resources. Several offices stated that they are in the process of re-tooling existing training plans, to adjust for changing duties and priorities that resulted from the 2012 reorganization. This re-tooling period may provide an opportunity for Florida to revisit that way in which it identifies and addresses training needs on a program-wide basis.

A primary goal of the 2012 reorganization was to recognize efficiencies and achieve greater statewide consistency by realigning staff in the Division and some District offices. The changes implemented were

initially disruptive, as they altered established communication pathways and sometimes significantly revised staff workload. However, during interviews, staff provided evidence that re-tooling of the organization aimed at strengthening overall program coordination is now occurring on several fronts. The Division is re-examining training plans and the value of regular, lengthier face-to-face meetings. The Division continues to revisit strategies for maintaining timely access to critical information technology resources. Given the realignment of compliance staff and the revision of some enforcement guidance, the Division has also recognized the importance of clarifying the enforcement process to all offices. Districts clearly desire autonomy to implementing enforcement/compliance issues. However, they are also striving to exchange information and expertise with other Districts, and expressed a desire for clearer guidance from the Division on some issues. District offices that were more heavily impacted by the reorganization continue to re-calibrate their programs to ensure effective PWS oversight.

Resources which were unchanged through the 2012 reorganization contributed considerably to the continued strength of Florida's PWSS program. These resources include FDOH-HQ and FDOH offices, the continued use of 14 geographically-targeted District and FDOH offices to maintain close working relationships with PWS operators, the technical support contract with FWRA, and the Division's continued maintenance of several tools for managing data and information essential to the PWSS program.

Recommendations

The 2012 reorganization refocused Florida's PWSS program on the critical goals of strengthening overall program consistency, and renewing focus on timely accomplishment of program priorities (such as the prevention and resolution of health-based violations). The associated reorganization of staff and resources disrupted many valuable coordination pathways that existed under the old organization. Some expertise was also lost during the reorganization. The re-tooling period that is now occurring is critical to ensuring that Florida maintains and establishes communication pathways and tools that will allow them to best accomplish the priorities of the PWSS program under the new organization. Based on information gathered during this priority review, the following program coordination-related activities are recommended as key to strengthening Florida's PWSS program.

Regular, established communications have historically provided the Division, District and FDOH offices with some of the most valuable ways to leverage the expertise and resources available in the many offices that comprise Florida's PWSS program. Interviewed staff unanimously stated that regular face-to-face meetings (such as the annual PWS conference and quarterly PCE meetings) were the most valuable tools, as these provided the broadest exchange of PWSS program and technical information to the greatest number of staff. Reinstatement of these meetings would strengthen staff knowledge and promote rebuilding of communication pathways. Continued strengthening of regular communication pathways between District offices would increase the exchange of information and expertise relevant to direct oversight of PWS facilities. Increased District expertise could also be leveraged by FDOH offices.

EPA recommends FDEP leads a statewide assessment of technical and programmatic training needs of all offices given the number of new drinking water regulations and new staff to the program. A re-tooling of Florida's training program that allows PWSS program offices to better identify and address training needs would be helpful.

Individual offices provide various levels of internal training, but this could be supplemented with the resources and expertise available from other offices across the state. Reinstatement of the face-to-face meetings noted earlier would provide an efficient means for providing broadly-needed training, such as

guidance on program enforcement tools and priorities as well as provide a meaningful opportunity for offices to share training plans (such as the training program being developed by the SW District).

Some re-tooling of the Divisions standard Program Evaluation template may increase the usefulness of Program Evaluation findings. These regular program evaluations of District and FDOH offices provide an excellent tool for consistently evaluating key components of Florida's PWSS program. However, for some components, the information collected does not clearly explain the basis for differing, or lower, scores among offices. This finding primarily applies to components that do not include PWS-specific reviews (i.e. Organization/Staffing/Resources, DEP Coordination/Assistance and Training components). Questions and scoring mechanisms used for these components could be re-examined and modified to better characterize office strengths or deficiencies. For example, the Division might develop a standard process for updating core training courses to reflect changing program priorities and individual office needs.

Florida's PWSS program may strengthen external coordination though increased participation by local office level in EPA's AWOP program. This participation would allow office staff to better evaluate and assist surface water systems in optimizing treatment goals and enhancing microbial and disinfectant byproduct control. The technical expertise gained could also be shared with other offices.

Local District and FDOH offices are encouraged to make use of the OCULUS and PA document management systems, particularly in effort to coordinate compliance and permitting activities.

Disinfection Byproduct Rules Implementation

Background

Disinfection Byproduct Rules Implementation was selected as a priority for review based on an analysis of state-wide violation data by specific contaminant group. Other than total coliform MCL violations, DBP MCL violations represented the greatest number of health-based violations for water systems in Florida over the past five years. Many water sources in Florida have high quantities of naturally occurring organic matter. When the water with high levels of organics is disinfected with chlorine, high levels of disinfection byproducts can form. Levels of many DBPs increase with water age in finished water storage tanks and distribution systems. Treatment strategies for DBPs can include adjustments to treatment systems (examples: removal of organics prior to disinfection, change of disinfectant, pH adjustment, or removal of DBPs after formation, etc.) or changes to operations of distribution systems (examples: adjustments to storage tank levels or fill/draw cycles, flushing practices, elimination of "dead ends" in distribution lines, etc.).

Over the past few years States and water systems have been transitioning from monitoring requirements associated with the Stage 1 Disinfectants and Disinfection Byproduct Rule to the Stage 2 DBP Rule. Some of the key changes include the number, frequency and locations of routine monitoring, inclusion of consecutive water systems to rule requirements, and how compliance is calculated based on locational running annual averages. The transition from the Stage 1 to Stage 2 Rule involved a period of time when EPA, Region 4 was implementing aspects of rule focused on identifying potential new monitoring locations. These early implementation activities were a result of the regulatory timeline beginning before states were required to have the rule adopted. As a result, DEP and DOH field staff played a limited role

in training and implementation associated with monitoring site selection. Florida Rural Water Association did provide a significant amount of outreach to water systems during this time. Florida had adopted the Stage 2 Rule by the time routine monitoring requirements began and worked with water systems to finalize monitoring plans.

Priority Evaluation Method

Region 4 utilized a combination of data analysis, personnel interviews and onsite file reviews to evaluate strengths and needs associated with Florida's implementation of the DBP Rules. Data analysis include reviews of DBP monitoring results from Florida's PWS database and DBP violation data available from EPA's SDWIS data system. Interview questions were used to determine strategies utilized to affect system compliance, understand expertise levels and resource demands for staff and management, and to gage consistency in implementing the regulations and guidance associated with the DBP Rules. File reviews included a review of information used to develop system monitoring plans, an evaluation of system monitoring data to ensure monitoring was done in accordance with the plan, and a review of compliance determinations based on the analytical results.

Key Findings

Most health-based violations for chemical monitoring in Florida are associated with DBPs.

Review of DBP monitoring results from PWS identified a significant number of questionable values of "0" for TTHM and HAA5 analytical results, often at systems/locations that had previous and subsequent high levels. While some amount of fluctuation of results is expected, systems with detected levels greater than ½ of the MCL typically do not have fluctuations that would result in associated non-detect levels.

Staff determine compliance manually based on review of monitoring results as the Stage 2 module of PWS was not yet available at the time of the review. The module has since been completed. Errors were identified in both water system reporting and state compliance determination including:

- Incorrectly calculating the locational running annual average of monitoring results
- Water system not monitoring in correct months
- Failure of systems to submit Operational Evaluation Reports when required
- Changes in monitoring locations without justifications

Staff have had training on DBP rule compliance. However, very few staff indicated they had much, if any, training related to DBP formation and/or treatment.

Reviewers found recommendations to water systems on flushing strategies that are not supported by EPA and will result in masking ongoing health risks to water system customers.

Some offices have made efforts to integrate compliance and permitting activities to ensure DBP compliance is considered in project review and the potential need for DBP monitoring plan changes

based on relevant water system infrastructure changes. Efforts range from having the same staff perform both engineering review/permitting and compliance determination, to developing a liaison responsibility between permitting and compliance office staff.

Recommendations

There is a need for District and County staff to re-evaluate DBP monitoring locations identified in Stage 2 Monitoring plans. FDEP and DOH should consider enhancing the review of distribution systems during sanitary surveys to include an evaluation of DBP monitoring locations. Considerations for enhancing the sanitary survey include:

- Checking disinfectant residual levels (and pH when available) to assess water quality at areas of high probable water age relative to approved DBP compliance monitoring locations.
- Reviewing flushing practices to determine if water systems are using practices to improve water quality system-wide or just at compliance locations.
- Visit the DBP monitoring locations to identify any changes (e.g. installation of auto-flushing device) that may give reason to modify the monitoring plan.
- Evaluate the appropriateness of changing one monitoring location to Point of Entry for consecutive systems based on the number of monitoring locations and associated baseline data already collected. POE data can be valuable for coordination between wholesale and consecutive water systems.

Provide technical training to staff on how to limit DBP levels in water systems through improved distribution system operation practices. The Area Wide Optimization Program (AWOP) implemented in Region 4 has been used by several states to provide training to water system personnel on DBP compliance strategies that minimize the need for costly infrastructure and to develop the staff expertise to perform the enhanced sanitary survey practices outlined above. Due to the low number of surface water systems in the state, FL has minimally participated in EPA's, AWOP. With the network's significant change in focus to Disinfection Byproducts, FL should engage all districts and counties with opportunities to participate in AWOP.

FDEP should investigate the number of "0" monitoring results to determine if there are any obvious laboratory or data entry errors, or any trends that would raise question as to the integrity of the results.

FDEP should continue to prioritize the development of the PWS database to facilitate implementation tasks for inspectors and compliance officers.

Data Management

Background

One of the required functions of delegated PWSS Programs is to maintain a data management system for tracking compliance, enforcement actions and public water system inventory. FDEP's database for the drinking water program is an Oracle-based database called PWS. Reports are produced in Active Server Pages (ASP). Data are transmitted to SDWIS/Fed via an Extensible Markup Language (XML) file

created from extrapolated data. Data are reported quarterly, including inventory, samples, and violations and enforcement updates.

Automated compliance determinations for TCR, GWR, Phase II/IV, RAD, CCR, Turbidity, and finally, in time to evaluate 1st Q 2015, Stage 2 DBPs, are performed by PWS nightly and verified by the district and county offices. All violations are posted automatically, but can be over-ruled by the point person in each office. All other compliance determinations are entered manually within the individual offices as are all violation letters and enforcement.

FDEP uses the SDWIS/Fed error reports to correct errors but finds that the ".pdf" format is not useful. That format is too difficult to mark up and data cannot be sorted. FDEP would greatly prefer data in Excel spreadsheets.

Key Findings

The Division has developed and maintains several effective tools for entering and accessing PWSS data and reports including:

PWS – In addition to tracking analytical monitoring results, PWS tracks inventory, permit compliance/enforcement, monthly operations, inspections, and complaints. PWS includes reports for staff, but posts to the public DEP website 5 reports, further divided by year or geographic area. Basic Facility Reports, Flow Data and Plant Treatment Data files are updated quarterly. Chemical Data and Microbiological Data files are updated annually in March. Reports provide information on sample results, average/max monthly flows, types of water treatment, the type of system, address, capacity, sources of water, population and service connections served, dates the Department performed the last sanitary survey, and the dates the last bacteriological and inorganic/organic contaminant testing was performed.

PA – database that tracks the permit application process to ensure statutory time clocks are met.

OCULUS – an electronic, web-based document management system that allows the public and staff to search and review permitting documents, lab reports, inspections, etc. within DEP and at 2 of the 8 FDOH offices.

FDEP-DW standardized PDF/Word data/information entry forms for use by PWS and laboratories to document: (1) Permitting/Construction/O&M activities (Chapter 62-555.900 F.A.C.) and (2) reporting results for required test measurements or analyses (Chapter 62-550.730 F.A.C.). Users may generate computer-generated versions of same.
(see http://www.dep.state.fl.us/water/drinkingwater/forms.htm)

NEXUS – user-friendly information portal for retrieving documents from OCULUS archival database.

PASS (Permit Application Subscription Service) System: Allows user to receive automated, customized notification of permit application status (e.g by application types, geographic area, etc.)

Data entry and compliance determination tools available through the PWS database provide staff in all offices with a rapid, reliable, consistent way to upload system monitoring data and accurately calculate

compliance. The value of this tool was readily apparent during staff interviews, as staff unanimously emphasized the need for the Division's soon to be released DBP Stage 2 compliance determination tool.

Use of a state-developed tool also allows staff to more easily request helpful database changes. Simpler changes are implemented by Division staff, while more comprehensive changes are made by staff in the FDEP's Office of Information and Technology Services (OTIS). Requests to OTIS are sometimes delayed, as OTIS must prioritize database needs for multiple programs. The Division works to maintain the priority level of key PWS database updates, but limited OTIS resources are an ongoing challenge.

The Division also maintains two web-based document tracking systems that allow staff and the public to obtain SDWP documents of interest. OCULUS houses copies of permitting, lab, inspection, operational, and compliance/enforcement documents. The Permitting Application (PA) System, allows the user to retrieve permit applications currently under review. While these systems may provide a valuable resource to inspectors and permit reviewers, it is unclear to what extent some offices use these systems. More comprehensive training on these systems may facilitate the exchange of information between permitting and compliance staff.

Recommendations

Florida's PWSS program should continue to implement a strong data and information management program that is available to all offices. The PWS database addresses a critical need, providing a consistent suite of tools for data entry and compliance determination that can also be modified to address staff needs.

External Outreach

Background

In selecting topics for review, FL's compliance assistance outreach to public water systems was identified as a program strength. The review included a combination of document review and interviews of key staff and managers. With recent changes in drinking water law (Stage 2 Disinfection Byproduct Rule, Ground Water Rule, Reduction of Lead in Drinking Water Act, Revised Total Coliform Rule), water systems are increasingly dependent on state agencies to provide the outreach necessary to explain the details of the rules and regulations that will ensure sector compliance and protection of public health.

FDEP and FDOH value a strong relationship with the regulated community and strive to ensure that, where possible, concerns are addressed through compliance assistance activities prior to water systems incurring a potential violation. The FL drinking water program achieves outreach to water systems through site visits to water systems, training classes, contracts with technical assistance partners, and direct mailings to water systems and water system professionals.

Key Findings

FL DEP/DOH utilized a number of mechanisms to provide meaningful outreach activities to public water systems, including:

- Drinking Water Technical Assistance Program
- Contract with Florida Rural Water Association (FRWA) to provide training and operator certification
    - Focus on Change training seminars ~ 6 events/year
    - Water treatment plant operator certification ~16 events/year
    - Water distribution system certification training ~5 events/year
    - Water treatment plant operation and maintenance ~17 events/year
    - Electrical safety and generator set up ~ 1 event/year
    - Treatment technologies and conservation ~ 1 event/year
    - Emergency Response Plans ~ 0-1 event/year
    - Over 3,000 technical assistance site visits/year from Circuit Riders
- Limited Involvement in Area-Wide Optimization Program
- Operator Certification Program
- Floridian Newsletter
- Sanitary Surveys and other inspections

Florida's strong suite of outreach tools provide office staff with ways to enhance coordination with local PWS operators. The Division's Technical Assistance Program assists all offices in resolving technical, managerial and financial challenges of individual public water systems at no cost to those systems. The contracted services of FRWA are frequently used by smaller rural water systems. FRWA also provides training on various topics of interest to both system operators and FDEP and FDOH staff, including full-day sessions during the "Focus on Change" seminars which are held year-round at locations throughout the state. Available training sessions are listed on the FRWA website. The Division participates minimally in EPA's "Area-Wide Optimization Program" (AWOP), and uses this program to more closely evaluate and assist the ability of surface water systems to optimize disinfection and filtration treatment goals and enhance microbial and disinfectant byproduct control. While participation has recently decreased, staff interviewed in some District and FDOH offices expressed interest in increasing participation in order to benefit PWSs while strengthening the expertise of office staff.

All offices expressed a need for greater technical training of inspectors, compliance, and permitting staff citing a concern with being able to adequately address simultaneous compliance concerns with water systems. Some entities expressed concern over a perceived loss of drinking water programmatic expertise within FDEP.

The Division offers a Sanitary Survey School annually to train newer FDEP and FDOH inspectors not on only the eight elements that are required by EPA when conducting a sanitary survey, but also operation and maintenance activities, as well as treatment theory and technologies.

Customer complaints made to the state are address in a timely and appropriate fashion. There was some uncertainty as to what DOH laboratory support is available to District staff when responding to customer complaints.

Every office makes a concerted effort to send letters to each water system annually to provide minimum monitoring requirements to ensure water systems complete all required monitoring.

Recommendations

Florida should continue to implement a strong PWSS outreach program. FRWA contracted services and training sessions provide invaluable support to local offices in their efforts to assist PWS operators. Focus on Change seminars also provide opportunities for exchange between office staff and PWS operators, strengthening communications between these parties.

Consider exploring the appropriateness of addressing laboratory support for bacteriological monitoring in the interagency agreement between DOH and DEP. The support would be used when responding to customer complaints or in carrying out any special studies that would enhance the value of Department outreach for water systems.

The EPA believes District and County staff participation in the Area-Wide Optimization Program would facilitate improved outreach to water systems. In addition to new regulations, large turnover in drinking water staff, in some areas, has created a need for increased investment in drinking water program training. EPA strongly encourages Districts and Counties to interact more, through routine meetings and trainings, to discuss implementation challenges/successes so that expertise across the state is better leveraged to fill the knowledge gaps associated with new regulations and new program staff.

Appendix _

EPA Priority Review of Florida Drinking Water Program
Overview and Site Visit Prep Document

Assistance in scheduling interviews (30 minutes each) for key staff and managers associated with drinking water enforcement, disinfection byproduct rules, internal coordination between DEP and DOH, and external outreach with water systems. Please provide names for the following interviews (1-2 per category, as appropriate for your office):

Miami-Dade FDOH

a. Enforcement Program Manager
(Paul L. Andre)
b. Enforcement Officer (Staff)
(Reinaldo Caballero, Tracie Dickerson, Heather Beaton)
c. Drinking Water Program Manager
(Paul LEVELT André)
d. Staff responsible for DBP implementation
(Richard Rojas and Paul Andre)
e. Staff responsible for conducting water system inspections and/or providing technical assistance
(Richard Rojas and Paul Andre)

Broward FDOH

a. Enforcement Program Manager
(Rafael Reyes)
b. Enforcement Officer (Staff)
(Paul Thompson and Rafael Reyes)
c. Drinking Water Program Manager
(Rafael Reyes)
d. Staff responsible for DBP implementation
(Sandra Giraldo and Rafael Reyes)
e. Staff responsible for conducting water system inspections and/or providing technical assistance
(Bill Lorenzo, Sandra Giraldo, Shani Grant, Paul Thompson, and Rafael Reyes)

SWD DEP

a. Enforcement Program Manager
(Ed Watson and Gerald Foster)
b. Enforcement Officer (Staff)
(Ed Watson and Gerald Foster)
c. Drinking Water Program Manager
(Ed Watson)
d. Staff responsible for DBP implementation
(Ed Watson and Gerald Foster)
e. Staff responsible for conducting water system inspections and/or providing technical assistance
(Ed Watson and Jayme Brock)

DEP HQ

a. Enforcement Program Manager
(Jessica Kleinfelter)
b. Enforcement Officer (Staff)
(Eric Bengtson, David Wales)
c. Drinking Water Program Manager
(Trevor Noble)
d. Staff responsible for DBP implementation
(Virginia Harmon, Eric Bengtson)
e. Staff responsible for-providing technical assistance
(John Sowerby, Virginia Harmon, and David Wales)

Additional contacts:

DOH HQ: Bob Vincent and Ed Bettinger

SED DEP: Michele Owens

Appendix _

Florida Drinking Water Program Priority Review
File Review Summary

For the enforcement cases, EPA reviewed all actions and associated non-compliance over the past 3 years (2012-14). The case files should contain all of the case development work (violations, initial correspondence, informal and formal actions, etc.) even if prior to 2012. Example: If an enforcement order was issued in 2012 for an arsenic violation in 2010, EPA evaluated everything from 2010 up until the system returned to compliance.

For the DBP files, EPA reviewed files for monitoring results, monitoring plans, documents used in developing/approving monitoring locations, correspondence related to monitoring location changes, and documents related to compliance assistance outreach.

Broward County DOH

Enforcement Case Files

FL4060402	Everglades Holiday Park
FL4061517	Royal Utility Company
FL4064392	Kids Paradise

Disinfection Byproduct Files

FL4060402	Everglades Holiday Park
FL4060254	City of Deerfield Beach

Miami-Dade County DOH

Enforcement Case Files

FL4131403	American Village
FL4130833	Jones' Trailer Park
FL4130970	City of North Bay Village

Disinfection Byproduct Files

FL4131403	American Village
FL4130871	MDWASA
FL4131531	Virginia Gardens
FL4131001	Opalocka

Tampa, SW District

Enforcement Case Files

FL6095083	Seven Rivers Professional Center
FL6272304	Camper's Holiday
FL6510807	Holiday Gardens Utility, Inc.

Disinfection Byproduct Files

FL6512033	PCUD Blanton Lake Park
FL6520336	Clearwater Water System
FL6521576	Safety Water
FL6277059	Hernando Co. Utility-West
FL6280049	City of Avon Park

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Background

Compliance and Enforcement Program Implementation was selected as a priority for review in order to assess whether a state is implementing the requirements of the Public Water System Supervision (PWSS) program. The states ensure that human health is safeguarded by enforcing the requirements of the Safe Drinking Water Act (SDWA) to ensure that the states' public drinking water supply and its sources are protected. Historically, the reviews of the states' PWSS programs, whether that be through a Data Verification, Program Review, or a Priority Review, did not typically include an evaluation of the compliance and enforcement program at the states. Region 4 has now determined that this is an important aspect of a review of the implementation of a PWSS program, and will include this in all future Priority Reviews conducted. Through this review, EPA promotes regional consistency, identifies successes in implementation of the PWSS program, and identifies opportunities for improvement in the compliance and enforcement programs.

In January of 2010, EPA began implementation of a new enforcement approach designed to help our nation's public water systems comply with the requirements of the SDWA. This new approach replaced the previous system of a contaminant to contaminant compliance strategy with one that focuses attention on the drinking water systems with the most serious or repeated violations. This strategy identifies public water systems with violations that rise to the level of significant noncompliance by focusing on those systems with health-based violations and those that show a history of violations across multiple rules. This system-based methodology is intended to ensure consistency and the integrity of the PWSS national enforcement program. This approach includes a revised Enforcement Response Policy (ERP) and new Enforcement Targeting Tool (ETT).

The ETT uses a tool that enables the prioritization of public water systems by assigning each violation a "weight" or number of points based on the assigned threat to public health. Points for each violation at a water system are summed to provide a total score for that water system. Water systems whose scores exceed a certain threshold will be considered a priority system for enforcement.

EPA recognizes that states carry out both formal and informal enforcement and compliance assistance activities. These activities are effective tools for achieving compliance. Nevertheless, systems specifically identified by the ETT as priorities must be returned to compliance (RTC) or EPA will expect formal, enforceable mechanisms to return such systems to compliance. States are expected to escalate their response to ensure that RTC is accomplished. Once a public water system is identified as an enforcement priority on the ETT list, an appropriate formal action or RTC will be required within two calendar quarters to be considered "timely". However, regardless of a public water system's position on a state's ETT list, EPA expects that states will act immediately on acute, health-based violations and subsequently confirm that systems with such violations return to compliance.

Priority Evaluation Method

Region 4 utilized a combination of data analysis, personnel interviews, comparison of established program strategies with the ERP, and onsite file reviews to evaluate Florida's successes in implementation of the PWSS program and identify opportunities for improvement in its compliance and enforcement program. Data analysis included a review of the EPA ETT Tracker, which is a tool that provides useful metrics and graphing capabilities for systems' current and past ETT scores for up to twenty (20) quarters. This information was used to aide in the selection of the files to be reviewed and get a rough evaluation of Florida's ability to timely and appropriately return systems to compliance or issue formal, enforceable mechanisms that will return a system to compliance. Additionally, EPA's

SDWIS data system was used to determine what violations and enforcement had been done for each of the selected files to review. Nine (9) files were selected for review, however, only eight (8) were reviewed (See table named *Timeline for Settlement of Identification as a Priority System on the ETT List* below). Interview questions were used to understand the dynamics of the organization including staffing resources and demands and to determine how the established program strategies were being implemented with regards to Florida's compliance and enforcement program. The *Department of Environmental Protection (DEP) Enforcement Manual* and *Directive* 923 were reviewed for consistency with the EPA ERP requirements to ensure that these policies enabled the state to meet the requirements of timely and appropriate compliance and enforcement. File reviews included a review of the violations determined, an evaluation of the enforcement mechanisms issued for consistency with the *DEP Enforcement Manual* and the EPA ERP, and a comparison of the information found during the file review with the data reported to EPA's SDWIS data system.

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Priority #2 Program Coordination

Background

The FDEP Source and Drinking Water Program (SDWP) is a decentralized program that implements provisions of the Safe Drinking Water Act (SDWA) through multiple offices. Each office handles specific duties for a designated portion of the state. The structure of FDEP's SDWP was also significantly revised in a 2012 reorganization. EPA selected program coordination as a priority review topic in order to better understand the coordination processes that occur within and between offices, determine how the reorganization impacted these processes and assess how well the current processes allow FDEP to fully implement provisions of the SDWA.

FDEP has primacy for implementing Florida's Public Water System Supervision (PWSS) Program. FDEP's headquarters office in Tallahassee (FDEP-HQ) manages the overall primacy program and develops and maintains many of the resources used by six FDEP district offices and eight FDOH county health department offices to implement the program at the individual system level. Each FDEP District and delegated FDOH county field office has autonomy to implement the program but must conduct activities consistent with FDEP rules, policy and guidance and communicate accomplishments to FDEP-HQ. FDOH authority to implement the program is delegated from the geographically co-located FDEP District to the FDOH county office via interagency agreement. Both parties periodically evaluate the county office's ability to implement the program. In order to maintain primacy, FDEP must also ensure that Florida maintains a comprehensive laboratory certification program. Florida Statute assigns FDOH the responsibility for implementing Florida's laboratory certification program. FDOH oversees all certified laboratories in the state of Florida with the exception of a radiochemistry lab. In 2012, FDOH and the South Carolina Department of Health and Environmental Control Bureau of Laboratories (SCBL) entered into a Memorandum of Agreement that allows the SCBL Radiochemistry lab to serve as the SDWA Primacy Radiochemistry lab for Florida's PWSS program.

The 2012 reorganization redefined FDEP's leadership structure and redistributed staff in FDEP-HQ and some District offices, as described in the overview section of this report. FDOH county offices were unaffected by the reorganization. These changes may have impacted existing communication tools and pathways, or necessitated re-tooling of those pathways.

The assignment of duties to multiple offices and agencies allows Florida to leverage significant additional resources and expertise. However, good communication and collaboration is needed to ensure that this decentralized program operates effectively and consistently. The overall objective of this review is to ensure that effective mechanisms for ensuring good program coordination remain in place, and to document any particular strengths or weaknesses that require further consideration.

Priority Evaluation Method

Region 4 used a combination of document reviews and personnel interviews to understand past and present coordination activities in Florida and evaluate how well those activities support Florida's overall implementation of the PWSS Program. The documents and information reviewed were obtained from EPA Region 4 files, FDEP-HQ files and FDEP's SDWP website (http://www.dep.state.fl.us/water/drinkingwater/). Of these, the following documents provided information on Florida's internal and external program coordination activities:

- FDEP responses to EPA's PWSS Priority Review Background Questions
- FDEP's 2014 Operator Certification Program Annual Submittal
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- FDEP-HQ PWSS Program Review Reports for 2013-2014 program evaluations of FDEP District and FDOH county field offices
- Issues of the Floridan newsletter
- Information available to public water systems on the SDWP website

FDEP-HQ also provided EPA Region 4 staff with a walk-through of the communication and data reporting tools available on FDEP's internal PWS website during the review. This tool is accessible to all FDEP Districts and delegated FDOH county offices.

To obtain a range of perspectives on coordination activities, EPA decided to visit multiple FDEP and FDOH offices and interview several staff in each office. The following offices were selected based on discussions with FDEP and FDOH:

- FDEP-HQ (Tallahassee)
- FDEP's Southwest District office
- FDOH's Broward County office
- FDOH's Miami-Dade County office.

Staff and management from FDOH-HQ and FDEP Southeast District office who are responsible for FDEP-FDOH coordination also participated in the visits to FDOH county offices.

To prepare for the review, EPA obtained a list of program managers and technical staff to be interviewed in each office from FDEP (Appendix ?). EPA then developed a comprehensive list of questions on internal, inter-office and external (i.e. outreach) coordination (Appendix ?), and selected appropriate questions from this list for each interviewee, based on that person's responsibilities.

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Priority #1: Enforcement Program

Background

Compliance and Enforcement Program Implementation was selected as a priority for review in order to assess whether a state is implementing the requirements of the Public Water System Supervision (PWSS) program. The states ensure that human health is safeguarded by enforcing the requirements of the Safe Drinking Water Act (SDWA) to ensure that the states' public drinking water supply and its sources are protected. Historically, the reviews of the states' PWSS programs, whether that be through a Data Verification, Program Review, or a Priority Review, did not typically include an evaluation of the compliance and enforcement program at the states. Region 4 has determined that this is an important aspect of a review of the implementation of a PWSS program, and plans to include this in future Priority Reviews, as appropriate. Through this review, EPA promotes regional consistency, identifies successes in implementation of the PWSS program, and identifies opportunities for improvement in the compliance and enforcement programs.

In January of 2010, EPA began implementation of a new enforcement approach designed to help our nation's public water systems comply with the requirements of the SDWA. This new approach replaced the previous system of a contaminant to contaminant compliance strategy with one that focuses attention on the drinking water systems with the most serious or repeated violations. This strategy identifies public water systems with violations that rise to the level of significant noncompliance by focusing on those systems with health-based violations and those that show a history of violations across multiple rules. This system-based methodology is intended to ensure consistency and the integrity of the PWSS national enforcement program. This approach includes a revised Enforcement Response Policy (ERP) and new Enforcement Targeting Tool (ETT).

The ETT uses a tool that enables the prioritization of public water systems by assigning each violation a "weight" or number of points based on the assigned threat to public health. Points for each violation at a water system are summed to provide a total score for that water system. Water systems whose scores exceed a certain threshold will be considered a priority system for enforcement.

EPA recognizes that states carry out both formal and informal enforcement and compliance assistance activities. These activities are effective tools for achieving compliance. Nevertheless, systems specifically identified by the ETT as priorities must be returned to compliance (RTC) or EPA will expect formal, enforceable mechanisms to return such systems to compliance. States are expected to escalate their response to ensure that RTC is accomplished. Once a public water system is identified as an enforcement priority on the ETT list, an appropriate formal action or RTC will be required within two calendar quarters to be considered "timely". However, regardless of a public water system's position on a state's ETT list, EPA expects that states will act immediately on acute, health-based violations and subsequently confirm that systems with such violations return to compliance.

Priority Evaluation Method

Region 4 utilized a combination of data analysis, personnel interviews, comparison of established program strategies with the ERP, and onsite file reviews to evaluate Florida's successes in implementation of the PWSS program and identify opportunities for improvement in its compliance and enforcement program. Data analysis included a review of the EPA ETT Tracker, which is a tool that provides useful metrics and graphing capabilities for systems' current and past ETT scores for up to twenty (20) quarters. This information was used to aide in the selection of the files to be reviewed and

get a rough evaluation of Florida's ability to timely and appropriately return systems to compliance or issue formal, enforceable mechanisms that will return a system to compliance. Additionally, EPA's SDWIS data system was used to determine what violations and enforcement had been done for each of the selected files to review. Nine (9) files were selected for review, however, only eight (8) were reviewed (See table named *Timeline for Settlement of Identification as a Priority System on the ETT List* below). Interview questions were used to understand the dynamics of the organization including staffing resources and demands and to determine how the established program strategies were being implemented with regards to Florida's compliance and enforcement program. The *Department of Environmental Protection (DEP) Enforcement Manual* and *Directive* 923 were reviewed for consistency with the EPA ERP requirements to ensure that these policies enabled the state to meet the requirements of timely and appropriate compliance and enforcement. File reviews included a review of the violations determined, an evaluation of the enforcement mechanisms issued for consistency with the *DEP Enforcement Manual* and the EPA ERP, and a comparison of the information found during the file review with the data reported to EPA's SDWIS data system.

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Priority #2 Program Coordination

Background

The FDEP Source and Drinking Water Program (SDWP) is a decentralized program that implements provisions of the Safe Drinking Water Act (SDWA) through multiple offices. Each office handles specified duties for a designated portion of the state. The structure of FDEP's SDWP was also significantly revised in a 2012 reorganization. EPA selected program coordination as a priority review topic in order to better understand the coordination processes that occur within and between offices, determine how the reorganization impacted these processes and assess how well the current processes allow FDEP to fully implement provisions of the SDWA.

FDEP has primacy for implementing Florida's Public Water System Supervision (PWSS) Program. FDEP's headquarters office in Tallahassee (FDEP-HQ) manages the overall primacy program and develops and maintains many of the resources used by six FDEP district offices and eight FDOH county health department offices to implement the program at the individual system level. Each FDEP District and delegated FDOH county field office has autonomy to implement the program but must conduct activities consistent with FDEP rules, policy and guidance and communicate accomplishments to FDEP-HQ. FDOH authority to implement the program is delegated from the geographically co-located FDEP District to the FDOH county office via interagency agreement. Both parties periodically evaluate the county office's ability to implement the program. In order to maintain primacy, FDEP must also ensure that Florida maintains a comprehensive laboratory certification program. Florida Statute assigns FDOH the responsibility for implementing Florida's laboratory certification program. FDOH oversees all certified laboratories in the state of Florida with the exception of a radiochemistry lab. In 2012, FDOH and the South Carolina Department of Health and Environmental Control Bureau of Laboratories (SCBL) entered into a Memorandum of Agreement that allows the SCBL Radiochemistry lab to serve as the SDWA Primacy Radiochemistry lab for Florida's PWSS program.

The 2012 reorganization redefined FDEP's leadership structure and redistributed staff in FDEP-HQ and some District offices, as described in the overview section of this report. FDOH county offices were unaffected by the reorganization. These changes may have impacted existing communication tools and pathways, or necessitated re-tooling of those pathways.

The assignment of duties to multiple offices and agencies allows Florida to leverage significant additional resources and expertise. However, good communication and collaboration is needed to ensure that this decentralized program operates effectively and consistently. The overall objective of this review is to ensure that effective mechanisms for ensuring good program coordination remain in place, and to document any particular strengths or weaknesses that require further consideration.

Priority Evaluation Method

Region 4 used a combination of document reviews and personnel interviews to understand past and present coordination activities in Florida and evaluate how well those activities support Florida's overall implementation of the PWSS Program. The documents and information reviewed were obtained from EPA Region 4 files, FDEP-HQ files and FDEP's SDWP website (http://www.dep.state.fl.us/water/drinkingwater/). Of these, the following documents provided information on Florida's internal and external program coordination activities:

- FDEP responses to EPA's PWSS Priority Review Background Questions
- FDEP's 2014 Operator Certification Program Annual Submittal
- FDEP's FY13 Annual Capacity Development Program Implementation Report
- FDEP's 2014 triennial report to the governor on "Florida's Strategy to Improve Public Water Supply"
- FDEP-HQ PWSS Program Review Reports for 2013-2014 program evaluations of FDEP District and FDOH county field offices
- Issues of the Floridan newsletter
- Information available to public water systems on the SDWP website

During the review, FDEP-HQ also provided EPA Region 4 staff with a walk-through of the tools available on FDEP's internal PWS website. This tool is accessible to all FDEP Districts and delegated FDOH county offices.

To obtain a range of perspectives on coordination activities, EPA visited multiple FDEP and FDOH offices and interviewed several staff in each office. The following offices were selected following discussions with FDEP and FDOH:

- FDEP-HQ (Tallahassee)
- FDEP's Southwest District office
- FDOH's Broward County office
- FDOH's Miami-Dade County office.

Personnel from FDOH-HQ and FDEP Southeast District office who are responsible for FDEP-FDOH coordination also participated in the visits to FDOH county offices.

To prepare for the review, EPA obtained a list of program managers and technical staff to be interviewed in each office from FDEP (Appendix ?). EPA then developed a comprehensive list of questions on internal, inter-office and external (i.e. outreach) coordination (Appendix ?), and selected appropriate questions from this list for each interviewee, based on that person's responsibilities.

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Priority #2 Program Coordination

Background

Program coordination was selected as a priority review topic due to the decentralized structure of Florida's Public Water System Supervision (PWSS) program and the significant changes that were made to that structure during a 2012 reorganization. A first objective of this review is to better understand the nature and extent of coordination activities that occur between offices and determine how these activities impact Florida's implementation of the PWSS program. A second objective is to determine how the 2012 reorganization impacted the coordination tools and pathways that existed prior to re-organization, and the status of any efforts to revise those tools and pathways.

As described in the Overview section of this report, Florida implements the PWSS program through multiple offices, each of which handles specified duties for a designated portion of the state. The Division manages Florida's overall primacy program and develops and maintains many of the resources used by six District offices and eight delegated FDOH offices. District and FDOH offices have autonomy to implement the program at the individual system level, but must conduct activities consistent with the Division rules, policy and guidance and communicate accomplishments to the Division. The Division and Districts both report to FDEP's Deputy Secretary for Regulatory Programs. The 2012 reorganization redefined the FDEP's leadership structure and redistributed staff in the Division and some District offices in several major ways, as described in the overview section of this report. FDOH offices were unaffected by the reorganization.

The assignment of duties to multiple offices and agencies allows Florida to leverage significant additional resources and expertise. However, good communication and collaboration is needed to ensure effective, consistent operation of this decentralized program. The overall objective of this review is to ensure that effective mechanisms for ensuring good program coordination remain in place, and to document any particular strengths or weaknesses that require further consideration.

Priority Evaluation Method

Region 4 used a combination of document reviews and personnel interviews to understand past and present coordination activities in Florida and evaluate how well those activities support Florida's overall implementation of the PWSS Program. The documents and information reviewed were obtained from EPA Region 4 files, Division files and the Division's SDWP website (http://www.dep.state.fl.us/water/drinkingwater/). Of these, the following documents provided information on Florida's internal and external program coordination activities:

- FDEP responses to EPA's PWSS Priority Review Background Questions
- FDEP's 2014 Operator Certification Program Annual Submittal
- FDEP's FY13 Annual Capacity Development Program Implementation Report
- FDEP's 2014 triennial report to the governor on "Florida's Strategy to Improve Public Water Supply"

- FDEP-HQ PWSS Program Review Reports for 2013-2014 program evaluations of FDEP District and FDOH county field offices
- Issues of the Floridan newsletter
- Information available to public water systems on the SDWP website

The Division also provided EPA Region 4 staff with a walk-through of the information and data management tools available on the Division's internal PWS website during this review. These tools are accessible to all District and FDOH offices.

To obtain a range of perspectives on coordination activities, EPA visited offices that implement the full range of Florida's PWSS program activities. These included Division offices, the Southwest District office and FDOH offices in Broward and Miami-Dade counties. FDOH headquarters staff and Southeast District staff also participated in FDOH office visits. EPA interviewed multiple staff at different levels of responsibility in each office. The names of program managers and technical staff to be interviewed in each office were obtained from FDEP prior to the review (Appendix ?). EPA then developed a comprehensive list of questions on internal, inter-office and external (i.e. outreach) coordination (Appendix ?), and selected appropriate questions from this list for each interviewee, based on that person's responsibilities. Program Coordination interviews were conducted with groups of employees, as this approach allowed office staff to provide a more complete description of program interaction, and allowed EPA to better observe the dynamics of each office.

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Appendix ?

EPA Priority Review of Florida Drinking Water Program
Overview and Site Visit Prep Document

Assistance in scheduling interviews (30 minutes each) for key staff and managers associated with drinking water enforcement, disinfection byproduct rules, internal coordination between DEP and DOH, and external outreach with water systems. Please provide names for the following interviews (1-2 per category, as appropriate for your office):

Miami-Dade FDOH

a. Enforcement Program Manager
   (Paul L. Andre)
b. Enforcement Officer (Staff)
   (Reinaldo Caballero, Tracie Dickerson, Heather Beaton)
c. Drinking Water Program Manager
   (Paul LEVELT André)
d. Staff responsible for DBP implementation
   (Richard Rojas and Paul Andre)
e. Staff responsible for conducting water system inspections and/or providing technical assistance
   (Richard Rojas and Paul Andre)

Broward FDOH

a. Enforcement Program Manager
   (Rafael Reyes)
b. Enforcement Officer (Staff)
   (Paul Thompson and Rafael Reyes)
c. Drinking Water Program Manager
   (Rafael Reyes)
d. Staff responsible for DBP implementation
   (Sandra Giraldo and Rafael Reyes)
e. Staff responsible for conducting water system inspections and/or providing technical assistance
   (Bill Lorenzo, Sandra Giraldo, Shani Grant, Paul Thompson, and Rafael Reyes)

SWD DEP

a. Enforcement Program Manager
   (Ed Watson and Gerald Foster)
b. Enforcement Officer (Staff)

(Ed Watson and Gerald Foster)

c. Drinking Water Program Manager
   (Ed Watson)
d. Staff responsible for DBP implementation
   (Ed Watson and Gerald Foster)
e. Staff responsible for conducting water system inspections and/or providing technical assistance
   (Ed Watson and Jayme Brock)

DEP HQ

a. Enforcement Program Manager
   (Jessica Kleinfelter)
b. Enforcement Officer (Staff)
   (Eric Bengtson, David Wales)
c. Drinking Water Program Manager
   (Trevor Noble)
d. Staff responsible for DBP implementation
   (Virginia Harmon, Eric Bengtson)
e. ~~Staff responsible for conducting water system inspections and/or~~ providing technical assistance
   (John Sowerby, Virginia Harmon, and David Wales)

Additional contacts:

DOH HQ: **Bob Vincent and Ed Bettinger**

SED DEP: Michele Owens

Appendix ?

Potential Questions on FL Agency Coordination
(reference attached compilation of coordination activities)

1. Describe the current structure, duties and staffing of your office? Have these been altered by recent reorganizations? If so, describe how?

2. Briefly describe the working relationship (e.g. communication, work flow) between the Division, District offices and FDOH offices?

3. What information do you most often provide to other FDEP/FDOH offices?

4. What means/tools do you use to receive/provide this information (e.g. verbal/email, website post, database upload/download, reports, conferences, meetings, training)? How well do these transmittal pathways function?

5. What kinds of issues are typically discussed in monthly conference calls with all agencies (or quarterly conference calls between Districts and DOH)? Do the meetings and follow-up communications (e.g. meeting minutes, postings on website bulletin board) address your needs?

6. What other meetings, webinars, conferences, workgroups have you participated in with other DEP/DOH offices over the last year?
    a. Have these assisted you in accomplishing assigned duties or facilitated improvements in FDEP's SDW program?
    b. Any suggested improvements (e.g. in structure, content, frequency) that would allow these meetings better meet your needs?

7. Training:
    a. Which training courses have you attended over the past year? Were these useful?
    b. Were you able to attend all desired/needed training? If not, why?
    c. Are there any additional training courses that you wish you had access to?
    d. Describe your office's training plan. Is this a helpful tool?

8. What data management tools does your office use to implement SDWA activities?
    a. How well do these tools support your implementation efforts?
    b. What kinds of change/improvements have been made to the data management process in recent years?
    c. What, if any, additional improvements to the data management process would you suggest?
    d. What impact, if any, have recent reorganizations had on FDEP-HQ data management activities?

9. Describe the delegation process
    a. How is the decision to delegate made?
    b. How is the delegation documented (e.g. Interagency Agreement)?
    c. How is the delegation implemented (e.g. scope of delegated functions, District oversight process, daily operation)
    d. How are laboratory certification information/issues communicated and addressed?
    e. How well is the delegation process working? Areas in need of improvement?

10. What would you like to highlight regarding FDEP's drinking water program?

11. What are the greatest resource demands for the drinking water program?

Attachment: Draft Compilation of FDEP/FDOH Internal Coordination Activities

The **Source and Drinking Water Program holds monthly teleconferences** with all 14 field offices to discuss drinking water policies. The teleconference minutes serve as program guidance and are sent to all offices 1-2 weeks after the meetings via email.

FDEP maintains a **common internal website** that serves as an online bulletin board for District/DOH staff. Post teleconference minutes and other important program information on this website.

FDEP evaluates all six district and eight county offices annually via standardized **Program Evaluations**.

Districts/DOH develop/negotiate **annual training/travel plan**, as cited in FDEP Program Evaluations.

FDEP-SDW Program Evaluations cite several **training classes** which FDEP provides to District/DOH staff:

1. Oracle PWS database (including reports)
2. Permit Application (PA) tracking system (including reports)
3. Capacity Development reviews and inspections
4. CT calculations and 4-log reviews
5. Monitoring waiver reviews
6. Cross Connection Control Plans and reviewing Cross Connection Control programs
7. CCR template and review of CCRs
8. Corrosion Control Plan and the Lead and Copper Rule
9. Sanitary surveys and Inspections (annual training, triennially alternated)
10. Compliance and Enforcement

FRWA "Focus on Change" meetings held annually at each District.

Interagency Agreements delegate SDWA implementation responsibilities (PWS contruction & operation) from FDEP Districts to DOH for eight of the largest counties in Florida.

District and delegated DOH Counties hold **quarterly meetings** via teleconference.

FDEP hosted March **2014 AWOP Planning Meeting** to introduce AWOP concepts to new staff.

Webinars are used on an as needed bases for sharing information on new rules/policies

Workgroups are formed on an as needed basis to strengthen/improve rule implementation (e.g. 2013 Capacity Development Revitalization Initiative Workgroup, which included representatives from DEP Districts, DOH counties, FRWA, Public Service Commission (PSC) and DEP's Operator Certification and SRF Programs.)

The **PWS database** designed and maintained by Tallahassee provides a level of consistency between offices through automated compliance determination.

Various **permitting data warehouses (PA, PASS, OCULUS, NEXUS)** facilitate consistent/standardized tracking of the permitting process.

Standardized forms facilitate consistent submittal of information/data into databases/data warehouses.

[Annual FDEP DW Conference (cut in 2009) *for training and coordination purposes.]*

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Priority #2 Program Coordination

Background

Program coordination was selected as a priority review topic due to the number of separate offices that implement Florida's Public Water System Supervision (PWSS) program and the significant impacts that a 2012 FDEP reorganization had on many of these offices. A first goal of the review is to better understand what kinds of coordination activities occur between offices and how these activities impact PWSS program implementation. A second goal is to determine how the 2012 reorganization altered previous coordination tools and pathways and describe Florida's efforts to adjust to those changes.

As described in the Overview section of this report, Florida implements the PWSS program through multiple offices, each of which handles specified duties for a designated portion of the state. The Division manages Florida's overall primacy program and develops and maintains many of the resources used by six District offices and eight delegated FDOH offices. District and FDOH offices have autonomy to implement the program at the individual system level, but must conduct activities consistent with the Division rules, policy and guidance and communicate accomplishments to the Division. The Division and Districts both report to FDEP's Deputy Secretary for Regulatory Programs. The 2012 reorganization redefined the FDEP's leadership structure and redistributed staff in the Division and some District offices in several ways, as described in the overview section of this report. FDOH offices were unaffected by the reorganization.

Florida's assignment of PWSS program duties to multiple offices and agencies allows the state to leverage significant additional resources and expertise. However, good communication and collaboration is needed to ensure effective, consistent operation of this decentralized program. The overall objective of this review is to ensure that effective mechanisms for ensuring good program coordination remain in place, and to document any particular strengths or weaknesses that require further consideration.

Priority Evaluation Method

Region 4 used a combination of document reviews and personnel interviews to understand past and present coordination activities in Florida and evaluate how well those activities support Florida's overall PWSS program implementation. The documents and information reviewed were obtained from EPA Region 4 files, Division files and the Division's SDWP website (http://www.dep.state.fl.us/water/drinkingwater/). Of these, the following documents provided information on Florida's internal and external program coordination activities:

- FDEP responses to EPA's PWSS Priority Review Background Questions
- FDEP's 2014 Operator Certification Program Annual Submittal
- FDEP's FY13 Annual Capacity Development Program Implementation Report
- FDEP's 2014 triennial report to the governor on "Florida's Strategy to Improve Public Water Supply"

- FDEP-HQ PWSS Program Review Reports for 2013-2014 program evaluations of FDEP District and FDOH county field offices
- DEP Enforcement Manual
- FY2014-FY2015 Southwest District Business Plan
- Issues of the Floridan newsletter
- Information available to public water systems on the SDWP website

The Division also provided EPA Region 4 staff with a walk-through of the information and data management tools available on the Division's internal PWS website during this review. These tools are accessible to all District and FDOH offices.

To obtain a range of perspectives on coordination activities, EPA visited multiple offices that together represent a cross-section of PWSS program components. These included the Division office, the Southwest District office and FDOH offices in Broward and Miami-Dade counties. FDOH headquarters staff and Southeast District staff also participated in FDOH office visits. EPA interviewed multiple staff at varying levels of responsibility in each office. The names of program managers and technical staff interviewed in each office were obtained from FDEP in advance (Appendix ?). EPA developed a comprehensive list of questions on internal, inter-office and external (i.e. outreach) coordination (Appendix ?), and selected appropriate questions from this list for each interviewee, depending on that person's responsibilities. Program Coordination interviews were conducted with groups of employees, as this approach allowed office staff to provide a more complete description of program interaction and also allowed EPA to better observe the dynamics of each office.

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Appendix ?

EPA Priority Review of Florida Drinking Water Program
Overview and Site Visit Prep Document

Assistance in scheduling interviews (30 minutes each) for key staff and managers associated with drinking water enforcement, disinfection byproduct rules, internal coordination between DEP and DOH, and external outreach with water systems. Please provide names for the following interviews (1-2 per category, as appropriate for your office):

Miami-Dade FDOH

a. Enforcement Program Manager
   (Paul L. Andre)
b. Enforcement Officer (Staff)
   (Reinaldo Caballero, Tracie Dickerson, Heather Beaton)
c. Drinking Water Program Manager
   (Paul LEVELT André)
d. Staff responsible for DBP implementation
   (Richard Rojas and Paul Andre)
e. Staff responsible for conducting water system inspections and/or providing technical assistance
   (Richard Rojas and Paul Andre)

Broward FDOH

a. Enforcement Program Manager
   (Rafael Reyes)
b. Enforcement Officer (Staff)
   (Paul Thompson and Rafael Reyes)
c. Drinking Water Program Manager
   (Rafael Reyes)
d. Staff responsible for DBP implementation
   (Sandra Giraldo and Rafael Reyes)
e. Staff responsible for conducting water system inspections and/or providing technical assistance
   (Bill Lorenzo, Sandra Giraldo, Shani Grant, Paul Thompson, and Rafael Reyes)

SWD DEP

a. Enforcement Program Manager
   (Ed Watson and Gerald Foster)
b. Enforcement Officer (Staff)

(Ed Watson and Gerald Foster)

c. Drinking Water Program Manager
   (Ed Watson)
d. Staff responsible for DBP implementation
   (Ed Watson and Gerald Foster)
e. Staff responsible for conducting water system inspections and/or providing technical assistance
   (Ed Watson and Jayme Brock)

DEP HQ

a. Enforcement Program Manager
   (Jessica Kleinfelter)
b. Enforcement Officer (Staff)
   (Eric Bengtson, David Wales)
c. Drinking Water Program Manager
   (Trevor Noble)
d. Staff responsible for DBP implementation
   (Virginia Harmon, Eric Bengtson)
e. ~~Staff responsible for conducting water system inspections and/or~~ providing technical assistance
   (John Sowerby, Virginia Harmon, and David Wales)

Additional contacts:

DOH HQ: **Bob Vincent and Ed Bettinger**

SED DEP: Michele Owens

Appendix ?

Potential Questions on FL Agency Coordination

1. Describe the current structure, duties and staffing of your office? Have these been altered by recent reorganizations? If so, describe how?

2. Briefly describe the working relationship (e.g. communication, work flow) between the Division, District offices and FDOH offices?

3. What information do you most often provide to other FDEP/FDOH offices?

4. What means/tools do you use to receive/provide this information (e.g. verbal/email, website post, database upload/download, reports, conferences, meetings, training)? How well do these transmittal pathways function?

5. What kinds of issues are typically discussed in monthly conference calls with all agencies (or quarterly conference calls between Districts and DOH)? Do the meetings and follow-up communications (e.g. meeting minutes, postings on website bulletin board) address your needs?

6. What other meetings, webinars, conferences, workgroups have you participated in with other DEP/DOH offices over the last year?
    a. Have these assisted you in accomplishing assigned duties or facilitated improvements in FDEP's SDW program?
    b. Any suggested improvements (e.g. in structure, content, frequency) that would allow these meetings better meet your needs?

7. Training:
    a. Which training courses have you attended over the past year? Were these useful?
    b. Were you able to attend all desired/needed training? If not, why?
    c. Are there any additional training courses that you wish you had access to?
    d. Describe your office's training plan. Is this a helpful tool?

8. What data management tools does your office use to implement SDWA activities?
    a. How well do these tools support your implementation efforts?
    b. What kinds of change/improvements have been made to the data management process in recent years?
    c. What, if any, additional improvements to the data management process would you suggest?
    d. What impact, if any, have recent reorganizations had on FDEP-HQ data management activities?

9. Describe the delegation process
    a. How is the decision to delegate made?
    b. How is the delegation documented (e.g. Interagency Agreement)?
    c. How is the delegation implemented (e.g. scope of delegated functions, District oversight process, daily operation)
    d. How are laboratory certification information/issues communicated and addressed?
    e. How well is the delegation process working? Areas in need of improvement?

10. What would you like to highlight regarding FDEP's drinking water program?

11. What are the greatest resource demands for the drinking water program?

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Priority #2 Program Coordination

Background

Program coordination was selected as a priority review topic due to the number of separate offices that implement Florida's Public Water System Supervision (PWSS) program and the significant impacts that a 2012 FDEP reorganization had on many of these offices. A first goal of the review is to better understand what kinds of coordination activities occur between offices and how these activities impact PWSS program implementation. A second goal is to determine how the 2012 reorganization altered previous coordination tools and pathways and describe Florida's efforts to adjust to those changes.

As described in the Overview section of this report, Florida implements the PWSS program through multiple offices, each of which handles specified duties for a designated portion of the state. The Division manages Florida's overall primacy program and develops and maintains many of the resources used by six District offices and eight delegated FDOH offices. District and FDOH offices have autonomy to implement the program at the individual system level, but must conduct activities consistent with the Division rules, policy and guidance and communicate accomplishments to the Division. The Division and Districts both report to FDEP's Deputy Secretary for Regulatory Programs. The 2012 reorganization redefined the FDEP's leadership structure and redistributed staff in the Division and some District offices in several ways, as described in the overview section of this report. FDOH offices were unaffected by the reorganization.

Florida's assignment of PWSS program duties to multiple offices and agencies allows the state to leverage significant additional resources and expertise. However, good communication and collaboration is needed to ensure effective, consistent operation of this decentralized program. The overall objective of this review is to ensure that effective mechanisms for ensuring good program coordination remain in place, and to document any particular strengths or weaknesses that require further consideration.

Priority Evaluation Method

Region 4 used a combination of document reviews and personnel interviews to understand past and present coordination activities in Florida and evaluate how well those activities support Florida's overall PWSS program implementation. The documents and information reviewed were obtained from EPA Region 4 files, Division files and the Division's SDWP website (http://www.dep.state.fl.us/water/drinkingwater/). Of these, the following documents provided information on Florida's internal and external program coordination activities:

- FDEP responses to EPA's PWSS Priority Review Background Questions
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- FDEP's 2014 triennial report to the governor on "Florida's Strategy to Improve Public Water Supply"

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Appendix ?

EPA Priority Review of Florida Drinking Water Program
Overview and Site Visit Prep Document

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d. Staff responsible for DBP implementation
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a. Enforcement Program Manager
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Additional contacts:

DOH HQ: **Bob Vincent and Ed Bettinger**

SED DEP: Michele Owens

Appendix ?

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1. Describe the current structure, duties and staffing of your office? Have these been altered by recent reorganizations? If so, describe how?

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3. What information do you most often provide to other FDEP/FDOH offices?

4. What means/tools do you use to receive/provide this information (e.g. verbal/email, website post, database upload/download, reports, conferences, meetings, training)? How well do these transmittal pathways function?

5. What kinds of issues are typically discussed in monthly conference calls with all agencies (or quarterly conference calls between Districts and DOH)? Do the meetings and follow-up communications (e.g. meeting minutes, postings on website bulletin board) address your needs?

6. What other meetings, webinars, conferences, workgroups have you participated in with other DEP/DOH offices over the last year?
    a. Have these assisted you in accomplishing assigned duties or facilitated improvements in FDEP's SDW program?
    b. Any suggested improvements (e.g. in structure, content, frequency) that would allow these meetings better meet your needs?

7. Training:
    a. Which training courses have you attended over the past year? Were these useful?
    b. Were you able to attend all desired/needed training? If not, why?
    c. Are there any additional training courses that you wish you had access to?
    d. Describe your office's training plan. Is this a helpful tool?

8. What data management tools does your office use to implement SDWA activities?
    a. How well do these tools support your implementation efforts?
    b. What kinds of change/improvements have been made to the data management process in recent years?
    c. What, if any, additional improvements to the data management process would you suggest?
    d. What impact, if any, have recent reorganizations had on FDEP-HQ data management activities?

9. Describe the delegation process
    a. How is the decision to delegate made?
    b. How is the delegation documented (e.g. Interagency Agreement)?
    c. How is the delegation implemented (e.g. scope of delegated functions, District oversight process, daily operation)
    d. How are laboratory certification information/issues communicated and addressed?
    e. How well is the delegation process working? Areas in need of improvement?

10. What would you like to highlight regarding FDEP's drinking water program?

11. What are the greatest resource demands for the drinking water program?

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Priority #3: Disinfection Byproduct Rules Implementation

Background

Disinfection Byproduct Rules Implementation was selected as a priority for review based on an analysis of state-wide violation data by specific contaminant group. Other than total coliform MCL violations, DBP MCL violations represented the greatest number of health-based violations for water systems in Florida over the past five years. Many water sources in Florida have high quantities of naturally occurring organic matter. When the water with high levels of organics is disinfected with chlorine, high levels of disinfection byproducts can form. Levels of many DPBs increase with water age in finished water storage tanks and distribution systems. Treatment strategies for DBPs can include adjustments to treatment systems (examples: removal of organics prior to disinfection, change of disinfectant, pH adjustment, or removal of DBPs after formation, etc) or changes to operations of distribution systems (examples: adjustments to storage tank levels or fill/draw cycles, flushing practices, elimination of "dead ends" in distribution lines, etc.).

Over the past few years States and water systems have been transitioning from monitoring requirements associated with the Stage 1 Disinfectants and Disinfection Byproduct Rule to the Stage 2 DBP Rule. Some of the key changes including the number, frequency and locations of routing monitoring, inclusion of consecutive water systems to rule requirements, and how compliance is calculated based on locational averages. The transition from the Stage 1 to Stage 2 Rule involved a period of time when EPA, Region 4 was implementing aspects of rule focused on identifying potential new monitoring locations. These early implementation activities were a result of the regulatory timeline beginning before states were required to have the rule adopted. As a result, DEP and DOH field staff played a limited role in training and implementation associated with monitoring site selection. Florida Rural Water did provide a significant amount of outreach to water systems during this time. Florida had adopted the Stage 2 Rule by the time routing monitoring requirements began and worked with water systems to finalize monitoring plans.

Priority Evaluation Method

Region 4 utilized a combination of data analysis, personnel interviews and onsite file reviews to evaluation strengths and needs associated with Florida's implementation of the DBP rules. Data analysis include reviews of DBP monitoring results from Florida's PWS database and DBP violation data available from EPA's SDWIS data system. Interview questions were used to determine strategies utilized to affect system compliance, understand expertise levels and resource demands for staff and management, and to gage consistency in implementing the regulations and guidance associated with the DBP Rules. File reviews included a review of information used to develop system monitoring plans, an evaluation of system monitoring data to ensure monitoring was done in accordance with the plan, and a review of compliance determinations based on the analytical results.

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Froneberger, Dale

From: Allenbach, Becky
Sent: Friday, April 17, 2015 3:28 PM
To: Humphris, Allison; Campbell-Dunbar, Shawneille
Cc: Smith, Brian; Driskell, Amanda; Burns, Robert; Lad, Paul; Thames, Brian; Morris, Janine; Riley, Pamela; Froneberger, Dale
Subject: RE: Draft Florida Priority Review Report - request your review

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[redacted]

Becky

Becky B. Allenbach, Chief
Grants and Drinking Water Protection Branch
EPA Region 4 - Atlanta
(404)562-9687
allenbach.becky@epa.gov

From: Humphris, Allison
Sent: Friday, April 17, 2015 9:42 AM
To: Allenbach, Becky; Campbell-Dunbar, Shawneille
Cc: Smith, Brian; Driskell, Amanda; Burns, Robert
Subject: FW: Draft Florida Priority Review Report - request your review

Becky,
Attached is the version of the Florida's Priority Review report that was sent to Florida.
I apologize that we did not share this with you first.
As Trevor noted during the meeting, they are still in the process of compiling comments from all of the offices that we visited, so we have not received any feedback from them yet.
Allison

Allison Humphris
Drinking Water Section
Water Protection Div., USEPA Region 4
P:(404)562-9305 / F:(404)562-9439

From: Humphris, Allison
Sent: Thursday, March 12, 2015 3:12 PM
To: TREVOR D. NOBLE (Trevor.Noble@dep.state.fl.us); Wales, David; Samir Elmir (Samir.Elmir@flhealth.gov) (Samir.Elmir@flhealth.gov); Paul Andre (Paul.Andre@flhealth.gov); Reyes, Rafael; Owens, Michele; Bishop, Kelly L.; Watson, Edward; Kleinfelter, Jessica; Bob G Vincent (Bob.Vincent@flhealth.gov); Bettinger, Ed
Cc: Campbell-Dunbar, Shawneille; Smith, Brian; Driskell, Amanda
Subject: Draft Florida Priority Review Report - request your review

Hello Everyone,

Thank-you again for participating in the Priority Review that we conducted with your offices in December 2014. We much appreciate the time and resources that you have dedicated to this process, and hope that the final outcome provides actual benefit to Florida's PWSS program.

With this objective in mind, we request your review of the attached preliminary drafts of most sections of the report. These include general introduction and overview sections, as well as separate sections on each of the five program areas that we agreed to focus on:

1) Compliance and Enforcement Program Implementation
2) Internal Program Coordination
3) Stage 2 Disinfection Byproducts Rule Implementation
4) Data Management, and
5) External Outreach

Please provide input on the factual accuracy of these drafts, as well as any comments you may have on how they present or emphasize our findings and recommendations. We are particularly interested in ensuring that our recommendations highlight the issues that are of most concern to you, and present possible solutions to those issues that are most helpful and relevant to your programs. Finally, we ask you to consider identifying instances where you believe it would be helpful to incorporate a recommendation of this priority review into Florida's FY16 PWSS grant workplan.

As you may know, Florida recently submitted a first, preliminary draft the FY16 PWSS grant workplan, in the form of a multi-media Performance Partnership Agreement (PPA). This PPA includes all PWSS workplan tasks that Florida proposes to implement, along with tasks for several other programs for various media. EPA Water Division staff are holding an internal meeting to discuss the Florida PPA next Thursday, March 17, and our deadline for providing feedback to Florida on this preliminary draft is Thursday, March 26.

We request that, if possible, you complete your review and provide us with any comments by Friday, March 20. This will allow us time to consider your feedback as we compile comments on the current preliminary draft PPA. If you cannot complete the review by the 20th, please let us know how much time you will need to complete your review. We understand that EPA staff will be given the opportunity to comment on a second draft of the PPA workplan within the next month or two. We will make every effort to address your concerns in finalizing the Priority Review Report, and during workplan negotiations.

Additionally, we would like offer the option for a conference call with all offices, if that would be a helpful. If yes, please let us know if Wednesday, March 18, is possible. If this date does not work, please let us know of alternate dates that would work for you.

We look forward to receiving your input on these drafts, and any other aspect of the overall priority review process. Please feel free to email or call me with any questions you may have during your review. Also, please forward this email to any relevant contacts in your offices that I may have inadvertently omitted from the recipient list.

Thanks,
Allison

Allison Humphris
Drinking Water Section
Water Protection Div., USEPA Region 4
P:(404)562-9305 / F:(404)562-9439

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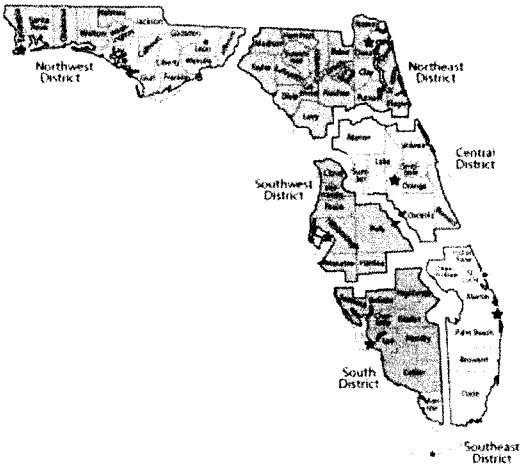
PRIORITY REVIEW

OF THE PUBLIC WATER SYSTEM SUPERVISION PROGRAM FOR THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

DRAFT REPORT



Prepared by the
Environmental Protection Agency, Region 4
Drinking Water Section, Water Protection Division

May 15, 2015

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Appendix

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INTRODUCTION

Region 4 developed a protocol, called a Priority Review, for assessing the performance of state PWSS Programs and for evaluating the adequacy of resources dedicated to identified priorities for individual state programs. The Priority Review replaces EPA's Data Verifications that historically reviewed state data associated with each rule in the National Primary Drinking Water Regulations. The new approach is intended to be transparent and targeted in assessing a few priority focus areas identified in a collaborative effort between the state and EPA, Region 4. The following priority areas of focus have been identified for Florida:

1. Enforcement of drinking water regulations
2. Internal state coordination between DEP and DOH on the drinking water program
3. Disinfection Byproduct Rules implementation
4. Data Management, and
5. External outreach

The priority areas were assessed through review of existing documentation submitted to EPA, review of selected water system files, and through interviews with staff and managers. This review represents one of the best opportunities to support the needs of your drinking water program, as well as to highlight the successes your program has achieved. While these reviews represent a high-priority effort, they will only achieve positive results if we see ourselves working towards the same goal, highlighting areas where both EPA and Florida believe improvements can be made in program effectiveness.

OVERVIEW OF FLORIDA'S PWSS PROGRAM

EPA gives flexibility to state primacy agencies for required PWSS program activities. In Florida, PWSS implementation activities are spread over a decentralized organizational structure. The Department of Environmental Protection has the primary role of regulating public water systems (PWSs) in Florida. The Source and Drinking Water Program (SDWP) located in the FDEP headquarters in Tallahassee (FDEP-HQ) is responsible for writing rules, developing policy, managing funds, providing training, managing data, and managing special initiatives. The Water Compliance Assurance Program (WCAP) is

responsible for oversight, tracking and reporting of enforcement and permitting activities. The enforcement of rules and permitting of new construction for individual PWSs is handled by six FDEP district offices. In eight Florida counties, the Districts have currently delegated this enforcement and permitting authority to local approved county health departments through Interagency Agreement. FDEP has also delegated laboratory certification to the Department of Health Laboratory in Jacksonville.

FDEP-HQ environmental programs are divided into three main areas, one of which is Regulatory Programs. The Deputy Secretary for Regulatory Programs provides oversight and direction to four FDEP-HQ regulatory divisions, including the Division of Water Resource Management (DWRM) and six regulatory district offices. The SDWP and WCAP programs are both located within DWRM, while the regulatory district offices report directly to the Deputy Secretary for Regulatory Programs. Following is a complete list and description of all programs which contribute to FDEP's implementation of Safe Drinking Water Act (SDWA) requirements.

Florida Department of Environmental Protection

FDEP-HQ Division of Water Resource Management (DWRM):

- FDEP-HQ Source and Drinking Water Program (SDWP): Coordinate overall PWSS implementation through policy and rule development, and management of funding, training, data and special initiatives. Ensure all SDWA program requirements are conducted and reported to EPA as outlined in the annual PWSS workplan.
- FDEP-HQ Water Compliance Assurance Program (WCAP): Facilitate statewide coordination of compliance and enforcement activities by providing and/or supporting the development of policy, guidance and training to ensure consistency among the six District Offices for state Drinking Water and Wastewater Programs. Ensure all SDWA compliance and enforcement activities are conducted and reported to EPA as outlined in the annual PWSS workplan commitments.

FDEP-HQ Office of General Counsel (OGC): Provide legal counsel and represent FDEP in implementing enforcement, permitting and programmatic actions. Provide training and consultation to FDEP staff.

FDEP-HQ Office of Technology and Information Services (OTIS): Manage functionality and security of the information technology systems that support FDEP mission success. Provide application development and customer support services to FDEP Divisions and regulatory districts that use regulatory databases, including SDWP support needs for PWS.

FDEP Regulatory District Offices: Coordinate and implement all permitting, compliance and enforcement activities for counties located within District boundaries, including permit reviews, facility inspections, compliance assistance, rule enforcement and response to reports of environmental damage. Six separate offices serve counties located in the Northwest, Northeast, Central, South, Southeast and Southwest portions of the state. The FDEP District Office delegates this authority to qualified individual Florida Department of Health (FDOH) county offices. Provide legal, technical and training assistance to delegated FDOH county offices.

Florida Department of Health

- The current DEP-DOH Interagency Agreement delegates lead PWSS program implementation authority from the responsible FDEP District Office to DOH offices in the counties of Broward,

Miami-Dade, Hillsborough, Lee, Sarasota, Palm Beach, Polk and Volusia. Delegated FDOH county offices coordinate and implement permitting, compliance and enforcement activities for that county.

- The Florida Department of Health laboratory in Jacksonville maintains a State program for the certification of laboratories conducting analytical measurements of all drinking water contaminants, with the exception of radionuclides, in accordance with Florida Statutes 403.862-.8635 and Florida Administrative Code (F.A.C.) Chapter 62-550.550.

South Carolina Department of Health: South Carolina's radiological laboratory is responsible for the analysis of all radionuclude samples for Florida PWSs, in accordance with an MOA approved by SESD on January 28, 2013.

This organization is significantly changed from the structure that was in place during the previous 2009 Program Review conducted by The Cadmus Group, Inc. on behalf of EPA. In 2012, FDEP underwent a reorganization which affected both FDEP-HQ and FDEP District offices. At FDEP-HQ, the source and drinking water program staff were merged to form the Source and Drinking Water Program. Staff were relocated from the Drinking Water Program to support the formation of a centralized compliance and enforcement group (WCAP) and a more centralized information technology group (OTIS). District boundaries were redrawn, and resources were re-allocated, to allow for a more even distribution of resources among Districts. A primary objective of this reorganization was to improve program efficiency/effectiveness and promote consistency by streamlining the management structure and increasing cross-utilization of resources, particularly in the areas of compliance determination and data management.

FDEP's authority to implement provisions of the Safe Drinking Water Act (SDWA) derives from Chapter 403, Part VI, Florida Statutes and by delegation of the federal program from the U.S. Environmental Protection Agency. The Department has promulgated a number of rules in Chapters 62-4, 62-550, 62-555, 62-560, 62-602 and 62-699 F.A.C. to address drinking water standards, monitoring and reporting; public water system permitting and compliance; and treatment plant operators, classification and staffing. These requirements impact approximately 5245 federally regulated public water systems (PWSs) with approximately 1649 (or 31%) of Florida's PWSs being community water systems, approximately 776 or (15%) being non-transient non-community systems, and approximately 2820 or (54%) being transient non-community systems (Table 1).

PWS TYPE	WATER SOURCE	COUNT
CWS	Surface Water only	5
	Surface & Ground Water	69
	Ground Water only	1575
NTNC	Surface Water only	0
	Surface & Ground Water	4
	Ground Water only	772
TNC	Surface Water only	5
	Surface & Ground Water	1

	Ground Water only	2819
TOTAL		5245

Table 1. Count of Florida Public Water Systems by Type and Source

PRIORITY REVIEW OF SELECTED PROGRAM AREAS

The U.S EPA, Region 4 Drinking Water Section (EPA, Region 4) developed a protocol, call a Priority Review, for assessing the performance of state Public Water System Supervision Programs and for evaluating the adequacy of resources dedicated to identified priorities for individual state programs. The Priority Review replaces EPA's Data Verifications that historically reviewed state data associated with each rule in the National Primary Drinking Water Regulations. The new approach is intended to be transparent and targeted in assessing a few priority focus areas identified in a collaborative effort between the state and EPA, Region 4. The following priority areas of focus have been identified for Florida:

- Enforcement of drinking water regulations
- Internal state coordination between DEP and DOH on the drinking water program
- Disinfection Byproduct Rules implementation
- Data Management, and
- External outreach

Enforcement of Drinking Water Regulations

Background

Compliance and Enforcement Program Implementation was selected as a priority for review in order to assess whether a state is implementing the requirements of the Public Water System Supervision (PWSS) program. The states ensure that human health is safeguarded by enforcing the requirements of the Safe Drinking Water Act (SDWA) to ensure that the states' public drinking water supply and its sources are protected. Historically, the reviews of the states' PWSS programs, whether that be through a Data Verification, Program Review, or a Priority Review, did not typically include an evaluation of the compliance and enforcement program at the states. Region 4 has determined that this is an important aspect of a review of the implementation of a PWSS program, and plans to include this in future Priority Reviews, as appropriate. Through this review, EPA promotes regional consistency, identifies successes in implementation of the PWSS program, and identifies opportunities for improvement in the compliance and enforcement programs.

In January of 2010, EPA began implementation of a new enforcement approach designed to help our nation's public water systems comply with the requirements of the SDWA. This new approach replaced the previous system of a contaminant to contaminant compliance strategy with one that focuses attention on the drinking water systems with the most serious or repeated violations. This strategy identifies public water systems with violations that rise to the level of significant noncompliance by focusing on those systems with health-based violations and those that show a history of violations across multiple rules. This system-based methodology is intended to ensure consistency and the integrity of the PWSS

national enforcement program. This approach includes a revised Enforcement Response Policy (ERP) and new Enforcement Targeting Tool (ETT).

The ETT uses a tool that enables the prioritization of public water systems by assigning each violation a "weight" or number of points based on the assigned threat to public health. Points for each violation at a water system are summed to provide a total score for that water system. Water systems whose scores exceed a certain threshold will be considered a priority system for enforcement.

EPA recognizes that states carry out both formal and informal enforcement and compliance assistance activities. These activities are effective tools for achieving compliance. Nevertheless, systems specifically identified by the ETT as priorities must be returned to compliance (RTC) or EPA will expect formal, enforceable mechanisms to return such systems to compliance. States are expected to escalate their response to ensure that RTC is accomplished. Once a public water system is identified as an enforcement priority on the ETT list, an appropriate formal action or RTC will be required within two calendar quarters to be considered "timely". However, regardless of a public water system's position on a state's ETT list, EPA expects that states will act immediately on acute, health-based violations and subsequently confirm that systems with such violations return to compliance.

Priority Evaluation Method

Region 4 utilized a combination of data analysis, personnel interviews, comparison of established program strategies with the ERP, and onsite file reviews to evaluate Florida's successes in implementation of the PWSS program and identify opportunities for improvement in its compliance and enforcement program. Data analysis included a review of the EPA ETT Tracker, which is a tool that provides useful metrics and graphing capabilities for systems' current and past ETT scores for up to twenty (20) quarters. This information was used to aide in the selection of the files to be reviewed and get a rough evaluation of Florida's ability to timely and appropriately return systems to compliance or issue formal, enforceable mechanisms that will return a system to compliance. Additionally, EPA's SDWIS data system was used to determine what violations and enforcement had been done for each of the selected files to review. Nine (9) files were selected for review, however, only eight (8) were reviewed (See table named *Timeline for Settlement of Identification as a Priority System on the ETT List* below). Interview questions were used to understand the dynamics of the organization including staffing resources and demands and to determine how the established program strategies were being implemented with regards to Florida's compliance and enforcement program. The *Department of Environmental Protection (DEP) Enforcement Manual* and *Directive* 923 were reviewed for consistency with the EPA ERP requirements to ensure that these policies enabled the state to meet the requirements of timely and appropriate compliance and enforcement. File reviews included a review of the violations determined, an evaluation of the enforcement mechanisms issued for consistency with the *DEP Enforcement Manual* and the EPA ERP, and a comparison of the information found during the file review with the data reported to EPA's SDWIS data system.

Key Findings

The accuracy of data reported by FDEP to SDWIS was found to be in need of improvement in the following ways:

- All violations identified in the file and/or provided from the FDEP tracking system, are not being submitted to SDWIS. This discrepancy was found in the District and both DOH offices. Primarily the violations that are not being submitted are monitoring and reporting violations for

various parameters. For the identified systems, 6 of the 8 reviewed had violations noted in the file/data provided that were not identified in SDWIS.

- Enforcement actions taken and submitted to SDWIS, are either not being timely uploaded, properly linked to relevant violations, and/or the data uploaded is inconsistent with the documents provided for review. For the identified systems, 7 of the 8 reviewed had discrepancies with the information for the enforcement actions submitted to SDWIS. Specifically, for the files reviewed, there were instances where violation(s) were linked to enforcement actions that upon review of the enforcement action, it was determined that the action did not include or address those violations. Also, there were several instances where the data submitted to SDWIS showed multiple dates for the same enforcement action. It appears that the dates of enforcement are not being consistently entered (i.e. dates were submitted for the signature date of the effective order, receipt date of the effective, or the date the proposed order was sent to the respondent). So it was noted that at times there would be two formal actions entered into SDWIS when there was only one issued.

During the file review, EPA tracked compliance and enforcement mechanisms used and evaluated them for timeliness and appropriateness of the action or return to compliance. Based on this review, the following was determined in regards to the timeline for systems identified as a priority on the ETT list to be returned to compliance or have a formal enforcement action issued.

Table 1: Timeline for Settlement of Identification as a Priority System on the ETT List

PWS ID	System Name	Date of First Appearance on ETT List as Priority System	Date of Settlement (RTC or issuance of Formal Enf)	Days Between ETT and Settlement	Settlement RTC or Formal Action ?	Quarters on ETT List as a Priority System
FL6095083	**Seven Rivers Professional Center**	**9/30/2010**	**2/20/2013**	**874**	**RTC**	**10/2010, 01/11, 04/11, 07/11, 10/11, 1/2012, 04/2012, 7/2012, 10/2012, 1/2013, 4/2013, 7/2013**
FL6510807	Holiday Gardens Util Inc.	3/31/2011	7/7/2011	98	Formal Action	04/2011, 07/2011, 10/2011, 04/2014, 7/2014, 10/2014
FL6510807	Holiday Gardens Util Inc.	3/31/2014	2/27/2014	-32	RTC	
FL6272304	**Camper's Holiday**	**3/31/2011**	**4/15/2011**	**15**	**Formal Action**	**04/2011, 07/2011, 01/2013, 10/2013, 01/2014, 10/2014**
FL6272304	**Camper's Holiday**	**12/31/2012**	**6/5/2013**	**156**	**Formal Action**	
FL4064392	Kids Paradise	12/31/2011	4/26/2012	117	Formal Action	01/2012, 04/2012, 07/2012, 04/2014, 07/2014
FL4064392	Kids Paradise	3/31/2014	4/24/2014	24	Formal Action	
FL4060402	**Everglades Holiday Park**	**12/31/2009**	**3/23/2012**	**813**	**Formal Action**	**01/2010, 04/2010, 10/2011, 01/2012, 04/2012, 01/2013, 04/2013, 07/2013, 10/2013, 01/2014, 04/2014**
FL4060402	**Everglades Holiday Park**	**3/31/2013**	**3/13/2013**	**-18**	**Formal Action**	
FL4061517	Royal Utility Company	3/31/2011	10/20/2010	-162	RTC	04/2011, 07/2013, 10/2013, 01/2014
FL4061517	Royal Utility Company	6/30/2013	2/12/2013	-138	Formal Action	
FL4131403	**Americana Village**	**3/31/2010**	**8/28/2012**	**881**	**RTC**	**04/2010, 07/2010, 10/2010, 01/2011, 04/2011, 07/2011, 10/2011, 01/2012, 04/2012, 07/2012, 10/2012, 01/2013, 04/2013, 07/2013**
FL4130833	Jones Trailer Park	12/31/2009	9/30/2011	638	RTC	01/2010, 04/2010, 07/2010, 01/2011, 04/2011, 07/2011, 10/2011, 01/2012, 01/2013
FL4130833	Jones Trailer Park	12/31/2011	10/3/2012	277	RTC	

Average Days Between ETT and Settlement				253.07		

Note: Some of the systems had multiple dates evaluated because they were bouncing on and off the ETT Priority List

For the evaluated systems, only two (for all the specified appearances on the ETT List as a priority system) met the 2-quarter timeliness goal established in the EPA ERP, 3 of the 8 met the goal for one of the appearances on the ETT list but not for all of the appearances, 6 of the 8 did not meet the goal for one or more of the appearances the system had on the ETT List as a priority system. On average for the identified systems (including those with multiple appearances as a priority system on the ETT List), the days between appearing on the ETT list as a priority and settlement of the violations was 253 days. This is in excess of the 2-quarter timeliness goal.

Also, in evaluation of the data above, there is an indication that formal actions and/or return to compliance data is not consistently being entered timely so that the ETT scores accurately depict the compliance and enforcement history. Therefore, some of the systems above, remained on the ETT list as priority systems multiple quarters after the resolving action had been issued.

During the file review, it was discovered that in 2 of the 8 files, enforcement actions were initiated but never completed and there was no explanation in the documents provided that explained why the action was not pursued. This was especially important information since both of those systems had been identified as priority systems for multiple consecutive quarters without returning to compliance or having a formal action issued.

The *DEP Enforcement Manual,* developed jointly by the Secretary, Deputy Secretary, and Assistant Deputy Secretary of Regulatory Programs, and is periodically revised as necessary. The latest revisions occurred in September 2013 and October 2014 for the chapters addressing compliance and enforcement processes. The manual describes FDEP's enforcement organization, compliance options, enforcement options, inspections and investigations protocol, administrative process and remedies, judicial process and remedies, litigation procedures, data management, and penalty policies. Overall, the *DEP Enforcement Manual* is a thorough document which is provided to all District offices and authorized Department of Health (DOH) offices. However, when compared to the EPA ERP, it was determined that the *DEP Enforcement Manual* was not consistent with the EPA ERP in that it did not define an expectation of timely and appropriate enforcement. The *DEP Enforcement Manual* had no clear expectation and/or goal for returning a system to compliance or issuing formal enforcement for systems that are identified as priority on the ETT nor for systems with acute, health-based violations. During the interviews and file reviews, it was determined that the goals of issuing formal enforcement and/or returning a system to compliance varied between the offices evaluated. The Southwest District (SWD) indicated that they were given some established guidelines on the expectations of timely and appropriate enforcement in the annual *SWD Business Plans*. However, both of the DOH offices (Broward County DOH and Miami-Dade DOH), indicated that there were no set timelines provided by FDEP for issuance of formal enforcement or returning the system compliance. Each of the DOH offices had established goals/expectations for timely and appropriate enforcement on their own.

Staff in the Division, Districts, and DOH offices are provided with training on the *DEP Enforcement Manual* and *923 Directive.*

In February of 2013, the FDEP Division instituted a Peer Review Process. This Peer Review Process establishes that prior to the issuance of formal enforcement by the District offices, a Peer Review

Recommendation Memo must be sent to the Division. The Division then reviews the Peer Review Recommendation Memo to determine if formal enforcement is appropriate, ensure that penalties are consistently calculated across all District offices, and that all regulations and violations are appropriately and consistently included in the enforcement. This process was established to ensure a consistent and equally applied approach to enforcement across all District Offices. This approach is not applied to the DOH offices, who independently establish their enforcement activities within the confines of the Interagency Agreement and the *DEP Enforcement Manual.*

The SWD office and Broward DOH office have both implemented a strategy of sending reminders to the systems of their monitoring responsibilities and timelines. The reminders are sent out to the systems at a minimum of annually and in some cases monthly or quarterly as well. These activities were implemented to decrease instances of monitoring and reporting violations. The Miami-Dade DOH office has also implemented a program that aides in decreasing monitoring and reporting violations, by conducting sampling for the small systems and as well as for the transient non-community systems and a few community systems. These sampling efforts are being done through a state laboratory in Miami.

Recommendations

Update the *DEP Enforcement Manual* or provide official written guidance to all offices of the following:

- The expectation to address those systems identified as priority systems on the ETT list within 2 quarters of appearance on the list, either by returning the system to compliance or issuing formal and enforceable enforcement as well as to act immediately on acute, health-based violations and subsequently confirm that systems with such violations return to compliance. This would help to ensure that the state is consistent with the EPA ERP, the state's PWSS grant work plan, and that the State is consistently implementing the compliance and enforcement program throughout all of the districts and authorized programs.

- The expectation that the date that is being used as the date of enforcement action, which is entered into the PWS data system and ultimately into SDWIS, is consistently the same date across all districts and authorized programs. Note: The date the proposed order is sent/signed, the date of receipt of the proposed order, and the date of signature by the respondent should not be used as the date of enforcement for reporting purposes. These dates are not indicative of an effective order.

Efforts should be made to ensure that data submitted to SDWIS is timely, enforcement action dates are accurately and consistently entered, all violations are identified and submitted to SDWIS, and that all violations are accurately linked to the appropriate enforcement mechanisms. FDEP should develop and implement revised procedures to ensure accurate reporting of enforcement and compliance information into SDWIS.

Records should be maintained in the file that denote any and all decisions made with regard to enforcement actions, such as if there is a change from the proposed document or a decision to not pursue the enforcement action initiated.

FDEP should continue with the Peer Review Process initiated to ensure consistency of the enforcement activities across the Districts, and evaluate whether the process should be expanded to require that all formal actions, including those where both parties are in complete agreement, are submitted to the Division for review.

Internal state coordination between DEP and DOH on the drinking water program

Background

Program coordination was selected as a priority review topic due to the number of separate offices that implement Florida's Public Water System Supervision (PWSS) program and the significant impacts that a 2012 FDEP reorganization had on many of these offices. A first goal of the review is to better understand what kinds of coordination activities occur between offices and how these activities impact PWSS program implementation. A second goal is to determine how the 2012 reorganization altered previous coordination tools and pathways and describe Florida's efforts to adjust to those changes.

As described in the Overview section of this report, Florida implements the PWSS program through multiple offices, each of which handles specified duties for a designated portion of the state. The Division manages Florida's overall primacy program and develops and maintains many of the resources used by six District offices and eight delegated FDOH offices. District and FDOH offices have autonomy to implement the program at the individual system level, but must conduct activities consistent with the Division rules, policy and guidance and communicate accomplishments to the Division. The Division and Districts both report to FDEP's Deputy Secretary for Regulatory Programs. The 2012 reorganization redefined the FDEP's leadership structure and redistributed staff in the Division and some District offices in several ways, as described in the overview section of this report. FDOH offices were unaffected by the reorganization.

Florida's assignment of PWSS program duties to multiple offices and agencies allows the state to leverage significant additional resources and expertise. However, good communication and collaboration is needed to ensure effective, consistent operation of this decentralized program. The overall objective of this review is to ensure that effective mechanisms for ensuring good program coordination remain in place, and to document any particular strengths or weaknesses that require further consideration.

Priority Evaluation Method

Region 4 used a combination of document reviews and personnel interviews to understand past and present coordination activities in Florida and evaluate how well those activities support Florida's overall PWSS program implementation. The documents and information reviewed were obtained from EPA Region 4 files, Division files and the Division's SDWP website (http://www.dep.state.fl.us/water/drinkingwater/). Of these, the following documents provided information on Florida's internal and external program coordination activities:

- FDEP responses to EPA's PWSS Priority Review Background Questions
- FDEP's 2014 Operator Certification Program Annual Submittal
- FDEP's FY13 Annual Capacity Development Program Implementation Report
- FDEP's 2014 triennial report to the governor on "Florida's Strategy to Improve Public Water Supply"
- FDEP-HQ PWSS Program Review Reports for 2013-2014 program evaluations of FDEP District and FDOH county field offices
- Issues of the Floridan newsletter
- Information available to public water systems on the SDWP website

The Division also provided EPA Region 4 staff with a walk-through of the information and data management tools available on the Division's internal PWS website during this review. These tools are accessible to all District and FDOH offices.

To obtain a range of perspectives on coordination activities, EPA visited multiple offices that together represent a cross-section of PWSS program components. These included the Division office, the Southwest District office and FDOH offices in Broward and Miami-Dade counties. FDOH headquarters staff and Southeast District staff also participated in FDOH office visits. EPA interviewed multiple staff at varying levels of responsibility in each office. The names of program managers and technical staff interviewed in each office were obtained from FDEP in advance (Appendix ?). EPA developed a comprehensive list of questions on internal, inter-office and external (i.e. outreach) coordination (Appendix ?), and selected appropriate questions from this list for each interviewee, depending on that person's responsibilities. Program Coordination interviews were conducted with groups of employees, as this approach allowed office staff to provide a more complete description of program interaction and also allowed EPA to better observe the dynamics of each office.

Key Findings

To achieve successful program coordination, program components must be organized in a way that allows them to work together effectively to achieve overall program goals. Florida has used many methods to facilitate effective program coordination across all offices. During interviews, staff noted the following existing and historical tools:

Existing Tools:

1) Regular internal office staff meetings
2) Monthly communication calls between the Division and all District-DOH offices to introduce new policy and regulations
3) Regular comprehensive program evaluations by the Division of District offices (triennially) and FDOH offices (annually)
4) One-on-one communication between District liaisons/experts and FDOH office staff
5) Internal PWS communications website - repository for SDWP information, including current announcements, guidance, available training, webcasts, powerpoint presentations and historical meeting minutes; maintained by the Division
6) Internal PWS database – standardized data entry tools facilitate data reporting/retrieval and compliance determination by staff; developed and updated by the Division to address changing requirements and user needs
7) Technical assistance from Florida Rural Waters Association (FRWA) – a Division-managed contract that provides assistance to small systems and conducts FRWA training sessions on many topics, including full day "Focus on Change" Seminars

Previous Tools:

1) Quarterly Permitting, Compliance and Enforcement (PCE) Meetings – means of informally sharing policy and implementation issues between Division and FDEP-FDOH offices
2) Annual PWSS Conference – face-to-face meeting of Division and all FDEP-FDOH office staff that provided information on program policies and issues, rule training and valuable discussion of specific questions, concerns and needs.

3) Quarterly meetings between each District liaison and delegated FDOH offices located within that District. EPA believes there is still an expectation for these meeting to occur, but it appears that currently the meetings occur infrequently and only in some Districts.

All offices emphasized that internal staff levels are minimally adequate to implement the assigned program workload. Administrators work closely with their staff to coordinate individual responsibilities in ways that build employee job satisfaction while maximizing output and work quality. One office recognized efficiencies by assigning individual staff both compliance and permitting duties in order to develop more holistic program knowledge. Another office supported employee skills development by devising a detailed training program that included both classroom and on-the-job shadowing. The assignment of job duties commensurate with skill level improved work product and employee satisfaction. Several offices strove to reduce the number of compliance issues by annually notifying systems of required upcoming monitoring activities. One office also achieved greater compliance levels, by having staff conduct required monitoring for most small systems.

Many administrators stated that their programs achieve much more by leveraging resources available from the Division and other offices. Leveraging occurs in many ways, including meetings, training and the use of common tools to manage and share SDWP data and information.

The PWSS program conducts various meetings and calls on a regular basis. Monthly 1-2 hour calls coordinated by the Division provide regular updates on pertinent program issues, but are limited in scope. District liaisons noted that they continue to share expertise and have good interaction with staff in FDOH offices, but these discussions are also limited, and some District offices have lost technical expertise. Conference calls and informal information sharing also occur between some District offices. However, the regularity and strength of these exchanges varies widely. Lengthier face-to-face meetings (such as the annual PWSS conference and quarterly PCE meetings) have historically provided the most valuable opportunities for education and exchange among office staff. These meetings have included presentations on regulations, technical issues, policy, guidance and data management tools. They also provided time for face-to-face discussions among staff with varied backgrounds and expertise. Quarterly PCE meetings sometimes facilitated the scheduling of follow-up meetings. For example, some Districts followed quarterly PCE meetings with meetings with their delegated FDOH offices, allowing continued discussions on some PCE meeting topics or introduce other discussion topics of concern. The information exchanged in all of these meetings often facilitated faster, more comprehensive, consistent resolution of specific PWSS program concerns.

The Division conducts regular program reviews of each District and DOH office. Program Review reports provide a consistent, in-depth assessment of 8 key program components across all 14 offices, as shown in Table _ below.

Table 2:

Summary of 2013-2014 FDEP Program Evaluation Results for 6 FDEP District and 8 DOH County Offices

Sum of Score (as % of PE Weight) Row Labels	Column Labels 1_Organization/ Staffing/ Resources	2_Data/File Management	3_Compliance	4_Enforcement	5_Sanitary Survey/ Compliance Inspections	6_Permit/Plan Reviews	7_DEP Coordination/ Assistance Activities	8_Training	9_Overall Score
1_PE Weight(%)	5.00	25.00	15.00	15.00	15.00	15.00	5.00	5.00	100
A_Central	91.60	94.96	100.00	100.00	93.60	100.00	100.00	100.00	97.36
A_NE	[illegible]	84.52	105.27	105.87	90.40	98.00	100.00	91.60	94.08
A_NW	100.00	97.36	100.00	105.87	100.00	97.93	100.00	91.60	99.49
A_SE	102.00	95.28	84.20	105.87	97.33	101.07	100.00	100.00	97.2
A_South	102.00	90.76	100.00	105.87	103.60	101.00	100.00	75.00	98.12
A_SW	94.80	97.96	100.00	105.87	102.60	97.87	100.00	83.40	99.36
C_Broward	102.00	95.20	105.33	105.87	102.33	95.87	100.00	100.00	100.59
C_Hillsborough	[illegible]	99.60	100.00	100.00	108.47	92.80	100.00	100.00	98.33
C_Lee	91.60	97.12	100.00	105.87	100.00	93.73	90.00	100.00	98.31
C_Miami-Dade	96.80	95.24	100.00	105.87	96.40	93.93	90.00	100.00	97.58
C_Palm Beach	102.00	93.36	105.87	105.87	106.80	96.87	80.00	100.00	99.76
C_Polk	89.60	96.48	107.13	100.00	102.73	100.00	100.00	83.40	99.25
C_Sarasota	91.60	97.08	100.00	105.87	107.27	86.47	90.00	75.00	97.04
C_Volusia	102.00	95.12	102.33	76.47	96.27	93.60	100.00	91.60	94.49

LOW 100% HIGH

The relative weighting that the Division assigns to each of the 8 components is shown in the first row of this table. Individual cells display the percentage of total points which each office received for each component during the most recent 2013-2014 Program Evaluations. The results show that all offices successfully implement Data/File Management and Permit/Plan Review program components. Most offices also successfully implement Compliance, Enforcement and Sanitary Survey/Compliance Inspection program components. However, the basis for bonus points awarded for certain additional activities within these components, which often contribute to elevated scores, is somewhat unclear. Scores for the remaining three program components (Organization/Staffing/Resources, DEP Coordination/Assistance and Training) were more variable, with some offices receiving significantly lower scores. For the Organization/Staffing/Resources program component, three offices received less than 90%, and an additional two offices received less than 92%, of the total possible points. Offices generally received point reductions for having a lower ratio of PWS to professional staff. However, all offices received the maximum allowable points for their response to the question: "Is the current staffing adequate to cover required workload?". These findings suggest that additional information is needed to better evaluate the adequacy of current office staffing/resource levels. For the DEP Coordination/Assistance component, four offices received 90% or less of total possible points. Point reductions were generally received due to lack of scanning capabilities for purposes of generating electronic files. Most questions required only "yes/no" responses, and the scoring system did not consider the more detailed comments provided by offices. Reconsideration of the kind of information needed to assess this component may be helpful. For the Training component, four offices received less than 85%, and an additional three offices received less than 92%, of total possible points. Point reductions were based on failure of staff to complete one or more of the identified core training courses, or lack of a written office training plan. These findings suggest that many offices do not have access to all needed training. The Division's basis for updating the list of needed courses is also unclear. EPA believes this portion of FL's program evaluation is inadequate to fully assess training needs.

Staff interviews conducted during this Priority Review provided information on how Florida currently identifies and addresses training needs. While training needs are a clear priority, the resources to address those needs are often limited. In order to justify training, the Division and District offices each prepare comprehensive annual training plans. Some FDOH offices prepare office training plans, and many notify District offices of additional training needs on an ad-hoc basis. In response to identified needs, the Division develops some training courses and makes these available to all offices. Division training generally focuses on rule implementation or database usage. District and FDOH offices conduct varied amounts of duty-specific training internally and access external training sources as resources allow.

Florida's PWSS program does not currently appear to have a clear means for tracking and addressing training needs on a program-wide basis. Staff in multiple offices identified the need for training on: use of PWS website/database tools, information on DBP formation and treatment, DBP stage 2 implementation, technical knowledge that allows staff to tie rules together and optimize overall system compliance, and state enforcement policies. These responses suggest that the PWSS program could realize some efficiencies by implementing more seamless, universal communication of training needs and resources. Several offices stated that they are in the process of re-tooling existing training plans, to adjust for changing duties and priorities that resulted from the 2012 reorganization. This re-tooling period may provide an opportunity for Florida to revisit that way in which it identifies and addresses training needs on a program-wide basis.

A primary goal of the 2012 reorganization was to recognize efficiencies and achieve greater statewide consistency by realigning staff in the Division and some District offices. The changes implemented were

initially disruptive, as they altered established communication pathways and sometimes significantly revised staff workload. However, during interviews, staff provided evidence that re-tooling of the organization aimed at strengthening overall program coordination is now occurring on several fronts. The Division is re-examining training plans and the value of regular, lengthier face-to-face meetings. The Division continues to revisit strategies for maintaining timely access to critical information technology resources. Given the realignment of compliance staff and the revision of some enforcement guidance, the Division has also recognized the importance of clarifying the enforcement process to all offices. Districts clearly desire autonomy to implementing enforcement/compliance issues. However, they are also striving to exchange information and expertise with other Districts, and expressed a desire for clearer guidance from the Division on some issues. District offices that were more heavily impacted by the reorganization continue to re-calibrate their programs to ensure effective PWS oversight.

Resources which were unchanged through the 2012 reorganization contributed considerably to the continued strength of Florida's PWSS program. These resources include FDOH-HQ and FDOH offices, the continued use of 14 geographically-targeted District and FDOH offices to maintain close working relationships with PWS operators, the technical support contract with FWRA, and the Division's continued maintenance of several tools for managing data and information essential to the PWSS program.

Recommendations

The 2012 reorganization refocused Florida's PWSS program on the critical goals of strengthening overall program consistency, and renewing focus on timely accomplishment of program priorities (such as the prevention and resolution of health-based violations). The associated reorganization of staff and resources disrupted many valuable coordination pathways that existed under the old organization. Some expertise was also lost during the reorganization. The re-tooling period that is now occurring is critical to ensuring that Florida maintains and establishes communication pathways and tools that will allow them to best accomplish the priorities of the PWSS program under the new organization. Based on information gathered during this priority review, the following program coordination-related activities are recommended as key to strengthening Florida's PWSS program.

Regular, established communications have historically provided the Division, District and FDOH offices with some of the most valuable ways to leverage the expertise and resources available in the many offices that comprise Florida's PWSS program. Interviewed staff unanimously stated that regular face-to-face meetings (such as the annual PWS conference and quarterly PCE meetings) were the most valuable tools, as these provided the broadest exchange of PWSS program and technical information to the greatest number of staff. Reinstatement of these meetings would strengthen staff knowledge and promote rebuilding of communication pathways. Continued strengthening of regular communication pathways between District offices would increase the exchange of information and expertise relevant to direct oversight of PWS facilities. Increased District expertise could also be leveraged by FDOH offices.

EPA recommends FDEP leads a statewide assessment of technical and programmatic training needs of all offices given the number of new drinking water regulations and new staff to the program. A re-tooling of Florida's training program that allows PWSS program offices to better identify and address training needs would be helpful.

Individual offices provide various levels of internal training, but this could be supplemented with the resources and expertise available from other offices across the state. Reinstatement of the face-to-face meetings noted earlier would provide an efficient means for providing broadly-needed training, such as

guidance on program enforcement tools and priorities as well as provide a meaningful opportunity for offices to share training plans (such as the training program being developed by the SW District).

Some re-tooling of the Divisions standard Program Evaluation template may increase the usefulness of Program Evaluation findings. These regular program evaluations of District and FDOH offices provide an excellent tool for consistently evaluating key components of Florida's PWSS program. However, for some components, the information collected does not clearly explain the basis for differing, or lower, scores among offices. This finding primarily applies to components that do not include PWS-specific reviews (i.e. Organization/Staffing/Resources, DEP Coordination/Assistance and Training components). Questions and scoring mechanisms used for these components could be re-examined and modified to better characterize office strengths or deficiencies. For example, the Division might develop a standard process for updating core training courses to reflect changing program priorities and individual office needs.

Florida's PWSS program may strengthen external coordination though increased participation by local office level in EPA's AWOP program. This participation would allow office staff to better evaluate and assist surface water systems in optimizing treatment goals and enhancing microbial and disinfectant byproduct control. The technical expertise gained could also be shared with other offices.

Local District and FDOH offices are encouraged to make use of the OCULUS and PA document management systems, particularly in effort to coordinate compliance and permitting activities.

Disinfection Byproduct Rules Implementation

Background

Disinfection Byproduct Rules Implementation was selected as a priority for review based on an analysis of state-wide violation data by specific contaminant group. Other than total coliform MCL violations, DBP MCL violations represented the greatest number of health-based violations for water systems in Florida over the past five years. Many water sources in Florida have high quantities of naturally occurring organic matter. When the water with high levels of organics is disinfected with chlorine, high levels of disinfection byproducts can form. Levels of many DPBs increase with water age in finished water storage tanks and distribution systems. Treatment strategies for DBPs can include adjustments to treatment systems (examples: removal of organics prior to disinfection, change of disinfectant, pH adjustment, or removal of DBPs after formation, etc) or changes to operations of distribution systems (examples: adjustments to storage tank levels or fill/draw cycles, flushing practices, elimination of "dead ends" in distribution lines, etc.).

Over the past few years States and water systems have been transitioning from monitoring requirements associated with the Stage 1 Disinfectants and Disinfection Byproduct Rule to the Stage 2 DBP Rule. Some of the key changes including the number, frequency and locations of routing monitoring, inclusion of consecutive water systems to rule requirements, and how compliance is calculated based on locational averages. The transition from the Stage 1 to Stage 2 Rule involved a period of time when EPA, Region 4 was implementing aspects of rule focused on identifying potential new monitoring locations. These early implementation activities were a result of the regulatory timeline beginning before states were required to have the rule adopted. As a result, DEP and DOH field staff played a limited role in training and implementation associated with monitoring site selection. Florida Rural Water did provide a significant

amount of outreach to water systems during this time. Florida had adopted the Stage 2 Rule by the time routing monitoring requirements began and worked with water systems to finalize monitoring plans.

Priority Evaluation Method

Region 4 utilized a combination of data analysis, personnel interviews and onsite file reviews to evaluation strengths and needs associated with Florida's implementation of the DBP rules. Data analysis include reviews of DBP monitoring results from Florida's PWS database and DBP violation data available from EPA's SDWIS data system. Interview questions were used to determine strategies utilized to affect system compliance, understand expertise levels and resource demands for staff and management, and to gage consistency in implementing the regulations and guidance associated with the DBP Rules. File reviews included a review of information used to develop system monitoring plans, an evaluation of system monitoring data to ensure monitoring was done in accordance with the plan, and a review of compliance determinations based on the analytical results.

Key Findings

Most health-based violations for chemical monitoring in Florida are associated with DBPs.

Review of DBP monitoring results from PWS identified a significant number of questionable values of "0" for TTHM and HAA5 analytical results, often at systems/locations that had previous and subsequent high levels. While some amount of fluctuation of results is expected, systems with detected levels greater than ½ of the MCL typically do not have fluctuations that would results in associated non-detect levels.

Staff determine compliance manually based on review of monitoring results as the Stage 2 module of PWS is not yet available. Errors were identified in both water system reporting and state compliance determination including:

- Incorrectly calculating the locational running annual average of monitoring results
- Water system not monitoring in correct months
- Failure of systems to submit Operational Evaluation Reports when required
- Changes in monitoring locations without justifications

Staff have had training on DBP rule compliance. However, very few staff indicated they had much, if any, training related to DBP formation and/or treatment.

Reviewers found recommendations to water systems on flushing strategies that are not supported by EPA and will result in masking ongoing health risks to water system customers.

Some offices have made efforts to integrate compliance and permitting activities to ensure DBP compliance is considered in project review and the potential need for DBP monitoring plan changes based on relevant water system infrastructure changes. Efforts range from having the same staff perform both engineering review/permitting and compliance determination, to developing a liaison responsibility between permitting and compliance office staff.

Recommendations

There is a need for District and County staff to re-evaluate DBP monitoring locations identified in Stage 2 Monitoring Plants. FDEP and DOH should consider enhancing the review of distribution systems during sanitary surveys to include an evaluation of DBP monitoring locations. Considerations for enhancing the sanitary survey include:

- Checking disinfectant residual levels (and pH when available) to assess water quality at areas of high probable water age relative to approved DBP compliance monitoring locations.
- Reviewing flushing practices to determine if water systems are using practices to improve water quality system-wide or just at compliance locations.
- Visit the DBP monitoring locations to identify any changes (e.g. installation of auto-flushing device) that may give reason to modify the monitoring plan.
- Evaluate the appropriateness of changing one monitoring location to Point of Entry for consecutive systems based on the number of monitoring locations and associated baseline data already collected. POE data can be valuable for coordination between wholesale and consecutive water systems.

Provide technical training to staff on how to limit DBP levels in water systems through improved distribution system operation practices. The Area Wide Optimization Program (AWOP) implemented in Region 4 has been used by several states to provide training to water system personnel on DBP compliance strategies that minimize the need for costly infrastructure and to develop the staff expertise to perform the enhanced sanitary survey practices outlined above. Due to the low number of surface water systems in the state, FL has minimally participated in EPA's, AWOP. With the network's significant change in focus to Disinfection Byproducts, FL should engage all districts and counties with opportunities to participate in AWOP.

FDEP should investigate the number of "0" monitoring results to determine if there are any obvious laboratory or data entry errors, or any trends that would raise question as to the integrity of the results.

FDEP should continue to prioritize the development of the Stage 2 DBP module in the PWS database. Manual compliance determination is not an efficient us Priority #4: Data Management

Data Management

Background

One of the required functions of delegated PWSS Programs is to maintain a data management system for tracking compliance, enforcement actions and public water system inventory. FDEPs main database for the drinking water program is called PWS. PWS analytical results are received electronically through the Oculus 5.6.2. Program. The Oculus Program is also accessible to the public for review of PWS documentation. FDEP also uses an Oracle-based database of their own design, PWS. Reports are produced in American Standard Code for Information Interchange (ASCII). Data are transmitted to SDWIS/Fed via an Extensible Markup Language (XML) file created from extrapolated data. Data are reported quarterly, including inventory updates.

Compliance determinations are performed in the district and county offices, using the PWS program. Pre-compliance reports run every night and are available to the offices the following day. A point person in each office is responsible for posting the previous month's violations so they can be compiled by Tallahassee. Treatment technique and Public Notice violations are entered manually. All other

compliance determination is automated. All violation letters and enforcement actions are handled within the individual offices.

FDEP uses the SDWIS/Fed error reports to correct errors but finds that the ".pdf" format is not useful. That format is too difficult to mark up and data cannot be sorted. FDEP would greatly prefer data in Excel spreadsheets.

Key Findings

The Division has developed and maintains several effective tools for entering and accessing PWSS data and reports including:

PWS – Includes 5 reports, further divided by year or geographic area. Basic Facility Reports, Flow Data and Plant Treatment Data files are updated quarterly. Chemical Data and Microbiological Data files are updated annually in March. Reports provide information on sample results, average/max monthly flows, types of water treatment, the type of system, address, capacity, sources of water, population and service connections served, dates the Department performed the last sanitary survey, and the dates the last bacteria and inorganic/organic contaminant testing was performed.

PA – database that tracks the permit application process to ensure statutory time clocks are met.

OCULUS – an electronic, web-based document management system that allows the public to search and review permitting documents within DEP.

Compliance/Enforcement: Does FDEP-SDW maintain a database to track permit compliance/enforcement and complaints received (similar to ERPce (Environmental Resource Permitting Compliance & Enforcement)?

FDEP-DW standardized PDF/Word data/information entry forms for use by PWS and laboratories to document: (1) Permitting/Construction/O&M activities (Chapter 62-555.900 F.A.C.) and (2) reporting results for required test measurements or analyses (Chapter 62-550.730 F.A.C.). Users may generate computer-generated versions of same.
(see http://www.dep.state.fl.us/water/drinkingwater/forms.htm#555fm20alt)

NEXUS – user-friendly information portal for retrieving documents from OCULUS archival database.

PASS (Permit Application Subscription Service) System: Allows user to receive automated, customized notification of permit application status (e.g by application types, geographic area, etc.)

Data entry and compliance determination tools available through the PWS database provide staff in all offices with a rapid, reliable, consistent way to upload system monitoring data and accurately calculate compliance. The value of this tool was readily apparent during staff interviews, as staff unanimously emphasized the need for the Division's soon to be released DPB Stage 2 compliance determination tool.

Use of a state-developed tool also allows staff to more easily request helpful database changes. Simpler changes are implemented by Division staff, while more comprehensive changes are made by staff in the FDEP's Office of Information and Technology Services (OTIS). Requests to OTIS are sometimes delayed, as OTIS must prioritize database needs for multiple programs. The Division works to maintain the priority level of key PWS database updates, but limited OTIS resources are an ongoing challenge.

The Division also maintains two web-based document tracking systems that allow staff and the public to obtain SDWP documents of interest. OCULUS houses copies of permitting and enforcement documents. The Permitting Application (PA) System, allows the user to retrieve permit applications currently under review. While these systems may provide a valuable resource to inspectors and permit reviewers, it is unclear to what extent some offices use these systems. More comprehensive training on these systems may facilitate the exchange of information between permitting and compliance staff.

Recommendations

Florida's PWSS program should continue to implement a strong data and information management program that is available to all offices. The PWS database addresses a critical need, providing a consistent suite of tools for data entry and compliance determination that can also be modified to address staff needs.
e of FTE, nor is it particularly effective as several compliance determination errors were found in the review of a small number of water system files.

External Outreach

Background

In selecting topics for review, FL's compliance assistance outreach to public water systems was identified as a program strength. The review included a combination of document review and interviews of key staff and managers. With recent changes in drinking water law (Stage 2 Disinfection Byproduct Rule, Ground Water Rule, Reduction of Lead in Drinking Water Act, Revised Total Coliform Rule), water systems are increasingly dependent on state agencies to provide the outreach necessary to explain the details of the rules and regulations that will ensure sector compliance and protection of public health.

FDEP and FDOH value a strong relationship with the regulated community and strive to ensure that, where possible, concerns are address through compliance assistance activities prior to water systems incurring a potential violation. The FL drinking water program achieves outreach to water systems through site visits to water systems, training classes, contracts with technical assistance partners, and direct mailings to water systems and water system professional.

Key Findings

FL DEP/DOH utilized a number of mechanisms to provide meaningful outreach activities to public water systems, including:

- Drinking Water Technical Assistance Program

- Contract with Rural Water to provide training and operator certification
    - Focus on Change training seminars ~ 6 events/year
    - Water treatment plant operator certification ~16 events/year
    - Water distribution system certification training ~5 events/year
    - Water treatment plant operation and maintenance ~17 events/year
    - Electrical safety and generator set up ~ 1 event/year
    - Treatment technologies and conservation ~ 1 event/year

  - Emergency Response Plans ~ 0-1 event/year
  - Over 3,000 technical assistance site visits/year from Circuit Riders

- Limited Involvement in Area-Wide Optimization Program

- Operator Certification Program

- Floridian Newsletter

- Sanitary Surveys and other inspections

Florida's strong suite of outreach tools provide office staff with ways to enhance coordination with local PWS operators. The Division's Technical Assistance Program assists all offices in resolving technical, managerial and financial challenges of individual public water systems at no cost to those systems. The contracted services of FRWA are frequently used by smaller rural water systems. FRWA also provides training on various topics of interest to both system operators and FDEP and FDOH staff, including full-day of sessions during the "Focus on Change" seminars which are held year-round at locations throughout the state. Available training sessions are listed on the FWRA website. The Division participates minimally in EPA's "Area-Wide Optimization Program" (AWOP), and uses this program to more closely evaluate and assist the ability of surface water systems to optimize disinfection and filtration treatment goals and enhance microbial and disinfectant byproduct control. While participation has recently decreased, staff interviewed in some District and FDOH offices expressed interest in increasing participation in order to benefit PWSs while strengthening the expertise of office staff.

All offices expressed a need for greater technical training of inspectors, compliance, and permitting staff citing a concern with being able to adequately address simultaneous compliance concerns with water systems. Some entities expressed concern over a perceived loss of drinking water programmatic expertise within FDEP.

Customer complaints made to the state are address in a timely and appropriate fashion. There was some uncertainty as to what DOH laboratory support is available to District staff when responding to customer complaints.

Every office makes a concerted effort to send letters to each water system annual to provide minimum monitoring requirements to ensure water systems complete all required monitoring.

Recommendations

Florida should continue to implement a strong PWSS outreach program. FRWA contracted services and training sessions provide invaluable support to local offices in their efforts to assist PWS operators. Focus on Change seminars also provide opportunities for exchange between office staff and PWS operators, strengthening communications between these parties.

Consider exploring the appropriateness of addressing laboratory support for bacteriological monitoring in the interagency agreement between DOH and DEP. The support would be used when responding to customer complaints or in carrying out any special studies that would enhance the value of Department outreach for water systems.

The EPA believes District and County staff participation in the Area-Wide Optimization Program would facilitate improved outreach to water systems. In addition to new regulations, large turnover in drinking water staff, in some areas, has created a need for increased investment in drinking water program training. EPA strongly encourages Districts and Counties to interact more, through routine meetings and trainings, to discuss implementation challenges/successes so that expertise across the state is better leveraged to fill the knowledge gaps associated with new regulations and new program staff.

EPA Priority Review of Florida Drinking Water Program
Overview and Site Visit Prep Document

Assistance in scheduling interviews (30 minutes each) for key staff and managers associated with drinking water enforcement, disinfection byproduct rules, internal coordination between DEP and DOH, and external outreach with water systems. Please provide names for the following interviews (1-2 per category, as appropriate for your office):

Miami-Dade FDOH

a. Enforcement Program Manager
(Paul L. Andre)
b. Enforcement Officer (Staff)
(Reinaldo Caballero, Tracie Dickerson, Heather Beaton)
c. Drinking Water Program Manager
(Paul LEVELT André)
d. Staff responsible for DBP implementation
(Richard Rojas and Paul Andre)
e. Staff responsible for conducting water system inspections and/or providing technical assistance
(Richard Rojas and Paul Andre)

Broward FDOH

a. Enforcement Program Manager
(Rafael Reyes)
b. Enforcement Officer (Staff)
(Paul Thompson and Rafael Reyes)
c. Drinking Water Program Manager
(Rafael Reyes)
d. Staff responsible for DBP implementation
(Sandra Giraldo and Rafael Reyes)
e. Staff responsible for conducting water system inspections and/or providing technical assistance
(Bill Lorenzo, Sandra Giraldo, Shani Grant, Paul Thompson, and Rafael Reyes)

SWD DEP

a. Enforcement Program Manager
(Ed Watson and Gerald Foster)
b. Enforcement Officer (Staff)
(Ed Watson and Gerald Foster)
c. Drinking Water Program Manager
(Ed Watson)
d. Staff responsible for DBP implementation
(Ed Watson and Gerald Foster)
e. Staff responsible for conducting water system inspections and/or providing technical assistance
(Ed Watson and Jayme Brock)

DEP HQ

a. Enforcement Program Manager
(Jessica Kleinfelter)
b. Enforcement Officer (Staff)
(Eric Bengtson, David Wales)
c. Drinking Water Program Manager
(Trevor Noble)
d. Staff responsible for DBP implementation
(Virginia Harmon, Eric Bengtson)
e. Staff responsible for-providing technical assistance
(John Sowerby, Virginia Harmon, and David Wales)

Additional contacts:

DOH HQ: **Bob Vincent and Ed Bettinger**

SED DEP: Michele Owens

Appendix _

Potential Questions on FL Agency Coordination

1. Describe the current structure, duties and staffing of your office? Have these been altered by recent reorganizations? If so, describe how?

2. Briefly describe the working relationship (e.g. communication, work flow) between the Division, District offices and FDOH offices?

3. What information do you most often provide to other FDEP/FDOH offices?

4. What means/tools do you use to receive/provide this information (e.g. verbal/email, website post, database upload/download, reports, conferences, meetings, training)? How well do these transmittal pathways function?

5. What kinds of issues are typically discussed in monthly conference calls with all agencies (or quarterly conference calls between Districts and DOH)? Do the meetings and follow-up communications (e.g. meeting minutes, postings on website bulletin board) address your needs?

6. What other meetings, webinars, conferences, workgroups have you participated in with other DEP/DOH offices over the last year?
    a. Have these assisted you in accomplishing assigned duties or facilitated improvements in FDEP's SDW program?
    b. Any suggested improvements (e.g. in structure, content, frequency) that would allow these meetings better meet your needs?

7. Training:
    a. Which training courses have you attended over the past year? Were these useful?
    b. Were you able to attend all desired/needed training? If not, why?
    c. Are there any additional training courses that you wish you had access to?
    d. Describe your office's training plan. Is this a helpful tool?

8. What data management tools does your office use to implement SDWA activities?
    a. How well do these tools support your implementation efforts?
    b. What kinds of change/improvements have been made to the data management process in recent years?
    c. What, if any, additional improvements to the data management process would you suggest?
    d. What impact, if any, have recent reorganizations had on FDEP-HQ data management activities?

9. Describe the delegation process
    a. How is the decision to delegate made?
    b. How is the delegation documented (e.g. Interagency Agreement)?
    c. How is the delegation implemented (e.g. scope of delegated functions, District oversight process, daily operation)
    d. How are laboratory certification information/issues communicated and addressed?
    e. How well is the delegation process working? Areas in need of improvement?

10. What would you like to highlight regarding FDEP's drinking water program?

11. What are the greatest resource demands for the drinking water program?

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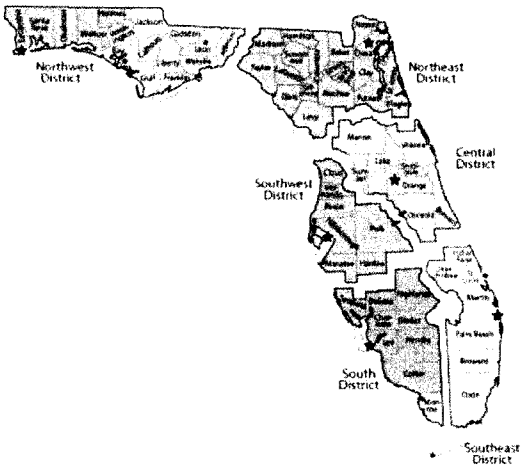
PRIORITY REVIEW

OF THE PUBLIC WATER SYSTEM SUPERVISION PROGRAM FOR THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

DRAFT REPORT



Prepared by the
Environmental Protection Agency, Region 4
Drinking Water Section, Water Protection Division

May 21, 2015

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Appendix

(b)(5) Deliberative Process Privilege

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(b)(5) Deliberative Process Privilege

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(b)(5) Deliberative Process Privilege

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- External Outreach

INTRODUCTION

Region 4 developed a protocol, called a Priority Review, for assessing the performance of state PWSS Programs and for evaluating the adequacy of resources dedicated to identified priorities for individual state programs. The Priority Review replaces EPA's Data Verifications that historically reviewed state data associated with each rule in the National Primary Drinking Water Regulations. The new approach is intended to be transparent and targeted in assessing a few priority focus areas identified in a collaborative effort between the state and EPA, Region 4. The following priority areas of focus have been identified for Florida:

1. Enforcement of drinking water regulations
2. Internal state coordination between DEP and DOH on the drinking water program
3. Disinfection Byproduct Rules implementation
4. Data Management, and
5. External outreach

The priority areas were assessed through review of existing documentation submitted to EPA, review of selected water system files, and through interviews with staff and managers. This review represents one of the best opportunities to support the needs of your drinking water program, as well as to highlight the successes your program has achieved. While these reviews represent a high-priority effort, they will only achieve positive results if we see ourselves working towards the same goal, highlighting areas where both EPA and Florida believe improvements can be made in program effectiveness.

OVERVIEW OF FLORIDA'S PWSS PROGRAM

EPA gives flexibility to state primacy agencies for required PWSS program activities. In Florida, PWSS implementation activities are spread over a decentralized organizational structure. The Department of Environmental Protection has the primary role of regulating public water systems (PWSs) in Florida. The Source and Drinking Water Program (SDWP) located in the FDEP headquarters in Tallahassee (FDEP-HQ) is responsible for writing rules, developing policy, managing funds, providing training, managing data, and managing special initiatives. The Water Compliance Assurance Program (WCAP) is responsible for oversight, tracking and reporting of enforcement and permitting activities. The enforcement of rules and permitting of new construction for individual PWSs is handled by six FDEP district offices. In eight Florida counties, the Districts have currently delegated this enforcement and permitting authority to local approved county health departments through Interagency Agreement. FDEP has also delegated laboratory certification to the Department of Health Laboratory in Jacksonville.

FDEP-HQ environmental programs are divided into three main areas, one of which is Regulatory Programs. The Deputy Secretary for Regulatory Programs provides oversight and direction to four FDEP-HQ regulatory divisions, including the Division of Water Resource Management (DWRM) and six regulatory district offices. The SDWP and WCAP programs are both located within DWRM, while the regulatory district offices report directly to the Deputy Secretary for Regulatory Programs. Following is a complete list and description of all programs which contribute to FDEP's implementation of Safe Drinking Water Act (SDWA) requirements.

Florida Department of Environmental Protection

FDEP-HQ Division of Water Resource Management (DWRM):

- FDEP-HQ Source and Drinking Water Program (SDWP): Coordinate overall PWSS implementation through policy and rule development, and management of funding, training, data and special initiatives. Ensure all SDWA program requirements are conducted and reported to EPA as outlined in the annual PWSS workplan.
- FDEP-HQ Water Compliance Assurance Program (WCAP): Facilitate statewide coordination of compliance and enforcement activities by providing and/or supporting the development of policy, guidance and training to ensure consistency among the six District Offices for state Drinking Water and Wastewater Programs. Ensure all SDWA compliance and enforcement activities are conducted and reported to EPA as outlined in the annual PWSS workplan commitments.

FDEP-HQ Office of General Counsel (OGC): Provide legal counsel and represent FDEP in implementing enforcement, permitting and programmatic actions. Provide training and consultation to FDEP staff.

FDEP-HQ Office of Technology and Information Services (OTIS): Manage functionality and security of the information technology systems that support FDEP mission success. Provide application development and customer support services to FDEP Divisions and regulatory districts that use regulatory databases, including SDWP support needs for PWS.

FDEP Regulatory District Offices: Coordinate and implement all permitting, compliance and enforcement activities for counties located within District boundaries, including permit reviews, facility inspections, compliance assistance, rule enforcement and response to reports of environmental damage. Six separate offices serve counties located in the Northwest, Northeast, Central, South, Southeast and Southwest portions of the state. The FDEP District Office delegates this authority to qualified individual Florida Department of Health (FDOH) county offices. Provide legal, technical and training assistance to delegated FDOH county offices.

Florida Department of Health

- The current DEP-DOH Interagency Agreement delegates lead PWSS program implementation authority from the responsible FDEP District Office to DOH offices in the counties of Broward, Miami-Dade, Hillsborough, Lee, Sarasota, Palm Beach, Polk and Volusia. Delegated FDOH county offices coordinate and implement permitting, compliance and enforcement activities for that county.
- The Florida Department of Health laboratory in Jacksonville maintains a State program for the certification of laboratories conducting analytical measurements of all drinking water

contaminants, with the exception of radionuclides, in accordance with Florida Statutes 403.862-.8635 and Florida Administrative Code (F.A.C.) Chapter 62-550.550.

South Carolina Department of Health: South Carolina's radiological laboratory is responsible for the analysis of all radionuclude samples for Florida PWSs, in accordance with an MOA approved by SESD on January 28, 2013.

This organization is significantly changed from the structure that was in place during the previous 2009 Program Review conducted by The Cadmus Group, Inc. on behalf of EPA. In 2012, FDEP underwent a reorganization which affected both FDEP-HQ and FDEP District offices. At FDEP-HQ, the source and drinking water program staff were merged to form the Source and Drinking Water Program. Staff were relocated from the Drinking Water Program to support the formation of a centralized compliance and enforcement group (WCAP) and a more centralized information technology group (OTIS). District boundaries were redrawn, and resources were re-allocated, to allow for a more even distribution of resources among Districts. A primary objective of this reorganization was to improve program efficiency/effectiveness and promote consistency by streamlining the management structure and increasing cross-utilization of resources, particularly in the areas of compliance determination and data management.

FDEP's authority to implement provisions of the Safe Drinking Water Act (SDWA) derives from Chapter 403, Part VI, Florida Statutes and by delegation of the federal program from the U.S. Environmental Protection Agency. The Department has promulgated a number of rules in Chapters 62-4, 62-550, 62-555, 62-560, 62-602 and 62-699 F.A.C. to address drinking water standards, monitoring and reporting; public water system permitting and compliance; and treatment plant operators, classification and staffing. These requirements impact approximately 5245 federally regulated public water systems (PWSs) with approximately 1649 (or 31%) of Florida's PWSs being community water systems, approximately 776 or (15%) being non-transient non-community systems, and approximately 2820 or (54%) being transient non-community systems (Table 1).

PWS TYPE	WATER SOURCE	COUNT
CWS	Surface Water only	5
	Surface & Ground Water	69
	Ground Water only	1575
NTNC	Surface Water only	0
	Surface & Ground Water	4
	Ground Water only	772
TNC	Surface Water only	5
	Surface & Ground Water	1
	Ground Water only	2819
TOTAL		5245

Table 1. Count of Florida Public Water Systems by Type and Source

PRIORITY REVIEW OF SELECTED PROGRAM AREAS

The U.S EPA, Region 4 Drinking Water Section (EPA, Region 4) developed a protocol, call a Priority Review, for assessing the performance of state Public Water System Supervision Programs and for evaluating the adequacy of resources dedicated to identified priorities for individual state programs. The Priority Review replaces EPA's Data Verifications that historically reviewed state data associated with each rule in the National Primary Drinking Water Regulations. The new approach is intended to be transparent and targeted in assessing a few priority focus areas identified in a collaborative effort between the state and EPA, Region 4. The following priority areas of focus have been identified for Florida:

- Enforcement of drinking water regulations
- Internal state coordination between DEP and DOH on the drinking water program
- Disinfection Byproduct Rules implementation
- Data Management, and
- External outreach

Enforcement of Drinking Water Regulations

Background

Compliance and Enforcement Program Implementation was selected as a priority for review in order to assess whether a state is implementing the requirements of the Public Water System Supervision (PWSS) program. The states ensure that human health is safeguarded by enforcing the requirements of the Safe Drinking Water Act (SDWA) to ensure that the states' public drinking water supply and its sources are protected. Historically, the reviews of the states' PWSS programs, whether that be through a Data Verification, Program Review, or a Priority Review, did not typically include an evaluation of the compliance and enforcement program at the states. Region 4 has determined that this is an important aspect of a review of the implementation of a PWSS program, and plans to include this in future Priority Reviews, as appropriate. Through this review, EPA promotes regional consistency, identifies successes in implementation of the PWSS program, and identifies opportunities for improvement in the compliance and enforcement programs.

In January of 2010, EPA began implementation of a new enforcement approach designed to help our nation's public water systems comply with the requirements of the SDWA. This new approach replaced the previous system of a contaminant to contaminant compliance strategy with one that focuses attention on the drinking water systems with the most serious or repeated violations. This strategy identifies public water systems with violations that rise to the level of significant noncompliance by focusing on those systems with health-based violations and those that show a history of violations across multiple rules. This system-based methodology is intended to ensure consistency and the integrity of the PWSS national enforcement program. This approach includes a revised Enforcement Response Policy (ERP) and new Enforcement Targeting Tool (ETT).

The ETT uses a tool that enables the prioritization of public water systems by assigning each violation a "weight" or number of points based on the assigned threat to public health. Points for each violation at a water system are summed to provide a total score for that water system. Water systems whose scores exceed a certain threshold will be considered a priority system for enforcement.

EPA recognizes that states carry out both formal and informal enforcement and compliance assistance activities. These activities are effective tools for achieving compliance. Nevertheless, systems specifically identified by the ETT as priorities must be returned to compliance (RTC) or EPA will expect formal, enforceable mechanisms to return such systems to compliance. States are expected to escalate their response to ensure that RTC is accomplished. Once a public water system is identified as an enforcement priority on the ETT list, an appropriate formal action or RTC will be required within two calendar quarters to be considered "timely". However, regardless of a public water system's position on a state's ETT list, EPA expects that states will act immediately on acute, health-based violations and subsequently confirm that systems with such violations return to compliance.

Priority Evaluation Method

Region 4 utilized a combination of data analysis, personnel interviews, comparison of established program strategies with the ERP, and onsite file reviews to evaluate Florida's successes in implementation of the PWSS program and identify opportunities for improvement in its compliance and enforcement program. Data analysis included a review of the EPA ETT Tracker, which is a tool that provides useful metrics and graphing capabilities for systems' current and past ETT scores for up to twenty (20) quarters. This information was used to aide in the selection of the files to be reviewed and get a rough evaluation of Florida's ability to timely and appropriately return systems to compliance or issue formal, enforceable mechanisms that will return a system to compliance. Additionally, EPA's SDWIS data system was used to determine what violations and enforcement had been done for each of the selected files to review. Nine (9) files were selected for review, however, only eight (8) were reviewed (See table named *Timeline for Settlement of Identification as a Priority System on the ETT List* below). Interview questions were used to understand the dynamics of the organization including staffing resources and demands and to determine how the established program strategies were being implemented with regards to Florida's compliance and enforcement program. The *Department of Environmental Protection (DEP) Enforcement Manual* and *Directive* 923 were reviewed for consistency with the EPA ERP requirements to ensure that these policies enabled the state to meet the requirements of timely and appropriate compliance and enforcement. File reviews included a review of the violations determined, an evaluation of the enforcement mechanisms issued for consistency with the *DEP Enforcement Manual* and the EPA ERP, and a comparison of the information found during the file review with the data reported to EPA's SDWIS data system.

Key Findings

The accuracy of data reported by FDEP to SDWIS was found to be in need of improvement in the following ways:

- All violations identified in the file and/or provided from the FDEP tracking system, are not being submitted to SDWIS. This discrepancy was found in the District and both DOH offices. Primarily the violations that are not being submitted are monitoring and reporting violations for various parameters. For the identified systems, 6 of the 8 reviewed had violations noted in the file/data provided that were not identified in SDWIS.

- Enforcement actions taken and submitted to SDWIS, are either not being timely uploaded, properly linked to relevant violations, and/or the data uploaded is inconsistent with the documents provided for review. For the identified systems, 7 of the 8 reviewed had discrepancies

with the information for the enforcement actions submitted to SDWIS. Specifically, for the files reviewed, there were instances where violation(s) were linked to enforcement actions that upon review of the enforcement action, it was determined that the action did not include or address those violations. Also, there were several instances where the data submitted to SDWIS showed multiple dates for the same enforcement action. It appears that the dates of enforcement are not being consistently entered (i.e. dates were submitted for the signature date of the effective order, receipt date of the effective, or the date the proposed order was sent to the respondent). So it was noted that at times there would be two formal actions entered into SDWIS when there was only one issued.

During the file review, EPA tracked compliance and enforcement mechanisms used and evaluated them for timeliness and appropriateness of the action or return to compliance. Based on this review, the following was determined in regards to the timeline for systems identified as a priority on the ETT list to be returned to compliance or have a formal enforcement action issued.

Table 1: Timeline for Settlement of Identification as a Priority System on the ETT List

PWS ID	System Name	Date of First Appearance on ETT List as Priority System	Date of Settlement (RTC or issuance of Formal Enf)	Days Between ETT and Settlement	Settlement RTC or Formal Action ?	Quarters on ETT List as a Priority System
FL6095083	**Seven Rivers Professional Center**	**9/30/2010**	**2/20/2013**	**874**	**RTC**	**10/2010, 01/11, 04/11, 07/11, 10/11, 1/2012, 04/2012, 7/2012, 10/2012, 1/2013, 4/2013, 7/2013**
FL6510807	Holiday Gardens Util Inc.	3/31/2011	7/7/2011	98	Formal Action	04/2011, 07/2011, 10/2011, 04/2014, 7/2014, 10/2014
FL6510807	Holiday Gardens Util Inc.	3/31/2014	2/27/2014	-32	RTC	
FL6272304	**Camper's Holiday**	**3/31/2011**	**4/15/2011**	**15**	**Formal Action**	**04/2011, 07/2011, 01/2013, 10/2013, 01/2014, 10/2014**
FL6272304	**Camper's Holiday**	**12/31/2012**	**6/5/2013**	**156**	**Formal Action**	
FL4064392	Kids Paradise	12/31/2011	4/26/2012	117	Formal Action	01/2012, 04/2012, 07/2012, 04/2014, 07/2014
FL4064392	Kids Paradise	3/31/2014	4/24/2014	24	Formal Action	
FL4060402	**Everglades Holiday Park**	**12/31/2009**	**3/23/2012**	**813**	**Formal Action**	**01/2010, 04/2010, 10/2011, 01/2012, 04/2012, 01/2013, 04/2013, 07/2013, 10/2013, 01/2014, 04/2014**
FL4060402	**Everglades Holiday Park**	**3/31/2013**	**3/13/2013**	**-18**	**Formal Action**	
FL4061517	Royal Utility Company	3/31/2011	10/20/2010	-162	RTC	04/2011, 07/2013, 10/2013, 01/2014
FL4061517	Royal Utility Company	6/30/2013	2/12/2013	-138	Formal Action	
FL4131403	**Americana Village**	**3/31/2010**	**8/28/2012**	**881**	**RTC**	**04/2010, 07/2010, 10/2010, 01/2011, 04/2011, 07/2011, 10/2011, 01/2012, 04/2012, 07/2012, 10/2012, 01/2013, 04/2013, 07/2013**
FL4130833	Jones Trailer Park	12/31/2009	9/30/2011	638	RTC	01/2010, 04/2010, 07/2010, 01/2011, 04/2011, 07/2011, 10/2011, 01/2012, 01/2013
FL4130833	Jones Trailer Park	12/31/2011	10/3/2012	277	RTC	
Average Days Between ETT and Settlement				**253.07**		

Note: Some of the systems had multiple dates evaluated because they were bouncing on and off the ETT Priority List

For the evaluated systems, only two (for all the specified appearances on the ETT List as a priority system) met the 2-quarter timeliness goal established in the EPA ERP, 3 of the 8 met the goal for one of the appearances on the ETT list but not for all of the appearances, 6 of the 8 did not meet the goal for

one or more of the appearances the system had on the ETT List as a priority system. On average for the identified systems (including those with multiple appearances as a priority system on the ETT List), the days between appearing on the ETT list as a priority and settlement of the violations was 253 days. This is in excess of the 2-quarter timeliness goal.

Also, in evaluation of the data above, there is an indication that formal actions and/or return to compliance data is not consistently being entered timely so that the ETT scores accurately depict the compliance and enforcement history. Therefore, some of the systems above, remained on the ETT list as priority systems multiple quarters after the resolving action had been issued.

During the file review, it was discovered that in 2 of the 8 files, enforcement actions were initiated but never completed and there was no explanation in the documents provided that explained why the action was not pursued. This was especially important information since both of those systems had been identified as priority systems for multiple consecutive quarters without returning to compliance or having a formal action issued.

The *DEP Enforcement Manual,* developed jointly by the Secretary, Deputy Secretary, and Assistant Deputy Secretary of Regulatory Programs, and is periodically revised as necessary. The latest revisions occurred in September 2013 and October 2014 for the chapters addressing compliance and enforcement processes. The manual describes FDEP's enforcement organization, compliance options, enforcement options, inspections and investigations protocol, administrative process and remedies, judicial process and remedies, litigation procedures, data management, and penalty policies. Overall, the *DEP Enforcement Manual* is a thorough document which is provided to all District offices and authorized Department of Health (DOH) offices. However, when compared to the EPA ERP, it was determined that the *DEP Enforcement Manual* was not consistent with the EPA ERP in that it did not define an expectation of timely and appropriate enforcement. The *DEP Enforcement Manual* had no clear expectation and/or goal for returning a system to compliance or issuing formal enforcement for systems that are identified as priority on the ETT nor for systems with acute, health-based violations. During the interviews and file reviews, it was determined that the goals of issuing formal enforcement and/or returning a system to compliance varied between the offices evaluated. The Southwest District (SWD) indicated that they were given some established guidelines on the expectations of timely and appropriate enforcement in the annual *SWD Business Plans*. However, both of the DOH offices (Broward County DOH and Miami-Dade DOH), indicated that there were no set timelines provided by FDEP for issuance of formal enforcement or returning the system compliance. Each of the DOH offices had established goals/expectations for timely and appropriate enforcement on their own.

Staff in the Division, Districts, and DOH offices are provided with training on the *DEP Enforcement Manual* and *923 Directive*.

In February of 2013, the FDEP Division instituted a Peer Review Process. This Peer Review Process establishes that prior to the issuance of formal enforcement by the District offices, a Peer Review Recommendation Memo must be sent to the Division. The Division then reviews the Peer Review Recommendation Memo to determine if formal enforcement is appropriate, ensure that penalties are consistently calculated across all District offices, and that all regulations and violations are appropriately and consistently included in the enforcement. This process was established to ensure a consistent and equally applied approach to enforcement across all District Offices. This approach is not applied to the DOH offices, who independently establish their enforcement activities within the confines of the Interagency Agreement and the *DEP Enforcement Manual.*

The SWD office and Broward DOH office have both implemented a strategy of sending reminders to the systems of their monitoring responsibilities and timelines. The reminders are sent out to the systems at a minimum of annually and in some cases monthly or quarterly as well. These activities were implemented to decrease instances of monitoring and reporting violations. The Miami-Dade DOH office has also implemented a program that aides in decreasing monitoring and reporting violations, by conducting sampling for the small systems and as well as for the transient non-community systems and a few community systems. These sampling efforts are being done through a state laboratory in Miami.

Recommendations

Update the *DEP Enforcement Manual* or provide official written guidance to all offices of the following:

- The expectation to address those systems identified as priority systems on the ETT list within 2 quarters of appearance on the list, either by returning the system to compliance or issuing formal and enforceable enforcement as well as to act immediately on acute, health-based violations and subsequently confirm that systems with such violations return to compliance. This would help to ensure that the state is consistent with the EPA ERP, the state's PWSS grant work plan, and that the State is consistently implementing the compliance and enforcement program throughout all of the districts and authorized programs.

- The expectation that the date that is being used as the date of enforcement action, which is entered into the PWS data system and ultimately into SDWIS, is consistently the same date across all districts and authorized programs. Note: The date the proposed order is sent/signed, the date of receipt of the proposed order, and the date of signature by the respondent should not be used as the date of enforcement for reporting purposes. These dates are not indicative of an effective order.

Efforts should be made to ensure that data submitted to SDWIS is timely, enforcement action dates are accurately and consistently entered, all violations are identified and submitted to SDWIS, and that all violations are accurately linked to the appropriate enforcement mechanisms. FDEP should develop and implement revised procedures to ensure accurate reporting of enforcement and compliance information into SDWIS.

Records should be maintained in the file that denote any and all decisions made with regard to enforcement actions, such as if there is a change from the proposed document or a decision to not pursue the enforcement action initiated.

FDEP should continue with the Peer Review Process initiated to ensure consistency of the enforcement activities across the Districts, and evaluate whether the process should be expanded to require that all formal actions, including those where both parties are in complete agreement, are submitted to the Division for review.

Internal state coordination between DEP and DOH on the drinking water program

Background

Program coordination was selected as a priority review topic due to the number of separate offices that implement Florida's Public Water System Supervision (PWSS) program and the significant impacts that

a 2012 FDEP reorganization had on many of these offices. A first goal of the review is to better understand what kinds of coordination activities occur between offices and how these activities impact PWSS program implementation. A second goal is to determine how the 2012 reorganization altered previous coordination tools and pathways and describe Florida's efforts to adjust to those changes.

As described in the Overview section of this report, Florida implements the PWSS program through multiple offices, each of which handles specified duties for a designated portion of the state. The Division manages Florida's overall primacy program and develops and maintains many of the resources used by six District offices and eight delegated FDOH offices. District and FDOH offices have autonomy to implement the program at the individual system level, but must conduct activities consistent with the Division rules, policy and guidance and communicate accomplishments to the Division. The Division and Districts both report to FDEP's Deputy Secretary for Regulatory Programs. The 2012 reorganization redefined the FDEP's leadership structure and redistributed staff in the Division and some District offices in several ways, as described in the overview section of this report. FDOH offices were unaffected by the reorganization.

Florida's assignment of PWSS program duties to multiple offices and agencies allows the state to leverage significant additional resources and expertise. However, good communication and collaboration is needed to ensure effective, consistent operation of this decentralized program. The overall objective of this review is to ensure that effective mechanisms for ensuring good program coordination remain in place, and to document any particular strengths or weaknesses that require further consideration.

Priority Evaluation Method

Region 4 used a combination of document reviews and personnel interviews to understand past and present coordination activities in Florida and evaluate how well those activities support Florida's overall PWSS program implementation. The documents and information reviewed were obtained from EPA Region 4 files, Division files and the Division's SDWP website (http://www.dep.state.fl.us/water/drinkingwater/). Of these, the following documents provided information on Florida's internal and external program coordination activities:

- FDEP responses to EPA's PWSS Priority Review Background Questions
- FDEP's 2014 Operator Certification Program Annual Submittal
- FDEP's FY13 Annual Capacity Development Program Implementation Report
- FDEP's 2014 triennial report to the governor on "Florida's Strategy to Improve Public Water Supply"
- FDEP-HQ PWSS Program Review Reports for 2013-2014 program evaluations of FDEP District and FDOH county field offices
- Issues of the Floridan newsletter
- Information available to public water systems on the SDWP website

The Division also provided EPA Region 4 staff with a walk-through of the information and data management tools available on the Division's internal PWS website during this review. These tools are accessible to all District and FDOH offices.

To obtain a range of perspectives on coordination activities, EPA visited multiple offices that together represent a cross-section of PWSS program components. These included the Division office, the

Southwest District office and FDOH offices in Broward and Miami-Dade counties. FDOH headquarters staff and Southeast District staff also participated in FDOH office visits. EPA interviewed multiple staff at varying levels of responsibility in each office. The names of program managers and technical staff interviewed in each office were obtained from FDEP in advance (Appendix ?). EPA developed a comprehensive list of questions on internal, inter-office and external (i.e. outreach) coordination (Appendix ?), and selected appropriate questions from this list for each interviewee, depending on that person's responsibilities. Program Coordination interviews were conducted with groups of employees, as this approach allowed office staff to provide a more complete description of program interaction and also allowed EPA to better observe the dynamics of each office.

Key Findings

To achieve successful program coordination, program components must be organized in a way that allows them to work together effectively to achieve overall program goals. Florida has used many methods to facilitate effective program coordination across all offices. During interviews, staff noted the following existing and historical tools:

Existing Tools:

1) Regular internal office staff meetings
2) Monthly communication calls between the Division and all District-DOH offices to introduce new policy and regulations
3) Regular comprehensive program evaluations by the Division of District offices (triennially) and FDOH offices (annually)
4) One-on-one communication between District liaisons/experts and FDOH office staff
5) Internal PWS communications website - repository for SDWP information, including current announcements, guidance, available training, webcasts, powerpoint presentations and historical meeting minutes; maintained by the Division
6) Internal PWS database – standardized data entry tools facilitate data reporting/retrieval and compliance determination by staff; developed and updated by the Division to address changing requirements and user needs
7) Technical assistance from Florida Rural Waters Association (FRWA) – a Division-managed contract that provides assistance to small systems and conducts FRWA training sessions on many topics, including full day "Focus on Change" Seminars

Previous Tools:

1) Quarterly Permitting, Compliance and Enforcement (PCE) Meetings – means of informally sharing policy and implementation issues between Division and FDEP-FDOH offices
2) Annual PWSS Conference – face-to-face meeting of Division and all FDEP-FDOH office staff that provided information on program policies and issues, rule training and valuable discussion of specific questions, concerns and needs.
3) Quarterly meetings between each District liaison and delegated FDOH offices located within that District. EPA believes there is still an expectation for these meeting to occur, but it appears that currently the meetings occur infrequently and only in some Districts.

All offices emphasized that internal staff levels are minimally adequate to implement the assigned program workload. Administrators work closely with their staff to coordinate individual responsibilities in ways that build employee job satisfaction while maximizing output and work quality. One office

recognized efficiencies by assigning individual staff both compliance and permitting duties in order to develop more holistic program knowledge. Another office supported employee skills development by devising a detailed training program that included both classroom and on-the-job shadowing. The assignment of job duties commensurate with skill level improved work product and employee satisfaction. Several offices strove to reduce the number of compliance issues by annually notifying systems of required upcoming monitoring activities. One office also achieved greater compliance levels, by having staff conduct required monitoring for most small systems.

Many administrators stated that their programs achieve much more by leveraging resources available from the Division and other offices. Leveraging occurs in many ways, including meetings, training and the use of common tools to manage and share SDWP data and information.

The PWSS program conducts various meetings and calls on a regular basis. Monthly 1-2 hour calls coordinated by the Division provide regular updates on pertinent program issues, but are limited in scope. District liaisons noted that they continue to share expertise and have good interaction with staff in FDOH offices, but these discussions are also limited, and some District offices have lost technical expertise. Conference calls and informal information sharing also occur between some District offices. However, the regularity and strength of these exchanges varies widely. Lengthier face-to-face meetings (such as the annual PWSS conference and quarterly PCE meetings) have historically provided the most valuable opportunities for education and exchange among office staff. These meetings have included presentations on regulations, technical issues, policy, guidance and data management tools. They also provided time for face-to-face discussions among staff with varied backgrounds and expertise. Quarterly PCE meetings sometimes facilitated the scheduling of follow-up meetings. For example, some Districts followed quarterly PCE meetings with meetings with their delegated FDOH offices, allowing continued discussions on some PCE meeting topics or introduce other discussion topics of concern. The information exchanged in all of these meetings often facilitated faster, more comprehensive, consistent resolution of specific PWSS program concerns.

The Division conducts regular program reviews of each District and DOH office. Program Review reports provide a consistent, in-depth assessment of 8 key program components across all 14 offices, as shown in Table _ below.

Table 2:

Summary of 2013-2014 FDEP Program Evaluation Results for 6 FDEP District and 8 DOH County Offices

Sum of Score (as % of PE Weight) Row Labels	Column Labels 1_Organization/ Staffing/ Resources	2_Data/File Management	3_Compliance	4_Enforcement	5_Sanitary Survey/ Compliance Inspections	6_Permit/Plan Reviews	7_DEP Coordination/ Assistance Activities	8_Training	9_Overall Score
1_PE Weight(%)	5.00	25.00	15.00	15.00	15.00	15.00	5.00	5.00	100
A_Central	91.60	94.96	100.00	100.00	93.60	100.00	100.00	100.00	97.36
A_NE	[illegible]	84.52	105.27	105.87	90.40	98.00	100.00	91.60	94.08
A_NW	100.00	97.36	100.00	105.87	100.00	97.93	100.00	91.60	99.49
A_SE	102.00	95.28	84.20	105.87	97.33	101.07	100.00	100.00	97.2
A_South	102.00	90.76	100.00	105.87	103.60	101.00	100.00	75.00	98.12
A_SW	94.80	97.96	100.00	105.87	102.60	97.87	100.00	83.40	99.36
C_Broward	102.00	95.20	107.13	105.87	102.33	95.87	100.00	100.00	100.59
C_Hillsborough	[illegible]	99.60	100.00	100.00	106.47	92.80	100.00	100.00	98.33
C_Lee	91.60	97.12	100.00	105.87	100.00	93.73	90.00	100.00	98.31
C_Miami-Dade	96.80	95.24	100.00	105.87	96.40	93.93	90.00	100.00	97.58
C_Palm Beach	102.00	93.36	105.87	105.87	106.80	96.87	80.00	100.00	99.76
C_Polk	89.60	96.48	107.13	100.00	102.73	100.00	100.00	83.40	99.25
C_Sarasota	91.60	97.08	100.00	105.87	107.27	86.47	90.00	75.00	97.04
C_Volusia	102.00	95.12	107.13	76.47	96.27	93.60	100.00	91.60	94.49

LOW 100% HIGH

The relative weighting that the Division assigns to each of the 8 components is shown in the first row of this table. Individual cells display the percentage of total points which each office received for each component during the most recent 2013-2014 Program Evaluations. The results show that all offices successfully implement Data/File Management and Permit/Plan Review program components. Most offices also successfully implement Compliance, Enforcement and Sanitary Survey/Compliance Inspection program components. However, the basis for bonus points awarded for certain additional activities within these components, which often contribute to elevated scores, is somewhat unclear. Scores for the remaining three program components (Organization/Staffing/Resources, DEP Coordination/Assistance and Training) were more variable, with some offices receiving significantly lower scores. For the Organization/Staffing/Resources program component, three offices received less than 90%, and an additional two offices received less than 92%, of the total possible points. Offices generally received point reductions for having a lower ratio of PWS to professional staff. However, all offices received the maximum allowable points for their response to the question: "Is the current staffing adequate to cover required workload?". These findings suggest that additional information is needed to better evaluate the adequacy of current office staffing/resource levels. For the DEP Coordination/Assistance component, four offices received 90% or less of total possible points. Point reductions were generally received due to lack of scanning capabilities for purposes of generating electronic files. Most questions required only "yes/no" responses, and the scoring system did not consider the more detailed comments provided by offices. Reconsideration of the kind of information needed to assess this component may be helpful. For the Training component, four offices received less than 85%, and an additional three offices received less than 92%, of total possible points. Point reductions were based on failure of staff to complete one or more of the identified core training courses, or lack of a written office training plan. These findings suggest that many offices do not have access to all needed training. The Division's basis for updating the list of needed courses is also unclear. EPA believes this portion of FL's program evaluation is inadequate to fully assess training needs.

Staff interviews conducted during this Priority Review provided information on how Florida currently identifies and addresses training needs. While training needs are a clear priority, the resources to address those needs are often limited. In order to justify training, the Division and District offices each prepare comprehensive annual training plans. Some FDOH offices prepare office training plans, and many notify District offices of additional training needs on an ad-hoc basis. In response to identified needs, the Division develops some training courses and makes these available to all offices. Division training generally focuses on rule implementation or database usage. District and FDOH offices conduct varied amounts of duty-specific training internally and access external training sources as resources allow.

Florida's PWSS program does not currently appear to have a clear means for tracking and addressing training needs on a program-wide basis. Staff in multiple offices identified the need for training on: use of PWS website/database tools, information on DBP formation and treatment, DBP stage 2 implementation, technical knowledge that allows staff to tie rules together and optimize overall system compliance, and state enforcement policies. These responses suggest that the PWSS program could realize some efficiencies by implementing more seamless, universal communication of training needs and resources. Several offices stated that they are in the process of re-tooling existing training plans, to adjust for changing duties and priorities that resulted from the 2012 reorganization. This re-tooling period may provide an opportunity for Florida to revisit that way in which it identifies and addresses training needs on a program-wide basis.

A primary goal of the 2012 reorganization was to recognize efficiencies and achieve greater statewide consistency by realigning staff in the Division and some District offices. The changes implemented were

initially disruptive, as they altered established communication pathways and sometimes significantly revised staff workload. However, during interviews, staff provided evidence that re-tooling of the organization aimed at strengthening overall program coordination is now occurring on several fronts. The Division is re-examining training plans and the value of regular, lengthier face-to-face meetings. The Division continues to revisit strategies for maintaining timely access to critical information technology resources. Given the realignment of compliance staff and the revision of some enforcement guidance, the Division has also recognized the importance of clarifying the enforcement process to all offices. Districts clearly desire autonomy to implementing enforcement/compliance issues. However, they are also striving to exchange information and expertise with other Districts, and expressed a desire for clearer guidance from the Division on some issues. District offices that were more heavily impacted by the reorganization continue to re-calibrate their programs to ensure effective PWS oversight.

Resources which were unchanged through the 2012 reorganization contributed considerably to the continued strength of Florida's PWSS program. These resources include FDOH-HQ and FDOH offices, the continued use of 14 geographically-targeted District and FDOH offices to maintain close working relationships with PWS operators, the technical support contract with FWRA, and the Division's continued maintenance of several tools for managing data and information essential to the PWSS program.

Recommendations

The 2012 reorganization refocused Florida's PWSS program on the critical goals of strengthening overall program consistency, and renewing focus on timely accomplishment of program priorities (such as the prevention and resolution of health-based violations). The associated reorganization of staff and resources disrupted many valuable coordination pathways that existed under the old organization. Some expertise was also lost during the reorganization. The re-tooling period that is now occurring is critical to ensuring that Florida maintains and establishes communication pathways and tools that will allow them to best accomplish the priorities of the PWSS program under the new organization. Based on information gathered during this priority review, the following program coordination-related activities are recommended as key to strengthening Florida's PWSS program.

Regular, established communications have historically provided the Division, District and FDOH offices with some of the most valuable ways to leverage the expertise and resources available in the many offices that comprise Florida's PWSS program. Interviewed staff unanimously stated that regular face-to-face meetings (such as the annual PWS conference and quarterly PCE meetings) were the most valuable tools, as these provided the broadest exchange of PWSS program and technical information to the greatest number of staff. Reinstatement of these meetings would strengthen staff knowledge and promote rebuilding of communication pathways. Continued strengthening of regular communication pathways between District offices would increase the exchange of information and expertise relevant to direct oversight of PWS facilities. Increased District expertise could also be leveraged by FDOH offices.

EPA recommends FDEP leads a statewide assessment of technical and programmatic training needs of all offices given the number of new drinking water regulations and new staff to the program. A re-tooling of Florida's training program that allows PWSS program offices to better identify and address training needs would be helpful.

Individual offices provide various levels of internal training, but this could be supplemented with the resources and expertise available from other offices across the state. Reinstatement of the face-to-face meetings noted earlier would provide an efficient means for providing broadly-needed training, such as

guidance on program enforcement tools and priorities as well as provide a meaningful opportunity for offices to share training plans (such as the training program being developed by the SW District).

Some re-tooling of the Divisions standard Program Evaluation template may increase the usefulness of Program Evaluation findings. These regular program evaluations of District and FDOH offices provide an excellent tool for consistently evaluating key components of Florida's PWSS program. However, for some components, the information collected does not clearly explain the basis for differing, or lower, scores among offices. This finding primarily applies to components that do not include PWS-specific reviews (i.e. Organization/Staffing/Resources, DEP Coordination/Assistance and Training components). Questions and scoring mechanisms used for these components could be re-examined and modified to better characterize office strengths or deficiencies. For example, the Division might develop a standard process for updating core training courses to reflect changing program priorities and individual office needs.

Florida's PWSS program may strengthen external coordination though increased participation by local office level in EPA's AWOP program. This participation would allow office staff to better evaluate and assist surface water systems in optimizing treatment goals and enhancing microbial and disinfectant byproduct control. The technical expertise gained could also be shared with other offices.

Local District and FDOH offices are encouraged to make use of the OCULUS and PA document management systems, particularly in effort to coordinate compliance and permitting activities.

Disinfection Byproduct Rules Implementation

Background

Disinfection Byproduct Rules Implementation was selected as a priority for review based on an analysis of state-wide violation data by specific contaminant group. Other than total coliform MCL violations, DBP MCL violations represented the greatest number of health-based violations for water systems in Florida over the past five years. Many water sources in Florida have high quantities of naturally occurring organic matter. When the water with high levels of organics is disinfected with chlorine, high levels of disinfection byproducts can form. Levels of many DPBs increase with water age in finished water storage tanks and distribution systems. Treatment strategies for DBPs can include adjustments to treatment systems (examples: removal of organics prior to disinfection, change of disinfectant, pH adjustment, or removal of DBPs after formation, etc) or changes to operations of distribution systems (examples: adjustments to storage tank levels or fill/draw cycles, flushing practices, elimination of "dead ends" in distribution lines, etc.).

Over the past few years States and water systems have been transitioning from monitoring requirements associated with the Stage 1 Disinfectants and Disinfection Byproduct Rule to the Stage 2 DBP Rule. Some of the key changes including the number, frequency and locations of routing monitoring, inclusion of consecutive water systems to rule requirements, and how compliance is calculated based on locational averages. The transition from the Stage 1 to Stage 2 Rule involved a period of time when EPA, Region 4 was implementing aspects of rule focused on identifying potential new monitoring locations. These early implementation activities were a result of the regulatory timeline beginning before states were required to have the rule adopted. As a result, DEP and DOH field staff played a limited role in training and implementation associated with monitoring site selection. Florida Rural Water did provide a significant

amount of outreach to water systems during this time. Florida had adopted the Stage 2 Rule by the time routing monitoring requirements began and worked with water systems to finalize monitoring plans.

Priority Evaluation Method

Region 4 utilized a combination of data analysis, personnel interviews and onsite file reviews to evaluation strengths and needs associated with Florida's implementation of the DBP rules. Data analysis include reviews of DBP monitoring results from Florida's PWS database and DBP violation data available from EPA's SDWIS data system. Interview questions were used to determine strategies utilized to affect system compliance, understand expertise levels and resource demands for staff and management, and to gage consistency in implementing the regulations and guidance associated with the DBP Rules. File reviews included a review of information used to develop system monitoring plans, an evaluation of system monitoring data to ensure monitoring was done in accordance with the plan, and a review of compliance determinations based on the analytical results.

Key Findings

Most health-based violations for chemical monitoring in Florida are associated with DBPs.

Review of DBP monitoring results from PWS identified a significant number of questionable values of "0" for TTHM and HAA5 analytical results, often at systems/locations that had previous and subsequent high levels. While some amount of fluctuation of results is expected, systems with detected levels greater than ½ of the MCL typically do not have fluctuations that would results in associated non-detect levels.

Staff determine compliance manually based on review of monitoring results as the Stage 2 module of PWS is not yet available. Errors were identified in both water system reporting and state compliance determination including:

- Incorrectly calculating the locational running annual average of monitoring results
- Water system not monitoring in correct months
- Failure of systems to submit Operational Evaluation Reports when required
- Changes in monitoring locations without justifications

Staff have had training on DBP rule compliance. However, very few staff indicated they had much, if any, training related to DBP formation and/or treatment.

Reviewers found recommendations to water systems on flushing strategies that are not supported by EPA and will result in masking ongoing health risks to water system customers.

Some offices have made efforts to integrate compliance and permitting activities to ensure DBP compliance is considered in project review and the potential need for DBP monitoring plan changes based on relevant water system infrastructure changes. Efforts range from having the same staff perform both engineering review/permitting and compliance determination, to developing a liaison responsibility between permitting and compliance office staff.

Recommendations

There is a need for District and County staff to re-evaluate DBP monitoring locations identified in Stage 2 Monitoring Plants. FDEP and DOH should consider enhancing the review of distribution systems during sanitary surveys to include an evaluation of DBP monitoring locations. Considerations for enhancing the sanitary survey include:

- Checking disinfectant residual levels (and pH when available) to assess water quality at areas of high probable water age relative to approved DBP compliance monitoring locations.
- Reviewing flushing practices to determine if water systems are using practices to improve water quality system-wide or just at compliance locations.
- Visit the DBP monitoring locations to identify any changes (e.g. installation of auto-flushing device) that may give reason to modify the monitoring plan.
- Evaluate the appropriateness of changing one monitoring location to Point of Entry for consecutive systems based on the number of monitoring locations and associated baseline data already collected. POE data can be valuable for coordination between wholesale and consecutive water systems.

Provide technical training to staff on how to limit DBP levels in water systems through improved distribution system operation practices. The Area Wide Optimization Program (AWOP) implemented in Region 4 has been used by several states to provide training to water system personnel on DBP compliance strategies that minimize the need for costly infrastructure and to develop the staff expertise to perform the enhanced sanitary survey practices outlined above. Due to the low number of surface water systems in the state, FL has minimally participated in EPA's, AWOP. With the network's significant change in focus to Disinfection Byproducts, FL should engage all districts and counties with opportunities to participate in AWOP.

FDEP should investigate the number of "0" monitoring results to determine if there are any obvious laboratory or data entry errors, or any trends that would raise question as to the integrity of the results.

FDEP should continue to prioritize the development of the Stage 2 DBP module in the PWS database. Manual compliance determination is not an efficient us Priority #4: Data Management

Data Management

Background

One of the required functions of delegated PWSS Programs is to maintain a data management system for tracking compliance, enforcement actions and public water system inventory. FDEPs main database for the drinking water program is called PWS. PWS analytical results are received electronically through the Oculus 5.6.2. Program. The Oculus Program is also accessible to the public for review of PWS documentation. FDEP also uses an Oracle-based database of their own design, PWS. Reports are produced in American Standard Code for Information Interchange (ASCII). Data are transmitted to SDWIS/Fed via an Extensible Markup Language (XML) file created from extrapolated data. Data are reported quarterly, including inventory updates.

Compliance determinations are performed in the district and county offices, using the PWS program. Pre-compliance reports run every night and are available to the offices the following day. A point person in each office is responsible for posting the previous month's violations so they can be compiled by Tallahassee. Treatment technique and Public Notice violations are entered manually. All other

compliance determination is automated. All violation letters and enforcement actions are handled within the individual offices.

FDEP uses the SDWIS/Fed error reports to correct errors but finds that the ".pdf" format is not useful. That format is too difficult to mark up and data cannot be sorted. FDEP would greatly prefer data in Excel spreadsheets.

Key Findings

The Division has developed and maintains several effective tools for entering and accessing PWSS data and reports including:

PWS – Includes 5 reports, further divided by year or geographic area. Basic Facility Reports, Flow Data and Plant Treatment Data files are updated quarterly. Chemical Data and Microbiological Data files are updated annually in March. Reports provide information on sample results, average/max monthly flows, types of water treatment, the type of system, address, capacity, sources of water, population and service connections served, dates the Department performed the last sanitary survey, and the dates the last bacteria and inorganic/organic contaminant testing was performed.

PA – database that tracks the permit application process to ensure statutory time clocks are met.

OCULUS – an electronic, web-based document management system that allows the public to search and review permitting documents within DEP.

Compliance/Enforcement: Does FDEP-SDW maintain a database to track permit compliance/enforcement and complaints received (similar to ERPce (Environmental Resource Permitting Compliance & Enforcement)?

FDEP-DW standardized PDF/Word data/information entry forms for use by PWS and laboratories to document: (1) Permitting/Construction/O&M activities (Chapter 62-555.900 F.A.C.) and (2) reporting results for required test measurements or analyses (Chapter 62-550.730 F.A.C.). Users may generate computer-generated versions of same.
(see http://www.dep.state.fl.us/water/drinkingwater/forms.htm#555fm20alt)

NEXUS – user-friendly information portal for retrieving documents from OCULUS archival database.

PASS (Permit Application Subscription Service) System: Allows user to receive automated, customized notification of permit application status (e.g by application types, geographic area, etc.)

Data entry and compliance determination tools available through the PWS database provide staff in all offices with a rapid, reliable, consistent way to upload system monitoring data and accurately calculate compliance. The value of this tool was readily apparent during staff interviews, as staff unanimously emphasized the need for the Division's soon to be released DPB Stage 2 compliance determination tool.

Use of a state-developed tool also allows staff to more easily request helpful database changes. Simpler changes are implemented by Division staff, while more comprehensive changes are made by staff in the FDEP's Office of Information and Technology Services (OTIS). Requests to OTIS are sometimes delayed, as OTIS must prioritize database needs for multiple programs. The Division works to maintain the priority level of key PWS database updates, but limited OTIS resources are an ongoing challenge.

The Division also maintains two web-based document tracking systems that allow staff and the public to obtain SDWP documents of interest. OCULUS houses copies of permitting and enforcement documents. The Permitting Application (PA) System, allows the user to retrieve permit applications currently under review. While these systems may provide a valuable resource to inspectors and permit reviewers, it is unclear to what extent some offices use these systems. More comprehensive training on these systems may facilitate the exchange of information between permitting and compliance staff.

Recommendations

Florida's PWSS program should continue to implement a strong data and information management program that is available to all offices. The PWS database addresses a critical need, providing a consistent suite of tools for data entry and compliance determination that can also be modified to address staff needs.
e of FTE, nor is it particularly effective as several compliance determination errors were found in the review of a small number of water system files.

External Outreach

Background

In selecting topics for review, FL's compliance assistance outreach to public water systems was identified as a program strength. The review included a combination of document review and interviews of key staff and managers. With recent changes in drinking water law (Stage 2 Disinfection Byproduct Rule, Ground Water Rule, Reduction of Lead in Drinking Water Act, Revised Total Coliform Rule), water systems are increasingly dependent on state agencies to provide the outreach necessary to explain the details of the rules and regulations that will ensure sector compliance and protection of public health.

FDEP and FDOH value a strong relationship with the regulated community and strive to ensure that, where possible, concerns are address through compliance assistance activities prior to water systems incurring a potential violation. The FL drinking water program achieves outreach to water systems through site visits to water systems, training classes, contracts with technical assistance partners, and direct mailings to water systems and water system professional.

Key Findings

FL DEP/DOH utilized a number of mechanisms to provide meaningful outreach activities to public water systems, including:

- Drinking Water Technical Assistance Program

- Contract with Rural Water to provide training and operator certification
    - Focus on Change training seminars ~ 6 events/year
    - Water treatment plant operator certification ~16 events/year
    - Water distribution system certification training ~5 events/year
    - Water treatment plant operation and maintenance ~17 events/year
    - Electrical safety and generator set up ~ 1 event/year
    - Treatment technologies and conservation ~ 1 event/year

  - Emergency Response Plans ~ 0-1 event/year
  - Over 3,000 technical assistance site visits/year from Circuit Riders

- Limited Involvement in Area-Wide Optimization Program

- Operator Certification Program

- Floridian Newsletter

- Sanitary Surveys and other inspections

Florida's strong suite of outreach tools provide office staff with ways to enhance coordination with local PWS operators. The Division's Technical Assistance Program assists all offices in resolving technical, managerial and financial challenges of individual public water systems at no cost to those systems. The contracted services of FRWA are frequently used by smaller rural water systems. FRWA also provides training on various topics of interest to both system operators and FDEP and FDOH staff, including full-day of sessions during the "Focus on Change" seminars which are held year-round at locations throughout the state. Available training sessions are listed on the FWRA website. The Division participates minimally in EPA's "Area-Wide Optimization Program" (AWOP), and uses this program to more closely evaluate and assist the ability of surface water systems to optimize disinfection and filtration treatment goals and enhance microbial and disinfectant byproduct control. While participation has recently decreased, staff interviewed in some District and FDOH offices expressed interest in increasing participation in order to benefit PWSs while strengthening the expertise of office staff.

All offices expressed a need for greater technical training of inspectors, compliance, and permitting staff citing a concern with being able to adequately address simultaneous compliance concerns with water systems. Some entities expressed concern over a perceived loss of drinking water programmatic expertise within FDEP.

Customer complaints made to the state are address in a timely and appropriate fashion. There was some uncertainty as to what DOH laboratory support is available to District staff when responding to customer complaints.

Every office makes a concerted effort to send letters to each water system annual to provide minimum monitoring requirements to ensure water systems complete all required monitoring.

Recommendations

Florida should continue to implement a strong PWSS outreach program. FRWA contracted services and training sessions provide invaluable support to local offices in their efforts to assist PWS operators. Focus on Change seminars also provide opportunities for exchange between office staff and PWS operators, strengthening communications between these parties.

Consider exploring the appropriateness of addressing laboratory support for bacteriological monitoring in the interagency agreement between DOH and DEP. The support would be used when responding to customer complaints or in carrying out any special studies that would enhance the value of Department outreach for water systems.

The EPA believes District and County staff participation in the Area-Wide Optimization Program would facilitate improved outreach to water systems. In addition to new regulations, large turnover in drinking water staff, in some areas, has created a need for increased investment in drinking water program training. EPA strongly encourages Districts and Counties to interact more, through routine meetings and trainings, to discuss implementation challenges/successes so that expertise across the state is better leveraged to fill the knowledge gaps associated with new regulations and new program staff.

EPA Priority Review of Florida Drinking Water Program
Overview and Site Visit Prep Document

Assistance in scheduling interviews (30 minutes each) for key staff and managers associated with drinking water enforcement, disinfection byproduct rules, internal coordination between DEP and DOH, and external outreach with water systems. Please provide names for the following interviews (1-2 per category, as appropriate for your office):

Miami-Dade FDOH

a. Enforcement Program Manager
(Paul L. Andre)
b. Enforcement Officer (Staff)
(Reinaldo Caballero, Tracie Dickerson, Heather Beaton)
c. Drinking Water Program Manager
(Paul LEVELT André)
d. Staff responsible for DBP implementation
(Richard Rojas and Paul Andre)
e. Staff responsible for conducting water system inspections and/or providing technical assistance
(Richard Rojas and Paul Andre)

Broward FDOH

a. Enforcement Program Manager
(Rafael Reyes)
b. Enforcement Officer (Staff)
(Paul Thompson and Rafael Reyes)
c. Drinking Water Program Manager
(Rafael Reyes)
d. Staff responsible for DBP implementation
(Sandra Giraldo and Rafael Reyes)
e. Staff responsible for conducting water system inspections and/or providing technical assistance
(Bill Lorenzo, Sandra Giraldo, Shani Grant, Paul Thompson, and Rafael Reyes)

SWD DEP

a. Enforcement Program Manager
(Ed Watson and Gerald Foster)
b. Enforcement Officer (Staff)
(Ed Watson and Gerald Foster)
c. Drinking Water Program Manager
(Ed Watson)
d. Staff responsible for DBP implementation
(Ed Watson and Gerald Foster)
e. Staff responsible for conducting water system inspections and/or providing technical assistance
(Ed Watson and Jayme Brock)

DEP HQ

a. Enforcement Program Manager
(Jessica Kleinfelter)
b. Enforcement Officer (Staff)
(Eric Bengtson, David Wales)
c. Drinking Water Program Manager
(Trevor Noble)
d. Staff responsible for DBP implementation
(Virginia Harmon, Eric Bengtson)
e. Staff responsible for-providing technical assistance
(John Sowerby, Virginia Harmon, and David Wales)

Additional contacts:

DOH HQ: **Bob Vincent and Ed Bettinger**

SED DEP: Michele Owens

Appendix _

Potential Questions on FL Agency Coordination

1. Describe the current structure, duties and staffing of your office? Have these been altered by recent reorganizations? If so, describe how?

2. Briefly describe the working relationship (e.g. communication, work flow) between the Division, District offices and FDOH offices?

3. What information do you most often provide to other FDEP/FDOH offices?

4. What means/tools do you use to receive/provide this information (e.g. verbal/email, website post, database upload/download, reports, conferences, meetings, training)? How well do these transmittal pathways function?

5. What kinds of issues are typically discussed in monthly conference calls with all agencies (or quarterly conference calls between Districts and DOH)? Do the meetings and follow-up communications (e.g. meeting minutes, postings on website bulletin board) address your needs?

6. What other meetings, webinars, conferences, workgroups have you participated in with other DEP/DOH offices over the last year?
    a. Have these assisted you in accomplishing assigned duties or facilitated improvements in FDEP's SDW program?
    b. Any suggested improvements (e.g. in structure, content, frequency) that would allow these meetings better meet your needs?

7. Training:
    a. Which training courses have you attended over the past year? Were these useful?
    b. Were you able to attend all desired/needed training? If not, why?
    c. Are there any additional training courses that you wish you had access to?
    d. Describe your office's training plan. Is this a helpful tool?

8. What data management tools does your office use to implement SDWA activities?
    a. How well do these tools support your implementation efforts?
    b. What kinds of change/improvements have been made to the data management process in recent years?
    c. What, if any, additional improvements to the data management process would you suggest?
    d. What impact, if any, have recent reorganizations had on FDEP-HQ data management activities?

9. Describe the delegation process
    a. How is the decision to delegate made?
    b. How is the delegation documented (e.g. Interagency Agreement)?
    c. How is the delegation implemented (e.g. scope of delegated functions, District oversight process, daily operation)
    d. How are laboratory certification information/issues communicated and addressed?
    e. How well is the delegation process working? Areas in need of improvement?

10. What would you like to highlight regarding FDEP's drinking water program?

11. What are the greatest resource demands for the drinking water program?

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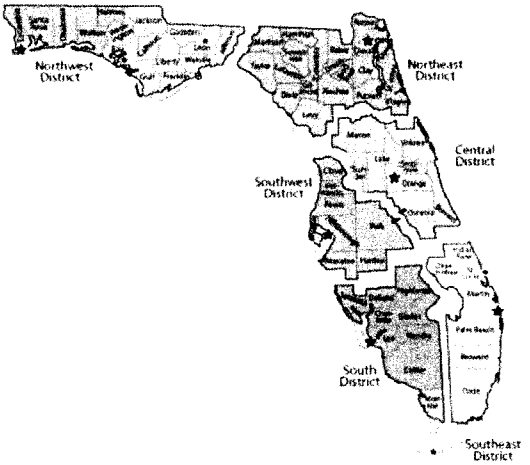
PRIORITY REVIEW

OF THE PUBLIC WATER SYSTEM SUPERVISION PROGRAM FOR THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

DRAFT REPORT



Prepared by the
Environmental Protection Agency, Region 4
Drinking Water Section, Water Protection Division

April 29, 2015

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Appendix

(b)(5) Deliberative Process Privilege

[redacted]

(b)(5) Deliberative Process Privilege

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INTRODUCTION

Region 4 developed a protocol, called a Priority Review, for assessing the performance of state PWSS Programs and for evaluating the adequacy of resources dedicated to identified priorities for individual state programs. The Priority Review replaces EPA's Data Verifications that historically reviewed state data associated with each rule in the National Primary Drinking Water Regulations. The new approach is intended to be transparent and targeted in assessing a few priority focus areas identified in a collaborative effort between the state and EPA, Region 4. The following priority areas of focus have been identified for Florida:

1. Enforcement of drinking water regulations
2. Internal state coordination between DEP and DOH on the drinking water program

3. Disinfection Byproduct Rules implementation
4. Data Management, and
5. External outreach

The priority areas were assessed through review of existing documentation submitted to EPA, review of selected water system files, and through interviews with staff and managers. This review represents one of the best opportunities to support the needs of your drinking water program, as well as to highlight the successes your program has achieved. While these reviews represent a high-priority effort, they will only achieve positive results if we see ourselves working towards the same goal, highlighting areas where both EPA and Florida believe improvements can be made in program effectiveness.

OVERVIEW OF FLORIDA'S PWSS PROGRAM

EPA gives flexibility to state primacy agencies for required PWSS program activities. In Florida, PWSS implementation activities are spread over a decentralized organizational structure. The Department of Environmental Protection has the primary role of regulating public water systems (PWSs) in Florida. The Source and Drinking Water Program (SDWP) located in the FDEP headquarters in Tallahassee (FDEP-HQ) is responsible for writing rules, developing policy, managing funds, providing training, managing data, and managing special initiatives. The Water Compliance Assurance Program (WCAP) is responsible for oversight, tracking and reporting of enforcement and permitting activities. The enforcement of rules and permitting of new construction for individual PWSs is handled by six FDEP district offices. In eight Florida counties, the Districts have currently delegated this enforcement and permitting authority to local approved county health departments through Interagency Agreement. FDEP has also delegated laboratory certification to the Department of Health Laboratory in Jacksonville.

FDEP-HQ environmental programs are divided into three main areas, one of which is Regulatory Programs. The Deputy Secretary for Regulatory Programs provides oversight and direction to four FDEP-HQ regulatory divisions, including the Division of Water Resource Management (DWRM) and six regulatory district offices. The SDWP and WCAP programs are both located within DWRM, while the regulatory district offices report directly to the Deputy Secretary for Regulatory Programs. Following is a complete list and description of all programs which contribute to FDEP's implementation of Safe Drinking Water Act (SDWA) requirements.

Florida Department of Environmental Protection

FDEP-HQ Division of Water Resource Management (DWRM):

- FDEP-HQ Source and Drinking Water Program (SDWP): Coordinate overall PWSS implementation through policy and rule development, and management of funding, training, data and special initiatives. Ensure all SDWA program requirements are conducted and reported to EPA as outlined in the annual PWSS workplan.
- FDEP-HQ Water Compliance Assurance Program (WCAP): Facilitate statewide coordination of compliance and enforcement activities by providing and/or supporting the development of policy, guidance and training to ensure consistency among the six District Offices for state Drinking Water and Wastewater Programs. Ensure all SDWA compliance and enforcement activities are conducted and reported to EPA as outlined in the annual PWSS workplan commitments.

FDEP-HQ Office of General Counsel (OGC): Provide legal counsel and represent FDEP in implementing enforcement, permitting and programmatic actions. Provide training and consultation to FDEP staff.

FDEP-HQ Office of Technology and Information Services (OTIS): Manage functionality and security of the information technology systems that support FDEP mission success. Provide application development and customer support services to FDEP Divisions and regulatory districts that use regulatory databases, including SDWP support needs for PWS.

FDEP Regulatory District Offices: Coordinate and implement all permitting, compliance and enforcement activities for counties located within District boundaries, including permit reviews, facility inspections, compliance assistance, rule enforcement and response to reports of environmental damage. Six separate offices serve counties located in the Northwest, Northeast, Central, South, Southeast and Southwest portions of the state. The FDEP District Office delegates this authority to qualified individual Florida Department of Health (FDOH) county offices. Provide legal, technical and training assistance to delegated FDOH county offices.

Florida Department of Health

- The current DEP-DOH Interagency Agreement delegates lead PWSS program implementation authority from the responsible FDEP District Office to DOH offices in the counties of Broward, Miami-Dade, Hillsborough, Lee, Sarasota, Palm Beach, Polk and Volusia. Delegated FDOH county offices coordinate and implement permitting, compliance and enforcement activities for that county.
- The Florida Department of Health laboratory in Jacksonville maintains a State program for the certification of laboratories conducting analytical measurements of all drinking water contaminants, with the exception of radionuclides, in accordance with Florida Statutes 403.862-.8635 and Florida Administrative Code (F.A.C.) Chapter 62-550.550.

South Carolina Department of Health: South Carolina's radiological laboratory is responsible for the analysis of all radionuclude samples for Florida PWSs, in accordance with an MOA approved by SESD on January 28, 2013.

This organization is significantly changed from the structure that was in place during the previous 2009 Program Review conducted by The Cadmus Group, Inc. on behalf of EPA. In 2012, FDEP underwent a reorganization which affected both FDEP-HQ and FDEP District offices. At FDEP-HQ, the source and drinking water program staff were merged to form the Source and Drinking Water Program. Staff were relocated from the Drinking Water Program to support the formation of a centralized compliance and enforcement group (WCAP) and a more centralized information technology group (OTIS). District boundaries were redrawn, and resources were re-allocated, to allow for a more even distribution of resources among Districts. A primary objective of this reorganization was to improve program efficiency/effectiveness and promote consistency by streamlining the management structure and increasing cross-utilization of resources, particularly in the areas of compliance determination and data management.

FDEP's authority to implement provisions of the Safe Drinking Water Act (SDWA) derives from Chapter 403, Part VI, Florida Statutes and by delegation of the federal program from the U.S. Environmental Protection Agency. The Department has promulgated a number of rules in Chapters 62-4, 62-550, 62-555, 62-560, 62-602 and 62-699 F.A.C. to address drinking water standards, monitoring

and reporting; public water system permitting and compliance; and treatment plant operators, classification and staffing. These requirements impact approximately 5245 federally regulated public water systems (PWSs) with approximately 1649 (or 31%) of Florida's PWSs being community water systems, approximately 776 or (15%) being non-transient non-community systems, and approximately 2820 or (54%) being transient non-community systems (Table 1).

PWS TYPE	WATER SOURCE	COUNT
CWS	Surface Water only	5
	Surface & Ground Water	69
	Ground Water only	1575
NTNC	Surface Water only	0
	Surface & Ground Water	4
	Ground Water only	772
TNC	Surface Water only	5
	Surface & Ground Water	1
	Ground Water only	2819
TOTAL		5245

Table 1. Count of Florida Public Water Systems by Type and Source

PRIORITY REVIEW OF SELECTED PROGRAM AREAS

The U.S EPA, Region 4 Drinking Water Section (EPA, Region 4) developed a protocol, call a Priority Review, for assessing the performance of state Public Water System Supervision Programs and for evaluating the adequacy of resources dedicated to identified priorities for individual state programs. The Priority Review replaces EPA's Data Verifications that historically reviewed state data associated with each rule in the National Primary Drinking Water Regulations. The new approach is intended to be transparent and targeted in assessing a few priority focus areas identified in a collaborative effort between the state and EPA, Region 4. The following priority areas of focus have been identified for Florida:

- Enforcement of drinking water regulations
- Internal state coordination between DEP and DOH on the drinking water program
- Disinfection Byproduct Rules implementation
- Data Management, and
- External outreach

Enforcement of Drinking Water Regulations

Background

Compliance and Enforcement Program Implementation was selected as a priority for review in order to assess whether a state is implementing the requirements of the Public Water System Supervision (PWSS) program. The states ensure that human health is safeguarded by enforcing the requirements of the Safe Drinking Water Act (SDWA) to ensure that the states' public drinking water supply and its sources are protected. Historically, the reviews of the states' PWSS programs, whether that be through a Data Verification, Program Review, or a Priority Review, did not typically include an evaluation of the compliance and enforcement program at the states. Region 4 has determined that this is an important aspect of a review of the implementation of a PWSS program, and plans to include this in future Priority Reviews, as appropriate. Through this review, EPA promotes regional consistency, identifies successes in implementation of the PWSS program, and identifies opportunities for improvement in the compliance and enforcement programs.

In January of 2010, EPA began implementation of a new enforcement approach designed to help our nation's public water systems comply with the requirements of the SDWA. This new approach replaced the previous system of a contaminant to contaminant compliance strategy with one that focuses attention on the drinking water systems with the most serious or repeated violations. This strategy identifies public water systems with violations that rise to the level of significant noncompliance by focusing on those systems with health-based violations and those that show a history of violations across multiple rules. This system-based methodology is intended to ensure consistency and the integrity of the PWSS national enforcement program. This approach includes a revised Enforcement Response Policy (ERP) and new Enforcement Targeting Tool (ETT).

The ETT uses a tool that enables the prioritization of public water systems by assigning each violation a "weight" or number of points based on the assigned threat to public health. Points for each violation at a water system are summed to provide a total score for that water system. Water systems whose scores exceed a certain threshold will be considered a priority system for enforcement.

EPA recognizes that states carry out both formal and informal enforcement and compliance assistance activities. These activities are effective tools for achieving compliance. Nevertheless, systems specifically identified by the ETT as priorities must be returned to compliance (RTC) or EPA will expect formal, enforceable mechanisms to return such systems to compliance. States are expected to escalate their response to ensure that RTC is accomplished. Once a public water system is identified as an enforcement priority on the ETT list, an appropriate formal action or RTC will be required within two calendar quarters to be considered "timely". However, regardless of a public water system's position on a state's ETT list, EPA expects that states will act immediately on acute, health-based violations and subsequently confirm that systems with such violations return to compliance.

Priority Evaluation Method

Region 4 utilized a combination of data analysis, personnel interviews, comparison of established program strategies with the ERP, and onsite file reviews to evaluate Florida's successes in implementation of the PWSS program and identify opportunities for improvement in its compliance and enforcement program. Data analysis included a review of the EPA ETT Tracker, which is a tool that provides useful metrics and graphing capabilities for systems' current and past ETT scores for up to twenty (20) quarters. This information was used to aide in the selection of the files to be reviewed and get a rough evaluation of Florida's ability to timely and appropriately return systems to compliance or issue formal, enforceable mechanisms that will return a system to compliance. Additionally, EPA's

SDWIS data system was used to determine what violations and enforcement had been done for each of the selected files to review. Nine (9) files were selected for review, however, only eight (8) were reviewed (See table named *Timeline for Settlement of Identification as a Priority System on the ETT List* below). Interview questions were used to understand the dynamics of the organization including staffing resources and demands and to determine how the established program strategies were being implemented with regards to Florida's compliance and enforcement program. The *Department of Environmental Protection (DEP) Enforcement Manual* and *Directive* 923 were reviewed for consistency with the EPA ERP requirements to ensure that these policies enabled the state to meet the requirements of timely and appropriate compliance and enforcement. File reviews included a review of the violations determined, an evaluation of the enforcement mechanisms issued for consistency with the *DEP Enforcement Manual* and the EPA ERP, and a comparison of the information found during the file review with the data reported to EPA's SDWIS data system.

Key Findings

The accuracy of data reported by FDEP to SDWIS was found to be in need of improvement in the following ways:

- All violations identified in the file and/or provided from the FDEP tracking system, are not being submitted to SDWIS. This discrepancy was found in the District and both DOH offices. Primarily the violations that are not being submitted are monitoring and reporting violations for various parameters. For the identified systems, 6 of the 8 reviewed had violations noted in the file/data provided that were not identified in SDWIS.

- Enforcement actions taken and submitted to SDWIS, are either not being timely uploaded, properly linked to relevant violations, and/or the data uploaded is inconsistent with the documents provided for review. For the identified systems, 7 of the 8 reviewed had discrepancies with the information for the enforcement actions submitted to SDWIS. Specifically, for the files reviewed, there were instances where violation(s) were linked to enforcement actions that upon review of the enforcement action, it was determined that the action did not include or address those violations. Also, there were several instances where the data submitted to SDWIS showed multiple dates for the same enforcement action. It appears that the dates of enforcement are not being consistently entered (i.e. dates were submitted for the signature date of the effective order, receipt date of the effective, or the date the proposed order was sent to the respondent). So it was noted that at times there would be two formal actions entered into SDWIS when there was only one issued.

During the file review, EPA tracked compliance and enforcement mechanisms used and evaluated them for timeliness and appropriateness of the action or return to compliance. Based on this review, the following was determined in regards to the timeline for systems identified as a priority on the ETT list to be returned to compliance or have a formal enforcement action issued.

Table 1: Timeline for Settlement of Identification as a Priority System on the ETT List

PWS ID	System Name	Date of First Appearance on ETT List as	Date of Settlement (RTC or issuance of Formal Enf)	Days Between ETT and Settlement	Settlement RTC or Formal Action ?	Quarters on ETT List as a Priority System

		Priority System				
FL6095083	Seven Rivers Professional Center	9/30/2010	2/20/2013	874	RTC	10/2010, 01/11, 04/11, 07/11, 10/11, 1/2012, 04/2012, 7/2012, 10/2012, 1/2013, 4/2013, 7/2013
FL6510807	Holiday Gardens Util Inc.	3/31/2011	7/7/2011	98	Formal Action	04/2011, 07/2011, 10/2011, 04/2014, 7/2014, 10/2014
FL6510807	Holiday Gardens Util Inc.	3/31/2014	2/27/2014	-32	RTC	
FL6272304	Camper's Holiday	3/31/2011	4/15/2011	15	Formal Action	04/2011, 07/2011, 01/2013, 10/2013, 01/2014, 10/2014
FL6272304	Camper's Holiday	12/31/2012	6/5/2013	156	Formal Action	
FL4064392	Kids Paradise	12/31/2011	4/26/2012	117	Formal Action	01/2012, 04/2012, 07/2012, 04/2014, 07/2014
FL4064392	Kids Paradise	3/31/2014	4/24/2014	24	Formal Action	
FL4060402	Everglades Holiday Park	12/31/2009	3/23/2012	813	Formal Action	01/2010, 04/2010, 10/2011, 01/2012, 04/2012, 01/2013, 04/2013, 07/2013, 10/2013, 01/2014, 04/2014
FL4060402	Everglades Holiday Park	3/31/2013	3/13/2013	-18	Formal Action	
FL4061517	Royal Utility Company	3/31/2011	10/20/2010	-162	RTC	04/2011, 07/2013, 10/2013, 01/2014
FL4061517	Royal Utility Company	6/30/2013	2/12/2013	-138	Formal Action	
FL4131403	Americana Village	3/31/2010	8/28/2012	881	RTC	04/2010, 07/2010, 10/2010, 01/2011, 04/2011, 07/2011, 10/2011, 01/2012, 04/2012, 07/2012, 10/2012, 01/2013, 04/2013, 07/2013
FL4130833	Jones Trailer Park	12/31/2009	9/30/2011	638	RTC	01/2010, 04/2010, 07/2010, 01/2011, 04/2011, 07/2011, 10/2011, 01/2012, 01/2013
FL4130833	Jones Trailer Park	12/31/2011	10/3/2012	277	RTC	
Average Days Between ETT and Settlement				253.07		

Note: Some of the systems had multiple dates evaluated because they were bouncing on and off the ETT Priority List

For the evaluated systems, only two (for all the specified appearances on the ETT List as a priority system) met the 2-quarter timeliness goal established in the EPA ERP, 3 of the 8 met the goal for one of the appearances on the ETT list but not for all of the appearances, 6 of the 8 did not meet the goal for one or more of the appearances the system had on the ETT List as a priority system. On average for the identified systems (including those with multiple appearances as a priority system on the ETT List), the days between appearing on the ETT list as a priority and settlement of the violations was 253 days. This is in excess of the 2-quarter timeliness goal.

Also, in evaluation of the data above, there is an indication that formal actions and/or return to compliance data is not consistently being entered timely so that the ETT scores accurately depict the compliance and enforcement history. Therefore, some of the systems above, remained on the ETT list as priority systems multiple quarters after the resolving action had been issued.

During the file review, it was discovered that in 2 of the 8 files, enforcement actions were initiated but never completed and there was no explanation in the documents provided that explained why the action was not pursued. This was especially important information since both of those systems had been identified as priority systems for multiple consecutive quarters without returning to compliance or having a formal action issued.

The *DEP Enforcement Manual,* developed jointly by the Secretary, Deputy Secretary, and Assistant Deputy Secretary of Regulatory Programs, and is periodically revised as necessary. The latest revisions occurred in September 2013 and October 2014 for the chapters addressing compliance and enforcement

processes. The manual describes FDEP's enforcement organization, compliance options, enforcement options, inspections and investigations protocol, administrative process and remedies, judicial process and remedies, litigation procedures, data management, and penalty policies. Overall, the *DEP Enforcement Manual* is a thorough document which is provided to all District offices and authorized Department of Health (DOH) offices. However, when compared to the EPA ERP, it was determined that the *DEP Enforcement Manual* was not consistent with the EPA ERP in that it did not define an expectation of timely and appropriate enforcement. The *DEP Enforcement Manual* had no clear expectation and/or goal for returning a system to compliance or issuing formal enforcement for systems that are identified as priority on the ETT nor for systems with acute, health-based violations. During the interviews and file reviews, it was determined that the goals of issuing formal enforcement and/or returning a system to compliance varied between the offices evaluated. The Southwest District (SWD) indicated that they were given some established guidelines on the expectations of timely and appropriate enforcement in the annual *SWD Business Plans*. However, both of the DOH offices (Broward County DOH and Miami-Dade DOH), indicated that there were no set timelines provided by FDEP for issuance of formal enforcement or returning the system compliance. Each of the DOH offices had established goals/expectations for timely and appropriate enforcement on their own.

Staff in the Division, Districts, and DOH offices are provided with training on the *DEP Enforcement Manual* and *923 Directive*.

In February of 2013, the FDEP Division instituted a Peer Review Process. This Peer Review Process establishes that prior to the issuance of formal enforcement by the District offices, a Peer Review Recommendation Memo must be sent to the Division. The Division then reviews the Peer Review Recommendation Memo to determine if formal enforcement is appropriate, ensure that penalties are consistently calculated across all District offices, and that all regulations and violations are appropriately and consistently included in the enforcement. This process was established to ensure a consistent and equally applied approach to enforcement across all District Offices. This approach is not applied to the DOH offices, who independently establish their enforcement activities within the confines of the Interagency Agreement and the *DEP Enforcement Manual*.

The SWD office and Broward DOH office have both implemented a strategy of sending reminders to the systems of their monitoring responsibilities and timelines. The reminders are sent out to the systems at a minimum of annually and in some cases monthly or quarterly as well. These activities were implemented to decrease instances of monitoring and reporting violations. The Miami-Dade DOH office has also implemented a program that aides in decreasing monitoring and reporting violations, by conducting sampling for the small systems and as well as for the transient non-community systems and a few community systems. These sampling efforts are being done through a state laboratory in Miami.

Recommendations

Update the *DEP Enforcement Manual* or provide official written guidance to all offices of the following:

- The expectation to address those systems identified as priority systems on the ETT list within 2 quarters of appearance on the list, either by returning the system to compliance or issuing formal and enforceable enforcement as well as to act immediately on acute, health-based violations and subsequently confirm that systems with such violations return to compliance. This would help to ensure that the state is consistent with the EPA ERP, the state's PWSS grant work plan, and that the State is consistently implementing the compliance and enforcement program throughout all of the districts and authorized programs.

- The expectation that the date that is being used as the date of enforcement action, which is entered into the PWS data system and ultimately into SDWIS, is consistently the same date across all districts and authorized programs. Note: The date the proposed order is sent/signed, the date of receipt of the proposed order, and the date of signature by the respondent should not be used as the date of enforcement for reporting purposes. These dates are not indicative of an effective order.

Efforts should be made to ensure that data submitted to SDWIS is timely, enforcement action dates are accurately and consistently entered, all violations are identified and submitted to SDWIS, and that all violations are accurately linked to the appropriate enforcement mechanisms. FDEP should develop and implement revised procedures to ensure accurate reporting of enforcement and compliance information into SDWIS.

Records should be maintained in the file that denote any and all decisions made with regard to enforcement actions, such as if there is a change from the proposed document or a decision to not pursue the enforcement action initiated.

FDEP should continue with the Peer Review Process initiated to ensure consistency of the enforcement activities across the Districts, and evaluate whether the process should be expanded to require that all formal actions, including those where both parties are in complete agreement, are submitted to the Division for review.

Internal state coordination between DEP and DOH on the drinking water program

Background

Program coordination was selected as a priority review topic due to the number of separate offices that implement Florida's Public Water System Supervision (PWSS) program and the significant impacts that a 2012 FDEP reorganization had on many of these offices. A first goal of the review is to better understand what kinds of coordination activities occur between offices and how these activities impact PWSS program implementation. A second goal is to determine how the 2012 reorganization altered previous coordination tools and pathways and describe Florida's efforts to adjust to those changes.

As described in the Overview section of this report, Florida implements the PWSS program through multiple offices, each of which handles specified duties for a designated portion of the state. The Division manages Florida's overall primacy program and develops and maintains many of the resources used by six District offices and eight delegated FDOH offices. District and FDOH offices have autonomy to implement the program at the individual system level, but must conduct activities consistent with the Division rules, policy and guidance and communicate accomplishments to the Division. The Division and Districts both report to FDEP's Deputy Secretary for Regulatory Programs. The 2012 reorganization redefined the FDEP's leadership structure and redistributed staff in the Division and some District offices in several ways, as described in the overview section of this report. FDOH offices were unaffected by the reorganization.

Florida's assignment of PWSS program duties to multiple offices and agencies allows the state to leverage significant additional resources and expertise. However, good communication and collaboration is needed to ensure effective, consistent operation of this decentralized program. The overall objective of this review is to ensure that effective mechanisms for ensuring good program

coordination remain in place, and to document any particular strengths or weaknesses that require further consideration.

Priority Evaluation Method

Region 4 used a combination of document reviews and personnel interviews to understand past and present coordination activities in Florida and evaluate how well those activities support Florida's overall PWSS program implementation. The documents and information reviewed were obtained from EPA Region 4 files, Division files and the Division's SDWP website (http://www.dep.state.fl.us/water/drinkingwater/). Of these, the following documents provided information on Florida's internal and external program coordination activities:

- FDEP responses to EPA's PWSS Priority Review Background Questions
- FDEP's 2014 Operator Certification Program Annual Submittal
- FDEP's FY13 Annual Capacity Development Program Implementation Report
- FDEP's 2014 triennial report to the governor on "Florida's Strategy to Improve Public Water Supply"
- FDEP-HQ PWSS Program Review Reports for 2013-2014 program evaluations of FDEP District and FDOH county field offices
- Issues of the Floridan newsletter
- Information available to public water systems on the SDWP website

The Division also provided EPA Region 4 staff with a walk-through of the information and data management tools available on the Division's internal PWS website during this review. These tools are accessible to all District and FDOH offices.

To obtain a range of perspectives on coordination activities, EPA visited multiple offices that together represent a cross-section of PWSS program components. These included the Division office, the Southwest District office and FDOH offices in Broward and Miami-Dade counties. FDOH headquarters staff and Southeast District staff also participated in FDOH office visits. EPA interviewed multiple staff at varying levels of responsibility in each office. The names of program managers and technical staff interviewed in each office were obtained from FDEP in advance (Appendix ?). EPA developed a comprehensive list of questions on internal, inter-office and external (i.e. outreach) coordination (Appendix ?), and selected appropriate questions from this list for each interviewee, depending on that person's responsibilities. Program Coordination interviews were conducted with groups of employees, as this approach allowed office staff to provide a more complete description of program interaction and also allowed EPA to better observe the dynamics of each office.

Key Findings

To achieve successful program coordination, program components must be organized in a way that allows them to work together effectively to achieve overall program goals. Florida has used many methods to facilitate effective program coordination across all offices. During interviews, staff noted the following existing and historical tools:

Existing Tools:

1) Regular internal office staff meetings

2) Monthly communication calls between the Division and all District-DOH offices to introduce new policy and regulations
3) Regular comprehensive program evaluations by the Division of District offices (triennially) and FDOH offices (annually)
4) One-on-one communication between District liaisons/experts and FDOH office staff
5) Internal PWS communications website - repository for SDWP information, including current announcements, guidance, available training, webcasts, powerpoint presentations and historical meeting minutes; maintained by the Division
6) Internal PWS database – standardized data entry tools facilitate data reporting/retrieval and compliance determination by staff; developed and updated by the Division to address changing requirements and user needs
7) Technical assistance from Florida Rural Waters Association (FRWA) – a Division-managed contract that provides assistance to small systems and conducts FRWA training sessions on many topics, including full day "Focus on Change" Seminars

Previous Tools:

1) Quarterly Permitting, Compliance and Enforcement (PCE) Meetings – means of informally sharing policy and implementation issues between Division and FDEP-FDOH offices
2) Annual PWSS Conference – face-to-face meeting of Division and all FDEP-FDOH office staff that provided information on program policies and issues, rule training and valuable discussion of specific questions, concerns and needs.
3) Quarterly meetings between each District liaison and delegated FDOH offices located within that District. EPA believes there is still an expectation for these meeting to occur, but it appears that currently the meetings occur infrequently and only in some Districts.

All offices emphasized that internal staff levels are minimally adequate to implement the assigned program workload. Administrators work closely with their staff to coordinate individual responsibilities in ways that build employee job satisfaction while maximizing output and work quality. One office recognized efficiencies by assigning individual staff both compliance and permitting duties in order to develop more holistic program knowledge. Another office supported employee skills development by devising a detailed training program that included both classroom and on-the-job shadowing. The assignment of job duties commensurate with skill level improved work product and employee satisfaction. Several offices strove to reduce the number of compliance issues by annually notifying systems of required upcoming monitoring activities. One office also achieved greater compliance levels, by having staff conduct required monitoring for most small systems.

Many administrators stated that their programs achieve much more by leveraging resources available from the Division and other offices. Leveraging occurs in many ways, including meetings, training and the use of common tools to manage and share SDWP data and information.

The PWSS program conducts various meetings and calls on a regular basis. Monthly 1-2 hour calls coordinated by the Division provide regular updates on pertinent program issues, but are limited in scope. District liaisons noted that they continue to share expertise and have good interaction with staff in FDOH offices, but these discussions are also limited, and some District offices have lost technical expertise. Conference calls and informal information sharing also occur between some District offices. However, the regularity and strength of these exchanges varies widely. Lengthier face-to-face meetings (such as the annual PWSS conference and quarterly PCE meetings) have historically provided the most valuable opportunities for education and exchange among office staff. These meetings have included

presentations on regulations, technical issues, policy, guidance and data management tools. They also provided time for face-to-face discussions among staff with varied backgrounds and expertise. Quarterly PCE meetings sometimes facilitated the scheduling of follow-up meetings. For example, some Districts followed quarterly PCE meetings with meetings with their delegated FDOH offices, allowing continued discussions on some PCE meeting topics or introduce other discussion topics of concern. The information exchanged in all of these meetings often facilitated faster, more comprehensive, consistent resolution of specific PWSS program concerns.

The Division conducts regular program reviews of each District and DOH office. Program Review reports provide a consistent, in-depth assessment of 8 key program components across all 14 offices, as shown in Table _ below.

Table 2:

Summary of 2013-2014 FDEP Program Evaluation Results for 6 FDEP District and 8 DOH County Offices

Sum of Score (as % of PE Weight) Row Labels	Column Labels 1_Organization/ Staffing/ Resources	2_Data/File Management	3_Compliance	4_Enforcement	5_Sanitary Survey/ Compliance Inspections	6_Permit/Plan Reviews	7_DEP Coordination/ Assistance Activities	8_Training	9_Overall Score
1_PE Weight(%)	5.00	25.00	15.00	15.00	15.00	15.00	5.00	5.00	100
A_Central	91.60	94.96	100.00	100.00	93.60	100.00	100.00	100.00	97.36
A_NE	[illegible]	84.52	105.27	105.87	90.40	98.00	100.00	91.60	94.08
A_NW	100.00	97.36	100.00	105.87	100.00	97.93	100.00	91.60	99.49
A_SE	102.00	95.28	84.20	105.87	97.33	101.07	100.00	100.00	97.2
A_South	102.00	90.76	100.00	105.87	103.60	101.00	100.00	75.00	98.12
A_SW	94.80	97.96	100.00	105.87	102.60	97.87	100.00	83.40	99.36
C_Broward	102.00	95.20	107.13	105.87	102.33	95.87	100.00	100.00	100.59
C_Hillsborough	[illegible]	99.60	100.00	100.00	106.47	92.80	100.00	100.00	98.33
C_Lee	91.60	97.12	100.00	105.87	100.00	93.73	90.00	100.00	98.31
C_Miami-Dade	96.80	95.24	100.00	105.87	96.40	93.93	90.00	100.00	97.58
C_Palm Beach	102.00	93.36	105.87	105.87	106.80	96.87	80.00	100.00	99.76
C_Polk	89.60	96.48	107.13	100.00	102.73	100.00	100.00	83.40	99.25
C_Sarasota	91.60	97.08	100.00	105.87	107.27	86.47	90.00	75.00	97.04
C_Volusia	102.00	95.12	107.13	76.47	96.27	93.60	100.00	91.60	94.49

LOW 100% HIGH

The relative weighting that the Division assigns to each of the 8 components is shown in the first row of this table. Individual cells display the percentage of total points which each office received for each component during the most recent 2013-2014 Program Evaluations. The results show that all offices successfully implement Data/File Management and Permit/Plan Review program components. Most offices also successfully implement Compliance, Enforcement and Sanitary Survey/Compliance Inspection program components. However, the basis for bonus points awarded for certain additional activities within these components, which often contribute to elevated scores, is somewhat unclear. Scores for the remaining three program components (Organization/Staffing/Resources, DEP Coordination/Assistance and Training) were more variable, with some offices receiving significantly lower scores. For the Organization/Staffing/Resources program component, three offices received less than 90%, and an additional two offices received less than 92%, of the total possible points. Offices generally received point reductions for having a lower ratio of PWS to professional staff. However, all offices received the maximum allowable points for their response to the question: "Is the current staffing adequate to cover required workload?". These findings suggest that additional information is needed to better evaluate the adequacy of current office staffing/resource levels. For the DEP Coordination/Assistance component, four offices received 90% or less of total possible points. Point reductions were generally received due to lack of scanning capabilities for purposes of generating electronic files. Most questions required only "yes/no" responses, and the scoring system did not consider the more detailed comments provided by offices. Reconsideration of the kind of information needed to assess this component may be helpful. For the Training component, four offices received less than 85%, and an additional three offices received less than 92%, of total possible points. Point reductions were based on failure of staff to complete one or more of the identified core training courses, or lack of a written office training plan. These findings suggest that many offices do not have access to all needed training. The Division's basis for updating the list of needed courses is also unclear. EPA believes this portion of FL's program evaluation is inadequate to fully assess training needs.

Staff interviews conducted during this Priority Review provided information on how Florida currently identifies and addresses training needs. While training needs are a clear priority, the resources to address those needs are often limited. In order to justify training, the Division and District offices each prepare comprehensive annual training plans. Some FDOH offices prepare office training plans, and many notify District offices of additional training needs on an ad-hoc basis. In response to identified needs, the Division develops some training courses and makes these available to all offices. Division training generally focuses on rule implementation or database usage. District and FDOH offices conduct varied amounts of duty-specific training internally and access external training sources as resources allow.

Florida's PWSS program does not currently appear to have a clear means for tracking and addressing training needs on a program-wide basis. Staff in multiple offices identified the need for training on: use of PWS website/database tools, information on DBP formation and treatment, DBP stage 2 implementation, technical knowledge that allows staff to tie rules together and optimize overall system compliance, and state enforcement policies. These responses suggest that the PWSS program could realize some efficiencies by implementing more seamless, universal communication of training needs and resources. Several offices stated that they are in the process of re-tooling existing training plans, to adjust for changing duties and priorities that resulted from the 2012 reorganization. This re-tooling period may provide an opportunity for Florida to revisit that way in which it identifies and addresses training needs on a program-wide basis.

A primary goal of the 2012 reorganization was to recognize efficiencies and achieve greater statewide consistency by realigning staff in the Division and some District offices. The changes implemented were

initially disruptive, as they altered established communication pathways and sometimes significantly revised staff workload. However, during interviews, staff provided evidence that re-tooling of the organization aimed at strengthening overall program coordination is now occurring on several fronts. The Division is re-examining training plans and the value of regular, lengthier face-to-face meetings. The Division continues to revisit strategies for maintaining timely access to critical information technology resources. Given the realignment of compliance staff and the revision of some enforcement guidance, the Division has also recognized the importance of clarifying the enforcement process to all offices. Districts clearly desire autonomy to implementing enforcement/compliance issues. However, they are also striving to exchange information and expertise with other Districts, and expressed a desire for clearer guidance from the Division on some issues. District offices that were more heavily impacted by the reorganization continue to re-calibrate their programs to ensure effective PWS oversight.

Resources which were unchanged through the 2012 reorganization contributed considerably to the continued strength of Florida's PWSS program. These resources include FDOH-HQ and FDOH offices, the continued use of 14 geographically-targeted District and FDOH offices to maintain close working relationships with PWS operators, the technical support contract with FWRA, and the Division's continued maintenance of several tools for managing data and information essential to the PWSS program.

Recommendations

The 2012 reorganization refocused Florida's PWSS program on the critical goals of strengthening overall program consistency, and renewing focus on timely accomplishment of program priorities (such as the prevention and resolution of health-based violations). The associated reorganization of staff and resources disrupted many valuable coordination pathways that existed under the old organization. Some expertise was also lost during the reorganization. The re-tooling period that is now occurring is critical to ensuring that Florida maintains and establishes communication pathways and tools that will allow them to best accomplish the priorities of the PWSS program under the new organization. Based on information gathered during this priority review, the following program coordination-related activities are recommended as key to strengthening Florida's PWSS program.

Regular, established communications have historically provided the Division, District and FDOH offices with some of the most valuable ways to leverage the expertise and resources available in the many offices that comprise Florida's PWSS program. Interviewed staff unanimously stated that regular face-to-face meetings (such as the annual PWS conference and quarterly PCE meetings) were the most valuable tools, as these provided the broadest exchange of PWSS program and technical information to the greatest number of staff. Reinstatement of these meetings would strengthen staff knowledge and promote rebuilding of communication pathways. Continued strengthening of regular communication pathways between District offices would increase the exchange of information and expertise relevant to direct oversight of PWS facilities. Increased District expertise could also be leveraged by FDOH offices.

EPA recommends FDEP leads a statewide assessment of technical and programmatic training needs of all offices given the number of new drinking water regulations and new staff to the program. A re-tooling of Florida's training program that allows PWSS program offices to better identify and address training needs would be helpful.

Individual offices provide various levels of internal training, but this could be supplemented with the resources and expertise available from other offices across the state. Reinstatement of the face-to-face meetings noted earlier would provide an efficient means for providing broadly-needed training, such as

guidance on program enforcement tools and priorities as well as provide a meaningful opportunity for offices to share training plans (such as the training program being developed by the SW District).

Some re-tooling of the Divisions standard Program Evaluation template may increase the usefulness of Program Evaluation findings. These regular program evaluations of District and FDOH offices provide an excellent tool for consistently evaluating key components of Florida's PWSS program. However, for some components, the information collected does not clearly explain the basis for differing, or lower, scores among offices. This finding primarily applies to components that do not include PWS-specific reviews (i.e. Organization/Staffing/Resources, DEP Coordination/Assistance and Training components). Questions and scoring mechanisms used for these components could be re-examined and modified to better characterize office strengths or deficiencies. For example, the Division might develop a standard process for updating core training courses to reflect changing program priorities and individual office needs.

Florida's PWSS program may strengthen external coordination though increased participation by local office level in EPA's AWOP program. This participation would allow office staff to better evaluate and assist surface water systems in optimizing treatment goals and enhancing microbial and disinfectant byproduct control. The technical expertise gained could also be shared with other offices.

Local District and FDOH offices are encouraged to make use of the OCULUS and PA document management systems, particularly in effort to coordinate compliance and permitting activities.

Disinfection Byproduct Rules Implementation

Background

Disinfection Byproduct Rules Implementation was selected as a priority for review based on an analysis of state-wide violation data by specific contaminant group. Other than total coliform MCL violations, DBP MCL violations represented the greatest number of health-based violations for water systems in Florida over the past five years. Many water sources in Florida have high quantities of naturally occurring organic matter. When the water with high levels of organics is disinfected with chlorine, high levels of disinfection byproducts can form. Levels of many DPBs increase with water age in finished water storage tanks and distribution systems. Treatment strategies for DBPs can include adjustments to treatment systems (examples: removal of organics prior to disinfection, change of disinfectant, pH adjustment, or removal of DBPs after formation, etc) or changes to operations of distribution systems (examples: adjustments to storage tank levels or fill/draw cycles, flushing practices, elimination of "dead ends" in distribution lines, etc.).

Over the past few years States and water systems have been transitioning from monitoring requirements associated with the Stage 1 Disinfectants and Disinfection Byproduct Rule to the Stage 2 DBP Rule. Some of the key changes including the number, frequency and locations of routing monitoring, inclusion of consecutive water systems to rule requirements, and how compliance is calculated based on locational averages. The transition from the Stage 1 to Stage 2 Rule involved a period of time when EPA, Region 4 was implementing aspects of rule focused on identifying potential new monitoring locations. These early implementation activities were a result of the regulatory timeline beginning before states were required to have the rule adopted. As a result, DEP and DOH field staff played a limited role in training and implementation associated with monitoring site selection. Florida Rural Water did provide a significant

amount of outreach to water systems during this time. Florida had adopted the Stage 2 Rule by the time routing monitoring requirements began and worked with water systems to finalize monitoring plans.

Priority Evaluation Method

Region 4 utilized a combination of data analysis, personnel interviews and onsite file reviews to evaluation strengths and needs associated with Florida's implementation of the DBP rules. Data analysis include reviews of DBP monitoring results from Florida's PWS database and DBP violation data available from EPA's SDWIS data system. Interview questions were used to determine strategies utilized to affect system compliance, understand expertise levels and resource demands for staff and management, and to gage consistency in implementing the regulations and guidance associated with the DBP Rules. File reviews included a review of information used to develop system monitoring plans, an evaluation of system monitoring data to ensure monitoring was done in accordance with the plan, and a review of compliance determinations based on the analytical results.

Key Findings

Most health-based violations for chemical monitoring in Florida are associated with DBPs.

Review of DBP monitoring results from PWS identified a significant number of questionable values of "0" for TTHM and HAA5 analytical results, often at systems/locations that had previous and subsequent high levels. While some amount of fluctuation of results is expected, systems with detected levels greater than ½ of the MCL typically do not have fluctuations that would results in associated non-detect levels.

Staff determine compliance manually based on review of monitoring results as the Stage 2 module of PWS is not yet available. Errors were identified in both water system reporting and state compliance determination including:

- Incorrectly calculating the locational running annual average of monitoring results
- Water system not monitoring in correct months
- Failure of systems to submit Operational Evaluation Reports when required
- Changes in monitoring locations without justifications

Staff have had training on DBP rule compliance. However, very few staff indicated they had much, if any, training related to DBP formation and/or treatment.

Reviewers found recommendations to water systems on flushing strategies that are not supported by EPA and will result in masking ongoing health risks to water system customers.

Some offices have made efforts to integrate compliance and permitting activities to ensure DBP compliance is considered in project review and the potential need for DBP monitoring plan changes based on relevant water system infrastructure changes. Efforts range from having the same staff perform both engineering review/permitting and compliance determination, to developing a liaison responsibility between permitting and compliance office staff.

Recommendations

There is a need for District and County staff to re-evaluate DBP monitoring locations identified in Stage 2 Monitoring Plants. FDEP and DOH should consider enhancing the review of distribution systems during sanitary surveys to include an evaluation of DBP monitoring locations. Considerations for enhancing the sanitary survey include:

- Checking disinfectant residual levels (and pH when available) to assess water quality at areas of high probable water age relative to approved DBP compliance monitoring locations.
- Reviewing flushing practices to determine if water systems are using practices to improve water quality system-wide or just at compliance locations.
- Visit the DBP monitoring locations to identify any changes (e.g. installation of auto-flushing device) that may give reason to modify the monitoring plan.
- Evaluate the appropriateness of changing one monitoring location to Point of Entry for consecutive systems based on the number of monitoring locations and associated baseline data already collected. POE data can be valuable for coordination between wholesale and consecutive water systems.

Provide technical training to staff on how to limit DBP levels in water systems through improved distribution system operation practices. The Area Wide Optimization Program (AWOP) implemented in Region 4 has been used by several states to provide training to water system personnel on DBP compliance strategies that minimize the need for costly infrastructure and to develop the staff expertise to perform the enhanced sanitary survey practices outlined above. Due to the low number of surface water systems in the state, FL has minimally participated in EPA's, AWOP. With the network's significant change in focus to Disinfection Byproducts, FL should engage all districts and counties with opportunities to participate in AWOP.

FDEP should investigate the number of "0" monitoring results to determine if there are any obvious laboratory or data entry errors, or any trends that would raise question as to the integrity of the results.

FDEP should continue to prioritize the development of the Stage 2 DBP module in the PWS database. Manual compliance determination is not an efficient us Priority #4: Data Management

Data Management

Background

One of the required functions of delegated PWSS Programs is to maintain a data management system for tracking compliance, enforcement actions and public water system inventory. FDEPs main database for the drinking water program is called PWS. PWS analytical results are received electronically through the Oculus 5.6.2. Program. The Oculus Program is also accessible to the public for review of PWS documentation. FDEP also uses an Oracle-based database of their own design, PWS. Reports are produced in American Standard Code for Information Interchange (ASCII). Data are transmitted to SDWIS/Fed via an Extensible Markup Language (XML) file created from extrapolated data. Data are reported quarterly, including inventory updates.

Compliance determinations are performed in the district and county offices, using the PWS program. Pre-compliance reports run every night and are available to the offices the following day. A point person in each office is responsible for posting the previous month's violations so they can be compiled by Tallahassee. Treatment technique and Public Notice violations are entered manually. All other

compliance determination is automated. All violation letters and enforcement actions are handled within the individual offices.

FDEP uses the SDWIS/Fed error reports to correct errors but finds that the ".pdf" format is not useful. That format is too difficult to mark up and data cannot be sorted. FDEP would greatly prefer data in Excel spreadsheets.

Key Findings

The Division has developed and maintains several effective tools for entering and accessing PWSS data and reports including:

PWS – Includes 5 reports, further divided by year or geographic area. Basic Facility Reports, Flow Data and Plant Treatment Data files are updated quarterly. Chemical Data and Microbiological Data files are updated annually in March. Reports provide information on sample results, average/max monthly flows, types of water treatment, the type of system, address, capacity, sources of water, population and service connections served, dates the Department performed the last sanitary survey, and the dates the last bacteria and inorganic/organic contaminant testing was performed.

PA – database that tracks the permit application process to ensure statutory time clocks are met.

OCULUS – an electronic, web-based document management system that allows the public to search and review permitting documents within DEP.

Compliance/Enforcement: Does FDEP-SDW maintain a database to track permit compliance/enforcement and complaints received (similar to ERPce (Environmental Resource Permitting Compliance & Enforcement)?

FDEP-DW standardized PDF/Word data/information entry forms for use by PWS and laboratories to document: (1) Permitting/Construction/O&M activities (Chapter 62-555.900 F.A.C.) and (2) reporting results for required test measurements or analyses (Chapter 62-550.730 F.A.C.). Users may generate computer-generated versions of same.
(see http://www.dep.state.fl.us/water/drinkingwater/forms.htm#555fm20alt)

NEXUS – user-friendly information portal for retrieving documents from OCULUS archival database.

PASS (Permit Application Subscription Service) System: Allows user to receive automated, customized notification of permit application status (e.g by application types, geographic area, etc.)

Data entry and compliance determination tools available through the PWS database provide staff in all offices with a rapid, reliable, consistent way to upload system monitoring data and accurately calculate compliance. The value of this tool was readily apparent during staff interviews, as staff unanimously emphasized the need for the Division's soon to be released DPB Stage 2 compliance determination tool.

Use of a state-developed tool also allows staff to more easily request helpful database changes. Simpler changes are implemented by Division staff, while more comprehensive changes are made by staff in the FDEP's Office of Information and Technology Services (OTIS). Requests to OTIS are sometimes delayed, as OTIS must prioritize database needs for multiple programs. The Division works to maintain the priority level of key PWS database updates, but limited OTIS resources are an ongoing challenge.

The Division also maintains two web-based document tracking systems that allow staff and the public to obtain SDWP documents of interest. OCULUS houses copies of permitting and enforcement documents. The Permitting Application (PA) System, allows the user to retrieve permit applications currently under review. While these systems may provide a valuable resource to inspectors and permit reviewers, it is unclear to what extent some offices use these systems. More comprehensive training on these systems may facilitate the exchange of information between permitting and compliance staff.

Recommendations

Florida's PWSS program should continue to implement a strong data and information management program that is available to all offices. The PWS database addresses a critical need, providing a consistent suite of tools for data entry and compliance determination that can also be modified to address staff needs.
e of FTE, nor is it particularly effective as several compliance determination errors were found in the review of a small number of water system files.

External Outreach

Background

In selecting topics for review, FL's compliance assistance outreach to public water systems was identified as a program strength. The review included a combination of document review and interviews of key staff and managers. With recent changes in drinking water law (Stage 2 Disinfection Byproduct Rule, Ground Water Rule, Reduction of Lead in Drinking Water Act, Revised Total Coliform Rule), water systems are increasingly dependent on state agencies to provide the outreach necessary to explain the details of the rules and regulations that will ensure sector compliance and protection of public health.

FDEP and FDOH value a strong relationship with the regulated community and strive to ensure that, where possible, concerns are address through compliance assistance activities prior to water systems incurring a potential violation. The FL drinking water program achieves outreach to water systems through site visits to water systems, training classes, contracts with technical assistance partners, and direct mailings to water systems and water system professional.

Key Findings

FL DEP/DOH utilized a number of mechanisms to provide meaningful outreach activities to public water systems, including:

- Drinking Water Technical Assistance Program

- Contract with Rural Water to provide training and operator certification
    - Focus on Change training seminars ~ 6 events/year
    - Water treatment plant operator certification ~16 events/year
    - Water distribution system certification training ~5 events/year
    - Water treatment plant operation and maintenance ~17 events/year
    - Electrical safety and generator set up ~ 1 event/year
    - Treatment technologies and conservation ~ 1 event/year

  - Emergency Response Plans ~ 0-1 event/year
  - Over 3,000 technical assistance site visits/year from Circuit Riders

- Limited Involvement in Area-Wide Optimization Program

- Operator Certification Program

- Floridian Newsletter

- Sanitary Surveys and other inspections

Florida's strong suite of outreach tools provide office staff with ways to enhance coordination with local PWS operators. The Division's Technical Assistance Program assists all offices in resolving technical, managerial and financial challenges of individual public water systems at no cost to those systems. The contracted services of FRWA are frequently used by smaller rural water systems. FRWA also provides training on various topics of interest to both system operators and FDEP and FDOH staff, including full-day of sessions during the "Focus on Change" seminars which are held year-round at locations throughout the state. Available training sessions are listed on the FWRA website. The Division participates minimally in EPA's "Area-Wide Optimization Program" (AWOP), and uses this program to more closely evaluate and assist the ability of surface water systems to optimize disinfection and filtration treatment goals and enhance microbial and disinfectant byproduct control. While participation has recently decreased, staff interviewed in some District and FDOH offices expressed interest in increasing participation in order to benefit PWSs while strengthening the expertise of office staff.

All offices expressed a need for greater technical training of inspectors, compliance, and permitting staff citing a concern with being able to adequately address simultaneous compliance concerns with water systems. Some entities expressed concern over a perceived loss of drinking water programmatic expertise within FDEP.

Customer complaints made to the state are address in a timely and appropriate fashion. There was some uncertainty as to what DOH laboratory support is available to District staff when responding to customer complaints.

Every office makes a concerted effort to send letters to each water system annual to provide minimum monitoring requirements to ensure water systems complete all required monitoring.

Recommendations

Florida should continue to implement a strong PWSS outreach program. FRWA contracted services and training sessions provide invaluable support to local offices in their efforts to assist PWS operators. Focus on Change seminars also provide opportunities for exchange between office staff and PWS operators, strengthening communications between these parties.

Consider exploring the appropriateness of addressing laboratory support for bacteriological monitoring in the interagency agreement between DOH and DEP. The support would be used when responding to customer complaints or in carrying out any special studies that would enhance the value of Department outreach for water systems.

The EPA believes District and County staff participation in the Area-Wide Optimization Program would facilitate improved outreach to water systems. In addition to new regulations, large turnover in drinking water staff, in some areas, has created a need for increased investment in drinking water program training. EPA strongly encourages Districts and Counties to interact more, through routine meetings and trainings, to discuss implementation challenges/successes so that expertise across the state is better leveraged to fill the knowledge gaps associated with new regulations and new program staff.

Appendix _

EPA Priority Review of Florida Drinking Water Program
Overview and Site Visit Prep Document

Assistance in scheduling interviews (30 minutes each) for key staff and managers associated with drinking water enforcement, disinfection byproduct rules, internal coordination between DEP and DOH, and external outreach with water systems. Please provide names for the following interviews (1-2 per category, as appropriate for your office):

Miami-Dade FDOH

a. Enforcement Program Manager
(Paul L. Andre)
b. Enforcement Officer (Staff)
(Reinaldo Caballero, Tracie Dickerson, Heather Beaton)
c. Drinking Water Program Manager
(Paul LEVELT André)
d. Staff responsible for DBP implementation
(Richard Rojas and Paul Andre)
e. Staff responsible for conducting water system inspections and/or providing technical assistance
(Richard Rojas and Paul Andre)

Broward FDOH

a. Enforcement Program Manager
(Rafael Reyes)
b. Enforcement Officer (Staff)
(Paul Thompson and Rafael Reyes)
c. Drinking Water Program Manager
(Rafael Reyes)
d. Staff responsible for DBP implementation
(Sandra Giraldo and Rafael Reyes)
e. Staff responsible for conducting water system inspections and/or providing technical assistance
(Bill Lorenzo, Sandra Giraldo, Shani Grant, Paul Thompson, and Rafael Reyes)

SWD DEP

a. Enforcement Program Manager
(Ed Watson and Gerald Foster)
b. Enforcement Officer (Staff)
(Ed Watson and Gerald Foster)
c. Drinking Water Program Manager
(Ed Watson)
d. Staff responsible for DBP implementation
(Ed Watson and Gerald Foster)
e. Staff responsible for conducting water system inspections and/or providing technical assistance
(Ed Watson and Jayme Brock)

DEP HQ

a. Enforcement Program Manager
(Jessica Kleinfelter)
b. Enforcement Officer (Staff)
(Eric Bengtson, David Wales)
c. Drinking Water Program Manager
(Trevor Noble)
d. Staff responsible for DBP implementation
(Virginia Harmon, Eric Bengtson)
e. Staff responsible for-providing technical assistance
(John Sowerby, Virginia Harmon, and David Wales)

Additional contacts:

DOH HQ: **Bob Vincent and Ed Bettinger**

SED DEP: Michele Owens

Appendix _

Potential Questions on FL Agency Coordination

1. Describe the current structure, duties and staffing of your office? Have these been altered by recent reorganizations? If so, describe how?

2. Briefly describe the working relationship (e.g. communication, work flow) between the Division, District offices and FDOH offices?

3. What information do you most often provide to other FDEP/FDOH offices?

4. What means/tools do you use to receive/provide this information (e.g. verbal/email, website post, database upload/download, reports, conferences, meetings, training)? How well do these transmittal pathways function?

5. What kinds of issues are typically discussed in monthly conference calls with all agencies (or quarterly conference calls between Districts and DOH)? Do the meetings and follow-up communications (e.g. meeting minutes, postings on website bulletin board) address your needs?

6. What other meetings, webinars, conferences, workgroups have you participated in with other DEP/DOH offices over the last year?
    a. Have these assisted you in accomplishing assigned duties or facilitated improvements in FDEP's SDW program?
    b. Any suggested improvements (e.g. in structure, content, frequency) that would allow these meetings better meet your needs?

7. Training:
    a. Which training courses have you attended over the past year? Were these useful?
    b. Were you able to attend all desired/needed training? If not, why?
    c. Are there any additional training courses that you wish you had access to?
    d. Describe your office's training plan. Is this a helpful tool?

8. What data management tools does your office use to implement SDWA activities?
    a. How well do these tools support your implementation efforts?
    b. What kinds of change/improvements have been made to the data management process in recent years?
    c. What, if any, additional improvements to the data management process would you suggest?
    d. What impact, if any, have recent reorganizations had on FDEP-HQ data management activities?

9. Describe the delegation process
    a. How is the decision to delegate made?
    b. How is the delegation documented (e.g. Interagency Agreement)?
    c. How is the delegation implemented (e.g. scope of delegated functions, District oversight process, daily operation)
    d. How are laboratory certification information/issues communicated and addressed?
    e. How well is the delegation process working? Areas in need of improvement?

10. What would you like to highlight regarding FDEP's drinking water program?

11. What are the greatest resource demands for the drinking water program?

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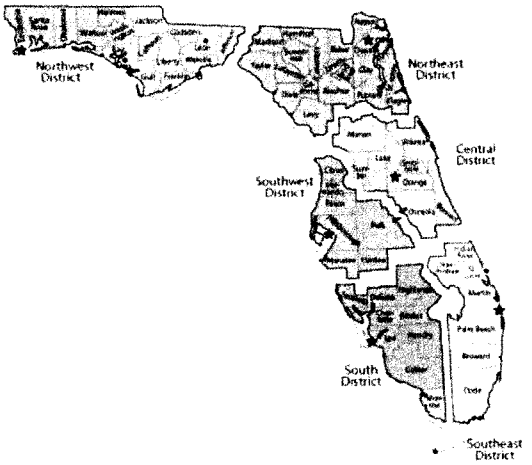
PRIORITY REVIEW

OF THE PUBLIC WATER SYSTEM SUPERVISION PROGRAM FOR THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

DRAFT REPORT



Prepared by the
Environmental Protection Agency, Region 4
Drinking Water Section, Water Protection Division

May 21, 2015

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Appendix

(b)(5) Deliberative Process Privilege

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(b)(5) Deliberative Process Privilege

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INTRODUCTION

The U.S. EPA, Region 4 Drinking Water Section (EPA, Region 4) developed a protocol, called a Priority Review, for assessing the performance of state PWSS Programs and for evaluating the adequacy of resources dedicated to identify priorities for individual state programs. The Priority Review replaces EPA's Data Verifications that historically reviewed state data associated with each rule in the National Primary Drinking Water Regulations. The new approach is intended to be transparent and targeted in assessing a few priority focus areas identified in a collaborative effort between the state and EPA, Region 4. The following priority areas of focus have been identified for Florida:

1. Enforcement of drinking water regulations
2. Internal state coordination between DEP and DOH on the drinking water program
3. Disinfection Byproduct Rules implementation
4. Data Management, and
5. External outreach

Region 4 used three basic methods to obtain information: (1) identification and review of key documents and tools used by Florida to implement their PWSS program (e.g. guidance, websites, internal review protocols, databases, file management systems, reports, etc.), (2) interviews with managers and staff and (3) review of individual system files. For the third method, Region 4 selected systems for the review that were likely to provide a good understanding of Florida's approach to addressing more challenging or problematic situations.

OVERVIEW OF FLORIDA'S PWSS PROGRAM

EPA gives flexibility to state primacy agencies for required PWSS program activities. In Florida, PWSS implementation activities are spread over a decentralized organizational structure. The Department of Environmental Protection has the primary role of regulating public water systems (PWSs) in Florida. The Source and Drinking Water Program (SDWP) located in the FDEP headquarters in Tallahassee (FDEP-HQ) is responsible for writing rules, developing policy, managing funds, providing training, managing data, and managing special initiatives. The Water Compliance Assurance Program (WCAP) is responsible for oversight, tracking and reporting of enforcement and permitting activities. The enforcement of rules and permitting of new construction for individual PWSs is handled by six FDEP district offices. In eight Florida counties, the Districts have currently delegated this enforcement and permitting authority to local approved county health departments through Interagency Agreement. FDEP has also delegated laboratory certification to the Department of Health Laboratory in Jacksonville.

FDEP-HQ environmental programs are divided into three main areas, one of which is Regulatory Programs. The Deputy Secretary for Regulatory Programs provides oversight and direction to four FDEP-HQ regulatory divisions, including the Division of Water Resource Management (DWRM) and six regulatory district offices. The SDWP and WCAP programs are both located within DWRM, while the regulatory district offices report directly to the Deputy Secretary for Regulatory Programs.

Following is a complete list and description of all programs which contribute to FDEP's implementation of Safe Drinking Water Act (SDWA) requirements.

Florida Department of Environmental Protection

FDEP-HQ Division of Water Resource Management (DWRM):

- FDEP-HQ Source and Drinking Water Program (SDWP): Coordinate overall PWSS implementation through policy and rule development, and management of funding, training, data and special initiatives. Ensure all SDWA program requirements are conducted and reported to EPA as outlined in the annual PWSS workplan.
- FDEP-HQ Water Compliance Assurance Program (WCAP): Facilitate statewide coordination of compliance and enforcement activities by providing and/or supporting the development of policy, guidance and training to ensure consistency among the six District Offices for state Drinking Water and Wastewater Programs. Ensure all SDWA compliance and enforcement activities are conducted and reported to EPA as outlined in the annual PWSS workplan commitments.

FDEP-HQ Office of General Counsel (OGC): Provide legal counsel and represent FDEP in implementing enforcement, permitting and programmatic actions. Provide training and consultation to FDEP staff.

FDEP-HQ Office of Technology and Information Services (OTIS): Manage functionality and security of the information technology systems that support FDEP mission success. Provide application development and customer support services to FDEP Divisions and regulatory districts that use regulatory databases, including SDWP support needs for PWS.

FDEP Regulatory District Offices: Coordinate and implement all permitting, compliance and enforcement activities for counties located within District boundaries, including permit reviews, facility inspections, compliance assistance, rule enforcement and response to reports of environmental damage. Six separate offices serve counties located in the Northwest, Northeast, Central, South, Southeast and Southwest portions of the state. The FDEP District Office delegates this authority to qualified individual Florida Department of Health (FDOH) county offices. Provide legal, technical and training assistance to delegated FDOH county offices.

Florida Department of Health

- The current DEP-DOH Interagency Agreement delegates lead PWSS program implementation authority from the responsible FDEP District Office to DOH offices in the counties of Broward, Miami-Dade, Hillsborough, Lee, Sarasota, Palm Beach, Polk and Volusia. Delegated FDOH county offices coordinate and implement permitting, compliance and enforcement activities for that county.
- The Florida Department of Health laboratory in Jacksonville maintains a State program for the certification of laboratories conducting analytical measurements of all drinking water contaminants, with the exception of radionuclides, in accordance with Florida Statutes 403.862-.8635 and Florida Administrative Code (F.A.C.) Chapter 62-550.550.

South Carolina Department of Health: South Carolina's radiological laboratory is responsible for the analysis of all radionuclude samples for Florida PWSs, in accordance with an MOA approved by SESD on January 28, 2013.

This organization is significantly changed from the structure that was in place during the previous 2009 Program Review conducted by The Cadmus Group, Inc. on behalf of EPA. In 2012, FDEP underwent a reorganization which affected both FDEP-HQ and FDEP District offices. At FDEP-HQ, the source and drinking water program staff were merged to form the Source and Drinking Water Program. Staff were relocated from the Drinking Water Program to support the formation of a centralized compliance and enforcement group (WCAP) and a more centralized information technology group (OTIS). District boundaries were redrawn, and resources were re-allocated, to allow for a more even distribution of resources among Districts. A primary objective of this reorganization was to improve program efficiency/effectiveness and promote consistency by streamlining the management structure and increasing cross-utilization of resources, particularly in the areas of compliance determination and data management.

FDEP's authority to implement provisions of the Safe Drinking Water Act (SDWA) derives from Chapter 403, Part VI, Florida Statutes and by delegation of the federal program from the U.S. Environmental Protection Agency. The Department has promulgated a number of rules in Chapters 62-4, 62-550, 62-555, 62-560, 62-602 and 62-699 F.A.C. to address drinking water standards, monitoring and reporting; public water system permitting and compliance; and treatment plant operators, classification and staffing. These requirements impact approximately 5245 federally regulated public water systems (PWSs) with approximately 1649 (or 31%) of Florida's PWSs being community water systems, approximately 776 or (15%) being non-transient non-community systems, and approximately 2820 or (54%) being transient non-community systems (Table 1).

PWS TYPE	WATER SOURCE	COUNT
CWS	Surface Water only	5
	Surface & Ground Water	69
	Ground Water only	1575
NTNC	Surface Water only	0
	Surface & Ground Water	4
	Ground Water only	772
TNC	Surface Water only	5
	Surface & Ground Water	1
	Ground Water only	2819
TOTAL		5245

Table 1. Count of Florida Public Water Systems by Type and Source

Enforcement of Drinking Water Regulations

Background

Compliance and Enforcement Program Implementation was selected as a priority for review in order to assess whether a state is implementing the requirements of the Public Water System Supervision (PWSS) program. The states ensure that human health is safeguarded by enforcing the requirements of the Safe Drinking Water Act (SDWA) to ensure that the states' public drinking water supply and its sources are protected. Historically, the reviews of the states' PWSS programs, whether that be through a Data Verification, Program Review, or a Priority Review, did not typically include an evaluation of the compliance and enforcement program at the states. Region 4 has determined that this is an important aspect of a review of the implementation of a PWSS program, and plans to include this in future Priority Reviews, as appropriate. Through this review, EPA promotes regional consistency, identifies successes in implementation of the PWSS program, and identifies opportunities for improvement in the compliance and enforcement programs.

In January of 2010, EPA began implementation of a new enforcement approach designed to help our nation's public water systems comply with the requirements of the SDWA. This new approach replaced the previous system of a contaminant to contaminant compliance strategy with one that focuses attention on the drinking water systems with the most serious or repeated violations. This strategy identifies public water systems with violations that rise to the level of significant noncompliance by focusing on those systems with health-based violations and those that show a history of violations across multiple rules. This system-based methodology is intended to ensure consistency and the integrity of the PWSS national enforcement program. This approach includes a revised Enforcement Response Policy (ERP) and new Enforcement Targeting Tool (ETT).

The ETT uses a tool that enables the prioritization of public water systems by assigning each violation a "weight" or number of points based on the assigned threat to public health. Points for each violation at a water system are summed to provide a total score for that water system. Water systems whose scores exceed a certain threshold will be considered a priority system for enforcement.

EPA recognizes that states carry out both formal and informal enforcement and compliance assistance activities. These activities are effective tools for achieving compliance. Nevertheless, systems specifically identified by the ETT as priorities must be returned to compliance (RTC) or EPA will expect formal, enforceable mechanisms to return such systems to compliance. States are expected to escalate their response to ensure that RTC is accomplished. Once a public water system is identified as an enforcement priority on the ETT list, an appropriate formal action or RTC will be required within two calendar quarters to be considered "timely". However, regardless of a public water system's position on a state's ETT list, EPA expects that states will act immediately on acute, health-based violations and subsequently confirm that systems with such violations return to compliance.

Priority Evaluation Method

Region 4 utilized a combination of data analysis, personnel interviews, comparison of established program strategies with the ERP, and onsite file reviews to evaluate Florida's successes in implementation of the PWSS program and identify opportunities for improvement in its compliance and enforcement program. Data analysis included a review of the EPA ETT Tracker, which is a tool that provides useful metrics and graphing capabilities for systems' current and past ETT scores for up to twenty (20) quarters. This information was used to aide in the selection of the files to be reviewed and get a rough evaluation of Florida's ability to timely and appropriately return systems to compliance or issue formal, enforceable mechanisms that will return a system to compliance. Additionally, EPA's SDWIS data system was used to determine what violations and enforcement had been done for each of the selected files to review. Nine (9) files were selected for review, however, only eight (8) were

reviewed (See table named *Timeline for Settlement of Identification as a Priority System on the ETT List* below). Interview questions were used to understand the dynamics of the organization including staffing resources and demands and to determine how the established program strategies were being implemented with regards to Florida's compliance and enforcement program. The *Department of Environmental Protection (DEP) Enforcement Manual* and *Directive* 923 were reviewed for consistency with the EPA ERP requirements to ensure that these policies enabled the state to meet the requirements of timely and appropriate compliance and enforcement. File reviews included a review of the violations determined, an evaluation of the enforcement mechanisms issued for consistency with the *DEP Enforcement Manual* and the EPA ERP, and a comparison of the information found during the file review with the data reported to EPA's SDWIS data system.

Key Findings

The accuracy of data reported by FDEP to SDWIS was found to be in need of improvement in the following ways:

- All violations identified in the file and/or provided from the FDEP tracking system, are not being submitted to SDWIS. This discrepancy was found in the District and both DOH offices. Primarily the violations that are not being submitted are monitoring and reporting violations for various parameters. For the identified systems, 6 of the 8 reviewed had violations noted in the file/data provided that were not identified in SDWIS.

- Enforcement actions taken and submitted to SDWIS, are either not being timely uploaded, properly linked to relevant violations, and/or the data uploaded is inconsistent with the documents provided for review. For the identified systems, 7 of the 8 reviewed had discrepancies with the information for the enforcement actions submitted to SDWIS. Specifically, for the files reviewed, there were instances where violation(s) were linked to enforcement actions that upon review of the enforcement action, it was determined that the action did not include or address those violations. Also, there were several instances where the data submitted to SDWIS showed multiple dates for the same enforcement action. It appears that the dates of enforcement are not being consistently entered (i.e. dates were submitted for the signature date of the effective order, receipt date of the effective, or the date the proposed order was sent to the respondent). So it was noted that at times there would be two formal actions entered into SDWIS when there was only one issued.

During the file review, EPA tracked compliance and enforcement mechanisms used and evaluated them for timeliness and appropriateness of the action or return to compliance. Based on this review, the following was determined in regards to the timeline for systems identified as a priority on the ETT list to be returned to compliance or have a formal enforcement action issued.

Timeline for Settlement of Identification as a Priority System on the ETT List

PWS ID	System Name	Date of First Appearance on ETT List as Priority System	Date of Settlement (RTC or issuance of Formal Enf)	Days Between ETT and Settlement	Settlement RTC or Formal Action ?	Quarters on ETT List as a Priority System
FL6095083	Seven Rivers Professional Center	9/30/2010	2/20/2013	874	RTC	10/2010, 01/11, 04/11, 07/11, 10/11, 1/2012, 04/2012, 7/2012, 10/2012, 1/2013, 4/2013, 7/2013
FL6510807	Holiday Gardens Util Inc.	3/31/2011	7/7/2011	98	Formal Action	04/2011, 07/2011, 10/2011, 04/2014, 7/2014, 10/2014

FL6510807	Holiday Gardens Util Inc.	3/31/2014	2/27/2014	-32	RTC	
FL6272304	**Camper's Holiday**	**3/31/2011**	**4/15/2011**	**15**	**Formal Action**	**04/2011, 07/2011, 01/2013, 10/2013, 01/2014, 10/2014**
FL6272304	**Camper's Holiday**	**12/31/2012**	**6/5/2013**	**156**	**Formal Action**	
FL4064392	Kids Paradise	12/31/2011	4/26/2012	117	Formal Action	01/2012, 04/2012, 07/2012, 04/2014, 07/2014
FL4064392	Kids Paradise	3/31/2014	4/24/2014	24	Formal Action	
FL4060402	**Everglades Holiday Park**	**12/31/2009**	**3/23/2012**	**813**	**Formal Action**	**01/2010, 04/2010, 10/2011, 01/2012, 04/2012, 01/2013, 04/2013, 07/2013, 10/2013, 01/2014, 04/2014**
FL4060402	**Everglades Holiday Park**	**3/31/2013**	**3/13/2013**	**-18**	**Formal Action**	
FL4061517	Royal Utility Company	3/31/2011	10/20/2010	-162	RTC	04/2011, 07/2013, 10/2013, 01/2014
FL4061517	Royal Utility Company	6/30/2013	2/12/2013	-138	Formal Action	
FL4131403	**Americana Village**	**3/31/2010**	**8/28/2012**	**881**	**RTC**	**04/2010, 07/2010, 10/2010, 01/2011, 04/2011, 07/2011, 10/2011, 01/2012, 04/2012, 07/2012, 10/2012, 01/2013, 04/2013, 07/2013**
FL4130833	Jones Trailer Park	12/31/2009	9/30/2011	638	RTC	01/2010, 04/2010, 07/2010, 01/2011, 04/2011, 07/2011, 10/2011, 01/2012, 01/2013
FL4130833	Jones Trailer Park	12/31/2011	10/3/2012	277	RTC	
Average Days Between ETT and Settlement				**253.07**		

Note: Some of the systems had multiple dates evaluated because they were bouncing on and off the ETT Priority List

For the evaluated systems, only two (for all the specified appearances on the ETT List as a priority system) met the 2-quarter timeliness goal established in the EPA ERP, 3 of the 8 met the goal for one of the appearances on the ETT list but not for all of the appearances, 6 of the 8 did not meet the goal for one or more of the appearances the system had on the ETT List as a priority system. On average for the identified systems (including those with multiple appearances as a priority system on the ETT List), the days between appearing on the ETT list as a priority and settlement of the violations was 253 days. This is in excess of the 2-quarter timeliness goal.

Also, in evaluation of the data above, there is an indication that formal actions and/or return to compliance data is not consistently being entered timely so that the ETT scores accurately depict the compliance and enforcement history. Therefore, some of the systems above, remained on the ETT list as priority systems multiple quarters after the resolving action had been issued.

During the file review, it was discovered that in 2 of the 8 files, enforcement actions were initiated but never completed and there was no explanation in the documents provided that explained why the action was not pursued. This was especially important information since both of those systems had been identified as priority systems for multiple consecutive quarters without returning to compliance or having a formal action issued.

The *DEP Enforcement Manual,* developed jointly by the Secretary, Deputy Secretary, and Assistant Deputy Secretary of Regulatory Programs, is periodically revised as necessary. The latest revisions occurred in September 2013 and October 2014 for the chapters addressing compliance and enforcement processes. The manual describes FDEP's enforcement organization, compliance options, enforcement options, inspections and investigations protocol, administrative process and remedies, judicial process and remedies, litigation procedures, data management, and penalty policies. Overall, the *DEP Enforcement Manual* is a thorough document which is provided to all District offices and authorized Department of Health (DOH) offices. However, when compared to the EPA ERP, it was determined that the *DEP Enforcement Manual* was not consistent with the EPA ERP in that it did not define an expectation of timely and appropriate enforcement. The *DEP Enforcement Manual* had no clear

expectation and/or goal for timelines associated with issuing formal enforcement for systems that are identified as priority on the ETT nor for systems with acute, health-based violations. During the interviews and file reviews, it was determined that the goals of issuing formal enforcement varied between the offices evaluated. The Southwest District (SWD) indicated that they were given some established guidelines on the expectations of timely and appropriate enforcement in the annual *SWD Business Plans*. However, both of the DOH offices (Broward County DOH and Miami-Dade DOH), indicated that there were no set timelines provided by FDEP for issuance of formal enforcement or returning the system compliance. Each of the DOH offices had established goals/expectations for timely and appropriate enforcement on their own. In Broward County, for example, the written expectations for each employee is that enforcement actions start within five days of discovering any violation. In addition, actions commence immediately upon discovery of cases where public health may potentially be at risk.

Staff in the Division, Districts, and DOH offices are provided with training on the *DEP Enforcement Manual* and *923 Directive*.

In February of 2013, the FDEP Division instituted a Peer Review Process. This Peer Review Process establishes that prior to the issuance of formal enforcement by the District offices, a Peer Review Recommendation Memo must be sent to the Division. The Division then reviews the Peer Review Recommendation Memo to determine if formal enforcement is appropriate, ensure that penalties are consistently calculated across all District offices, and that all regulations and violations are appropriately and consistently included in the enforcement. This process was established to ensure a consistent and equally applied approach to enforcement across all District Offices. This approach is not applied to the DOH offices, who independently establish their enforcement activities within the confines of the Interagency Agreement and the *DEP Enforcement Manual*.

The SWD office and Broward DOH office have both implemented a strategy of sending reminders to the systems of their monitoring responsibilities and timelines. The reminders are sent out to the systems at a minimum of annually and in some cases monthly or quarterly as well. These activities were implemented to decrease instances of monitoring and reporting violations. The Miami-Dade DOH office has also implemented a program that aides in decreasing monitoring and reporting violations, by conducting sampling for the small systems and as well as for the transient non-community systems and a few community systems. These sampling efforts are being done through a state laboratory in Miami.

Recommendations

Update the *DEP Enforcement Manual* or provide official written guidance to all offices of the following:

- The expectation to address those systems identified as priority systems on the ETT list within 2 quarters of appearance on the list, either by returning the system to compliance or issuing formal and enforceable enforcement as well as to act immediately on acute, health-based violations and subsequently confirm that systems with such violations return to compliance. This would help to ensure that the state is consistent with the EPA ERP, the state's PWSS grant work plan, and that the State is consistently implementing the compliance and enforcement program throughout all of the districts and authorized programs.

- The expectation that the date that is being used as the date of enforcement action, which is entered into the PWS data system and ultimately into SDWIS, is consistently the same date across all districts and authorized programs. Note: The date the proposed order is sent/signed, the

date of receipt of the proposed order, and the date of signature by the respondent should not be used as the date of enforcement for reporting purposes. These dates are not indicative of an effective order.

Efforts should be made to ensure that data submitted to SDWIS is timely, enforcement action dates are accurately and consistently entered, all violations are identified and submitted to SDWIS, and that all violations are accurately linked to the appropriate enforcement mechanisms. FDEP should develop and implement revised procedures to ensure accurate reporting of enforcement and compliance information into SDWIS.

Records should be maintained in the file that denote any and all decisions made with regard to enforcement actions, such as if there is a change from the proposed document or a decision to not pursue the enforcement action initiated.

FDEP should continue with the Peer Review Process initiated to ensure consistency of the enforcement activities across the Districts, and evaluate whether the process should be expanded to require that all formal actions, including those where both parties are in complete agreement, are submitted to the Division for review.

Internal state coordination between DEP and DOH on the drinking water program

Background

Program coordination was selected as a priority review topic due to the number of separate offices that implement Florida's Public Water System Supervision (PWSS) program and the significant impacts that a 2012 FDEP reorganization had on many of these offices. A first goal of the review is to better understand what kinds of coordination activities occur between offices and how these activities impact PWSS program implementation. A second goal is to determine how the 2012 reorganization altered previous coordination tools and pathways and describe Florida's efforts to adjust to those changes.

As described in the Overview section of this report, Florida implements the PWSS program through multiple offices, each of which handles specified duties for a designated portion of the state. The Division manages Florida's overall primacy program and develops and maintains many of the resources used by six District offices and eight delegated FDOH offices. District and FDOH offices have autonomy to implement the program at the individual system level, but must conduct activities consistent with the Division rules, policy and guidance and communicate accomplishments to the Division. The Division and Districts both report to FDEP's Deputy Secretary for Regulatory Programs. The 2012 reorganization redefined the FDEP's leadership structure and redistributed staff in the Division and some District offices in several ways, as described in the overview section of this report. FDOH offices were unaffected by the reorganization.

Florida's assignment of PWSS program duties to multiple offices and agencies allows the state to leverage significant additional resources and expertise. However, good communication and collaboration is needed to ensure effective, consistent operation of this decentralized program. The overall objective of this review is to ensure that effective mechanisms for ensuring good program coordination remain in place, and to document any particular strengths or weaknesses that require further consideration.

Priority Evaluation Method

Region 4 used a combination of document reviews and personnel interviews to understand past and present coordination activities in Florida and evaluate how well those activities support Florida's overall PWSS program implementation. The documents and information reviewed were obtained from EPA Region 4 files, Division files and the Division's SDWP website (http://www.dep.state.fl.us/water/drinkingwater/). Of these, the following documents provided information on Florida's internal and external program coordination activities:

- FDEP responses to EPA's PWSS Priority Review Background Questions
- FDEP's 2014 Operator Certification Program Annual Submittal
- FDEP's FY13 Annual Capacity Development Program Implementation Report
- FDEP's 2014 triennial report to the governor on "Florida's Strategy to Improve Public Water Supply"
- FDEP-HQ PWSS Program Review Reports for 2013-2014 program evaluations of FDEP District and FDOH county field offices
- Issues of the Floridan newsletter
- Information available to public water systems on the SDWP website

The Division also provided EPA Region 4 staff with a walk-through of the information and data management tools available on the Division's internal PWS website during this review. These tools are accessible to all District and FDOH offices.

To obtain a range of perspectives on coordination activities, EPA visited multiple offices that together represent a cross-section of PWSS program components. These included the Division office, the Southwest District office and FDOH offices in Broward and Miami-Dade counties. FDOH headquarters staff and Southeast District staff also participated in FDOH office visits. EPA interviewed multiple staff at varying levels of responsibility in each office. The names of program managers and technical staff interviewed in each office were obtained from FDEP in advance (Appendix ?). EPA developed a comprehensive list of questions on internal, inter-office and external (i.e. outreach) coordination (Appendix ?), and selected appropriate questions from this list for each interviewee, depending on that person's responsibilities. Program Coordination interviews were conducted with groups of employees, as this approach allowed office staff to provide a more complete description of program interaction and also allowed EPA to better observe the dynamics of each office.

Key Findings

To achieve successful program coordination, program components must be organized in a way that allows them to work together effectively to achieve overall program goals. Florida has used many methods to facilitate effective program coordination across all offices. During interviews, staff noted the following existing and historical tools:

Existing Tools:

1) Regular internal office staff meetings
2) Monthly communication calls between the Division and all District-DOH offices to introduce new policy and regulations

3) Regular comprehensive program evaluations by the Division of District offices (triennially) and FDOH offices (annually)
4) One-on-one communication between District liaisons/experts and FDOH office staff
5) Internal PWS communications website - repository for SDWP information, including current announcements, guidance, available training, webcasts, powerpoint presentations and historical meeting minutes; maintained by the Division
6) Internal PWS database – standardized data entry tools facilitate data reporting/retrieval and compliance determination by staff; developed and updated by the Division to address changing requirements and user needs
7) Technical assistance from Florida Rural Waters Association (FRWA) – a Division-managed contract that provides assistance to small systems and conducts FRWA training sessions on many topics, including full day "Focus on Change" Seminars

Previous Tools:

1) Quarterly Permitting, Compliance and Enforcement (PCE) Meetings – means of informally sharing policy and implementation issues between Division and FDEP-FDOH offices
2) Annual PWSS Conference – face-to-face meeting of Division and all FDEP-FDOH office staff that provided information on program policies and issues, rule training and valuable discussion of specific questions, concerns and needs.
3) Quarterly meetings between each District liaison and delegated FDOH offices located within that District. EPA believes there is still an expectation for these meeting to occur, but it appears that currently the meetings occur infrequently and only in some Districts.

All offices emphasized that internal staff levels are minimally adequate to implement the assigned program workload. Administrators work closely with their staff to coordinate individual responsibilities in ways that build employee job satisfaction while maximizing output and work quality. One office recognized efficiencies by assigning individual staff both compliance and permitting duties in order to develop more holistic program knowledge. Another office supported employee skills development by devising a detailed training program that included both classroom and on-the-job shadowing. The assignment of job duties commensurate with skill level improved work product and employee satisfaction. Several offices strove to reduce the number of compliance issues by annually notifying systems of required upcoming monitoring activities. One office also achieved greater compliance levels, by having staff conduct required monitoring for most small systems.

Many administrators stated that their programs achieve much more by leveraging resources available from the Division and other offices. Leveraging occurs in many ways, including meetings, training and the use of common tools to manage and share SDWP data and information.

The PWSS program conducts various meetings and calls on a regular basis. Monthly 1-2 hour calls coordinated by the Division provide regular updates on pertinent program issues, but are limited in scope. District liaisons noted that they continue to share expertise and have good interaction with staff in FDOH offices, but these discussions are also limited, and some District offices have lost technical expertise. Conference calls and informal information sharing also occur between some District offices. However, the regularity and strength of these exchanges varies widely. Lengthier face-to-face meetings (such as the annual PWSS conference and quarterly PCE meetings) have historically provided the most valuable opportunities for education and exchange among office staff. These meetings have included presentations on regulations, technical issues, policy, guidance and data management tools. They also provided time for face-to-face discussions among staff with varied backgrounds and expertise. Quarterly

PCE meetings sometimes facilitated the scheduling of follow-up meetings. For example, some Districts followed quarterly PCE meetings with meetings with their delegated FDOH offices, allowing continued discussions on some PCE meeting topics or introduce other discussion topics of concern. The information exchanged in all of these meetings often facilitated faster, more comprehensive, consistent resolution of specific PWSS program concerns.

The Division conducts regular program reviews of each District and DOH office. Program Review reports provide a consistent, in-depth assessment of 8 key program components across all 14 offices, as shown in Table _ below.

Table 2:

Summary of 2013-2014 FDEP Program Evaluation Results for 6 FDEP District and 8 DOH County Offices

Sum of Score (as % of PE Weight) Row Labels	1_Organization/ Staffing/ Resources	2_Data/File Management	3_Compliance	4_Enforcement	5_Sanitary Survey/ Compliance Inspections	6_Permit/Plan Reviews	7_DEP Coordination/ Assistance Activities	8_Training	9_Overall Score
1_PE Weight(%)	5.00	25.00	15.00	15.00	15.00	15.00	5.00	5.00	100
A_Central	91.60	94.96	100.00	100.00	93.60	100.00	100.00	100.00	97.36
A_NE	[illegible]	84.52	105.27	105.87	90.40	98.00	100.00	91.60	94.08
A_NW	100.00	97.36	100.00	105.87	100.00	97.93	100.00	91.60	99.49
A_SE	102.00	95.28	84.20	105.87	97.33	101.07	100.00	100.00	97.2
A_South	102.00	90.76	100.00	105.87	103.60	101.00	100.00	75.00	98.12
A_SW	94.80	97.96	100.00	105.87	102.60	97.87	100.00	83.40	99.36
C_Broward	102.00	95.20	107.13	105.87	102.33	95.87	100.00	100.00	100.59
C_Hillsborough	[illegible]	99.60	100.00	100.00	106.47	92.80	100.00	100.00	98.33
C_Lee	91.60	97.12	100.00	105.87	100.00	93.73	90.00	100.00	98.31
C_Miami-Dade	96.80	95.24	100.00	105.87	96.40	93.93	90.00	100.00	97.58
C_Palm Beach	102.00	93.36	105.87	105.87	106.80	96.87	80.00	100.00	99.76
C_Polk	89.60	96.48	107.13	100.00	102.73	100.00	100.00	83.40	99.25
C_Sarasota	91.60	97.08	100.00	105.87	107.27	86.47	90.00	75.00	97.04
C_Volusia	102.00	95.12	107.13	76.47	96.27	93.60	100.00	91.60	94.49

LOW 100% HIGH

The relative weighting that the Division assigns to each of the 8 components is shown in the first row of this table. Individual cells display the percentage of total points which each office received for each component during the most recent 2013-2014 Program Evaluations. The results show that all offices successfully implement Data/File Management and Permit/Plan Review program components. Most offices also successfully implement Compliance, Enforcement and Sanitary Survey/Compliance Inspection program components. However, the basis for bonus points awarded for certain additional activities within these components, which often contribute to elevated scores, is somewhat unclear. Scores for the remaining three program components (Organization/Staffing/Resources, DEP Coordination/Assistance and Training) were more variable, with some offices receiving significantly lower scores. For the Organization/Staffing/Resources program component, three offices received less than 90%, and an additional two offices received less than 92%, of the total possible points. Offices generally received point reductions for having a lower ratio of PWS to professional staff. However, all offices received the maximum allowable points for their response to the question: "Is the current staffing adequate to cover required workload?". These findings suggest that additional information is needed to better evaluate the adequacy of current office staffing/resource levels. For the DEP Coordination/Assistance component, four offices received 90% or less of total possible points. Point reductions were generally received due to lack of scanning capabilities for purposes of generating electronic files. Most questions required only "yes/no" responses, and the scoring system did not consider the more detailed comments provided by offices. Reconsideration of the kind of information needed to assess this component may be helpful. For the Training component, four offices received less than 85%, and an additional three offices received less than 92%, of total possible points. Point reductions were based on failure of staff to complete one or more of the identified core training courses, or lack of a written office training plan. These findings suggest that many offices do not have access to all needed training. The Division's basis for updating the list of needed courses is also unclear. EPA believes this portion of FL's program evaluation is inadequate to fully assess training needs.

Staff interviews conducted during this Priority Review provided information on how Florida currently identifies and addresses training needs. While training needs are a clear priority, the resources to address those needs are often limited. In order to justify training, the Division and District offices each prepare comprehensive annual training plans. Some FDOH offices prepare office training plans, and many notify District offices of additional training needs on an ad-hoc basis. In response to identified needs, the Division develops some training courses and makes these available to all offices. Division training generally focuses on rule implementation or database usage. District and FDOH offices conduct varied amounts of duty-specific training internally and access external training sources as resources allow.

Florida's PWSS program does not currently appear to have a clear means for tracking and addressing training needs on a program-wide basis. Staff in multiple offices identified the need for training on: use of PWS website/database tools, information on DBP formation and treatment, DBP stage 2 implementation, technical knowledge that allows staff to tie rules together and optimize overall system compliance, and state enforcement policies. These responses suggest that the PWSS program could realize some efficiencies by implementing more seamless, universal communication of training needs and resources. Several offices stated that they are in the process of re-tooling existing training plans, to adjust for changing duties and priorities that resulted from the 2012 reorganization. This re-tooling period may provide an opportunity for Florida to revisit that way in which it identifies and addresses training needs on a program-wide basis.

A primary goal of the 2012 reorganization was to recognize efficiencies and achieve greater statewide consistency by realigning staff in the Division and some District offices. The changes implemented were

initially disruptive, as they altered established communication pathways and sometimes significantly revised staff workload. However, during interviews, staff provided evidence that re-tooling of the organization aimed at strengthening overall program coordination is now occurring on several fronts. The Division is re-examining training plans and the value of regular, lengthier face-to-face meetings. The Division continues to revisit strategies for maintaining timely access to critical information technology resources. Given the realignment of compliance staff and the revision of some enforcement guidance, the Division has also recognized the importance of clarifying the enforcement process to all offices. Districts clearly desire autonomy to implementing enforcement/compliance issues. However, they are also striving to exchange information and expertise with other Districts, and expressed a desire for clearer guidance from the Division on some issues. District offices that were more heavily impacted by the reorganization continue to re-calibrate their programs to ensure effective PWS oversight.

Resources which were unchanged through the 2012 reorganization contributed considerably to the continued strength of Florida's PWSS program. These resources include FDOH-HQ and FDOH offices, the continued use of 14 geographically-targeted District and FDOH offices to maintain close working relationships with PWS operators, the technical support contract with FWRA, and the Division's continued maintenance of several tools for managing data and information essential to the PWSS program.

Recommendations

The 2012 reorganization refocused Florida's PWSS program on the critical goals of strengthening overall program consistency, and renewing focus on timely accomplishment of program priorities (such as the prevention and resolution of health-based violations). The associated reorganization of staff and resources disrupted many valuable coordination pathways that existed under the old organization. Some expertise was also lost during the reorganization. The re-tooling period that is now occurring is critical to ensuring that Florida maintains and establishes communication pathways and tools that will allow them to best accomplish the priorities of the PWSS program under the new organization. Based on information gathered during this priority review, the following program coordination-related activities are recommended as key to strengthening Florida's PWSS program.

Regular, established communications have historically provided the Division, District and FDOH offices with some of the most valuable ways to leverage the expertise and resources available in the many offices that comprise Florida's PWSS program. Interviewed staff unanimously stated that regular face-to-face meetings (such as the annual PWS conference and quarterly PCE meetings) were the most valuable tools, as these provided the broadest exchange of PWSS program and technical information to the greatest number of staff. Reinstatement of these meetings would strengthen staff knowledge and promote rebuilding of communication pathways. Continued strengthening of regular communication pathways between District offices would increase the exchange of information and expertise relevant to direct oversight of PWS facilities. Increased District expertise could also be leveraged by FDOH offices.

EPA recommends FDEP leads a statewide assessment of technical and programmatic training needs of all offices given the number of new drinking water regulations and new staff to the program. A re-tooling of Florida's training program that allows PWSS program offices to better identify and address training needs would be helpful.

Individual offices provide various levels of internal training, but this could be supplemented with the resources and expertise available from other offices across the state. Reinstatement of the face-to-face meetings noted earlier would provide an efficient means for providing broadly-needed training, such as

guidance on program enforcement tools and priorities as well as provide a meaningful opportunity for offices to share training plans (such as the training program being developed by the SW District).

Some re-tooling of the Divisions standard Program Evaluation template may increase the usefulness of Program Evaluation findings. These regular program evaluations of District and FDOH offices provide an excellent tool for consistently evaluating key components of Florida's PWSS program. However, for some components, the information collected does not clearly explain the basis for differing, or lower, scores among offices. This finding primarily applies to components that do not include PWS-specific reviews (i.e. Organization/Staffing/Resources, DEP Coordination/Assistance and Training components). Questions and scoring mechanisms used for these components could be re-examined and modified to better characterize office strengths or deficiencies. For example, the Division might develop a standard process for updating core training courses to reflect changing program priorities and individual office needs.

Florida's PWSS program may strengthen external coordination though increased participation by local office level in EPA's AWOP program. This participation would allow office staff to better evaluate and assist surface water systems in optimizing treatment goals and enhancing microbial and disinfectant byproduct control. The technical expertise gained could also be shared with other offices.

Local District and FDOH offices are encouraged to make use of the OCULUS and PA document management systems, particularly in effort to coordinate compliance and permitting activities.

Disinfection Byproduct Rules Implementation

Background

Disinfection Byproduct Rules Implementation was selected as a priority for review based on an analysis of state-wide violation data by specific contaminant group. Other than total coliform MCL violations, DBP MCL violations represented the greatest number of health-based violations for water systems in Florida over the past five years. Many water sources in Florida have high quantities of naturally occurring organic matter. When the water with high levels of organics is disinfected with chlorine, high levels of disinfection byproducts can form. Levels of many DBPs increase with water age in finished water storage tanks and distribution systems. Treatment strategies for DBPs can include adjustments to treatment systems (examples: removal of organics prior to disinfection, change of disinfectant, pH adjustment, or removal of DBPs after formation, etc.) or changes to operations of distribution systems (examples: adjustments to storage tank levels or fill/draw cycles, flushing practices, elimination of "dead ends" in distribution lines, etc.).

Over the past few years States and water systems have been transitioning from monitoring requirements associated with the Stage 1 Disinfectants and Disinfection Byproduct Rule to the Stage 2 DBP Rule. Some of the key changes include the number, frequency and locations of routine monitoring, inclusion of consecutive water systems to rule requirements, and how compliance is calculated based on locational running annual averages. The transition from the Stage 1 to Stage 2 Rule involved a period of time when EPA, Region 4 was implementing aspects of rule focused on identifying potential new monitoring locations. These early implementation activities were a result of the regulatory timeline beginning before states were required to have the rule adopted. As a result, DEP and DOH field staff played a limited role

in training and implementation associated with monitoring site selection. Florida Rural Water Association did provide a significant amount of outreach to water systems during this time. Florida had adopted the Stage 2 Rule by the time routine monitoring requirements began and worked with water systems to finalize monitoring plans.

Priority Evaluation Method

Region 4 utilized a combination of data analysis, personnel interviews and onsite file reviews to evaluate strengths and needs associated with Florida's implementation of the DBP Rules. Data analysis include reviews of DBP monitoring results from Florida's PWS database and DBP violation data available from EPA's SDWIS data system. Interview questions were used to determine strategies utilized to affect system compliance, understand expertise levels and resource demands for staff and management, and to gage consistency in implementing the regulations and guidance associated with the DBP Rules. File reviews included a review of information used to develop system monitoring plans, an evaluation of system monitoring data to ensure monitoring was done in accordance with the plan, and a review of compliance determinations based on the analytical results.

Key Findings

Most health-based violations for chemical monitoring in Florida are associated with DBPs.

Review of DBP monitoring results from PWS identified a significant number of questionable values of "0" for TTHM and HAA5 analytical results, often at systems/locations that had previous and subsequent high levels. While some amount of fluctuation of results is expected, systems with detected levels greater than ½ of the MCL typically do not have fluctuations that would result in associated non-detect levels.

Staff determine compliance manually based on review of monitoring results as the Stage 2 module of PWS was not yet available at the time of the review. The module has since been completed. Errors were identified in both water system reporting and state compliance determination including:

- Incorrectly calculating the locational running annual average of monitoring results
- Water system not monitoring in correct months
- Failure of systems to submit Operational Evaluation Reports when required
- Changes in monitoring locations without justifications

Staff have had training on DBP rule compliance. However, very few staff indicated they had much, if any, training related to DBP formation and/or treatment.

Reviewers found recommendations to water systems on flushing strategies that are not supported by EPA and will result in masking ongoing health risks to water system customers.

Some offices have made efforts to integrate compliance and permitting activities to ensure DBP compliance is considered in project review and the potential need for DBP monitoring plan changes

based on relevant water system infrastructure changes. Efforts range from having the same staff perform both engineering review/permitting and compliance determination, to developing a liaison responsibility between permitting and compliance office staff.

Recommendations

There is a need for District and County staff to re-evaluate DBP monitoring locations identified in Stage 2 Monitoring plans. FDEP and DOH should consider enhancing the review of distribution systems during sanitary surveys to include an evaluation of DBP monitoring locations. Considerations for enhancing the sanitary survey include:

- Checking disinfectant residual levels (and pH when available) to assess water quality at areas of high probable water age relative to approved DBP compliance monitoring locations.
- Reviewing flushing practices to determine if water systems are using practices to improve water quality system-wide or just at compliance locations.
- Visit the DBP monitoring locations to identify any changes (e.g. installation of auto-flushing device) that may give reason to modify the monitoring plan.
- Evaluate the appropriateness of changing one monitoring location to Point of Entry for consecutive systems based on the number of monitoring locations and associated baseline data already collected. POE data can be valuable for coordination between wholesale and consecutive water systems.

Provide technical training to staff on how to limit DBP levels in water systems through improved distribution system operation practices. The Area Wide Optimization Program (AWOP) implemented in Region 4 has been used by several states to provide training to water system personnel on DBP compliance strategies that minimize the need for costly infrastructure and to develop the staff expertise to perform the enhanced sanitary survey practices outlined above. Due to the low number of surface water systems in the state, FL has minimally participated in EPA's, AWOP. With the network's significant change in focus to Disinfection Byproducts, FL should engage all districts and counties with opportunities to participate in AWOP.

FDEP should investigate the number of "0" monitoring results to determine if there are any obvious laboratory or data entry errors, or any trends that would raise question as to the integrity of the results.

FDEP should continue to prioritize the development of the PWS database to facilitate implementation tasks for inspectors and compliance officers.

Data Management

Background

One of the required functions of delegated PWSS Programs is to maintain a data management system for tracking compliance, enforcement actions and public water system inventory. FDEP's database for the drinking water program is an Oracle-based database called PWS. Reports are produced in Active Server Pages (ASP). Data are transmitted to SDWIS/Fed via an Extensible Markup Language (XML) file

created from extrapolated data. Data are reported quarterly, including inventory, samples, and violations and enforcement updates.

Automated compliance determinations for TCR, GWR, Phase II/IV, RAD, CCR, Turbidity, and finally, in time to evaluate 1st Q 2015, Stage 2 DBPs, are performed by PWS nightly and verified by the district and county offices. All violations are posted automatically, but can be over-ruled by the point person in each office. All other compliance determinations are entered manually within the individual offices as are all violation letters and enforcement.

FDEP uses the SDWIS/Fed error reports to correct errors but finds that the ".pdf" format is not useful. That format is too difficult to mark up and data cannot be sorted. FDEP would greatly prefer data in Excel spreadsheets.

Key Findings

The Division has developed and maintains several effective tools for entering and accessing PWSS data and reports including:

PWS – In addition to tracking analytical monitoring results, PWS tracks inventory, permit compliance/enforcement, monthly operations, inspections, and complaints. PWS includes reports for staff, but posts to the public DEP website 5 reports, further divided by year or geographic area. Basic Facility Reports, Flow Data and Plant Treatment Data files are updated quarterly. Chemical Data and Microbiological Data files are updated annually in March. Reports provide information on sample results, average/max monthly flows, types of water treatment, the type of system, address, capacity, sources of water, population and service connections served, dates the Department performed the last sanitary survey, and the dates the last bacteriological and inorganic/organic contaminant testing was performed.

PA – database that tracks the permit application process to ensure statutory time clocks are met.

OCULUS – an electronic, web-based document management system that allows the public and staff to search and review permitting documents, lab reports, inspections, etc. within DEP and at 2 of the 8 FDOH offices.

FDEP-DW standardized PDF/Word data/information entry forms for use by PWS and laboratories to document: (1) Permitting/Construction/O&M activities (Chapter 62-555.900 F.A.C.) and (2) reporting results for required test measurements or analyses (Chapter 62-550.730 F.A.C.). Users may generate computer-generated versions of same.
(see http://www.dep.state.fl.us/water/drinkingwater/forms.htm)

NEXUS – user-friendly information portal for retrieving documents from OCULUS archival database.

PASS (Permit Application Subscription Service) System: Allows user to receive automated, customized notification of permit application status (e.g by application types, geographic area, etc.)

Data entry and compliance determination tools available through the PWS database provide staff in all offices with a rapid, reliable, consistent way to upload system monitoring data and accurately calculate

compliance. The value of this tool was readily apparent during staff interviews, as staff unanimously emphasized the need for the Division's soon to be released DBP Stage 2 compliance determination tool.

Use of a state-developed tool also allows staff to more easily request helpful database changes. Simpler changes are implemented by Division staff, while more comprehensive changes are made by staff in the FDEP's Office of Information and Technology Services (OTIS). Requests to OTIS are sometimes delayed, as OTIS must prioritize database needs for multiple programs. The Division works to maintain the priority level of key PWS database updates, but limited OTIS resources are an ongoing challenge.

The Division also maintains two web-based document tracking systems that allow staff and the public to obtain SDWP documents of interest. OCULUS houses copies of permitting, lab, inspection, operational, and compliance/enforcement documents. The Permitting Application (PA) System, allows the user to retrieve permit applications currently under review. While these systems may provide a valuable resource to inspectors and permit reviewers, it is unclear to what extent some offices use these systems. More comprehensive training on these systems may facilitate the exchange of information between permitting and compliance staff.

Recommendations

Florida's PWSS program should continue to implement a strong data and information management program that is available to all offices. The PWS database addresses a critical need, providing a consistent suite of tools for data entry and compliance determination that can also be modified to address staff needs.

External Outreach

Background

In selecting topics for review, FL's compliance assistance outreach to public water systems was identified as a program strength. The review included a combination of document review and interviews of key staff and managers. With recent changes in drinking water law (Stage 2 Disinfection Byproduct Rule, Ground Water Rule, Reduction of Lead in Drinking Water Act, Revised Total Coliform Rule), water systems are increasingly dependent on state agencies to provide the outreach necessary to explain the details of the rules and regulations that will ensure sector compliance and protection of public health.

FDEP and FDOH value a strong relationship with the regulated community and strive to ensure that, where possible, concerns are addressed through compliance assistance activities prior to water systems incurring a potential violation. The FL drinking water program achieves outreach to water systems through site visits to water systems, training classes, contracts with technical assistance partners, and direct mailings to water systems and water system professionals.

Key Findings

FL DEP/DOH utilized a number of mechanisms to provide meaningful outreach activities to public water systems, including:

- Drinking Water Technical Assistance Program
- Contract with Florida Rural Water Association (FRWA) to provide training and operator certification
    - Focus on Change training seminars ~ 6 events/year
    - Water treatment plant operator certification ~16 events/year
    - Water distribution system certification training ~5 events/year
    - Water treatment plant operation and maintenance ~17 events/year
    - Electrical safety and generator set up ~ 1 event/year
    - Treatment technologies and conservation ~ 1 event/year
    - Emergency Response Plans ~ 0-1 event/year
    - Over 3,000 technical assistance site visits/year from Circuit Riders
- Limited Involvement in Area-Wide Optimization Program
- Operator Certification Program
- Floridian Newsletter
- Sanitary Surveys and other inspections

Florida's strong suite of outreach tools provide office staff with ways to enhance coordination with local PWS operators. The Division's Technical Assistance Program assists all offices in resolving technical, managerial and financial challenges of individual public water systems at no cost to those systems. The contracted services of FRWA are frequently used by smaller rural water systems. FRWA also provides training on various topics of interest to both system operators and FDEP and FDOH staff, including full-day sessions during the "Focus on Change" seminars which are held year-round at locations throughout the state. Available training sessions are listed on the FRWA website. The Division participates minimally in EPA's "Area-Wide Optimization Program" (AWOP), and uses this program to more closely evaluate and assist the ability of surface water systems to optimize disinfection and filtration treatment goals and enhance microbial and disinfectant byproduct control. While participation has recently decreased, staff interviewed in some District and FDOH offices expressed interest in increasing participation in order to benefit PWSs while strengthening the expertise of office staff.

All offices expressed a need for greater technical training of inspectors, compliance, and permitting staff citing a concern with being able to adequately address simultaneous compliance concerns with water systems. Some entities expressed concern over a perceived loss of drinking water programmatic expertise within FDEP.

The Division offers a Sanitary Survey School annually to train newer FDEP and FDOH inspectors not on only the eight elements that are required by EPA when conducting a sanitary survey, but also operation and maintenance activities, as well as treatment theory and technologies.

Customer complaints made to the state are address in a timely and appropriate fashion. There was some uncertainty as to what DOH laboratory support is available to District staff when responding to customer complaints.

Every office makes a concerted effort to send letters to each water system annually to provide minimum monitoring requirements to ensure water systems complete all required monitoring.

Recommendations

Florida should continue to implement a strong PWSS outreach program. FRWA contracted services and training sessions provide invaluable support to local offices in their efforts to assist PWS operators. Focus on Change seminars also provide opportunities for exchange between office staff and PWS operators, strengthening communications between these parties.

Consider exploring the appropriateness of addressing laboratory support for bacteriological monitoring in the interagency agreement between DOH and DEP. The support would be used when responding to customer complaints or in carrying out any special studies that would enhance the value of Department outreach for water systems.

The EPA believes District and County staff participation in the Area-Wide Optimization Program would facilitate improved outreach to water systems. In addition to new regulations, large turnover in drinking water staff, in some areas, has created a need for increased investment in drinking water program training. EPA strongly encourages Districts and Counties to interact more, through routine meetings and trainings, to discuss implementation challenges/successes so that expertise across the state is better leveraged to fill the knowledge gaps associated with new regulations and new program staff.

Appendix _

EPA Priority Review of Florida Drinking Water Program
Overview and Site Visit Prep Document

Assistance in scheduling interviews (30 minutes each) for key staff and managers associated with drinking water enforcement, disinfection byproduct rules, internal coordination between DEP and DOH, and external outreach with water systems. Please provide names for the following interviews (1-2 per category, as appropriate for your office):

Miami-Dade FDOH

a. Enforcement Program Manager
(Paul L. Andre)
b. Enforcement Officer (Staff)
(Reinaldo Caballero, Tracie Dickerson, Heather Beaton)
c. Drinking Water Program Manager
(Paul LEVELT André)
d. Staff responsible for DBP implementation
(Richard Rojas and Paul Andre)
e. Staff responsible for conducting water system inspections and/or providing technical assistance
(Richard Rojas and Paul Andre)

Broward FDOH

a. Enforcement Program Manager
(Rafael Reyes)
b. Enforcement Officer (Staff)
(Paul Thompson and Rafael Reyes)
c. Drinking Water Program Manager
(Rafael Reyes)
d. Staff responsible for DBP implementation
(Sandra Giraldo and Rafael Reyes)
e. Staff responsible for conducting water system inspections and/or providing technical assistance
(Bill Lorenzo, Sandra Giraldo, Shani Grant, Paul Thompson, and Rafael Reyes)

SWD DEP

a. Enforcement Program Manager
(Ed Watson and Gerald Foster)
b. Enforcement Officer (Staff)
(Ed Watson and Gerald Foster)
c. Drinking Water Program Manager
(Ed Watson)
d. Staff responsible for DBP implementation
(Ed Watson and Gerald Foster)
e. Staff responsible for conducting water system inspections and/or providing technical assistance
(Ed Watson and Jayme Brock)

DEP HQ

a. Enforcement Program Manager
(Jessica Kleinfelter)
b. Enforcement Officer (Staff)
(Eric Bengtson, David Wales)
c. Drinking Water Program Manager
(Trevor Noble)
d. Staff responsible for DBP implementation
(Virginia Harmon, Eric Bengtson)
e. Staff responsible for-providing technical assistance
(John Sowerby, Virginia Harmon, and David Wales)

Additional contacts:

DOH HQ: **Bob Vincent and Ed Bettinger**

SED DEP: Michele Owens

Florida Drinking Water Program Priority Review
File Review Summary

For the enforcement cases, EPA reviewed all actions and associated non-compliance over the past 3 years (2012-14). The case files should contain all of the case development work (violations, initial correspondence, informal and formal actions, etc.) even if prior to 2012. Example: If an enforcement order was issued in 2012 for an arsenic violation in 2010, EPA evaluated everything from 2010 up until the system returned to compliance.

For the DBP files, EPA reviewed files for monitoring results, monitoring plans, documents used in developing/approving monitoring locations, correspondence related to monitoring location changes, and documents related to compliance assistance outreach.

Broward County DOH

Enforcement Case Files

FL4060402	Everglades Holiday Park
FL4061517	Royal Utility Company
FL4064392	Kids Paradise

Disinfection Byproduct Files

FL4060402	Everglades Holiday Park
FL4060254	City of Deerfield Beach

Miami-Dade County DOH

Enforcement Case Files

FL4131403	American Village
FL4130833	Jones' Trailer Park
FL4130970	City of North Bay Village

Disinfection Byproduct Files

FL4131403	American Village
FL4130871	MDWASA
FL4131531	Virginia Gardens
FL4131001	Opalocka

Tampa, SW District

Enforcement Case Files

FL6095083	Seven Rivers Professional Center
FL6272304	Camper's Holiday
FL6510807	Holiday Gardens Utility, Inc.

Disinfection Byproduct Files

FL6512033	PCUD Blanton Lake Park
FL6520336	Clearwater Water System
FL6521576	Safety Water
FL6277059	Hernando Co. Utility-West
FL6280049	City of Avon Park

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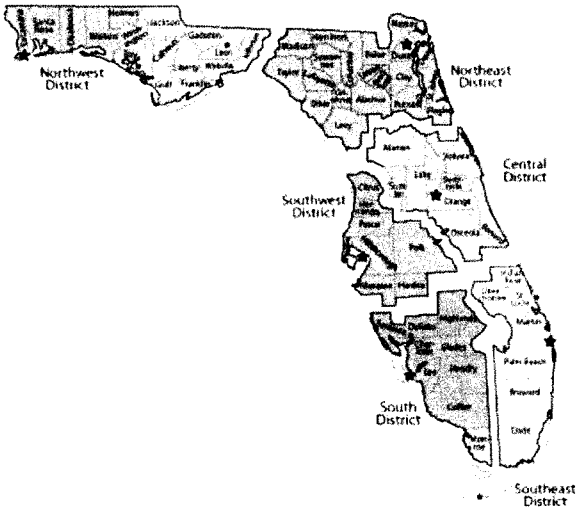
PRIORITY REVIEW

OF THE PUBLIC WATER SYSTEM SUPERVISION PROGRAM FOR THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

DRAFT REPORT



Prepared by the
Environmental Protection Agency, Region 4
Drinking Water Section, Water Protection Division

May 21, 2015

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(b)(5) Deliberative Process Privilege

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(b)(5) Deliberative Process Privilege

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INTRODUCTION

EPA Region 4 developed a protocol, called a Priority Review, for assessing the performance of state PWSS Programs and for evaluating the adequacy of resources dedicated to identify priorities for individual state programs. The Priority Review replaces EPA's Data Verifications that historically reviewed state data associated with each rule in the National Primary Drinking Water Regulations. The new approach is intended to be transparent and targeted in assessing a few priority focus areas identified in a collaborative effort between the state and EPA Region 4. The following priority areas of focus have been identified for Florida:

1. Enforcement of drinking water regulations
2. Internal state coordination between DEP and DOH on the drinking water program
3. Disinfection Byproduct Rules implementation
4. Data Management, and
5. External outreach

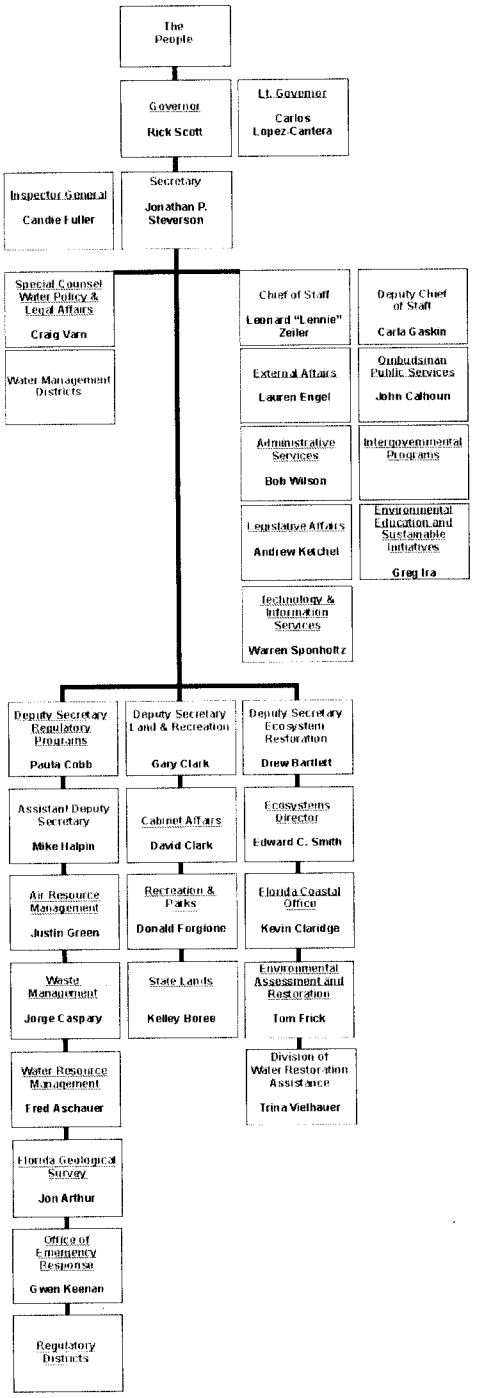
EPA Region 4 used three basic methods to obtain information: (1) identification and review of key documents and tools used by Florida to implement their PWSS program (e.g. guidance, websites, internal review protocols, databases, file management systems, reports, etc.), (2) interviews with managers and staff, and (3) review of individual system files. For the third method, EPA Region 4 selected systems for the review that were likely to provide a good understanding of Florida's approach to addressing more challenging and problematic situations.

OVERVIEW OF FLORIDA'S PWSS PROGRAM

EPA gives flexibility to state primacy agencies for required PWSS program activities. In Florida, PWSS implementation activities are spread over a decentralized organizational structure. FDEP has the primary role of regulating public water systems (PWSs) in Florida. The Source and Drinking Water Program (SDWP) located in the FDEP headquarters in Tallahassee (FDEP-HQ) is responsible for writing rules, developing policy, managing funds, providing training and managing special initiatives. The Water Compliance Assurance Program (WCAP) is responsible for oversight, tracking and reporting of enforcement and compliance activities and data management. The enforcement of rules and permitting of new construction for individual PWSs is handled by six FDEP district offices. In eight Florida counties FDEP-HQ has delegated this enforcement and permitting authority to local approved county health departments through an Interagency Agreement. FDEP has also delegated laboratory certification to the Department of Health Laboratory in Jacksonville.

FDEP environmental programs are divided into three main areas, one of which is Regulatory Programs (Figure 1). The Deputy Secretary for Regulatory Programs provides oversight and direction to four FDEP-HQ regulatory divisions, including the Division of Water Resource Management (DWRM) and six regulatory district offices. The SDWP and WCAP programs are both located within DWRM, while the regulatory district offices report directly to the Deputy Secretary for Regulatory Programs. Following is a complete list and description of all programs which contribute to FDEP's implementation of Safe Drinking Water Act (SDWA) requirements.

Figure 1. FDEP Organizational Structure (last updated April 6, 2015)



Florida Department of Environmental Protection

FDEP-HQ Division of Water Resource Management (DWRM):

- FDEP-HQ Source and Drinking Water Program (SDWP): Coordinate overall PWSS implementation through policy and rule development, and management of funding, training and special initiatives. Ensure all SDWA program requirements are conducted and reported to EPA as outlined in the annual PWSS workplan.

- FDEP-HQ Water Compliance Assurance Program (WCAP): Facilitate statewide coordination of compliance and enforcement activities by providing and/or supporting the development of guidance and training to ensure consistency among the six District Offices for state Drinking Water and Wastewater Programs. Integral to this consistency are the automated nightly compliance routines for evaluating lab results (discussed further under the Data Management section of this report). Ensure all SDWA compliance and enforcement activities are conducted and reported to EPA as outlined in the annual PWSS workplan commitments.

FDEP-HQ Office of General Counsel (OGC): Provide legal counsel and represent FDEP in implementing enforcement, permitting and programmatic actions. Provide training and consultation to FDEP staff.

FDEP-HQ Office of Technology and Information Services (OTIS): Manage functionality and security of the information technology systems that support FDEP mission success. Provide application development and customer support services to FDEP Divisions and regulatory districts that use regulatory databases, including SDWP and WCAP support needs for PWS.

FDEP Regulatory District Offices: Coordinate and implement all permitting, compliance and enforcement activities for counties located within District boundaries, including permit reviews, facility inspections, compliance assistance, rule enforcement and response to reports of environmental damage. Six separate offices serve counties located in the Northwest, Northeast, Central, South, Southeast and Southwest portions of the state. Provide legal, technical and training assistance to delegated FDOH county offices.

Florida Department of Health

- The current DEP-DOH Interagency Agreement delegates lead PWSS program implementation authority from the responsible FDEP District Office to DOH offices in the counties of Broward, Miami-Dade, Hillsborough, Lee, Sarasota, Palm Beach, Polk and Volusia. Delegated FDOH county offices coordinate and implement permitting, compliance and enforcement activities for that county.
- The Florida Department of Health laboratory in Jacksonville maintains a State program for the certification of laboratories conducting analytical measurements of all drinking water contaminants in accordance with Florida Statutes 403.862-.8635 and Florida Administrative Code (F.A.C.) Chapter 62-550.550.

South Carolina Department of Health: South Carolina's radiological laboratory is the designated Principal State Laboratory for radionucludes for Florida, in accordance with an MOA approved by SESD on January 28, 2013.

This organization is significantly changed from the structure that was in place during the previous 2009 Program Review conducted by The Cadmus Group, Inc. on behalf of EPA. In 2012, FDEP underwent a reorganization which affected both FDEP-HQ and FDEP District offices. At FDEP-HQ, the source and drinking water program staff were merged to form the Source and Drinking Water Program. Staff were relocated from the Drinking Water Program to (1) support the formation of a centralized compliance and enforcement group (WCAP) and (2) to the centralized information technology group (OTIS). District boundaries were redrawn, and resources were re-allocated, to allow for a more even distribution of resources among Districts. A primary objective of this reorganization was to improve program

efficiency/effectiveness and promote consistency and cross-utilization of resources, particularly in the areas of compliance determination and data management.

FDEP's authority to implement provisions of the Safe Drinking Water Act (SDWA) derives from Chapter 403, Part VI, Florida Statutes and by delegation of the federal program from the U.S. Environmental Protection Agency. The Department has promulgated a number of rules in Chapters 62-4, 62-550, 62-555, 62-560, 62-602 and 62-699 F.A.C. to address drinking water standards, monitoring and reporting; public water system permitting and compliance; and treatment plant operators, classification and staffing. These requirements impact approximately 5245 federally regulated public water systems (PWSs) with approximately 1649 (or 31%) of Florida's PWSs being community water systems, approximately 776 or (15%) being non-transient non-community systems, and approximately 2820 or (54%) being transient non-community systems (Table 1).

Table 1. Count of Florida Public Water Systems by Type and Source

PWS TYPE	WATER SOURCE	COUNT
CWS	Surface Water only	5
	Surface & Ground Water	69
	Ground Water only	1575
NTNC	Surface Water only	0
	Surface & Ground Water	4
	Ground Water only	772
TNC	Surface Water only	5
	Surface & Ground Water	1
	Ground Water only	2819
TOTAL		5245

PRIORITY REVIEW OF SELECTED PROGRAM AREAS

Enforcement of Drinking Water Regulations

Background

Compliance and Enforcement Program Implementation was selected as a priority for review in order to assess whether a state is implementing the requirements of the Public Water System Supervision (PWSS) program. The states ensure that human health is safeguarded by enforcing the requirements of the Safe Drinking Water Act (SDWA) to ensure that the states' public drinking water supply and its sources are protected. Historically, the reviews of the states' PWSS programs, whether that be through a Data Verification, Program Review, or a Priority Review, did not typically include an evaluation of the compliance and enforcement program at the states. EPA Region 4 has determined that this is an

important aspect of a review of the implementation of a PWSS program, and plans to include this in future Priority Reviews, as appropriate. Through this review, EPA Region 4 promotes regional consistency, identifies successes in implementation of the PWSS program, and identifies opportunities for improvement in the compliance and enforcement programs.

In January of 2010, EPA began implementation of a new enforcement approach designed to help our nation's public water systems comply with the requirements of the SDWA. This new approach replaced the previous system of a contaminant to contaminant compliance strategy with one that focuses attention on the drinking water systems with the most serious or repeated violations. This strategy identifies public water systems with violations that rise to the level of significant noncompliance by focusing on those systems with health-based violations and those that show a history of violations across multiple rules. This system-based methodology is intended to ensure consistency and the integrity of the PWSS national enforcement program. This approach includes a revised Enforcement Response Policy (ERP) and new Enforcement Targeting Tool (ETT).

The ETT uses a tool that enables the prioritization of public water systems by assigning each violation a "weight" or number of points based on the assigned threat to public health. Points for each violation at a water system are summed to provide a total score for that water system. Water systems whose scores exceed a certain threshold will be considered a priority system for enforcement.

EPA recognizes that states carry out both formal and informal enforcement and compliance assistance activities. These activities are effective tools for achieving compliance. Nevertheless, systems specifically identified by the ETT as priorities must be returned to compliance (RTC) or EPA will expect formal, enforceable mechanisms to return such systems to compliance. States are expected to escalate their response to ensure that RTC is accomplished. Once a public water system is identified as an enforcement priority on the ETT list, an appropriate formal action or RTC will be required within two calendar quarters to be considered "timely". However, regardless of a public water system's position on a state's ETT list, EPA expects that states will act immediately on acute, health-based violations and subsequently confirm that systems with such violations return to compliance.

Priority Evaluation Method

Region 4 utilized a combination of data analysis, personnel interviews, comparison of established program strategies with the ERP, and onsite file reviews to evaluate Florida's successes in implementation of the PWSS program and identify opportunities for improvement in its compliance and enforcement program. Data analysis included a review of the EPA ETT Tracker, which is a tool that provides useful metrics and graphing capabilities for systems' current and past ETT scores for up to twenty (20) quarters. This information was used to aide in the selection of the files to be reviewed and get a rough evaluation of Florida's ability to timely and appropriately return systems to compliance or issue formal, enforceable mechanisms that will return a system to compliance. Additionally, EPA's SDWIS data system was used to determine what violations and enforcement had been done for each of the selected files to review. Nine (9) files were selected for review, however, only eight (8) were reviewed (see Table 2. *Timeline for Settlement of Identification as a Priority System on the ETT List* below). Interview questions were used to understand the dynamics of the organization including staffing resources and demands and to determine how the established program strategies were being implemented with regards to Florida's compliance and enforcement program. The *Department of Environmental Protection (DEP) Enforcement Manual* and *Directive* 923 were reviewed for consistency with the EPA ERP requirements to ensure that these policies enabled the state to meet the requirements

of timely and appropriate compliance and enforcement. File reviews included a review of the violations determined, an evaluation of the enforcement mechanisms issued for consistency with the *DEP Enforcement Manual* and the EPA ERP, and a comparison of the information found during the file review with the data reported to EPA's SDWIS data system.

Key Findings

The accuracy of data reported by FDEP to SDWIS was found to be in need of improvement in the following ways:

- All violations identified in the file and/or provided from the FDEP tracking system, are not being submitted to SDWIS. This discrepancy was found in the District and both DOH offices. Primarily the violations that are not being submitted are monitoring and reporting violations for various parameters. For the identified systems, 6 of the 8 reviewed had violations noted in the file/data provided that were not identified in SDWIS.

- Enforcement actions taken and submitted to SDWIS, are either not being timely uploaded, properly linked to relevant violations, and/or the data uploaded is inconsistent with the documents provided for review. For the identified systems, 7 of the 8 reviewed had discrepancies with the information for the enforcement actions submitted to SDWIS. Specifically, for the files reviewed, there were instances where violation(s) were linked to enforcement actions that upon review of the enforcement action, it was determined that the action did not include or address those violations. Also, there were several instances where the data submitted to SDWIS showed multiple dates for the same enforcement action. It appears that the dates of enforcement are not being consistently entered (i.e. dates were submitted for the signature date of the effective order, receipt date of the effective, or the date the proposed order was sent to the respondent). So it was noted that at times there would be two formal actions entered into SDWIS when there was only one issued.

During the file review, EPA Region 4 tracked compliance and enforcement mechanisms used and evaluated them for timeliness and appropriateness of the action or return to compliance. Based on this review, the following was determined in regards to the timeline for systems identified as a priority on the ETT list to be returned to compliance or have a formal enforcement action issued.

Table 2: Timeline for Settlement of Identification as a Priority System on the ETT List

PWS ID	System Name	Date of First Appearance on ETT List as Priority System	Date of Settlement (RTC or issuance of Formal Enf)	Days Between ETT and Settlement	Settlement RTC or Formal Action ?	Quarters on ETT List as a Priority System
FL6095083	Seven Rivers Professional Center	9/30/2010	2/20/2013	874	RTC	10/2010, 01/11, 04/11, 07/11, 10/11, 1/2012, 04/2012, 7/2012, 10/2012, 1/2013, 4/2013, 7/2013
FL6510807	Holiday Gardens Util Inc.	3/31/2011	7/7/2011	98	Formal Action	04/2011, 07/2011, 10/2011, 04/2014, 7/2014, 10/2014
FL6510807	Holiday Gardens Util Inc.	3/31/2014	2/27/2014	-32	RTC	
FL6272304	Camper's Holiday	3/31/2011	4/15/2011	15	Formal Action	04/2011, 07/2011, 01/2013, 10/2013, 01/2014, 10/2014
FL6272304	Camper's Holiday	12/31/2012	6/5/2013	156	Formal Action	
FL4064392	Kids Paradise	12/31/2011	4/26/2012	117	Formal Action	01/2012, 04/2012, 07/2012, 04/2014, 07/2014
FL4064392	Kids Paradise	3/31/2014	4/24/2014	24	Formal Action	
FL4060402	Everglades Holiday Park	12/31/2009	3/23/2012	813	Formal Action	01/2010, 04/2010, 10/2011, 01/2012, 04/2012, 01/2013, 04/2013, 07/2013, 10/2013, 01/2014, 04/2014
FL4060402	Everglades Holiday Park	3/31/2013	3/13/2013	-18	Formal Action	
FL4061517	Royal Utility Company	3/31/2011	10/20/2010	-162	RTC	04/2011, 07/2013, 10/2013, 01/2014
FL4061517	Royal Utility Company	6/30/2013	2/12/2013	-138	Formal Action	
FL4131403	Americana Village	3/31/2010	8/28/2012	881	RTC	04/2010, 07/2010, 10/2010, 01/2011, 04/2011, 07/2011, 10/2011, 01/2012, 04/2012, 07/2012, 10/2012, 01/2013, 04/2013, 07/2013
FL4130833	Jones Trailer Park	12/31/2009	9/30/2011	638	RTC	01/2010, 04/2010, 07/2010, 01/2011, 04/2011, 07/2011, 10/2011, 01/2012, 01/2013
FL4130833	Jones Trailer Park	12/31/2011	10/3/2012	277	RTC	
Average Days Between ETT and Settlement				253.07		

Note: Some of the systems had multiple dates evaluated because they were bouncing on and off the ETT Priority List

For the evaluated systems, only two (for all the specified appearances on the ETT List as a priority system) met the 2-quarter timeliness goal established in the EPA ERP, 3 of the 8 met the goal for one of the appearances on the ETT list but not for all of the appearances, 6 of the 8 did not meet the goal for one or more of the appearances the system had on the ETT List as a priority system. On average for the identified systems (including those with multiple appearances as a priority system on the ETT List), the days between appearing on the ETT list as a priority and settlement of the violations was 253 days. This is in excess of the 2-quarter timeliness goal.

Also, in evaluation of the data above, there is an indication that formal actions and/or return to compliance data is not consistently being entered timely so that the ETT scores accurately depict the compliance and enforcement history. Therefore, some of the systems above, remained on the ETT list as priority systems multiple quarters after the resolving action had been issued.

During the file review, it was discovered that in 2 of the 8 files, enforcement actions were initiated but never completed and there was no explanation in the documents provided that explained why the action was not pursued. This was especially important information since both of those systems had been identified as priority systems for multiple consecutive quarters without returning to compliance or having a formal action issued.

The *DEP Enforcement Manual,* developed jointly by the Secretary, Deputy Secretary, and Assistant Deputy Secretary of Regulatory Programs, is periodically revised as necessary. The latest revisions occurred in September 2013 and October 2014 for the chapters addressing compliance and enforcement processes. The manual describes FDEP's enforcement organization, compliance options, enforcement options, inspections and investigations protocol, administrative process and remedies, judicial process and remedies, litigation procedures, data management, and penalty policies. Overall, the *DEP Enforcement Manual* is a thorough document which is provided to all District offices and authorized Department of Health (DOH) offices. However, when compared to the EPA ERP, it was determined that the *DEP Enforcement Manual* was not consistent with the EPA ERP in that it did not define an expectation of timely and appropriate enforcement. The *DEP Enforcement Manual* had no clear expectation and/or goal for timelines associated with issuing formal enforcement for systems that are identified as priority on the ETT nor for systems with acute, health-based violations. During the interviews and file reviews, it was determined that the goals of issuing formal enforcement varied between the offices evaluated. The Southwest District (SWD) indicated that they were given some established guidelines on the expectations of timely and appropriate enforcement in the annual *SWD Business Plans*. However, both of the DOH offices (Broward County DOH and Miami-Dade DOH), indicated that there were no set timelines provided by FDEP for issuance of formal enforcement or returning the system compliance. Each of the DOH offices had established goals/expectations for timely and appropriate enforcement on their own. In Broward County, for example, the written expectation for each employee is that enforcement actions start within five days of discovering any violation. In addition, actions commence immediately upon discovery of cases where public health may potentially be at risk.

Staff in the Division, Districts, and DOH offices are provided with training on the *DEP Enforcement Manual* and *923 Directive*.

In February of 2013, the FDEP Division instituted a Peer Review Process. This Peer Review Process establishes that prior to the issuance of formal enforcement by the District offices, a Peer Review Recommendation Memo must be sent to the Division. The Division then reviews the Peer Review Recommendation Memo to determine if formal enforcement is appropriate, ensure that penalties are consistently calculated across all District offices, and that all regulations and violations are appropriately and consistently included in the enforcement. This process was established to ensure a consistent and equally applied approach to enforcement across all District Offices. This approach is not applied to the DOH offices, who independently establish their enforcement activities within the confines of the Interagency Agreement and the *DEP Enforcement Manual.*

The SWD office and Broward DOH office have both implemented a strategy of sending reminders to the systems of their monitoring responsibilities and timelines. The reminders are sent out to the systems at a minimum of annually and in some cases monthly or quarterly as well. These activities were implemented to decrease instances of monitoring and reporting violations. The Miami-Dade DOH office has also implemented a program that aides in decreasing monitoring and reporting violations, by conducting sampling for the small systems and as well as for the transient non-community systems and a few community systems. These sampling efforts are being done through a state laboratory in Miami.

Recommendations

Update the *DEP Enforcement Manual* or provide official written guidance to all offices of the following:

- The expectation to address those systems identified as priority systems on the ETT list within 2 quarters of appearance on the list, either by returning the system to compliance or issuing formal and enforceable enforcement as well as to act immediately on acute, health-based violations and subsequently confirm that systems with such violations return to compliance. This would help to ensure that the state is consistent with the EPA ERP, the state's PWSS grant work plan, and that the State is consistently implementing the compliance and enforcement program throughout all of the districts and authorized programs.

- The expectation that the date that is being used as the date of enforcement action, which is entered into the PWS data system and ultimately into SDWIS, is consistently the same date across all districts and authorized programs. Note: The date the proposed order is sent/signed, the date of receipt of the proposed order, and the date of signature by the respondent should not be used as the date of enforcement for reporting purposes. These dates are not indicative of an effective order.

Efforts should be made to ensure that data submitted to SDWIS is timely, enforcement action dates are accurately and consistently entered, all violations are identified and submitted to SDWIS, and that all violations are accurately linked to the appropriate enforcement mechanisms. FDEP should develop and implement revised procedures to ensure accurate reporting of enforcement and compliance information into SDWIS.

Records should be maintained in the file that denote any and all decisions made with regard to enforcement actions, such as if there is a change from the proposed document or a decision to not pursue the enforcement action initiated.

FDEP should continue with the Peer Review Process initiated to ensure consistency of the enforcement activities across the Districts, and evaluate whether the process should be expanded to require that all formal actions, including those where both parties are in complete agreement, are submitted to the Division for review.

Internal state coordination between DEP and DOH on the drinking water program

Background

Program coordination was selected as a priority review topic due to the number of separate offices that implement Florida's Public Water System Supervision (PWSS) program and the significant impacts that a 2012 FDEP reorganization had on many of these offices. A first goal of the review is to better understand what kinds of coordination activities occur between offices and how these activities impact PWSS program implementation. A second goal is to determine how the 2012 reorganization altered previous coordination tools and pathways and describe Florida's efforts to adjust to those changes.

As described in the Overview section of this report, Florida implements the PWSS program through multiple offices, each of which handles specified duties for a designated portion of the state. The Division manages Florida's overall primacy program and develops and maintains many of the resources used by six District offices and eight delegated FDOH offices. District and FDOH offices have autonomy to implement the program at the individual system level, but must conduct activities consistent with the Division rules, policy and guidance and communicate accomplishments and issues to the Division. The Division and Districts both report to FDEP's Deputy Secretary for Regulatory

Programs. The 2012 reorganization redefined the FDEP's leadership structure and redistributed staff in the Division and some District offices in several ways, as described in the overview section of this report. FDOH offices were unaffected by the reorganization.

Florida's assignment of PWSS program duties to multiple offices and agencies allows the state to leverage significant additional resources and expertise. However, good communication and collaboration is needed to ensure effective, consistent operation of this decentralized program. The overall objective of this review is to ensure that effective mechanisms for ensuring good program coordination remain in place, and to document any particular strengths or weaknesses that require further consideration.

Priority Evaluation Method

Region 4 used a combination of document reviews and personnel interviews to understand past and present coordination activities in Florida and evaluate how well those activities support Florida's overall PWSS program implementation. The documents and information reviewed were obtained from EPA Region 4 files, Division files and the Division's SDWP website (http://www.dep.state.fl.us/water/drinkingwater/). Of these, the following documents provided information on Florida's internal and external program coordination activities:

- FDEP responses to EPA Region 4's PWSS Priority Review Background Questions
- FDEP's 2014 Operator Certification Program Annual Submittal
- FDEP's FY13 Annual Capacity Development Program Implementation Report
- FDEP's 2014 triennial report to the governor on "Florida's Strategy to Improve Public Water Supply"
- FDEP-HQ PWSS Program Review Reports for 2013-2014 program evaluations of FDEP District and FDOH county field offices
- Issues of the Floridan newsletter
- Information available to public water systems on the SDWP website

The Division also provided EPA Region 4 staff with a walk-through of the information and data management tools available on the Division's internal PWS website during this review. These tools are accessible to all District and FDOH offices.

To obtain a range of perspectives on coordination activities, EPA Region 4 visited multiple offices that together represent a cross-section of PWSS program components. These included the Division office, the Southwest District office and FDOH offices in Broward and Miami-Dade counties. FDOH headquarters staff and Southeast District staff also participated in FDOH office visits. EPA Region 4 interviewed multiple staff at varying levels of responsibility in each office. The names of program managers and technical staff interviewed in each office were obtained from FDEP in advance. EPA Region 4 developed a comprehensive list of questions on internal, inter-office and external (i.e. outreach) coordination, and selected appropriate questions from this list for each interviewee, depending on that person's responsibilities. Program Coordination interviews were conducted with groups of employees, as this approach allowed office staff to provide a more complete description of program interaction and also allowed EPA Region 4 to better observe the dynamics of each office.

Key Findings

To achieve successful program coordination, program components must be organized in a way that allows them to work together effectively to achieve overall program goals. Florida has used many methods to facilitate effective program coordination across all offices. During interviews, staff noted the following existing and historical tools:

Existing Tools:

1) Regular internal office staff meetings
2) Monthly communication calls between the Division and all District-DOH offices to introduce new policy and regulations
3) Regular comprehensive program evaluations are performed by the Division of District offices (triennially) and by the Division, FDOH HQ and District staff of FDOH offices (annually)
4) One-on-one communication between District liaisons/experts and FDOH office staff
5) Internal PWS communications website - repository for SDWP information, including current announcements, guidance, available training, webcasts, powerpoint presentations and historical meeting minutes; maintained by the Division
6) Internal PWS database – standardized data entry tools facilitate data reporting/retrieval and compliance determination by staff; developed and updated by the Division to address changing requirements and user needs
7) Technical assistance from Florida Rural Waters Association (FRWA) – a Division-managed contract that provides assistance to small systems and conducts FRWA training sessions on many topics, including full day "Focus on Change" Seminars

Previous Tools:

1) Quarterly Permitting, Compliance and Enforcement (PCE) Meetings – means of informally sharing policy and implementation issues between Division and FDEP-FDOH offices
2) Annual PWSS Conference – face-to-face meeting of Division and all FDEP-FDOH office staff that provided information on program policies and issues, rule training and valuable discussion of specific questions, concerns and needs.
3) Quarterly meetings between each District liaison and delegated FDOH offices located within that District. EPA Region 4 believes there is still an expectation for these meeting to occur, but it appears that currently the meetings occur infrequently and only in some Districts.

All offices emphasized that internal staff levels are minimally adequate to implement the assigned program workload. Administrators work closely with their staff to coordinate individual responsibilities in ways that build employee job satisfaction while maximizing output and work quality. One office recognized efficiencies by assigning individual staff both compliance and permitting duties in order to develop more holistic program knowledge. Another office supported employee skills development by devising a detailed training program that included both classroom and on-the-job shadowing. The assignment of job duties commensurate with skill level improved work product and employee satisfaction. Several offices strove to reduce the number of compliance issues by annually notifying systems of required upcoming monitoring activities. One office also achieved greater compliance levels by having staff conduct required monitoring for most small systems.

Many administrators stated that their programs achieve much more by leveraging resources available from the Division and other offices. Leveraging occurs in many ways, including meetings, training and the use of common tools to manage and share SDWP data and information.

The PWSS program conducts various meetings and calls on a regular basis. Monthly 1-2 hour calls coordinated by the Division provide regular updates on pertinent program issues, but are limited in scope. District liaisons noted that they continue to share expertise and have good interaction with staff in FDOH offices, but these discussions are also limited, and some District offices have lost technical expertise. Conference calls and informal information sharing also occur between some District and FDOH offices. However, the regularity and strength of these exchanges varies widely. Lengthier face-to-face meetings (such as the annual PWSS conference and quarterly PCE meetings) have historically provided the most valuable opportunities for education and exchange among office staff. These meetings have included presentations on regulations, technical issues, policy, guidance and data management tools. They also provided time for face-to-face discussions among staff with varied backgrounds and expertise. Quarterly PCE meetings sometimes facilitated the scheduling of follow-up meetings. For example, some Districts followed quarterly PCE meetings with meetings with their delegated FDOH offices, allowing continued discussions on some PCE meeting topics or introduce other discussion topics of concern. The information exchanged in all of these meetings often facilitated faster, more comprehensive, consistent resolution of specific PWSS program concerns.

The Division conducts regular program reviews of each District and DOH office. Program Review reports provide a consistent, in-depth assessment of 8 key program components across all 14 offices, as shown in Table 3 below.

Table 3.

Summary of 2013-2014 FDEP Program Evaluation Results for 6 FDEP District and 8 DOH County Offices

Sum of Score (as % of PE Weight) Row Labels	Column Labels 1_Organization/ Staffing/ Resources	2_Data/File Management	3_Compliance	4_Enforcement	5_Sanitary Survey/ Compliance Inspections	6_Permit/Plan Reviews	7_DEP Coordination/ Assistance Activities	8_Training	9_Overall Score
1_PE Weight(%)	5.00	25.00	15.00	15.00	15.00	15.00	5.00	5.00	100
A_Central	91.60	94.96	100.00	100.00	93.60	100.00	100.00	100.00	97.36
A_NE	[illegible]	84.52	105.27	105.87	90.40	98.00	100.00	91.60	94.08
A_NW	100.00	97.36	100.00	105.87	100.00	97.93	100.00	91.60	99.49
A_SE	102.00	95.28	84.20	105.87	97.33	101.07	100.00	100.00	97.2
A_South	102.00	90.76	100.00	105.87	103.60	101.00	100.00	75.00	98.12
A_SW	94.80	97.96	100.00	105.87	102.60	97.87	100.00	83.40	99.36
C_Broward	102.00	95.20	107.13	105.87	102.33	95.87	100.00	100.00	100.59
C_Hillsborough	[illegible]	99.60	100.00	100.00	106.47	92.80	100.00	100.00	98.33
C_Lee	91.60	97.12	100.00	105.87	100.00	93.73	90.00	100.00	98.31
C_Miami-Dade	96.80	95.24	100.00	105.87	96.40	93.93	90.00	100.00	97.58
C_Palm Beach	102.00	93.36	105.87	105.87	106.80	96.87	80.00	100.00	99.76
C_Polk	89.60	96.48	107.13	100.00	102.73	100.00	100.00	83.40	99.25
C_Sarasota	91.60	97.08	100.00	105.87	107.27	86.47	90.00	75.00	97.04
C_Volusia	102.00	95.12	107.13	76.47	96.27	93.60	100.00	91.60	94.49

LOW 100% HIGH

The relative weighting that the Division assigns to each of the 8 components is shown in the first row of this table. Individual cells display the percentage of total points which each office received for each component during the most recent 2013-2014 Program Evaluations. The results show that all offices successfully implement Data/File Management and Permit/Plan Review program components. Most offices also successfully implement Compliance, Enforcement and Sanitary Survey/Compliance Inspection program components. However, the basis for bonus points awarded for certain additional activities within these components, which often contribute to elevated scores, is somewhat unclear. Scores for the remaining three program components (Organization/Staffing/Resources, DEP Coordination/Assistance and Training) were more variable, with some offices receiving significantly lower scores. For the Organization/Staffing/Resources program component, three offices received less than 90%, and an additional two offices received less than 92%, of the total possible points. Offices generally received point reductions for having a higher ratio of PWSs to professional staff. However, all offices received the maximum allowable points for their response to the question: "Is the current staffing adequate to cover required workload?". These findings suggest that additional information is needed to better evaluate the adequacy of current office staffing/resource levels. For the DEP Coordination/Assistance component, four offices received 90% or less of total possible points. Point reductions were generally received due to lack of scanning capabilities for purposes of generating electronic files. Most questions required only "yes/no" responses, and the scoring system did not consider the more detailed comments provided by offices. Reconsideration of the kind of information needed to assess this component may be helpful. For the Training component, four offices received less than 85%, and an additional three offices received less than 92%, of total possible points. Point reductions were based on failure of staff to complete one or more of the identified core training courses, or lack of a written office training plan. These findings suggest that many offices do not have access to all needed training. The Division's basis for updating the list of needed courses is also unclear. EPA Region 4 believes this portion of FDEP's program evaluation is inadequate to fully assess training needs.

Staff interviews conducted during this Priority Review provided information on how Florida currently identifies and addresses training needs. While training needs are a clear priority, the resources to address those needs are often limited. In order to justify training, the Division and District offices each prepare comprehensive annual training plans. Some FDOH offices prepare office training plans, and many notify District offices of additional training needs on an ad-hoc basis. In response to identified needs, the Division develops some training courses and makes these available to all offices. Division training generally focuses on rule implementation or database usage. District and FDOH offices conduct varied amounts of duty-specific training internally and access external training sources as resources allow.

Florida's PWSS program does not currently appear to have a clear means for tracking and addressing training needs on a program-wide basis. Staff in multiple offices identified the need for training on: use of PWS website/database tools, information on DBP formation and treatment, DBP Stage 2 implementation, technical knowledge that allows staff to tie rules together and optimize overall system compliance, and state enforcement policies. These responses suggest that the PWSS program could realize some efficiencies by implementing more seamless, universal communication of training needs and resources. Several offices stated that they are in the process of re-tooling existing training plans, to adjust for changing duties and priorities that resulted from the 2012 reorganization. This re-tooling period may provide an opportunity for Florida to revisit the way in which it identifies and addresses training needs on a program-wide basis.

A primary goal of the 2012 reorganization was to recognize efficiencies and achieve greater statewide consistency by realigning staff in the Division and some District offices. The changes implemented were initially disruptive, as they altered established communication pathways and sometimes significantly revised staff workload. However, during interviews, staff provided evidence that re-tooling of the organization aimed at improving overall program coordination is now occurring on several fronts. The Division is re-examining training plans and the value of regular, lengthier face-to-face meetings. The Division continues to revisit strategies for maintaining timely access to critical information technology resources. Given the realignment of compliance staff and the revision of some enforcement guidance, the Division has also recognized the importance of clarifying the enforcement process to all offices. Districts clearly desire autonomy to implement enforcement/compliance issues; however, they are also striving to exchange information and expertise with other Districts, and expressed a desire for clearer guidance from the Division on some issues. District offices that were more heavily impacted by the reorganization continue to re-calibrate their programs to ensure effective PWS oversight.

Resources which were unchanged through the 2012 reorganization contributed considerably to the continued strength of Florida's PWSS program. These resources include FDOH-HQ and FDOH offices, the continued use of 14 geographically-targeted District and FDOH offices to maintain close working relationships with PWS operators, the technical support contract with FWRA, and the Division's continued maintenance of several tools for managing data and information essential to the PWSS program.

Recommendations

The 2012 reorganization refocused Florida's PWSS program on the critical goals of strengthening overall program consistency, and renewing focus on timely accomplishment of program priorities (such as the prevention and resolution of health-based violations). The associated reorganization of staff and resources disrupted many valuable coordination pathways that existed under the old organization. Some expertise was also lost during the reorganization. The re-tooling period that is now occurring is critical to ensuring that Florida maintains and establishes communication pathways and tools that will allow them to best accomplish the priorities of the PWSS program under the new organization. Based on information gathered during this priority review, the following program coordination-related activities are recommended as key to strengthening Florida's PWSS program.

Regular, established communications have historically provided the Division, District and FDOH offices with some of the most valuable ways to leverage the expertise and resources available in the many offices that comprise Florida's PWSS program. Interviewed staff unanimously stated that regular face-to-face meetings (such as the annual PWS conference and quarterly PCE meetings) were the most valuable tools, as these provided the broadest exchange of PWSS program and technical information to the greatest number of staff. Reinstatement of these meetings would strengthen staff knowledge and promote rebuilding of communication pathways. Continued strengthening of regular communication pathways between District offices would increase the exchange of information and expertise relevant to direct oversight of PWS facilities. Increased District expertise could also be leveraged by FDOH offices.

EPA Region 4 recommends FDEP leads a statewide assessment of technical and programmatic training needs of all offices given the number of new drinking water regulations and new staff to the program. A re-tooling of Florida's training program that allows PWSS program offices to better identify and address training needs would be helpful.

Individual offices provide various levels of internal training, but this could be supplemented with the resources and expertise available from other offices across the state. Reinstatement of the face-to-face meetings noted earlier would provide an efficient means for providing broadly-needed training, such as guidance on program enforcement tools and priorities as well as provide a meaningful opportunity for offices to share training plans (such as the training program being developed by the SW District).

Some re-tooling of the Division's standard Program Evaluation template may increase the usefulness of Program Evaluation findings. These regular program evaluations of District and FDOH offices provide an excellent tool for consistently evaluating key components of Florida's PWSS program. However, for some components, the information collected does not clearly explain the basis for differing, or lower, scores among offices. This finding primarily applies to components that do not include PWS-specific reviews (i.e. Organization/Staffing/Resources, DEP Coordination/Assistance and Training components). Questions and scoring mechanisms used for these components could be re-examined and modified to better characterize office strengths or deficiencies. For example, the Division might develop a standard process for updating core training courses to reflect changing program priorities and individual office needs.

Florida's PWSS program may strengthen external coordination though increased participation by local office level in EPA's AWOP program. This participation would allow office staff to better evaluate and assist surface water systems in optimizing treatment goals and enhancing microbial and disinfectant byproduct control. The technical expertise gained could also be shared with other offices.

Local District and FDOH offices are encouraged to make use of the OCULUS and PA document management systems, particularly in an effort to coordinate compliance and permitting activities.

Disinfection Byproduct Rules Implementation

Background

Disinfection Byproduct Rules Implementation was selected as a priority for review based on an analysis of state-wide violation data by specific contaminant group. Other than total coliform MCL violations, DBP MCL violations represented the greatest number of health-based violations for water systems in Florida over the past five years. Many water sources in Florida have high quantities of naturally occurring organic matter. When the water with high levels of organics is disinfected with chlorine, high levels of disinfection byproducts can form. Levels of many DBPs increase with water age in finished water storage tanks and distribution systems. Treatment strategies for DBPs can include adjustments to treatment systems (examples: removal of organics prior to disinfection, change of disinfectant, pH adjustment, or removal of DBPs after formation, etc.) or changes to operations of distribution systems (examples: adjustments to storage tank levels or fill/draw cycles, flushing practices, elimination of "dead ends" in distribution lines, etc.).

Over the past few years States and water systems have been transitioning from monitoring requirements associated with the Stage 1 Disinfectants and Disinfection Byproduct Rule to the Stage 2 DBP Rule. Some of the key changes include the number, frequency and locations of routine monitoring, inclusion of consecutive water systems to rule requirements, and how compliance is calculated based on locational running annual averages. The transition from the Stage 1 to Stage 2 Rule involved a period of time when EPA Region 4 was implementing aspects of rule focused on identifying potential new monitoring

locations. These early implementation activities were a result of the regulatory timeline beginning before states were required to have the rule adopted. As a result, DEP and DOH field staff played a limited role in training and implementation associated with monitoring site selection. Florida Rural Water Association did provide a significant amount of outreach to water systems during this time. Florida had adopted the Stage 2 Rule by the time routine monitoring requirements began and worked with water systems to finalize monitoring plans.

Priority Evaluation Method

Region 4 utilized a combination of data analysis, personnel interviews and onsite file reviews to evaluate strengths and needs associated with Florida's implementation of the DBP Rules. Data analysis include reviews of DBP monitoring results from Florida's PWS database and DBP violation data available from EPA's SDWIS data system. Interview questions were used to determine strategies utilized to affect system compliance, understand expertise levels and resource demands for staff and management, and to gage consistency in implementing the regulations and guidance associated with the DBP Rules. File reviews included a review of information used to develop system monitoring plans, an evaluation of system monitoring data to ensure monitoring was done in accordance with the plan, and a review of compliance determinations based on the analytical results. A complete list of the files reviewed is provided in Appendix A.

Key Findings

Most health-based violations for chemical monitoring in Florida are associated with DBPs.

Review of DBP monitoring results from PWS identified a significant number of questionable values of "0" for TTHM and HAA5 analytical results, often at systems/locations that had previous and subsequent high levels. While some amount of fluctuation of results is expected, systems with detected levels greater than ½ of the MCL typically do not have fluctuations that would result in associated non-detect levels.

Staff determine compliance manually based on review of monitoring results as the Stage 2 module of PWS was not yet available at the time of the review. The module has since been completed. Errors were identified in both water system reporting and state compliance determination including:

- Incorrectly calculating the locational running annual average of monitoring results
- Water system not monitoring in correct months
- Failure of systems to submit Operational Evaluation Reports when required
- Changes in monitoring locations without justifications

Staff have had training on DBP rule compliance. However, very few staff indicated they had much, if any, training related to DBP formation and/or treatment.

Reviewers found recommendations to water systems on flushing strategies that are not supported by EPA and will result in masking ongoing health risks to water system customers.

Some offices have made efforts to integrate compliance and permitting activities to ensure DBP compliance is considered in project review and the potential need for DBP monitoring plan changes based on relevant water system infrastructure changes. Efforts range from having the same staff perform

both engineering review/permitting and compliance determination, to developing a liaison responsibility between permitting and compliance office staff.

Recommendations

There is a need for District and County staff to re-evaluate DBP monitoring locations identified in Stage 2 Monitoring Plans. FDEP and DOH should consider enhancing the review of distribution systems during sanitary surveys to include an evaluation of DBP monitoring locations. Considerations for enhancing the sanitary survey include:

- Checking disinfectant residual levels (and pH when available) to assess water quality at areas of high probable water age relative to approved DBP compliance monitoring locations.
- Reviewing flushing practices to determine if water systems are using practices to improve water quality system-wide or just at compliance locations.
- Visit the DBP monitoring locations to identify any changes (e.g. installation of auto-flushing device) that may give reason to modify the monitoring plan.
- Evaluate the appropriateness of changing one monitoring location to Point of Entry for consecutive systems based on the number of monitoring locations and associated baseline data already collected. POE data can be valuable for coordination between wholesale and consecutive water systems.

Provide technical training to staff on how to limit DBP levels in water systems through improved distribution system operation practices. The Area Wide Optimization Program (AWOP) implemented in Region 4 has been used by several states to provide training to water system personnel on DBP compliance strategies that minimize the need for costly infrastructure and to develop the staff expertise to perform the enhanced sanitary survey practices outlined above. Due to the low number of surface water systems in the state, FL has minimally participated in EPA's AWOP. With the network's significant change in focus to Disinfection Byproducts, FL should engage all districts and counties with opportunities to participate in AWOP.

FDEP should investigate the number of "0" monitoring results to determine if there are any obvious laboratory or data entry errors, or any trends that would raise question as to the integrity of the results.

FDEP should continue to prioritize the development of the PWS database to facilitate implementation tasks for inspectors and compliance officers.

Data Management

Background

One of the required functions of delegated PWSS Programs is to maintain a data management system for tracking compliance, enforcement actions and public water system inventory. FDEP's database for the drinking water program is an Oracle-based database called the Potable Water Supply Application (PWS). Reports are produced in Active Server Pages (ASP). Data are transmitted to SDWIS/Fed via an Extensible Markup Language (XML) file created from extrapolated data. Data are reported quarterly, including inventory, samples and violations and enforcement updates.

Automated compliance determinations for TCR, GWR, Phase II/IV, RAD, CCR, Turbidity and Stage 2 DBPs (just recently, in time to evaluate 1st Q 2015) are performed by PWS nightly and verified by the

district and county offices. All violations are posted automatically but can be over-ruled by the point person in each office. All other compliance determinations are entered manually within the individual offices, as are all violation letters and enforcement.

FDEP uses the SDWIS/Fed error reports to correct errors but finds that the ".pdf" format is not useful. That format is too difficult to mark up and data cannot be sorted. FDEP would greatly prefer data in Excel spreadsheets.

Key Findings

The Division has developed and maintains several effective tools for entering and accessing PWSS data and reports including:

PWS – In addition to tracking analytical monitoring results, PWS tracks inventory, permit compliance/enforcement, monthly operations, inspections and complaints. PWS includes many reports for staff. PWS also posts five reports to the public DEP website that are further divided by year or geographic area. Basic Facility Reports, Flow Data and Plant Treatment Data files are updated quarterly. Chemical Data and Microbiological Data files are updated annually in March. Reports provide information on sample results, average/max monthly flows, types of water treatment, the type of system, address, capacity, sources of water, population and service connections served, dates the Department performed the last sanitary survey, and the dates the last bacteriological and inorganic/organic contaminant testing was performed.

PA – database that tracks the permit application process to ensure statutory time clocks are met.

OCULUS – an electronic, web-based document management system that allows the public and staff to search and review permitting documents, lab reports, inspections, etc. within DEP and at two of eight FDOH offices.

FDEP-DW standardized PDF/Word data/information entry forms for use by PWS and laboratories to document: (1) Permitting/Construction/O&M activities (Chapter 62-555.900 F.A.C.) and (2) reporting results for required test measurements or analyses (Chapter 62-550.730 F.A.C.). Users may generate computer-generated versions of same (see http://www.dep.state.fl.us/water/drinkingwater/forms.htm).

NEXUS – user-friendly information portal for retrieving documents from OCULUS archival database.

PASS (Permit Application Subscription Service) System: Allows user to receive automated, customized notification of permit application status (e.g by application types, geographic area, etc.)

Data entry and compliance determination tools available through the PWS database provide staff in all offices with a rapid, reliable, consistent way to upload system monitoring data and accurately calculate compliance. The value of this tool was readily apparent during staff interviews, as staff unanimously emphasized the need for the Division's soon to be released DBP Stage 2 compliance determination tool.

Use of a state-developed tool also allows staff to more easily request helpful database changes. Simpler changes are implemented by Division staff, while more comprehensive changes are made by staff in the FDEP's Office of Information and Technology Services (OTIS). Requests to OTIS are sometimes

delayed, as OTIS must prioritize database needs for multiple programs. The Division works to maintain the priority level of key PWS database updates, but limited OTIS resources are an ongoing challenge.

The Division also maintains two web-based document tracking systems that allow staff and the public to obtain SDWP documents of interest. OCULUS houses copies of permitting, lab, inspection, operational and compliance/enforcement documents. The Permitting Application (PA) System, allows the user to retrieve permit applications currently under review. While these systems may provide a valuable resource to inspectors and permit reviewers, it is unclear to what extent some offices use these systems. More comprehensive training on these systems may facilitate the exchange of information between permitting and compliance staff.

Recommendations

Florida's PWSS program should continue to implement a strong data and information management program that is available to all offices. The PWS database addresses a critical need, providing a consistent suite of tools for data entry and compliance determination that can also be modified to address staff needs.

External Outreach

Background

In selecting topics for review, FL's compliance assistance outreach to public water systems was identified as a program strength. The review included a combination of document review and interviews of key staff and managers. With recent changes in drinking water law (Stage 2 Disinfection Byproduct Rule, Ground Water Rule, Reduction of Lead in Drinking Water Act, Revised Total Coliform Rule), water systems are increasingly dependent on state agencies to provide the outreach necessary to explain the details of the rules and regulations that will ensure sector compliance and protection of public health.

FDEP and FDOH value a strong relationship with the regulated community and strive to ensure that, where possible, concerns are addressed through compliance assistance activities prior to water systems incurring a potential violation. The FL drinking water program achieves outreach to water systems through site visits to water systems, training classes, contracts with technical assistance partners, and direct mailings to water systems and water system professionals.

Key Findings

FL DEP/DOH utilized a number of mechanisms to provide meaningful outreach activities to public water systems, including:

- Drinking Water Technical Assistance Program
- Contract with FRWA to provide training and operator certification
    - Focus on Change training seminars ~ 6 events/year
    - Water treatment plant operator certification ~16 events/year
    - Water distribution system certification training ~5 events/year
    - Water treatment plant operation and maintenance ~17 events/year

  - Electrical safety and generator set up ~ 1 event/year
  - Treatment technologies and conservation ~ 1 event/year
  - Emergency Response Plans ~ 0-1 event/year
  - Over 3,000 technical assistance site visits/year from Circuit Riders

- Limited Involvement in Area-Wide Optimization Program

- Operator Certification Program

- Floridian Newsletter

- Sanitary Surveys and other inspections

Florida's strong suite of outreach tools provide office staff with ways to enhance coordination with local PWS operators. The Division's Technical Assistance Program assists all offices in resolving technical, managerial and financial challenges of individual public water systems at no cost to those systems. The contracted services of FRWA are frequently used by smaller rural water systems. FRWA also provides training on various topics of interest to both system operators and FDEP and FDOH staff, including full-day sessions during the "Focus on Change" seminars which are held year-round at locations throughout the state. Available training sessions are listed on the FRWA website. The Division participates minimally in EPA's "Area-Wide Optimization Program" (AWOP), and uses this program to more closely evaluate and assist the ability of surface water systems to optimize disinfection and filtration treatment goals and enhance microbial and disinfectant byproduct control. While participation has recently decreased, staff interviewed in some District and FDOH offices expressed interest in increasing participation in order to benefit PWSs while strengthening the expertise of office staff.

All offices expressed a need for greater technical training of inspectors, compliance, and permitting staff citing a concern with being able to adequately address simultaneous compliance concerns with water systems. Some entities expressed concern over a perceived loss of drinking water programmatic expertise within FDEP.

The Division offers a Sanitary Survey School annually to train newer FDEP and FDOH inspectors on not only the eight elements that are required by EPA when conducting a sanitary survey, but also on operation and maintenance activities, as well as treatment theory and technologies.

Customer complaints made to the state are address in a timely and appropriate fashion. There was some uncertainty as to what DOH laboratory support is available to District staff when responding to customer complaints.

Every office makes a concerted effort to send letters to each water system annually to provide minimum monitoring requirements to ensure water systems complete all required monitoring.

Recommendations

Florida should continue to implement a strong PWSS outreach program. FRWA contracted services and training sessions provide invaluable support to local offices in their efforts to assist PWS operators. Focus on Change seminars also provide opportunities for exchange between office staff and PWS operators, strengthening communications between these parties.

Consider exploring the appropriateness of addressing laboratory support for bacteriological monitoring in the interagency agreement between DOH and DEP. The support would be used when responding to customer complaints or in carrying out any special studies that would enhance the value of Department outreach for water systems.

EPA Region 4 believes District and County staff participation in the Area-Wide Optimization Program would facilitate improved outreach to water systems. In addition to new regulations, large turnover in drinking water staff, in some areas, has created a need for increased investment in drinking water program training. EPA Region 4 strongly encourages Districts and Counties to interact more, through routine meetings and trainings, to discuss implementation challenges/successes so that expertise across the state is better leveraged to fill the knowledge gaps associated with new regulations and new program staff.

Appendix A

Florida Drinking Water Program Priority Review
File Review Summary

For the enforcement cases, EPA Region 4 reviewed all actions and associated non-compliance over the past 3 years (2012-14). The case files should contain all of the case development work (violations, initial correspondence, informal and formal actions, etc.) even if prior to 2012. Example: If an enforcement order was issued in 2012 for an arsenic violation in 2010, EPA Region 4 evaluated everything from 2010 up until the system returned to compliance.

For the DBP files, EPA Region 4 reviewed files for monitoring results, monitoring plans, documents used in developing/approving monitoring locations, correspondence related to monitoring location changes, and documents related to compliance assistance outreach.

Broward County DOH

Enforcement Case Files

FL4060402	Everglades Holiday Park
FL4061517	Royal Utility Company
FL4064392	Kids Paradise

Disinfection Byproduct Files

FL4060402	Everglades Holiday Park
FL4060254	City of Deerfield Beach

Miami-Dade County DOH

Enforcement Case Files

FL4131403	American Village
FL4130833	Jones' Trailer Park
FL4130970	City of North Bay Village

Disinfection Byproduct Files

FL4131403	American Village
FL4130871	MDWASA
FL4131531	Virginia Gardens
FL4131001	Opalocka

Tampa, SW District

Enforcement Case Files

FL6095083	Seven Rivers Professional Center
FL6272304	Camper's Holiday
FL6510807	Holiday Gardens Utility, Inc.

Disinfection Byproduct Files

FL6512033	PCUD Blanton Lake Park
FL6520336	Clearwater Water System
FL6521576	Safety Water
FL6277059	Hernando Co. Utility-West
FL6280049	City of Avon Park

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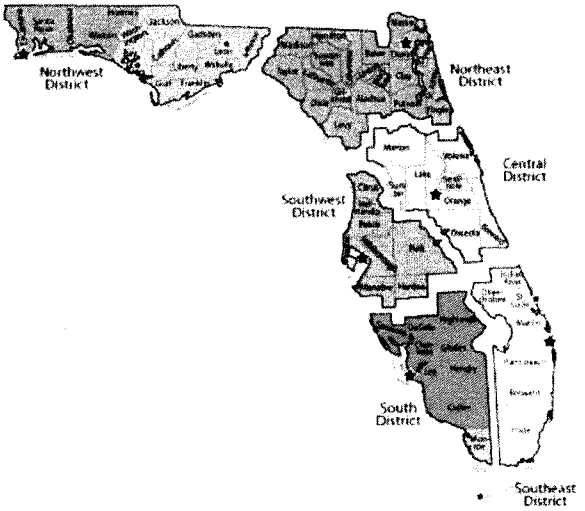
PRIORITY REVIEW

OF THE PUBLIC WATER SYSTEM SUPERVISION PROGRAM FOR THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

DRAFT REPORT



Prepared by the
Environmental Protection Agency, Region 4
Drinking Water Section, Water Protection Division

June 10, 2015

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(b)(5) Deliberative Process Privilege

[redacted]

(b)(5) Deliberative Process Privilege

[redacted]

(b)(5) Deliberative Process Privilege

[redacted]

- External Outreach

(b)(5) Deliberative Process Privilege

[redacted]

INTRODUCTION

The U.S Environmental Protection Agency Region 4 Drinking Water Section (EPA Region 4) developed a protocol, called a Priority Review, for assessing the ~~performance~~ existing resources, needs and successes of selected priority areas within state Public Water System Supervision (PWSS) Programs based on-in-depth review of those areas~~and for evaluating the adequacy of resources dedicated to identify priorities for individual state programs~~. The Priority Review ~~replaces~~ complements EPA's Data Verifications that historically reviewed state data associated with each rule in the National Primary Drinking Water Regulations. The new approach is intended to be transparent and targeted in assessing a few priority focus areas identified in a collaborative effort between the state and EPA Region 4. The following priority areas of focus have been identified for Florida:

1. Enforcement of drinking water regulations
2. Internal Sstate coordination between FDEP and FDOH on the drinking water program
3. Disinfection Byproduct (DBP) Rules implementation
4. Data Management, and
5. External outreach

EPA Region 4 used three basic methods to obtain information: (1) identification and review of key documents and tools used by Florida to implement their PWSS program (e.g. guidance, websites, internal review protocols, databases, file management systems, reports, etc.), (2) interviews with managers and staff, and (3) review of individual system files. For the third method, EPA Region 4 selected systems for the review that were likely to provide a good understanding of Florida's approach to addressing more challenging and problematic situations.

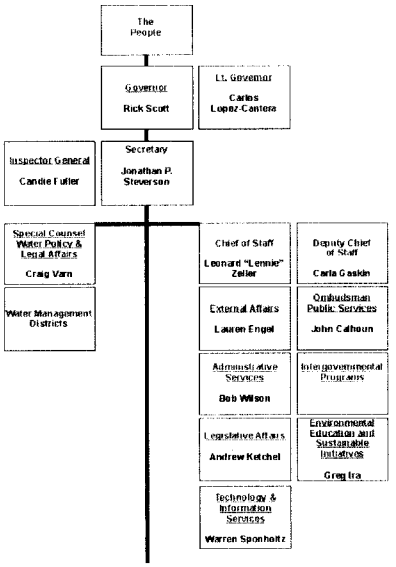
OVERVIEW OF FLORIDA'S PWSS PROGRAM

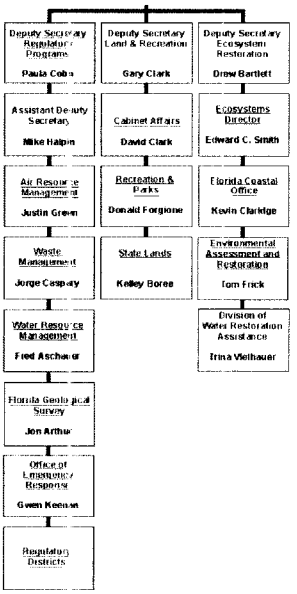
EPA gives flexibility to state primacy agencies for required PWSS program activities. In Florida, PWSS implementation activities are spread over a decentralized organizational structure. FDEP has the primary role of regulating public water systems in Florida. The Source and Drinking

Water Program (SDWP) located in the FDEP headquarters in Tallahassee (FDEP-HQ) is responsible for writing rules, developing policy, managing funds, providing training and managing special initiatives. The Water Compliance Assurance Program (WCAP), also located in FDEP-HQ, is responsible for oversight, tracking and reporting of enforcement and compliance activities and data management. The enforcement of rules and permitting of new construction for individual public water systems is handled by six FDEP district offices. In eight Florida counties FDEP-HQ has delegated this enforcement and permitting authority to local approved FDOH county health departments through an Interagency Agreement. FDEP-HQ has also delegated laboratory certification to the FDOH Laboratory in Jacksonville.

FDEP environmental programs are divided into three main areas, one of which is Regulatory Programs (Figure 1). The Deputy Secretary for Regulatory Programs provides oversight and direction to four FDEP-HQ regulatory divisions, including the Division of Water Resource Management (Division) and six regulatory district offices.

Figure 1. FDEP Organizational Structure (last updated April 6, 2015)





The SDWP and WCAP programs are both located within the Division, while the regulatory district offices report directly to the Deputy Secretary for Regulatory Programs. Following is a complete list and description of all programs which contribute to FDEP's implementation of Safe Drinking Water Act (SDWA) requirements.

Florida Department of Environmental Protection

FDEP-HQ Division of Water Resource Management (Division):

- SDWP: Coordinate overall PWSS implementation through policy and rule development, and management of funding, training and special initiatives. Ensure all SDWA program requirements are conducted and reported to EPA as outlined in the annual PWSS Grant Wworkplan.
- WCAP: Facilitate Sstatewide coordination of compliance and enforcement activities by providing and/or supporting the development of guidance and training to ensure consistency among the six District Offices for Sstate Drinking Water and Wastewater Programs. Integral to this consistency are the automated nightly compliance routines for evaluating lab results (discussed further under the Data Management section of this report). Ensure all SDWA compliance and enforcement activities are conducted and reported to EPA as outlined in the annual PWSS Grant Wworkplan commitments.

FDEP-HQ Office of General Counsel (OGC): Provide legal counsel and represent FDEP in implementing enforcement, permitting and programmatic actions. Provide training and consultation to FDEP staff.

FDEP-HQ Office of Technology and Information Services (OTIS): Manage functionality and security of the information technology systems that support FDEP mission success. Provide application development and customer support services to FDEP divisions and regulatory districts that use regulatory databases, including SDWP and WCAP support needs for public water systems.

FDEP Regulatory District Offices: Coordinate and implement all permitting, compliance and enforcement activities for counties located within District boundaries, including permit reviews, facility inspections, compliance assistance, rule enforcement and response to reports of environmental damage. Six separate offices serve counties located in the Northwest, Northeast, Central, South, Southeast and Southwest portions of the Sstate. Provide legal, technical and training assistance to delegated FDOH county offices.

Florida Department of Health

- The current FDEP-FDOH Interagency Agreement delegates lead PWSS program implementation authority from the responsible FDEP District Office to FDOH offices in the counties of Broward, Miami-Dade, Hillsborough, Lee, Sarasota, Palm Beach, Polk and Volusia. Delegated FDOH county offices coordinate and implement permitting, compliance and enforcement activities for that county.
- The FDOH laboratory in Jacksonville maintains a State program for the certification of laboratories conducting analytical measurements of all drinking water contaminants, in accordance with Florida Statutes 403.862-.8635 and Florida Administrative Code (F.A.C.) Chapter 62-550.550.

South Carolina Department of Health: South Carolina's radiological laboratory is the designated Principal State Laboratory for ~~radionucludes~~radionuclides for Florida, in accordance with an MOA approved by SESD on January 28, 2013.

This organization is significantly changed from the structure that was in place during the previous 2009 Program Review conducted by The Cadmus Group, Inc. on behalf of EPA. In 2012, FDEP underwent a reorganization which affected both FDEP-HQ and FDEP District offices. At FDEP-HQ, the source and drinking water program staff were merged to form the Source and Drinking Water Program. Staff were relocated from the Drinking Water Program to support (1) formation of a centralized compliance and enforcement group (WCAP) and (2) OTIS. District boundaries were redrawn, and resources were re-allocated, to allow for a more even distribution of resources among FDEP District offices. A primary objective of this reorganization was to improve program efficiency/effectiveness and promote consistency and cross-utilization of resources, particularly in the areas of compliance determination and data management.

FDEP's authority to implement provisions of the SDWA derives from Chapter 403, Part VI, Florida Statutes and by delegation of the federal program from the U.S. Environmental Protection Agency. The Department has promulgated a number of rules in Chapters 62-4, 62-550, 62-555, 62-560, 62-602 and 62-699 F.A.C. to address drinking water standards, monitoring and reporting; public water system permitting and compliance; and treatment plant operators, classification and staffing. These requirements impact approximately 5245 federally regulated public water systems with approximately 1649 (or 31%) of Florida's public water systems being community water systems, approximately 776 or (15%) being non-transient non-community systems, and approximately 2820 or (54%) being transient non-community systems (Table 1).

Table 1. Count of Florida Public Water Systems by Type and Source

PWS TYPE	WATER SOURCE	COUNT
CWS	Surface Water only	5
	Surface & Ground Water	69
	Ground Water only	1575
NTNC	Surface Water only	0
	Surface & Ground Water	4
	Ground Water only	772
TNC	Surface Water only	5
	Surface & Ground Water	1
	Ground Water only	2819
TOTAL		5245

PRIORITY REVIEW OF SELECTED PROGRAM AREAS

Enforcement of Drinking Water Regulations

Background

Compliance and Enforcement Program Implementation was selected as a priority for review in order to assess whether a state is implementing the requirements of the PWSS program. The states ensure that human health is safeguarded by enforcing the requirements of the SDWA to ensure that the states' public drinking water supply and its sources are protected. Historically, the reviews of the states' PWSS programs, whether that be through a Data Verification, Program Review, or a Priority Review, did not typically include an evaluation of the compliance and enforcement program at the states. EPA Region 4 has determined that this is an important aspect of a review of the implementation of a PWSS program, and plans to include this in future Priority Reviews, as appropriate. Through this review, EPA Region 4 promotes regional consistency, identifies successes in implementation of the PWSS program, and identifies opportunities for improvement in the compliance and enforcement programs.

In January of 2010, EPA began implementation of a new enforcement approach designed to help our nation's public water systems comply with the requirements of the SDWA. This new approach replaced the previous system of a contaminant to contaminant compliance strategy with one that focuses attention on the drinking water systems with the most serious or repeated violations. This strategy identifies public water systems with violations that rise to the level of significant noncompliance by focusing on those systems with health-based violations and those that show a history of violations across multiple rules. This system-based methodology is intended to ensure consistency and the integrity of the PWSS national enforcement program. This approach includes a revised Enforcement Response Policy (ERP) and new Enforcement Targeting Tool (ETT).

The ETT uses a tool that enables the prioritization of public water systems by assigning each violation a "weight" or number of points based on the assigned threat to public health. Points for each violation at a water system are summed to provide a total score for that water system. Water

systems whose scores exceed a certain threshold ~~will be~~are considered a priority system for enforcement.

EPA recognizes that states carry out both formal and informal enforcement and compliance assistance activities. These activities are effective tools for achieving compliance. Nevertheless, systems specifically identified by the ETT as priorities must be returned to compliance (RTC) or EPA will expect formal, enforceable mechanisms to return such systems to compliance. States are expected to escalate their response to ensure that RTC is accomplished. Once a public water system is identified as an enforcement priority on the ETT list, an appropriate formal action or RTC will be required within two calendar quarters to be considered "timely". However, regardless of a public water system's position on a state's ETT list, EPA expects that states will act immediately on acute, health-based violations and subsequently confirm that systems with such violations return to compliance.

Priority Evaluation Method

Region 4 utilized a combination of data analysis, personnel interviews, comparison of established program strategies with the ERP, and onsite file reviews to evaluate Florida's successes in implementation of the PWSS program and identify opportunities for improvement in its compliance and enforcement program. Data analysis included a review of the EPA ETT Tracker, which is a tool that provides useful metrics and graphing capabilities for systems' current and past ETT scores for up to twenty (20) quarters. This information was used to aide in the selection of the files to be reviewed and get a rough evaluation of Florida's ability to timely and appropriately return systems to compliance or issue formal, enforceable mechanisms that will return a system to compliance. Additionally, EPA's SDWIS data system was used to determine what violations and enforcement had been done for each of the selected files to review. ~~Nine (9) files were selected for review, however, only e~~Eight (8)files were selected for review~~ed~~ (see Table 2. Timeline for Settlement of Identification as a Priority System on the ETT List below). Interview questions were used to understand the dynamics of the organization including staffing resources and demands and to determine how the established program strategies were being implemented with regards to Florida's compliance and enforcement program. The *Department of Environmental Protection (DEP) Enforcement Manual* and *Directive* 923 were reviewed for consistency with the EPA ERP requirements to ensure that these policies enabled the S~~s~~tate to meet the requirements of timely and appropriate compliance and enforcement. File reviews included a review of the violations determined, an evaluation of the enforcement mechanisms issued for consistency with the *DEP Enforcement Manual* and the EPA ERP, and a comparison of the information found during the file review with the data reported to EPA's SDWIS data system.

Key Findings

The accuracy of data reported by FDEP to SDWIS was found to be in need of improvement in the following ways:

- All violations identified in the file and/or provided from the FDEP tracking system, are not being submitted to SDWIS. This discrepancy was found in the District office and both FDOH offices. Primarily the violations that are not being submitted are monitoring

and reporting violations for various parameters. For the identified systems, 6 of the 8 reviewed had violations noted in the file/data provided that were not identified in SDWIS.

- Enforcement actions taken and submitted to SDWIS, are either not being timely uploaded, properly linked to relevant violations, and/or the data uploaded is inconsistent with the documents provided for review. For the identified systems, 7 of the 8 reviewed had discrepancies with the information for the enforcement actions submitted to SDWIS. Specifically, for the files reviewed, there were instances where violation(s) were linked to enforcement actions that upon review of the enforcement action, it was determined that the action did not include or address those violations. Also, there were several instances where the data submitted to SDWIS showed multiple dates for the same enforcement action. It appears that the dates of enforcement are not being consistently entered (i.e. dates were submitted for the signature date of the effective order, receipt date of the effective order, or the date the proposed order was sent to the respondent). So it was noted that at times there would be two formal actions entered into SDWIS when there was only one issued.

During the file review, EPA Region 4 tracked compliance and enforcement mechanisms used and evaluated them for timeliness and appropriateness of the action or return to compliance. Based on this review, the following was determined in regards to the timeline for systems identified as a priority on the ETT list to be returned to compliance or have a formal enforcement action issued.

Table 2: Timeline for Settlement of Identification as a Priority System on the ETT List

PWS ID	System Name	Date of First Appearance on ETT List as Priority System	Date of Settlement (RTC or issuance of Formal Enf)	Days Between ETT and Settlement	Settlement RTC or Formal Action ?	Quarters on ETT List as a Priority System
FL6095083	Seven Rivers Professional Center	9/30/2010	2/20/2013	874	RTC	10/2010, 01/11, 04/11, 07/11, 10/11, 1/2012, 04/2012, 7/2012, 10/2012, 1/2013, 4/2013, 7/2013
FL6510807	Holiday Gardens Util Inc.	3/31/2011	7/7/2011	98	Formal Action	04/2011, 07/2011, 10/2011, 04/2014, 7/2014, 10/2014
FL6510807	Holiday Gardens Util Inc.	3/31/2014	2/27/2014	-32	RTC	
FL6272304	Camper's Holiday	3/31/2011	4/15/2011	15	Formal Action	04/2011, 07/2011, 01/2013, 10/2013, 01/2014, 10/2014
FL6272304	Camper's Holiday	12/31/2012	6/5/2013	156	Formal Action	
FL4064392	Kids Paradise	12/31/2011	4/26/2012	117	Formal Action	01/2012, 04/2012, 07/2012, 04/2014, 07/2014
FL4064392	Kids Paradise	3/31/2014	4/24/2014	24	Formal Action	
FL4060402	Everglades Holiday Park	12/31/2009	3/23/2012	813	Formal Action	01/2010, 04/2010, 10/2011, 01/2012, 04/2012, 01/2013, 04/2013, 07/2013, 10/2013, 01/2014, 04/2014
FL4060402	Everglades Holiday Park	3/31/2013	3/13/2013	-18	Formal Action	
FL4061517	Royal Utility Company	3/31/2011	10/20/2010	-162	RTC	04/2011, 07/2013, 10/2013, 01/2014
FL4061517	Royal Utility Company	6/30/2013	2/12/2013	-138	Formal Action	
FL4131403	Americana Village	3/31/2010	8/28/2012	881	RTC	04/2010, 07/2010, 10/2010, 01/2011, 04/2011, 07/2011, 10/2011, 01/2012, 04/2012, 07/2012, 10/2012, 01/2013, 04/2013, 07/2013
FL4130833	Jones Trailer Park	12/31/2009	9/30/2011	638	RTC	01/2010, 04/2010, 07/2010, 01/2011, 04/2011, 07/2011, 10/2011, 01/2012, 01/2013
FL4130833	Jones Trailer Park	12/31/2011	10/3/2012	277	RTC	

Average Days Between ETT and Settlement				253.07		

Note: Some of the systems had multiple dates evaluated because they were bouncing on and off the ETT Priority List

For the evaluated systems, only two (for all the specified appearances on the ETT List as a priority system) met the 2-quarter timeliness goal established in the EPA ERP, 3 of the 8 met the goal for one of the appearances on the ETT list but not for all of the appearances, 6 of the 8 did not meet the goal for one or more of the appearances the system had on the ETT List as a priority system. On average for the identified systems (including those with multiple appearances as a priority system on the ETT List), the days between appearing on the ETT list as a priority and settlement of the violations was 253 days. This is in excess of the 2-quarter timeliness goal. Also, in evaluation of the data above, there is an indication that formal actions and/or return to compliance data is not consistently being entered timely so that the ETT scores accurately depict the compliance and enforcement history. Therefore, some of the systems above, remained on the ETT list as priority systems multiple quarters after the resolving action had been issued.

During the file review, it was discovered that in 2 of the 8 files, enforcement actions were initiated but never completed and there was no explanation in the documents provided that explained why the action was not pursued. This was especially important information since both of those systems had been identified as priority systems for multiple consecutive quarters without returning to compliance or having a formal action issued.

The *DEP Enforcement Manual,* developed jointly by the Secretary, Deputy Secretary, and Assistant Deputy Secretary of Regulatory Programs, is periodically revised as necessary. The latest revisions occurred in September 2013 and October 2014 for the chapters addressing compliance and enforcement processes. The manual describes FDEP's enforcement organization, compliance options, enforcement options, inspections and investigations protocol, administrative process and remedies, judicial process and remedies, litigation procedures, data management, and penalty policies. Overall, the *DEP Enforcement Manual* is a thorough document which is provided to all District offices and authorized FDOH offices. However, when compared to the EPA ERP, it was determined that the *DEP Enforcement Manual* was not consistent with the EPA ERP in that it did not define an expectation of timely and appropriate enforcement. The *DEP Enforcement Manual* had no clear expectation and/or goal for timelines associated with issuing formal enforcement for systems that are identified as priority on the ETT nor for systems with acute, health-based violations. During the interviews and file reviews, it was determined that the goals of issuing formal enforcement varied between the offices evaluated. The Southwest District office indicated that they were given some established guidelines on the expectations of timely and appropriate enforcement in the annual *SWD Business Plans*. However, both FDOH offices (Broward County DOH and Miami-Dade DOH), indicated that there were no set timelines provided by FDEP-HQ for issuance of formal enforcement or returning the system compliance. Each of the FDOH offices had established goals/expectations for timely and appropriate enforcement on their own. In Broward County, for example, the written expectation for each employee is that enforcement actions start within five days of discovering any violation. In addition, actions commence immediately upon discovery of cases where public health may potentially be at risk.

Staff in the Division, Districts, and FDOH offices are provided with training on the *DEP Enforcement Manual* and *923 Directive*.

In February of 2013, the Division instituted a Peer Review Process. This Peer Review Process establishes that prior to the issuance of formal enforcement by the District offices, a Peer Review Recommendation Memo must be sent to the Division. The Division then reviews the Peer Review Recommendation Memo to determine if formal enforcement is appropriate, ensures that penalties are consistently calculated across all District offices, and ensure that all regulations and violations are appropriately and consistently included in the enforcement. This process was established to ensure a consistent and equally applied approach to enforcement across all District Offices. This approach is not applied to the FDOH offices, who independently establish their enforcement activities within the confines of the Interagency Agreement and the *DEP Enforcement Manual.*

The Southwest District office and Broward DOH office have both implemented a strategy of sending reminders to the systems of their monitoring responsibilities and timelines. The reminders are sent out to the systems at a minimum of annually and in some cases monthly or quarterly as well. These activities were implemented to decrease instances of monitoring and reporting violations. The Miami-Dade DOH office has also implemented a program that aides in decreasing monitoring and reporting violations, by conducting sampling for the small systems and as well as for the transient non-community systems and a few community systems. These sampling efforts are being done through a Sstate laboratory in Miami.

Recommendations

Update the *DEP Enforcement Manual* or provide official written guidance to all offices of the following:

- The expectation to address those systems identified as priority systems on the ETT list within 2 quarters of appearance on the list, either by returning the system to compliance or issuing formal and enforceable enforcement as well as to act immediately on acute, health-based violations and subsequently confirm that systems with such violations return to compliance. This would help to ensure that the Sstate is consistent with the EPA ERP, the Sstate's PWSS Ggrant Wwork-plan, and that the State is consistently implementing the compliance and enforcement program throughout all of the districts and authorized programs.

- The expectation that the date that is being used as the date of enforcement action, which is entered into the Potable Water System (PWS) Database and ultimately into SDWIS, is consistently the same date across all districts and authorized programs. Note: The date the proposed order is sent/signed, the date of receipt of the proposed order, and the date of signature by the respondent should not be used as the date of enforcement for reporting purposes. These dates are not indicative of an effective order.

Efforts should be made to ensure that data submitted to SDWIS is timely, enforcement action dates are accurately and consistently entered, all violations are identified and submitted to SDWIS, and that all violations are accurately linked to the appropriate enforcement mechanisms. FDEP should develop and implement revised procedures to ensure accurate reporting of enforcement and compliance information into SDWIS.

Records should be maintained in the file that denote any and all decisions made with regard to enforcement actions, such as if there is a change from the proposed document or a decision to not pursue the enforcement action initiated.

The Division should continue with the Peer Review Process initiated to ensure consistency of the enforcement activities across District offices, and evaluate whether the process should be expanded to require that all formal actions, including those where both parties are in complete agreement, are submitted to the Division for review.

Internal Sstate coordination between FDEP and FDOH on the drinking water program

Background

Program coordination was selected as a priority review topic due to the number of separate offices that implement Florida's PWSS program and the significant impacts that a 2012 FDEP reorganization had on many of these offices. A first goal of the review is to better understand what kinds of coordination activities occur between offices and how these activities impact PWSS program implementation. A second goal is to determine how the 2012 reorganization altered previous coordination tools and pathways and describe Florida's efforts to adjust to those changes.

As described in the Overview section of this report, Florida implements the PWSS program through multiple offices, each of which handles specified duties for a designated portion of the Sstate. The Division manages Florida's overall primacy program and develops and maintains many of the resources used by six District offices and eight delegated FDOH offices. District and FDOH offices have autonomy to implement the program at the individual system level, but must conduct activities consistent with the Division rules, policy and guidance and communicate accomplishments and issues to the Division. The Division and District offices both report to FDEP's Deputy Secretary for Regulatory Programs. The 2012 reorganization redefined the FDEP's leadership structure and redistributed staff in the Division and some District offices in several ways, as described in the overview section of this report. FDOH offices were unaffected by the reorganization.

Florida's assignment of PWSS program duties to multiple offices and agencies allows the Sstate to leverage significant additional resources and expertise. However, good communication and collaboration is needed to ensure effective, consistent operation of this decentralized program. The overall objective of this review is to ensure that effective mechanisms for ensuring good program coordination remain in place, and to document any particular strengths or weaknesses that require further consideration.

Priority Evaluation Method

Region 4 used a combination of document reviews and personnel interviews to understand past and present coordination activities in Florida and evaluate how well those activities support Florida's overall PWSS program implementation. The documents and information reviewed were obtained from EPA Region 4 files, Division files and the Division's SDWP website (http://www.dep.state.fl.us/water/drinkingwater/). Of these, the following documents provided information on Florida's internal and external program coordination activities:

- FDEP responses to EPA Region 4's PWSS Priority Review Background Questions
- FDEP's 2014 Operator Certification Program Annual Submittal
- FDEP's FY13 Annual Capacity Development Program Implementation Report
- FDEP's 2014 triennial report to the governor on "Florida's Strategy to Improve Public Water Supply"
- FDEP-HQ PWSS Program Review Reports for 2013-2014 program evaluations of FDEP District and FDOH county field offices
- Issues of the Floridan newsletter
- Information available to public water systems on the SDWP website

The Division also provided EPA Region 4 staff with a walk-through of the information and data management tools available on the Division's internal PWS Application during this review. These tools are accessible to all District and FDOH offices.

To obtain a range of perspectives on coordination activities, EPA Region 4 visited multiple offices that together represent a cross-section of PWSS program components. These included the Division office, the Southwest District office and FDOH offices in Broward and Miami-Dade counties. FDOH headquarters staff and Southeast District staff also participated in FDOH office visits. EPA Region 4 interviewed multiple staff at varying levels of responsibility in each office. The names of program managers and technical staff interviewed in each office were obtained from FDEP in advance. EPA Region 4 developed a comprehensive list of questions on internal, inter-office and external (i.e. outreach) coordination, and selected appropriate questions from this list for each interviewee, depending on that person's responsibilities. Program Coordination interviews were conducted with groups of employees, as this approach allowed office staff to provide a more complete description of program interaction and also allowed EPA Region 4 to better observe the dynamics of each office.

Key Findings

To achieve successful program coordination, program components must be organized in a way that allows them to work together effectively to achieve overall program goals. Florida has used many methods to facilitate effective program coordination across all offices. During interviews, staff noted the following existing and historical tools:

Existing Tools:

1) Regular internal office staff meetings

2) Monthly communication calls between the Division and all District-FDOH offices to introduce new policy and regulations
3) Regular comprehensive program evaluations are performed by the Division of District offices (triennially) and by the Division, FDOH HQ and District staff of FDOH offices (annually)
4) One-on-one communication between District liaisons/experts and FDOH office staff
5) Internal PWS communications website - repository for SDWP information, including current announcements, guidance, available training, webcasts, powerpoint presentations and historical meeting minutes; maintained by the Division
6) Internal PWS database – standardized data entry tools facilitate data reporting/retrieval and compliance determination by staff; developed and updated by the Division to address changing requirements and user needs
7) Technical assistance from Florida Rural Waters Association (FRWA) – a Division-managed contract that provides assistance to small systems and conducts FRWA training sessions on many topics, including full day "Focus on Change" Seminars

Previous Tools:

1) Quarterly Permitting, Compliance and Enforcement (PCE) Meetings – means of informally sharing policy and implementation issues between Division and FDEP-FDOH offices
2) Annual PWSS Conference – face-to-face meeting of Division and all FDEP-FDOH office staff that provided information on program policies and issues, rule training and valuable discussion of specific questions, concerns and needs.
3) Quarterly meetings between each District liaison and delegated FDOH offices located within that District. EPA Region 4 believes there is still an expectation for these meeting to occur, but it appears that currently the meetings occur infrequently and only in some Districts.

All offices emphasized that internal staff levels are minimally adequate to implement the assigned program workload (reword and/or provide supporting documentation). Administrators work closely with their staff to coordinate individual responsibilities in ways that build employee job satisfaction while maximizing output and work quality. One office recognized efficiencies by assigning individual staff both compliance and permitting duties in order to develop more holistic program knowledge. Another office supported employee skills development by devising a detailed training program that included both classroom and on-the-job shadowing. The assignment of job duties commensurate with skill level improved work product and employee satisfaction. Several offices strove to reduce the number of compliance issues by annually notifying systems of required upcoming monitoring activities. One office also achieved greater compliance levels by having staff conduct required monitoring for most small systems.

Many administrators stated that their programs achieve much more by leveraging resources available from the Division and other offices. Leveraging occurs in many ways, including meetings, training and the use of common tools to manage and share SDWP data and information.

The PWSS program conducts various meetings and calls on a regular basis. Monthly 1-2 hour calls coordinated by the Division provide regular updates on pertinent program issues, but are limited in scope. District liaisons noted that they continue to share expertise and have good interaction with staff in FDOH offices, but these discussions are also limited, and some District offices have lost technical expertise. Conference calls and informal information sharing also occur between some District and FDOH offices. However, the regularity and strength of these exchanges varies widely. Lengthier face-to-face meetings (such as the annual PWSS conference and quarterly PCE meetings) have historically provided the most valuable opportunities for education and exchange among office staff. These meetings have included presentations on regulations, technical issues, policy, guidance and data management tools. They also provided time for face-to-face discussions among staff with varied backgrounds and expertise. Quarterly PCE meetings sometimes facilitated the scheduling of follow-up meetings. For example, some Districts followed quarterly PCE meetings with meetings with their delegated FDOH offices, allowing continued discussions on some PCE meeting topics or introduce other discussion topics of concern. The information exchanged in all of these meetings often facilitated faster, more comprehensive, consistent resolution of specific PWSS program concerns.

The Division conducts regular program reviews of each District and FDOH office. Program Review reports provide a consistent, in-depth assessment of 8 key program components across all 14 offices, as shown in Table 3 on the following page.

The relative weighting that the Division assigns to each of the 8 components is shown in the first row of this table. Individual cells display the percentage of total points which each office received for each component during the most recent 2013-2014 Program Evaluations. The results show that all offices successfully implement Data/File Management and Permit/Plan Review program components. Most offices also successfully implement Compliance, Enforcement and Sanitary Survey/Compliance Inspection program components. However, the basis for bonus points awarded for certain additional activities within these components, which often contribute to elevated scores, is somewhat unclear. Scores for the remaining three program components (Organization/Staffing/Resources, DEP Coordination/Assistance and Training) were more variable, with some offices receiving significantly lower scores. For the Organization/Staffing/Resources program component, three offices received less than 90%, and an additional two offices received less than 92%, of the total possible points. Offices generally received point reductions for having a higher ratio of public water systems to professional staff. However, all offices received the maximum allowable points for their response to the question: "Is the current staffing adequate to cover required workload?". These findings suggest that additional information is needed to better evaluate the adequacy of current office staffing/resource levels. For the DEP Coordination/Assistance component, four offices received 90% or less of total possible points. Point reductions were generally received due to lack of scanning capabilities for purposes of generating electronic files. Most questions required only "yes/no" responses, and the scoring system did not consider the more detailed comments provided by offices. Reconsideration of the kind of information needed to assess this component may be helpful. For the Training component, four offices received less than 85%, and an additional three offices received less than 92%, of total possible points. Point reductions were based on failure of staff to complete one or more of the identified core training courses, or lack of a written office training plan. These findings suggest that many offices do not have access to

all needed training. The Division's basis for updating the list of needed courses is also unclear. EPA Region 4 believes this portion of FDEP's program evaluation is inadequate to fully assess training needs.

Table 3.

Summary of 2013-2014 FDEP Program Evaluation Results for 6 FDEP District and 8 DOH County Offices

Sum of Score (as % of PE Weight) Row Labels	Column Labels 1_Organization/ Staffing/ Resources	2_Data/File Management	3_Compliance	4_Enforcement	5_Sanitary Survey/ Compliance Inspections	6_Permit/Plan Reviews	7_DEP Coordination/ Assistance Activities	8_Training	9_Overall Score
1_PE Weight(%)	5.00	25.00	15.00	15.00	15.00	15.00	5.00	5.00	100
A_Central	91.60	94.96	100.00	100.00	93.60	100.00	100.00	100.00	97.36
A_NE	[illegible]	84.52	105.27	105.87	90.40	98.00	100.00	91.60	94.08
A_NW	100.00	97.36	100.00	105.87	100.00	97.93	100.00	91.60	99.49
A_SE	102.00	95.28	84.20	105.87	97.33	101.07	100.00	100.00	97.2
A_South	102.00	90.76	100.00	105.87	103.60	101.00	100.00	75.00	98.12
A_SW	94.80	97.96	100.00	105.87	102.60	97.87	100.00	83.40	99.36
C_Broward	102.00	95.20	107.13	105.87	102.33	95.87	100.00	100.00	100.59
C_Hillsborough	[illegible]	99.60	100.00	100.00	106.47	92.80	100.00	100.00	98.33
C_Lee	91.60	97.12	100.00	105.87	100.00	93.73	90.00	100.00	98.31
C_Miami-Dade	96.80	95.24	100.00	105.87	96.40	93.93	90.00	100.00	97.58
C_Palm Beach	102.00	93.36	105.87	105.87	106.80	96.87	80.00	100.00	99.76
C_Polk	89.60	96.48	107.13	100.00	102.73	100.00	100.00	83.40	99.25
C_Sarasota	91.60	97.08	100.00	105.87	107.27	86.47	90.00	75.00	97.04
C_Volusia	102.00	95.12	107.13	76.47	96.27	93.60	100.00	91.60	94.49

LOW 100% HIGH

Staff interviews conducted during this Priority Review provided information on how Florida currently identifies and addresses training needs. While training needs are a clear priority, the resources to address those needs are often limited. In order to justify training, the Division and District offices each prepare comprehensive annual training plans. Some FDOH offices prepare office training plans, and many notify District offices of additional training needs on an ad-hoc basis. In response to identified needs, the Division develops some training courses and makes these available to all offices. Division training generally focuses on rule implementation or database usage. District and FDOH offices conduct varied amounts of duty-specific training internally and access external training sources as resources allow.

Florida's PWSS program does not currently appear to have a clear means for tracking and addressing training needs on a program-wide basis. Staff in multiple offices identified the need for training on: use of PWS Application tools, information on DBP formation and treatment, DBP Stage 2 implementation, technical knowledge that allows staff to tie rules together and optimize overall system compliance, and Sstate enforcement policies. These responses suggest that the PWSS program could realize some efficiencies by implementing more seamless, universal communication of training needs and resources. Several offices stated that they are in the process of re-tooling existing training plans, to adjust for changing duties and priorities that resulted from the 2012 reorganization. This re-tooling period may provide an opportunity for Florida to revisit the way in which it identifies and addresses training needs on a program-wide basis.

A primary goal of the 2012 reorganization was to recognize efficiencies and achieve greater Sstatewide consistency by realigning staff in the Division and some District offices. The changes implemented were initially disruptive, as they altered established communication pathways and sometimes significantly revised staff workload. However, during interviews, staff provided evidence that re-tooling of the organization aimed at improving overall program coordination is now occurring on several fronts. The Division is re-examining training plans and the value of regular, lengthier face-to-face meetings. The Division continues to revisit strategies for maintaining timely access to critical information technology resources. Given the realignment of compliance staff and the revision of some enforcement guidance, the Division has also recognized the importance of clarifying the enforcement process to all offices. Districts clearly desire autonomy to implement enforcement/compliance issues; however, they are also striving to exchange information and expertise with other Districts, and expressed a desire for clearer guidance from the Division on some issues. District offices that were more heavily impacted by the reorganization continue to re-calibrate their programs to ensure effective public water system oversight.

Resources which were unchanged through the 2012 reorganization contributed considerably to the continued strength of Florida's PWSS program. These resources include FDOH-HQ and FDOH offices, the continued use of 14 geographically-targeted District and FDOH offices to maintain close working relationships with public water systems operators, the technical support contract with FRWA, and the Division's continued maintenance of several tools for managing data and information essential to the PWSS program.

Recommendations

The 2012 reorganization refocused Florida's PWSS program on the critical goals of strengthening overall program consistency, and renewing focus on timely accomplishment of program priorities (such as the prevention and resolution of health-based violations). The associated reorganization of staff and resources disrupted many valuable coordination pathways that existed under the old organization. Some expertise was also lost during the reorganization. The re-tooling period that is now occurring is critical to ensuring that Florida maintains and establishes communication pathways and tools that will allow them to best accomplish the priorities of the PWSS program under the new organization. Based on information gathered during this priority review, the following program coordination-related activities are recommended as key to strengthening Florida's PWSS program.

Regular, established communications have historically provided the Division, District and FDOH offices with some of the most valuable ways to leverage the expertise and resources available in the many offices that comprise Florida's PWSS program. Interviewed staff unanimously stated that regular face-to-face meetings (such as the annual FDEP PWS conference and quarterly PCE meetings) were the most valuable tools, as these provided the broadest exchange of PWSS program and technical information to the greatest number of staff. Reinstatement of these meetings would strengthen staff knowledge and promote rebuilding of communication pathways. Continued strengthening of regular communication pathways between District offices would increase the exchange of information and expertise relevant to direct oversight of public water system facilities. Increased District expertise could also be leveraged by FDOH offices.

EPA Region 4 recommends FDEP lead a Sstatewide assessment of technical and programmatic training needs of all offices given the number of new drinking water regulations and new staff to the program. A re-tooling of Florida's training program that allows PWSS program offices to better identify and address training needs would be helpful.

Individual offices provide various levels of internal training, but this could be supplemented with the resources and expertise available from other offices across the Sstate. Reinstatement of the face-to-face meetings noted earlier would provide an efficient means for providing broadly-needed training, such as guidance on program enforcement tools and priorities as well as provide a meaningful opportunity for offices to share training plans (such as the training program being developed by the SW District).

Some re-tooling of the Division's standard Program Evaluation template may increase the usefulness of Program Evaluation findings. These regular program evaluations of District and FDOH offices provide an excellent tool for consistently evaluating key components of Florida's PWSS program. However, for some components, the information collected does not clearly explain the basis for differing, or lower, scores among offices. This finding primarily applies to components that do not include reviews of specific public water systems (i.e. Organization/Staffing/Resources, DEP Coordination/Assistance and Training components). Questions and scoring mechanisms used for these components could be re-examined and modified to better characterize office strengths or deficiencies. For example, the Division might

develop a standard process for updating core training courses to reflect changing program priorities and individual office needs.

Florida's PWSS program may strengthen external coordination though increased participation by local office level in EPA's Area Wide Optimization Program (AWOP) program. This participation would allow office staff to better evaluate and assist surface water systems in optimizing treatment goals and enhancing microbial and disinfection byproduct control. The technical expertise gained could also be shared with other offices.

Local District and FDOH offices are encouraged to make use of the OCULUS and Permitting Application document management systems, particularly in an effort to coordinate compliance and permitting activities.

Disinfection Byproduct Rules Implementation

Background

DBP Rules Implementation was selected as a priority for review based on an analysis of Sstate-wide violation data by specific contaminant group. Other than total coliform MCL violations, DBP MCL violations represented the greatest number of health-based violations for water systems in Florida over the past five years. Many water sources in Florida have high quantities of naturally occurring organic matter. When the water with high levels of organics is disinfected with chlorine, high levels of disinfection byproducts can form. Levels of many DBPs increase with water age in finished water storage tanks and distribution systems. Treatment strategies for DBPs can include adjustments to treatment systems (examples: removal of organics prior to disinfection, change of disinfectant, pH adjustment, or removal of DBPs after formation, etc.) or changes to operations of distribution systems (examples: adjustments to storage tank levels or fill/draw cycles, flushing practices, elimination of "dead ends" in distribution lines, etc.).

Over the past few years sStates and water systems have been transitioning from monitoring requirements associated with the Stage 1 Disinfectants and Disinfection Byproduct Rule to the Stage 2 DBP Rule. Some of the key changes include the number, frequency and locations of routine monitoring, inclusion of consecutive water systems to rule requirements, and how compliance is calculated based on locational running annual averages. The transition from the Stage 1 to Stage 2 Rule involved a period of time when EPA Region 4 was implementing aspects of rule focused on identifying potential new monitoring locations. These early implementation activities were a result of the regulatory timeline beginning before states were required to have the rule adopted. As a result, FDEP and FDOH field staff played a limited role in training and implementation associated with monitoring site selection. FRWA did provide a significant amount of outreach to water systems during this time. Florida had adopted the Stage 2 Rule by the time routine monitoring requirements began and worked with water systems to finalize monitoring plans.

Priority Evaluation Method

Region 4 utilized a combination of data analysis, personnel interviews and onsite file reviews to evaluate strengths and needs associated with Florida's implementation of the DBP Rules. Data analysis include reviews of DBP monitoring results from Florida's PWS Database and DBP violation data available from EPA's SDWIS data system. Interview questions were used to determine strategies utilized to affect system compliance, understand expertise levels and resource demands for staff and management, and to gage consistency in implementing the regulations and guidance associated with the DBP Rules. File reviews included a review of information used to develop system monitoring plans, an evaluation of system monitoring data to ensure monitoring was done in accordance with the plan, and a review of compliance determinations based on the analytical results. A complete list of the files reviewed is provided in Appendix A.

Key Findings

Most health-based violations for chemical monitoring in Florida are associated with DBPs.

Review of DBP monitoring results from the PWS Database identified a significant number of questionable values of "0" for TTHM and HAA5 analytical results, often at systems/locations that had previous and subsequent high levels. While some amount of fluctuation of results is expected, systems with detected levels greater than ½ of the MCL typically do not have fluctuations that would result in associated non-detect levels.

Staff determine compliance manually based on review of monitoring results as the Stage 2 module of the PWS Database was not yet available at the time of the review. The module has since been completed. Errors were identified in both water system reporting and Sstate compliance determination including:

- Incorrectly calculating the locational running annual average of monitoring results
- Water system not monitoring in correct months
- Failure of systems to submit Operational Evaluation Reports when required
- Changes in monitoring locations without justifications

Staff have had training on DBP rule compliance. However, very few staff indicated they had much, if any, training related to DBP formation and/or treatment.

Reviewers found recommendations to water systems on flushing strategies that are not supported by EPA and will result in masking ongoing health risks to water system customers.

Some offices have made efforts to integrate compliance and permitting activities to ensure DBP compliance is considered in project review and the potential need for DBP monitoring plan changes based on relevant water system infrastructure changes. Efforts range from having the same staff perform both engineering review/permitting and compliance determination, to developing a liaison responsibility between permitting and compliance office staff.

Recommendations

There is a need for District and County staff to re-evaluate DBP monitoring locations identified in Stage 2 Monitoring Plans. FDEP and FDOH should consider enhancing the review of distribution systems during sanitary surveys to include an evaluation of DBP monitoring locations. Considerations for enhancing the sanitary survey include:

- Checking disinfectant residual levels (and pH when available) to assess water quality at areas of high probable water age relative to approved DBP compliance monitoring locations.
- Reviewing flushing practices to determine if water systems are using practices to improve water quality system-wide or just at compliance locations.
- Visit the DBP monitoring locations to identify any changes (e.g. installation of auto-flushing device) that may give reason to modify the monitoring plan.
- Evaluate the appropriateness of changing one monitoring location to Point of Entry for consecutive systems based on the number of monitoring locations and associated baseline data already collected. POE data can be valuable for coordination between wholesale and consecutive water systems.

Provide technical training to staff on how to limit DBP levels in water systems through improved distribution system operation practices. The AWOP implemented in Region 4 has been used by several states to provide training to water system personnel on DBP compliance strategies that minimize the need for costly infrastructure and to develop the staff expertise to perform the enhanced sanitary survey practices outlined above. Due to the low number of surface water systems in the Sstate, FDEP has minimally participated in EPA's AWOP. With the network's significant change in focus to disinfection byproducts, FDEP should engage all districts and counties with opportunities to participate in AWOP.

FDEP should investigate the number of "0" monitoring results to determine if there are any obvious laboratory or data entry errors, or any trends that would raise question as to the integrity of the results.

FDEP-HQ should continue to prioritize development of the PWS Database to facilitate implementation tasks for inspectors and compliance officers.

Data Management

Background

One of the required functions of delegated PWSS Programs is to maintain a data management system for tracking compliance, enforcement actions and public water system inventory. FDEP-HQ's database for the drinking water program is the Oracle-based PWS Database. Reports are produced in Active Server Pages. Data are transmitted to SDWIS/Fed via an Extensible Markup Language file created from extrapolated data. Data are reported quarterly, including inventory, samples and violations and enforcement updates.

Automated compliance determinations for TCR, GWR, Phase II/IV, RAD, CCR, Turbidity and Stage 2 DBPs (just recently, in time to evaluate 1st Q 2015) are performed by the PWS Database nightly and verified by the district and county offices. All violations are posted automatically but can be over-ruled by the point person in each office. All other compliance determinations are entered manually within the individual offices, as are all violation letters and enforcement actions.

FDEP uses the SDWIS/Fed error reports to correct errors but finds that the ".pdf" format is not useful. That format is too difficult to mark up and data cannot be sorted. FDEP would greatly prefer data in Excel spreadsheets.

Key Findings

The Division has developed and maintains several effective tools for entering and accessing PWSS data and reports including:

PWS Database – In addition to tracking lab samples, the PWS Database tracks inventory, permit compliance/enforcement, monthly operations, inspections and complaints. The PWS Database includes reports for staff, but also posts five reports to the public FDEP website that are further divided by year or geographic area. Basic Facility Reports, Flow Data and Plant Treatment Data files are updated quarterly. Chemical Data and Microbiological Data files are updated annually in March. Reports provide information on sample results, average/max monthly flows, types of water treatment, the type of system, address, capacity, sources of water, population and service connections served, dates the Department performed the last sanitary survey, and the dates the last bacteriological and inorganic/organic contaminant testing was performed.

PA (Permitting Application) System – database that tracks the permit application process to ensure statutory time clocks are met.

OCULUS – an electronic, web-based document management system that allows the public and staff to search and review permitting documents, lab reports, inspections, etc. within DEP and at two of eight FDOH offices.

FDEP-DW standardized PDF/Word data/information entry forms - for use by public water systems and laboratories to document: (1) Permitting/Construction/O&M activities (Chapter 62-555.900 F.A.C.) and (2) reporting results for required test measurements or analyses (Chapter 62-550.730 F.A.C.). Users may generate computer-generated versions of same (see http://www.dep.state.fl.us/water/drinkingwater/forms.htm).

NEXUS – user-friendly information portal for retrieving documents from OCULUS archival database.

PASS (Permit Application Subscription Service) System - Allows user to receive automated, customized notification of permit application status (e.g by application types, geographic area, etc.)

Data entry and compliance determination tools available through the PWS Database provide staff in all offices with a rapid, reliable, consistent way to upload system monitoring data and accurately calculate compliance. The value of this tool was readily apparent during staff interviews, as staff unanimously emphasized the need for the Division's soon to be released DBP Stage 2 compliance determination tool.

Use of a Sstate-developed tool also allows staff to more easily request helpful database changes. Simpler changes are implemented by Division staff, while more comprehensive changes are made by staff in OTIS. Requests to OTIS are sometimes delayed, as OTIS must prioritize database needs for multiple programs. The Division works to maintain the priority level of key PWS Database updates, but limited OTIS resources are an ongoing challenge.

The Division also maintains two web-based document tracking systems that allow staff and the public to obtain SDWP documents of interest. OCULUS houses copies of permitting, lab, inspection, operational and compliance/enforcement documents. The PA System allows the user to retrieve permit applications currently under review. While these systems may provide a valuable resource to inspectors and permit reviewers, it is unclear to what extent some offices use these systems. More comprehensive training on these systems may facilitate the exchange of information between permitting and compliance staff.

Recommendations

Florida's PWSS program should continue to implement a strong data and information management program that is available to all offices. The PWS Database addresses a critical need, providing a consistent suite of tools for data entry and compliance determination that can also be modified to address staff needs.

External Outreach

Background

In selecting topics for review, FDEP's compliance assistance outreach to public water systems was identified as a program strength. The review included a combination of document review and interviews of key staff and managers. With recent changes in drinking water ~~law~~ regulations (Stage 2 DBP Rule, Ground Water Rule, Reduction of Lead in Drinking Water Act, Revised Total Coliform Rule), water systems are increasingly dependent on state agencies to provide the outreach necessary to explain the details of the rules and regulations that will ensure sector compliance and protection of public health.

FDEP and FDOH value a strong relationship with the regulated community and strive to ensure that, where possible, concerns are addressed through compliance assistance activities prior to water systems incurring a potential violation. Florida's drinking water program achieves outreach to water systems through site visits to water systems, training classes, contracts with technical assistance partners, and direct mailings to water systems and water system professionals.

Key Findings

FDEP and FDOH utilized a number of mechanisms to provide meaningful outreach activities to public water systems, including:

- Drinking Water Technical Assistance Program
- Contract with FRWA to provide training and operator certification
  - Focus on Change training seminars ~ 6 events/year
  - Water treatment plant operator certification ~16 events/year
  - Water distribution system certification training ~5 events/year
  - Water treatment plant operation and maintenance ~17 events/year
  - Electrical safety and generator set up ~ 1 event/year
  - Treatment technologies and conservation ~ 1 event/year
  - Emergency Response Plans ~ 0-1 event/year
  - Over 3,000 technical assistance site visits/year from Circuit Riders
- Limited Involvement in Area-Wide Optimization Program
- Operator Certification Program
- Floridian Newsletter
- Sanitary Surveys and other inspections

Florida's strong suite of outreach tools provide office staff with ways to enhance coordination with local public water system operators. The Division's Technical Assistance Program assists all offices in resolving technical, managerial and financial challenges of individual public water systems at no cost to those systems. The contracted services of FRWA are frequently used by smaller rural water systems. FRWA also provides training on various topics of interest to both system operators and FDEP and FDOH staff, including full-day sessions during the "Focus on Change" seminars which are held year-round at locations throughout the Sstate. Available training sessions are listed on the FRWA website. The Division participates minimally in EPA's AWOP, and uses this program to more closely evaluate and assist the ability of surface water systems to optimize disinfection and filtration treatment goals and enhance microbial and disinfectant byproduct control. While participation has recently decreased, staff interviewed in some District and FDOH offices expressed interest in increasing participation in order to benefit public water systems while strengthening the expertise of office staff.

All offices expressed a need for greater technical training of inspectors, compliance, and permitting staff citing a concern with being able to adequately address simultaneous compliance concerns with water systems. Some entities expressed concern over a perceived loss of drinking water programmatic expertise within FDEP.

The Division offers a Sanitary Survey School annually to train newer FDEP and FDOH inspectors on not only the eight elements that are required by EPA when conducting a sanitary

survey, but also on operation and maintenance activities, as well as treatment theory and technologies (DEP confirmed preference to retain this sentence; SS school is ongoing, with new instructors).

Customer complaints made to the Sstate are addressed in a timely and appropriate fashion. There was some uncertainty as to what FDOH laboratory support is available to District staff when responding to customer complaints.

Every office makes a concerted effort to send letters to each water system annually to provide minimum monitoring requirements to ensure water systems complete all required monitoring.

Recommendations

Florida should continue to implement a strong PWSS outreach program. FRWA contracted services and training sessions provide invaluable support to local offices in their efforts to assist public water system operators. Focus on Change seminars also provide opportunities for exchange between office staff and public water system operators, strengthening communications between these parties.

Consider exploring the appropriateness of addressing laboratory support for bacteriological monitoring in the interagency agreement between FDOH and FDEP. The support would be used when responding to customer complaints or in carrying out any special studies that would enhance the value of Department outreach for water systems.

EPA Region 4 believes District and County staff participation in the AWOP would facilitate improved outreach to water systems. In addition to new regulations, large turnover in drinking water staff, in some areas, has created a need for increased investment in drinking water program training. EPA Region 4 strongly encourages Districts and Counties to interact more, through routine meetings and trainings, to discuss implementation challenges/successes so that expertise across the Sstate is better leveraged to fill the knowledge gaps associated with new regulations and new program staff.

Appendix A

Florida Drinking Water Program Priority Review
File Review Summary

For the enforcement cases, EPA Region 4 reviewed all actions and associated non-compliance over the past 3 years (2012-14). The case files should contain all of the case development work (violations, initial correspondence, informal and formal actions, etc.) even if prior to 2012. Example: If an enforcement order was issued in 2012 for an arsenic violation in 2010, EPA Region 4 evaluated everything from 2010 up until the system returned to compliance.

For the DBP files, EPA Region 4 reviewed files for monitoring results, monitoring plans, documents used in developing/approving monitoring locations, correspondence related to monitoring location changes, and documents related to compliance assistance outreach.

Broward County DOH

Enforcement Case Files

FL4060402	Everglades Holiday Park
FL4061517	Royal Utility Company
FL4064392	Kids Paradise

Disinfection Byproduct Files

FL4060402	Everglades Holiday Park
FL4060254	City of Deerfield Beach

Miami-Dade County DOH

Enforcement Case Files

FL4131403	American Village
FL4130833	Jones' Trailer Park
FL4130970	City of North Bay Village

Disinfection Byproduct Files

FL4131403	American Village
FL4130871	MDWASA
FL4131531	Virginia Gardens
FL4131001	Opalocka

Tampa, SW District

Enforcement Case Files

FL6095083	Seven Rivers Professional Center
FL6272304	Camper's Holiday
FL6510807	Holiday Gardens Utility, Inc.

Disinfection Byproduct Files

FL6512033	PCUD Blanton Lake Park
FL6520336	Clearwater Water System
FL6521576	Safety Water
FL6277059	Hernando Co. Utility-West
FL6280049	City of Avon Park

PRIORITY REVIEW OVERVIEW:

Historical Approach

Pre-2012	HQ contract supported resource-intensive "Data Verifications" that followed specific protocols to conduct comprehensive file reviews of each state PWSS regulation.
2012 -present:	Region 4 desired to maintain state PWSS program oversight by developing a protocol that can be supported with existing staff levels.

Priority Review Protocol

Objective	Work with state to identify state PWSS program elements for in-depth Region 4 review that are likely to identify actions that can be readily implemented by the state to maintain or strengthen their PWSS program.
Elements	Potential universe includes individual regulations and critical program functions (e.g. enforcement, program coordination, data management).

2014 FLORIDA PRIORITY REVIEW

Approach

Selection of Priority Program Elements - informed by extensive pre-review of available information (e.g. previously-submitted data/reports, FDEP program information) and discussions with FDEP staff.

Critical Program Elements not previously reviewed by EPA	Enforcement Activities
Program Elements potentially in need of improvement	Internal Program Coordination, DBP Rule Implementation
Program Elements that appear to be functioning well and are key to maintaining a strong PWSS program	Data Management, External Outreach

On-sight Review Process – Visited four Florida offices (FDEP HQ, FDEP-SW District, FDOH-Broward County and FDOH-Dade County) to conduct interviews with management/staff and review enforcement and DBP files.

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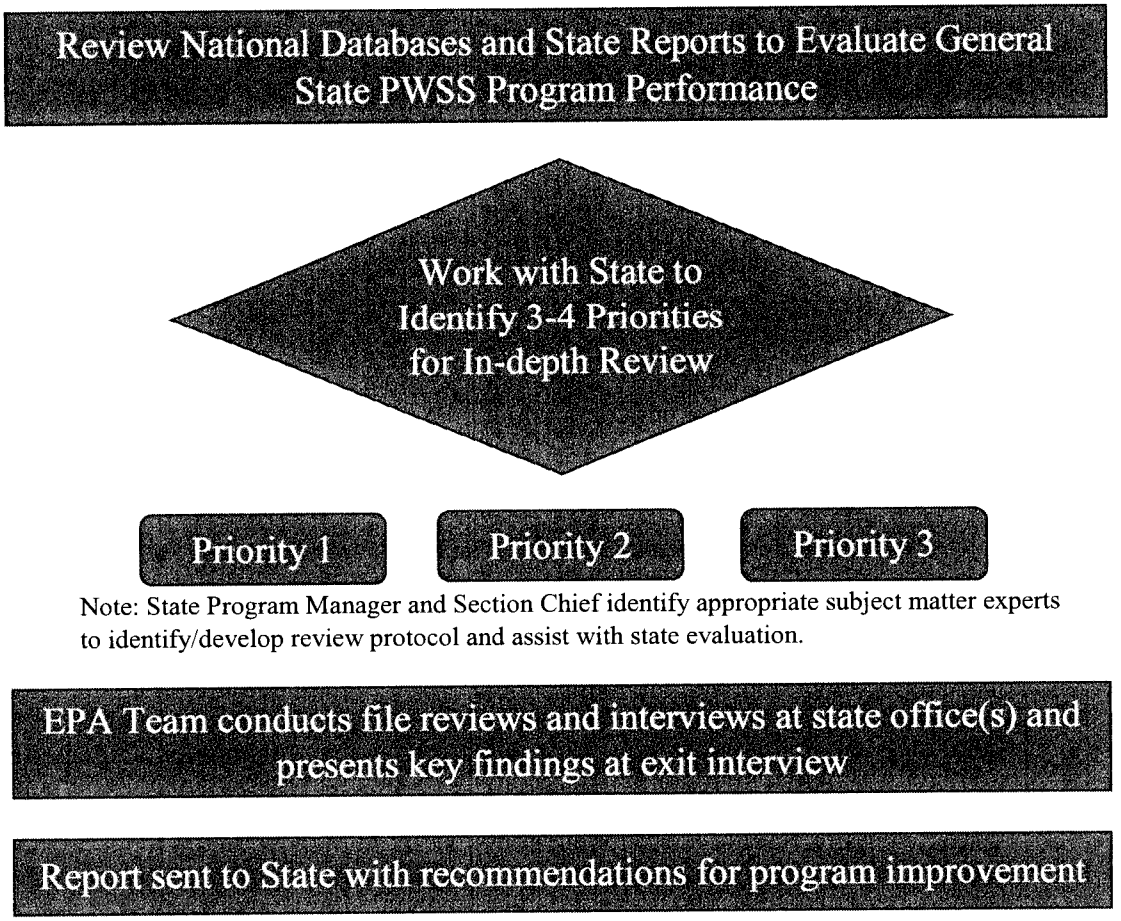
EPA, Region 4 Drinking Water Section Priority Review Process Summary



The EPA, Region 4 DWS created a Priority Review process to facilitate state oversight of State PWSS Programs after HQs contract support for Data Verification (DV) audits was discontinued. The Priority Reviews utilize available state reports, program data and a standard question set to jointly identify, with each state, 3-4 priority areas for in-depth review. The Priority Review process is still resource intensive, but given limited resources ~~as~~ at both EPA and the states, hopefully targets areas that are most in need of attention and likely to improve.

(b)(5) Deliberative Process Privilege

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DECEMBER 2014 FLORIDA PWSS PRIORITY PROGRAM REVIEW

REVIEW EXISTING INFORMATION

Reports, data & information provided to EPA
Publicly available information (DEP-DW website)

HOLD DISCUSSIONS WITH FLORIDA

Understand State perspective & concerns
Determine how we can best assist program

IDENTIFY PRIORITY AREAS (Rules, Program Components, etc.)	
Critical Areas not previously reviewed by EPA	Enforcement Activities
Program Areas potentially in need of improvement	Internal Program Coordination, DBP Rule Implementation
Program Areas that appear to be functioning well and are key to maintaining a strong PWSS program	Data Management, External Outreach

PREPARE FOR SITE VISIT

Develop interview & file review protocols
Identify representative DEP/DOH offices & staff
Provide participants with overview of PR process

CONDUCT SITE VISIT

December 2014
FDEP-HQ, FDEP SW District, FDOH-Broward County, FDOH Miami-Dade County

(b)(5) Deliberative Process Privilege

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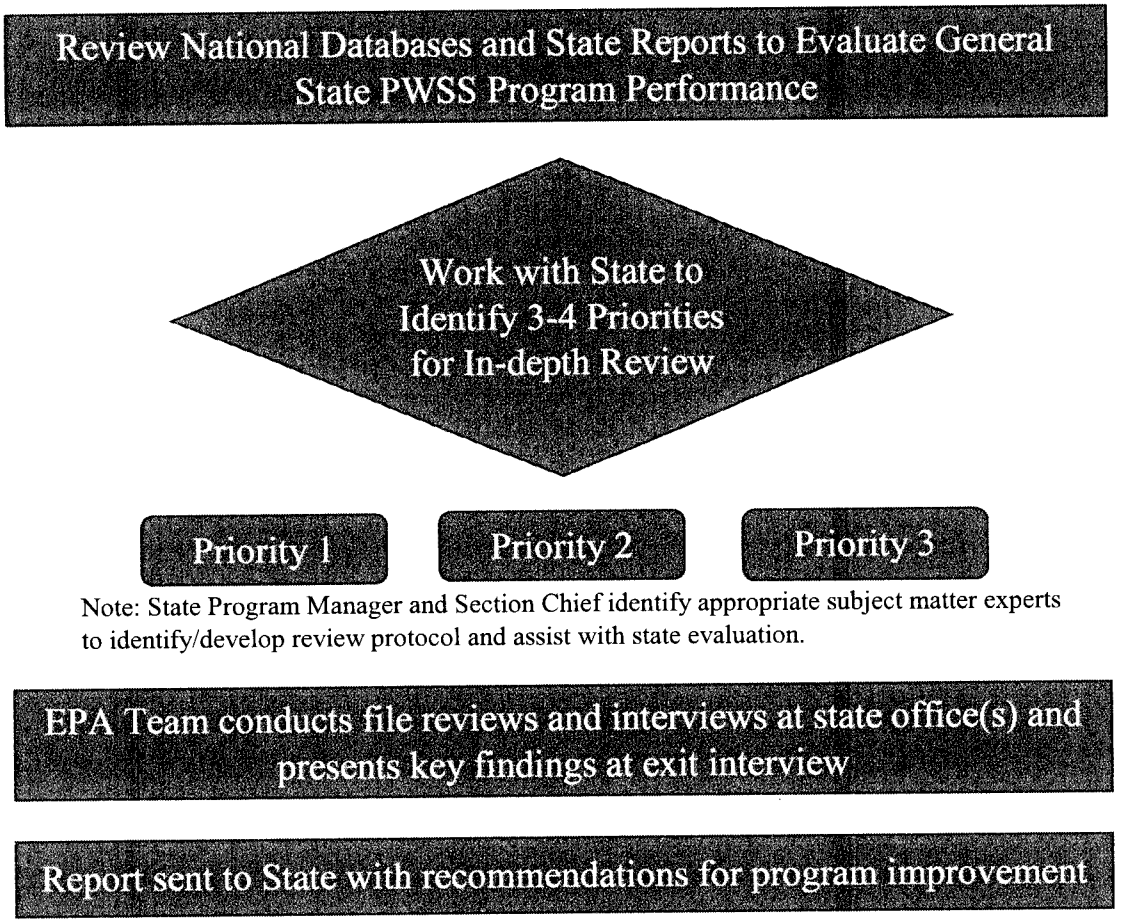
Summary of 2013-2014 FDEP Program Evaluation Results for 6 FDEP District and 8 DOH County Offices

Sum of Score (as % of PE Weight) Row Labels	Column Labels 1_Organization/ Staffing/ Resources	2_Data/File Management	3_Compliance	4_Enforcement	5_Sanitary Survey/ Compliance Inspections	6_Permit/Plan Reviews	7_DEP Coordination/ Assistance Activities	8_Training	9_Overall Score
1_PE Weight(%)	5.00	25.00	15.00	15.00	15.00	15.00	5.00	5.00	100
A_Central	91.60	94.96	100.00	100.00	93.60	100.00	100.00	100.00	97.36
A_NE	68.80	84.52	105.27	105.87	90.40	98.00	100.00	91.60	94.08
A_NW	100.00	97.36	100.00	105.87	100.00	97.93	100.00	91.60	99.49
A_SE	102.00	95.28	84.20	105.87	97.33	101.07	100.00	100.00	97.2
A_South	102.00	90.76	100.00	105.87	103.60	101.00	100.00	75.00	98.12
A_SW	94.80	97.96	100.00	105.87	102.60	97.87	100.00	83.40	99.36
C_Broward	102.00	95.20	107.13	105.87	102.33	95.87	100.00	100.00	100.59
C_Hillsborough	70.80	99.60	100.00	100.00	106.47	92.80	100.00	100.00	98.33
C_Lee	91.60	97.12	100.00	105.87	100.00	93.73	90.00	100.00	98.31
C_Miami-Dade	96.80	95.24	100.00	105.87	96.40	93.93	90.00	100.00	97.58
C_Palm Beach	102.00	93.36	105.87	105.87	106.80	96.87	80.00	100.00	99.76
C_Polk	89.60	96.48	107.13	100.00	102.73	100.00	100.00	83.40	99.25
C_Sarasota	91.60	97.08	100.00	105.87	107.27	86.47	90.00	75.00	97.04
C_Volusia	102.00	95.12	107.13	76.47	96.27	93.60	100.00	91.60	94.49

LOW 100% HIGH

EPA, Region 4 Drinking Water Section Priority Review Process Summary



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(b)(5) Deliberative Process Privilege

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DECEMBER 2014 FLORIDA PWSS PRIORITY PROGRAM REVIEW

Initial preparation entailed review of several sources of data and information, including:

- Data available in SDWIS/Fed and reports previously submitted to EPA by DEP
- DEP responses to a standard list of Priority Review background questions
- PWS data and other PWSS program information on available on FDEP's website

and discussions with Florida to better understand their perspective and concerns, and determine how EPA can best assist their program.

Information gathered was used to identify the most effective areas for review.

IDENTIFY PRIORITY AREAS (Rules, Program Components, etc.)	
Critical Area not previously reviewed by EPA	Enforcement Activities
Program Areas potentially in need of improvement	Internal Program Coordination, DBP Rule Implementation
Program Areas that appear to be functioning well and are key to maintaining a strong PWSS program	Data Management, External Outreach

To prepare for the actual site visits R4 DWS staff developed protocols for conducting interviews & file reviews, identified appropriate DEP/DOH offices & staff to visit & provided participants with an overview of the PR process via teleconference.

CONDUCT SITE VISIT
December 2014
FDEP-HQ, FDEP SW District, FDOH-Broward County, FDOH Miami-Dade County

(b)(5) Deliberative Process Privilege

[redacted]

Summary of 2013-2014 FDEP Program Evaluation Results for 6 FDEP District and 8 DOH County Offices

Sum of Score (as % of PE Weight) Row Labels	Column Labels 1_Organization/ Staffing/ Resources	2_Data/File Management	3_Compliance	4_Enforcement	5_Sanitary Survey/ Compliance Inspections	6_Permit/Plan Reviews	7_DEP Coordination/ Assistance Activities	8_Training	9_Overall Score
1_PE Weight(%)	5.00	25.00	15.00	15.00	15.00	15.00	5.00	5.00	100
A_Central	91.60	94.96	100.00	100.00	93.60	100.00	100.00	100.00	97.36
A_NE	68.80	84.52	105.27	105.87	90.40	98.00	100.00	91.60	94.08
A_NW	100.00	97.36	100.00	105.87	100.00	97.93	100.00	91.60	99.49
A_SE	102.00	95.28	84.20	105.87	97.33	101.07	100.00	100.00	97.2
A_South	102.00	90.76	100.00	105.87	103.60	101.00	100.00	75.00	98.12
A_SW	94.80	97.96	100.00	105.87	102.60	97.87	100.00	83.40	99.36
C_Broward	102.00	95.20	107.13	105.87	102.33	95.87	100.00	100.00	100.59
C_Hillsborough	70.80	99.60	100.00	100.00	106.47	92.80	100.00	100.00	98.33
C_Lee	91.60	97.12	100.00	105.87	100.00	93.73	90.00	100.00	98.31
C_Miami-Dade	96.80	95.24	100.00	105.87	96.40	93.93	90.00	100.00	97.58
C_Palm Beach	102.00	93.36	105.87	105.87	106.80	96.87	80.00	100.00	99.76
C_Polk	89.60	96.48	107.13	100.00	102.73	100.00	100.00	83.40	99.25
C_Sarasota	91.60	97.08	100.00	105.87	107.27	86.47	90.00	75.00	97.04
C_Volusia	102.00	95.12	107.13	76.47	96.27	93.60	100.00	91.60	94.49

LOW 100% HIGH

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Priority Review Preparation

Action Taken	Information Reviewed or Prepared
Review Background Information & Data	- FDEP responses to standard questions on program structure, funding/resources, data management, sanitary surveys & compliance determination. - FDEP Reports: 2014 Op Cert, 2013 Capacity Development, 2014 Triennial Report. - FDEP 2013-2014 Program Evaluation Reports. - Information available on FDEP SDWP website (organization, newsletter, PWSS program information for public/PWS/lab, op cert program information) - SDWIS/Fed violation data – ID rules with highest violation rates, incidents where ETT enforcement timeline may not be met/record unclear. - DBP data files – review R4 internal files to ID systems with potential problems.
Prepare for Site Visit	- Work with DEP to identify priority areas, offices to visit, staff/mgmt to interview. - Develop list of interview questions by priority area and employee position. - Enforcement Review Protocols: Enforcement Escalation Case Review Form (template used to establish general office process & review individual case files) Enforcement Action Matrix (count of actions). - Protocol for reviewing DBP monitoring files & determining compliance. - Conference calls with DEP on PR process overview & logistics, & to ID cases.

(b)(5) Deliberative Process Privilege

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Priority Review Preparation

Action Taken	Information Reviewed or Prepared
Review Background Information & Data	- FDEP responses to standard questions on program structure, funding/resources, data management, sanitary surveys & compliance determination. - FDEP Reports: 2014 Op Cert, 2013 Capacity Development, 2014 Triennial Report. - FDEP 2013-2014 Program Evaluation Reports. - Information available on FDEP SDWP website (organization, newsletter, PWSS program information for public/PWS/lab, op cert program information) - SDWIS/Fed violation data – ID rules with highest violation rates, incidents where ETT enforcement timeline may not be met/record unclear. - FDEP SOPs, guidance documents, and any Memorandums: *DEP Enforcement Manual,* Directive 93, *Southwest District Business Plans, Peer Review Process Flow Chart* - DBP data files – review R4 internal files to ID systems with potential problems.
Prepare for Site Visit	- Work with DEP to identify priority areas, offices to visit, staff/mgmt to interview. - Develop list of interview questions by priority area and employee position. - Enforcement Review Protocol: Enforcement Escalation Case Review Form (template used to establish general office process & review individual case files) - Protocol for reviewing DBP monitoring files & determining compliance. - Conference calls with DEP on PR process overview & logistics, & to ID cases.

(b)(5) Deliberative Process Privilege

[redacted]

(b)(5) Deliberative Process Privilege

[redacted]

(b)(5) Deliberative Process Privilege

[redacted]

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Armstrong, Kathy

From: Humphris, Allison
Sent: Thursday, December 04, 2014 11:08 AM
To: Humphris, Allison
Subject: 12/3 EPA Priority Review Q/A with EPA - ADH notes
Attachments: EPA Drinking Water Priority Review and Site Visit Overview.docx

Attendees
EPA: Smith, Campbell-Dunbar, Humphris, Driskell
FDEP: (see below)
Additional Tallahassee: Bruce Alexander, Kenna Study, _ Baker?
Additional SW District: Jen Smith, Michael _?
Additional Miami-Dade: Richard _?

Approach Overview
Historical Data Verifications –
Contractor Team visited state once every 3 years.
Review covered breadth of rules, paper files, compliance data, data flow to state and federal DBs, file/record consistency.
Results effective for ID of superficial rule management issues & data discrepancies.

Current Program Evaluation –
Regions stepped up to do a more transparent evaluation when contractor $ were lost.
Recognizes benefit of focusing on priorities co-identified by state & EPA.
Not an audit, but status review of state program needs & accomplishments.
2014 focus areas: grant program information, operator certification & capacity development reports, enforcement, state coordination
Goal is to find data/information that supports our recommendations for meaningful changes that address state needs & help PWS stay in compliance.
Will discuss all recommendations with state prior to finalizing report. Want to make recommendations that FL supports & will likely implement. Also highlight successes to maintain resources for those.

Selected Priorities
Enforcement –
Will review files for targeted PWS, conduct interviews on general process & files.
Enforcement interviews on general policy & approaches (no specific cases) will be done via conference call the week of 12/8, as AD cannot make trip.
FL Question (Bob Vincent, DOH): delegated counties abide by DEP enforcement protocols, but are not familiar w/ EPA protocols
BS: county review will focus on whether DOH implementation is consistent w/ state protocols &, if discrepancies are noted, make recommendations accordingly; FDEP review will consider consistency of FDEP & EPA protocols.

DBP Implementation –
Based on review of FL files, after TC, DBP has highest # of health –based violations.
Target Issues: site plan development, monitoring results, monitoring plan changes, compliance assistance/enforcement approaches (e.g. milestones, timeframes)

Internal State Coordination –

With so much of the program delegated, & in light of recent reorganizations, how are communications between these agencies working?
Primary tool will be interviews, rather than file reviews.
Have examined internal audits (annual w/ District, triennial with counties)
Goals: ID issues, potential enhancements, required resource needs

Data Management (program strength) –
PWS, new/enhanced Oculus, others?
Will review files on-line or hard copy.

External Outreach (program strength) –
To water suppliers.
Rural Water Association contracts, training & outreach.
Will review available support documents and files.

Report Format
Sections on Background, Priority Selection Process, Review Methodology, Findings, Recommendations

Logistics
Kick-off meeting: For time-saving purposes, this phone call will serve purpose of this meeting, to pre-inform staff of basic approach, goals, needs, etc.
Primary communications contact: FDEP should provide for each office visited.
Exit Interview: At Tallahassee. EPA will provide preliminary findings & recommendations, ensure clarity of primary recommendations & request state feedback. Follow-up call to provide second summary will be scheduled if needed.

Information Needed from FDEP
Response to forthcoming EPA email providing list of enforcement & DBP files needed for review.
List of staff to be interviewed. State whether interviews will be done in groups or individually. Provide specific names/titles. This will allow us to tailor question lists accordingly.
Trevor: Agencies will place names after 5 "staff categories" listed in Overview section of Prep Document (attached).
Where possible, provide hard copy files during each office visit; this will allow us to review these off-site, freeing up additional time for on-site interviews.

Information to be sent to FDEP by EPA
Table of gross # of enforcement actions since 2011 (most recent 4 years)
Example Program Evaluation Reports: most recent KY PR and most recent FL DV

From: Noble, Trevor [mailto:Trevor.Noble@dep.state.fl.us]
Sent: Tuesday, December 02, 2014 1:32 PM
To: Wales, David; Reyes, Rafael; Andre, Paul; Bettinger, Ed; Vincent, Bob G; Humphris, Allison; Campbell-Dunbar, Shawneille; Driskell, Amanda; Burns, Robert; Owens, Michele; Bishop, Kelly L.; Watson, Edward
Subject: RE: EPA Priority Review Q/A with EPA

Hello Folks,

Please see the email below from Brian Smith (EPA) in regards to the limited phone lines and the **new conference line number**. Since there are only 6 lines we ask that each office call in on one line.

1. Miami-Dade DOH: Paul Andre and Samir Elmir
2. Broward DOH: Rafael Reyes
3. DEP SED: Michele Owens

4. DEP SWD: Kelly Bishop and Ed Watson
5. DEP HQ and DOH HQ: Trevor Noble, Dave Wales, Bob Vincent and Ed Bettinger
6. EPA: Brian Smith and crew

Thanks to all and we look forward to tomorrows discussion!
Trevor

TREVOR D. NOBLE
Program Administrator – Source & Drinking Water Program
Department of Environmental Protection
850 245-8635 direct • 55635 ext • 850 890-3115 cell
Trevor.Noble@dep.state.fl.us

-----Original Appointment-----
From: Smith.Brian@epa.gov [mailto:Smith.Brian@epa.gov] **On Behalf Of** Noble, Trevor
Sent: Tuesday, December 02, 2014 10:23 AM
To: Wales, David; Reyes, Rafael; Andre, Paul; Bettinger, Ed; Vincent, Bob G; Wales, David; Humphris, Allison; Campbell-Dunbar, Shawneille; Driskell, Amanda; Burns, Robert
Subject: FW: EPA Priority Review Q/A with EPA
When: Wednesday, December 03, 2014 10:00 AM-11:00 AM (UTC-05:00) Eastern Time (US & Canada).
Where:

Good morning Trevor,

I was just notified about some changes to our conference call numbers and I need to make a change before our Wednesday 10am call (b)(2) Internal agency rules and practices [redacted] This conference line is limited to 6 lines, so 5 for FL and 1 for EPA appears to be adequate. However, please confirm that we will not need more 5 lines for FL offices. I assume the names on the invite represented at least one contact from Miami-Dade, Broward, Tampa, DEP Tallahassee, and DOH Tallahassee. My assumption is that if multiple folks from an office plan to participate, they can be in one room. If you agree, please update the invite to reflect the new conference number.

Thanks!

Brian Smith
EPA, Region 4 - Drinking Water Section
Office: (404) 562-9845
Cell: (404) 630-3866

-----Original Appointment-----
From: Noble, Trevor [mailto:Trevor.Noble@dep.state.fl.us]
Sent: Monday, December 01, 2014 8:59 AM
To: Noble, Trevor; Smith, Brian; Campbell-Dunbar, Shawneille; Humphris, Allison; Burns, Robert; Reyes, Rafael; Andre, Paul; Bettinger, Ed; Vincent, Bob G; Wales, David
Subject: EPA Priority Review Q/A with EPA
When: Wednesday, December 03, 2014 10:00 AM-11:00 AM (UTC-05:00) Eastern Time (US & Canada).
Where:

Hope everyone had a great Thanksgiving! Last week, I sent out the overview document for EPA's upcoming priority review and within that a teleconference date and time was provided. Please Join the call by dialing (b)(2) Internal agency (b)(2) Internal agency rules when prompted.

Customer Service Survey

Customer Service Survey

EPA Priority Review of Florida Drinking Water Program
Overview and Site Visit Prep Document

Priority Review Overview

The U.S EPA, Region 4 Drinking Water Section (EPA, Region 4) developed a protocol, call a Priority Review, for assessing the performance of state Public Water System Supervision Programs and for evaluating the adequacy of resources dedicated to identified priorities for individual state programs. The Priority Review replaces EPA's Data Verifications that historically reviewed state data associated with each rule in the National Primary Drinking Water Regulations. The new approach is intended to be transparent and targeted in assessing a few priority focus areas identified in a collaborative effort between the state and EPA, Region 4. The following priority areas of focus have been identified for Florida:

- Enforcement of drinking water regulations
- Disinfection Byproduct Rules implementation
- Internal state coordination between DEP and DOH on the drinking water program
- Data Management, and
- External outreach

The priority areas will be assessed through review of existing documentation submitted to EPA, review of selected water system files, and through interviews with staff and managers. The final product of Priority Review will be a report that describes general information on Florida's drinking water program, identifies the basis for priority selections, compiles the findings of onsite file reviews and interviews, and provides recommendations on potential efforts that could support program improvement. This review represents one of the best opportunities to support the needs of your drinking water program, as well as to highlight the successes your program has achieved. While these reviews represent a high-priority effort, they will only achieve positive results if we see ourselves working towards the same goal, highlighting areas where both EPA and Florida believe improvements can be made in program effectiveness.

Site Visit Schedule

EPA staff will plan to arrive at DEP or DOH offices at 9 AM and will most likely need to stay as long as allowed given the scope of the review (interviews + file reviews). If paper copies of files are available for EPA to take with them, more time can be made available for interviews.

Monday (15th) – Miami Dade DOH
Tuesday (16th) – Broward DOH (will need to leave by 2 PM)
Wednesday (17th) – Tampa DEP
Thursday (18th) – Tallahassee DEP/DOH (arriving in afternoon)
Friday (19th) – Tallahassee DEP

Site visit requests:

1) **A conference room** large enough for 6 people. This room will be used to review selected files and to conduct interviews. Alternatively, interviews can be held in individual's offices.
2) **Ability to review files** for selected enforcement cases and selected PWS files for Disinfection Byproduct Rules (DBP) implementation (analytical monitoring results, monitoring plans, initial distribution system reports, relevant correspondence, etc.). There is no preference in reviewing paper vs. electronic files.

However, adequate IT support (connectivity to relevant data systems, necessary read only access, and data system tutorial) may be needed to insure access to any electronic documentation.

3) **Assistance in scheduling interviews** (30 minutes each) for key staff and managers associated with drinking water enforcement, disinfection byproduct rules, internal coordination between DEP and DOH, and external outreach with water systems. Please provide names for the following interviews (1-2 per category, as appropriate for your office):
    a. Enforcement Program Manager
    b. Enforcement Officer (Staff)
    c. Drinking Water Program Manager
    d. Staff responsible for DBP implementation
    e. Staff responsible for conducting water system inspections and/or providing technical assistance

One person may be able to cover multiple categories, in which case 1 hour may be needed.

Next Steps

In the first week of December, EPA will provide Florida with the specific files we would like to review and host a conference call to discuss site visits and address any questions Florida offices may have. The call will be scheduled for 10am on Wednesday, December 3rd. Join the call b (b)(2) Internal agency rules and practices

(b)(2) Internal agency rules and practices

Please begin to schedule interviews, identifying the individuals with the aforementioned responsibilities that will be available on the dates EPA will be in your office. Alternatively, phone interviews can be scheduled for key managers/staff that are not available on the date EPA will be visiting the respective office.

Humphris, Allison

From: Allenbach, Becky
Sent: Friday, April 17, 2015 3:28 PM
To: Humphris, Allison; Campbell-Dunbar, Shawneille
Cc: Smith, Brian; Driskell, Amanda; Burns, Robert; Lad, Paul; Thames, Brian; Morris, Janine; Riley, Pamela; Froneberger, Dale
Subject: RE: Draft Florida Priority Review Report - request your review

(b)(5) Deliberative Process Privilege

[redacted]

Becky

Becky B. Allenbach, Chief
Grants and Drinking Water Protection Branch
EPA Region 4 - Atlanta
(404)562-9687
allenbach.becky@epa.gov

From: Humphris, Allison
Sent: Friday, April 17, 2015 9:42 AM
To: Allenbach, Becky; Campbell-Dunbar, Shawneille
Cc: Smith, Brian; Driskell, Amanda; Burns, Robert
Subject: FW: Draft Florida Priority Review Report - request your review

Becky,
Attached is the version of the Florida's Priority Review report that was sent to Florida.
I apologize that we did not share this with you first.
As Trevor noted during the meeting, they are still in the process of compiling comments from all of the offices that we visited, so we have not received any feedback from them yet.
Allison

Allison Humphris
Drinking Water Section
Water Protection Div., USEPA Region 4
P:(404)562-9305 / F:(404)562-9439

From: Humphris, Allison
Sent: Thursday, March 12, 2015 3:12 PM
To: TREVOR D. NOBLE (Trevor.Noble@dep.state.fl.us); Wales, David; Samir Elmir (Samir.Elmir@flhealth.gov) (Samir.Elmir@flhealth.gov); Paul Andre (Paul.Andre@flhealth.gov); Reyes, Rafael; Owens, Michele; Bishop, Kelly L.; Watson, Edward; Kleinfelter, Jessica; Bob G Vincent (Bob.Vincent@flhealth.gov); Bettinger, Ed
Cc: Campbell-Dunbar, Shawneille; Smith, Brian; Driskell, Amanda
Subject: Draft Florida Priority Review Report - request your review

Hello Everyone,

Thank-you again for participating in the Priority Review that we conducted with your offices in December 2014. We much appreciate the time and resources that you have dedicated to this process, and hope that the final outcome provides actual benefit to Florida's PWSS program.

With this objective in mind, we request your review of the attached preliminary drafts of most sections of the report. These include general introduction and overview sections, as well as separate sections on each of the five program areas that we agreed to focus on:

1) Compliance and Enforcement Program Implementation
2) Internal Program Coordination
3) Stage 2 Disinfection Byproducts Rule Implementation
4) Data Management, and
5) External Outreach

Please provide input on the factual accuracy of these drafts, as well as any comments you may have on how they present or emphasize our findings and recommendations. We are particularly interested in ensuring that our recommendations highlight the issues that are of most concern to you, and present possible solutions to those issues that are most helpful and relevant to your programs. Finally, we ask you to consider identifying instances where you believe it would be helpful to incorporate a recommendation of this priority review into Florida's FY16 PWSS grant workplan.

As you may know, Florida recently submitted a first, preliminary draft the FY16 PWSS grant workplan, in the form of a multi-media Performance Partnership Agreement (PPA). This PPA includes all PWSS workplan tasks that Florida proposes to implement, along with tasks for several other programs for various media. EPA Water Division staff are holding an internal meeting to discuss the Florida PPA next Thursday, March 17, and our deadline for providing feedback to Florida on this preliminary draft is Thursday, March 26.

We request that, if possible, you complete your review and provide us with any comments by Friday, March 20. This will allow us time to consider your feedback as we compile comments on the current preliminary draft PPA. If you cannot complete the review by the 20th, please let us know how much time you will need to complete your review. We understand that EPA staff will be given the opportunity to comment on a second draft of the PPA workplan within the next month or two. We will make every effort to address your concerns in finalizing the Priority Review Report, and during workplan negotiations.

Additionally, we would like offer the option for a conference call with all offices, if that would be a helpful. If yes, please let us know if Wednesday, March 18, is possible. If this date does not work, please let us know of alternate dates that would work for you.

We look forward to receiving your input on these drafts, and any other aspect of the overall priority review process. Please feel free to email or call me with any questions you may have during your review. Also, please forward this email to any relevant contacts in your offices that I may have inadvertently omitted from the recipient list.

Thanks,
Allison

Allison Humphris
Drinking Water Section
Water Protection Div., USEPA Region 4
P:(404)562-9305 / F:(404)562-9439

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Armstrong, Kathy

From: Humphris, Allison
Sent: Monday, June 01, 2015 5:18 PM
To: Campbell-Dunbar, Shawneille; Allenbach, Becky
Cc: Smith, Brian; Driskell, Amanda; Burns, Robert
Subject: Florida Priority Review Report - final draft for your review
Attachments: FlPriorityReview_CompleteDraft-060115.docx

Shawneille/Becky,
Attached for your review is a final draft of our report for the December 2014 Priority Review of Florida's PWSS program. This version addresses all comments/concerns that we received from FDEP and the offices visited.

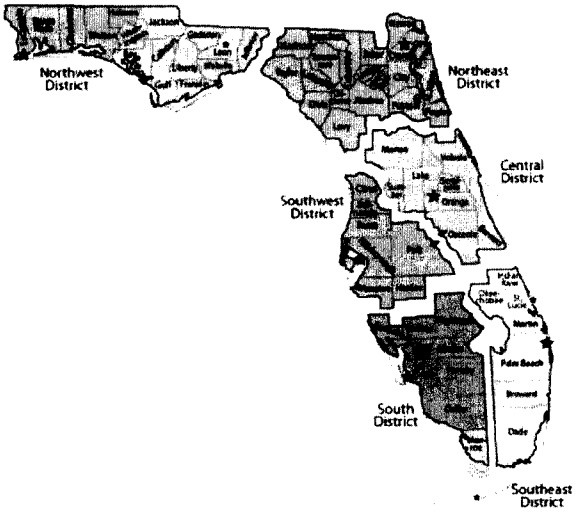
Please let us know of any input or questions you may have.

Thanks, Allison

PRIORITY REVIEW

OF THE PUBLIC WATER SYSTEM SUPERVISION PROGRAM FOR THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

DRAFT REPORT



Prepared by the
Environmental Protection Agency, Region 4
Drinking Water Section, Water Protection Division

June 1, 2015

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Appendix A - Florida Drinking Water Program Priority Review – File Review Summary

(b)(5) Deliberative Process Privilege

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(b)(5) Deliberative Process Privilege

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(b)(5) Deliberative Process Privilege

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INTRODUCTION

The U.S Environmental Protection Agency Region 4 Drinking Water Section (EPA Region 4) developed a protocol, called a Priority Review, for assessing the performance of state Public Water System Supervision (PWSS) Programs and for evaluating the adequacy of resources dedicated to identify priorities for individual state programs. The Priority Review replaces EPA's Data Verifications that historically reviewed state data associated with each rule in the National Primary Drinking Water Regulations. The new approach is intended to be transparent and targeted in assessing a few priority focus areas identified in a collaborative effort between the state and EPA Region 4. The following priority areas of focus have been identified for Florida:

1. Enforcement of drinking water regulations
2. Internal state coordination between FDEP and FDOH on the drinking water program
3. Disinfection Byproduct (DBP) Rules implementation
4. Data Management, and
5. External outreach

EPA Region 4 used three basic methods to obtain information: (1) identification and review of key documents and tools used by Florida to implement their PWSS program (e.g. guidance, websites, internal review protocols, databases, file management systems, reports, etc.), (2) interviews with managers and staff, and (3) review of individual system files. For the third method, EPA Region 4 selected systems for the review that were likely to provide a good understanding of Florida's approach to addressing more challenging and problematic situations.

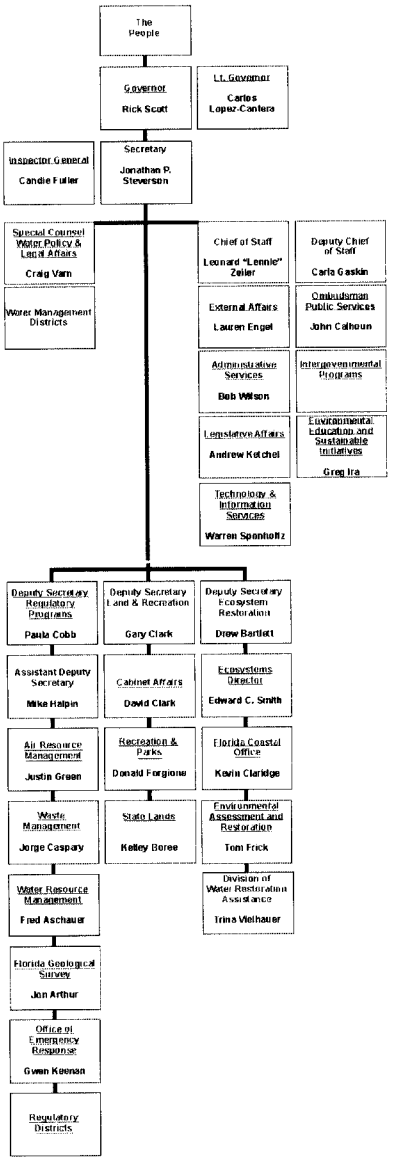
OVERVIEW OF FLORIDA'S PWSS PROGRAM

EPA gives flexibility to state primacy agencies for required PWSS program activities. In Florida, PWSS implementation activities are spread over a decentralized organizational structure. FDEP has the primary role of regulating public water systems in Florida. The Source and Drinking Water Program (SDWP) located in the FDEP headquarters in Tallahassee (FDEP-HQ) is responsible for writing rules, developing policy, managing funds, providing training and managing special initiatives. The Water Compliance Assurance Program (WCAP), also located in FDEP-HQ, is responsible for oversight, tracking and reporting of enforcement and compliance

activities and data management. The enforcement of rules and permitting of new construction for individual public water systems is handled by six FDEP district offices. In eight Florida counties FDEP-HQ has delegated this enforcement and permitting authority to local approved FDOH county health departments through an Interagency Agreement. FDEP-HQ has also delegated laboratory certification to the FDOH Laboratory in Jacksonville.

FDEP environmental programs are divided into three main areas, one of which is Regulatory Programs (Figure 1). The Deputy Secretary for Regulatory Programs provides oversight and direction to four FDEP-HQ regulatory divisions, including the Division of Water Resource Management (Division) and six regulatory district offices.

Figure 1. FDEP Organizational Structure (last updated April 6, 2015)



The SDWP and WCAP programs are both located within the Division, while the regulatory district offices report directly to the Deputy Secretary for Regulatory Programs. Following is a complete list and description of all programs which contribute to FDEP's implementation of Safe Drinking Water Act (SDWA) requirements.

Florida Department of Environmental Protection

FDEP-HQ Division of Water Resource Management (Division):

- SDWP: Coordinate overall PWSS implementation through policy and rule development, and management of funding, training and special initiatives. Ensure all SDWA program requirements are conducted and reported to EPA as outlined in the annual PWSS workplan.
- WCAP: Facilitate statewide coordination of compliance and enforcement activities by providing and/or supporting the development of guidance and training to ensure consistency among the six District Offices for state Drinking Water and Wastewater Programs. Integral to this consistency are the automated nightly compliance routines for evaluating lab results (discussed further under the Data Management section of this report). Ensure all SDWA compliance and enforcement activities are conducted and reported to EPA as outlined in the annual PWSS workplan commitments.

FDEP-HQ Office of General Counsel (OGC): Provide legal counsel and represent FDEP in implementing enforcement, permitting and programmatic actions. Provide training and consultation to FDEP staff.

FDEP-HQ Office of Technology and Information Services (OTIS): Manage functionality and security of the information technology systems that support FDEP mission success. Provide application development and customer support services to FDEP divisions and regulatory districts that use regulatory databases, including SDWP and WCAP support needs for public water systems.

FDEP Regulatory District Offices: Coordinate and implement all permitting, compliance and enforcement activities for counties located within District boundaries, including permit reviews, facility inspections, compliance assistance, rule enforcement and response to reports of environmental damage. Six separate offices serve counties located in the Northwest, Northeast, Central, South, Southeast and Southwest portions of the state. Provide legal, technical and training assistance to delegated FDOH county offices.

Florida Department of Health

- The current FDEP-FDOH Interagency Agreement delegates lead PWSS program implementation authority from the responsible FDEP District Office to FDOH offices in the counties of Broward, Miami-Dade, Hillsborough, Lee, Sarasota, Palm Beach, Polk and Volusia. Delegated FDOH county offices coordinate and implement permitting, compliance and enforcement activities for that county.
- The FDOH laboratory in Jacksonville maintains a State program for the certification of laboratories conducting analytical measurements of all drinking water contaminants, in

accordance with Florida Statutes 403.862-.8635 and Florida Administrative Code (F.A.C.) Chapter 62-550.550.

South Carolina Department of Health: South Carolina's radiological laboratory is the designated Principal State Laboratory for radionucludes for Florida, in accordance with an MOA approved by SESD on January 28, 2013.

This organization is significantly changed from the structure that was in place during the previous 2009 Program Review conducted by The Cadmus Group, Inc. on behalf of EPA. In 2012, FDEP underwent a reorganization which affected both FDEP-HQ and FDEP District offices. At FDEP-HQ, the source and drinking water program staff were merged to form the Source and Drinking Water Program. Staff were relocated from the Drinking Water Program to support (1) formation of a centralized compliance and enforcement group (WCAP) and (2) OTIS. District boundaries were redrawn, and resources were re-allocated, to allow for a more even distribution of resources among FDEP District offices. A primary objective of this reorganization was to improve program efficiency/effectiveness and promote consistency and cross-utilization of resources, particularly in the areas of compliance determination and data management.

FDEP's authority to implement provisions of the SDWA derives from Chapter 403, Part VI, Florida Statutes and by delegation of the federal program from the U.S. Environmental Protection Agency. The Department has promulgated a number of rules in Chapters 62-4, 62-550, 62-555, 62-560, 62-602 and 62-699 F.A.C. to address drinking water standards, monitoring and reporting; public water system permitting and compliance; and treatment plant operators, classification and staffing. These requirements impact approximately 5245 federally regulated public water systems with approximately 1649 (or 31%) of Florida's public water systems being community water systems, approximately 776 or (15%) being non-transient non-community systems, and approximately 2820 or (54%) being transient non-community systems (Table 1).

Table 1. Count of Florida Public Water Systems by Type and Source

PWS TYPE	WATER SOURCE	COUNT
CWS	Surface Water only	5
	Surface & Ground Water	69
	Ground Water only	1575
NTNC	Surface Water only	0
	Surface & Ground Water	4
	Ground Water only	772
TNC	Surface Water only	5
	Surface & Ground Water	1
	Ground Water only	2819
TOTAL		5245

PRIORITY REVIEW OF SELECTED PROGRAM AREAS

Enforcement of Drinking Water Regulations

Background

Compliance and Enforcement Program Implementation was selected as a priority for review in order to assess whether a state is implementing the requirements of the PWSS program. The states ensure that human health is safeguarded by enforcing the requirements of the SDWA to ensure that the states' public drinking water supply and its sources are protected. Historically, the reviews of the states' PWSS programs, whether that be through a Data Verification, Program Review, or a Priority Review, did not typically include an evaluation of the compliance and enforcement program at the states. EPA Region 4 has determined that this is an important aspect of a review of the implementation of a PWSS program, and plans to include this in future Priority Reviews, as appropriate. Through this review, EPA Region 4 promotes regional consistency, identifies successes in implementation of the PWSS program, and identifies opportunities for improvement in the compliance and enforcement programs.

In January of 2010, EPA began implementation of a new enforcement approach designed to help our nation's public water systems comply with the requirements of the SDWA. This new approach replaced the previous system of a contaminant to contaminant compliance strategy with one that focuses attention on the drinking water systems with the most serious or repeated violations. This strategy identifies public water systems with violations that rise to the level of significant noncompliance by focusing on those systems with health-based violations and those that show a history of violations across multiple rules. This system-based methodology is intended to ensure consistency and the integrity of the PWSS national enforcement program. This approach includes a revised Enforcement Response Policy (ERP) and new Enforcement Targeting Tool (ETT).

The ETT uses a tool that enables the prioritization of public water systems by assigning each violation a "weight" or number of points based on the assigned threat to public health. Points for each violation at a water system are summed to provide a total score for that water system. Water systems whose scores exceed a certain threshold will be considered a priority system for enforcement.

EPA recognizes that states carry out both formal and informal enforcement and compliance assistance activities. These activities are effective tools for achieving compliance. Nevertheless, systems specifically identified by the ETT as priorities must be returned to compliance (RTC) or EPA will expect formal, enforceable mechanisms to return such systems to compliance. States are expected to escalate their response to ensure that RTC is accomplished. Once a public water system is identified as an enforcement priority on the ETT list, an appropriate formal action or RTC will be required within two calendar quarters to be considered "timely". However, regardless of a public water system's position on a state's ETT list, EPA expects that states will act immediately on acute, health-based violations and subsequently confirm that systems with such violations return to compliance.

Priority Evaluation Method

Region 4 utilized a combination of data analysis, personnel interviews, comparison of established program strategies with the ERP, and onsite file reviews to evaluate Florida's successes in implementation of the PWSS program and identify opportunities for improvement in its compliance and enforcement program. Data analysis included a review of the EPA ETT Tracker, which is a tool that provides useful metrics and graphing capabilities for systems' current and past ETT scores for up to twenty (20) quarters. This information was used to aide in the selection of the files to be reviewed and get a rough evaluation of Florida's ability to timely and appropriately return systems to compliance or issue formal, enforceable mechanisms that will return a system to compliance. Additionally, EPA's SDWIS data system was used to determine what violations and enforcement had been done for each of the selected files to review. Nine (9) files were selected for review, however, only eight (8) were reviewed (see Table 2. Timeline for Settlement of Identification as a Priority System on the ETT List below). Interview questions were used to understand the dynamics of the organization including staffing resources and demands and to determine how the established program strategies were being implemented with regards to Florida's compliance and enforcement program. The *Department of Environmental Protection (DEP) Enforcement Manual* and *Directive* 923 were reviewed for consistency with the EPA ERP requirements to ensure that these policies enabled the state to meet the requirements of timely and appropriate compliance and enforcement. File reviews included a review of the violations determined, an evaluation of the enforcement mechanisms issued for consistency with the *DEP Enforcement Manual* and the EPA ERP, and a comparison of the information found during the file review with the data reported to EPA's SDWIS data system.

Key Findings

The accuracy of data reported by FDEP to SDWIS was found to be in need of improvement in the following ways:

- All violations identified in the file and/or provided from the FDEP tracking system, are not being submitted to SDWIS. This discrepancy was found in the District office and both FDOH offices. Primarily the violations that are not being submitted are monitoring and reporting violations for various parameters. For the identified systems, 6 of the 8 reviewed had violations noted in the file/data provided that were not identified in SDWIS.

- Enforcement actions taken and submitted to SDWIS, are either not being timely uploaded, properly linked to relevant violations, and/or the data uploaded is inconsistent with the documents provided for review. For the identified systems, 7 of the 8 reviewed had discrepancies with the information for the enforcement actions submitted to SDWIS. Specifically, for the files reviewed, there were instances where violation(s) were linked to enforcement actions that upon review of the enforcement action, it was determined that the action did not include or address those violations. Also, there were several instances where the data submitted to SDWIS showed multiple dates for the same enforcement action. It appears that the dates of enforcement are not being consistently entered (i.e.

dates were submitted for the signature date of the effective order, receipt date of the effective, or the date the proposed order was sent to the respondent). So it was noted that at times there would be two formal actions entered into SDWIS when there was only one issued.

During the file review, EPA Region 4 tracked compliance and enforcement mechanisms used and evaluated them for timeliness and appropriateness of the action or return to compliance. Based on this review, the following was determined in regards to the timeline for systems identified as a priority on the ETT list to be returned to compliance or have a formal enforcement action issued.

Table 2: Timeline for Settlement of Identification as a Priority System on the ETT List

PWS ID	System Name	Date of First Appearance on ETT List as Priority System	Date of Settlement (RTC or issuance of Formal Enf)	Days Between ETT and Settlement	Settlement RTC or Formal Action ?	Quarters on ETT List as a Priority System
FL6095083	**Seven Rivers Professional Center**	**9/30/2010**	**2/20/2013**	**874**	**RTC**	**10/2010, 01/11, 04/11, 07/11, 10/11, 1/2012, 04/2012, 7/2012, 10/2012, 1/2013, 4/2013, 7/2013**
FL6510807	Holiday Gardens Util Inc.	3/31/2011	7/7/2011	98	Formal Action	04/2011, 07/2011, 10/2011, 04/2014, 7/2014, 10/2014
FL6510807	Holiday Gardens Util Inc.	3/31/2014	2/27/2014	-32	RTC	
FL6272304	**Camper's Holiday**	**3/31/2011**	**4/15/2011**	**15**	**Formal Action**	**04/2011, 07/2011, 01/2013, 10/2013, 01/2014, 10/2014**
FL6272304	**Camper's Holiday**	**12/31/2012**	**6/5/2013**	**156**	**Formal Action**	
FL4064392	Kids Paradise	12/31/2011	4/26/2012	117	Formal Action	01/2012, 04/2012, 07/2012, 04/2014, 07/2014
FL4064392	Kids Paradise	3/31/2014	4/24/2014	24	Formal Action	
FL4060402	**Everglades Holiday Park**	**12/31/2009**	**3/23/2012**	**813**	**Formal Action**	**01/2010, 04/2010, 10/2011, 01/2012, 04/2012, 01/2013, 04/2013, 07/2013, 10/2013, 01/2014, 04/2014**
FL4060402	**Everglades Holiday Park**	**3/31/2013**	**3/13/2013**	**-18**	**Formal Action**	
FL4061517	Royal Utility Company	3/31/2011	10/20/2010	-162	RTC	04/2011, 07/2013, 10/2013, 01/2014
FL4061517	Royal Utility Company	6/30/2013	2/12/2013	-138	Formal Action	
FL4131403	**Americana Village**	**3/31/2010**	**8/28/2012**	**881**	**RTC**	**04/2010, 07/2010, 10/2010, 01/2011, 04/2011, 07/2011, 10/2011, 01/2012, 04/2012, 07/2012, 10/2012, 01/2013, 04/2013, 07/2013**
FL4130833	Jones Trailer Park	12/31/2009	9/30/2011	638	RTC	01/2010, 04/2010, 07/2010, 01/2011, 04/2011, 07/2011, 10/2011, 01/2012, 01/2013
FL4130833	Jones Trailer Park	12/31/2011	10/3/2012	277	RTC	
Average Days Between ETT and Settlement				**253.07**		

Note: Some of the systems had multiple dates evaluated because they were bouncing on and off the ETT Priority List

For the evaluated systems, only two (for all the specified appearances on the ETT List as a priority system) met the 2-quarter timeliness goal established in the EPA ERP, 3 of the 8 met the goal for one of the appearances on the ETT list but not for all of the appearances, 6 of the 8 did not meet the goal for one or more of the appearances the system had on the ETT List as a priority system. On average for the identified systems (including those with multiple appearances as a priority system on the ETT List), the days between appearing on the ETT list as a priority and settlement of the violations was 253 days. This is in excess of the 2-quarter timeliness goal.

Also, in evaluation of the data above, there is an indication that formal actions and/or return to compliance data is not consistently being entered timely so that the ETT scores accurately depict the compliance and enforcement history. Therefore, some of the systems above, remained on the ETT list as priority systems multiple quarters after the resolving action had been issued.

During the file review, it was discovered that in 2 of the 8 files, enforcement actions were initiated but never completed and there was no explanation in the documents provided that explained why the action was not pursued. This was especially important information since both of those systems had been identified as priority systems for multiple consecutive quarters without returning to compliance or having a formal action issued.

The *DEP Enforcement Manual,* developed jointly by the Secretary, Deputy Secretary, and Assistant Deputy Secretary of Regulatory Programs, is periodically revised as necessary. The latest revisions occurred in September 2013 and October 2014 for the chapters addressing compliance and enforcement processes. The manual describes FDEP's enforcement organization, compliance options, enforcement options, inspections and investigations protocol, administrative process and remedies, judicial process and remedies, litigation procedures, data management, and penalty policies. Overall, the *DEP Enforcement Manual* is a thorough document which is provided to all District offices and authorized FDOH offices. However, when compared to the EPA ERP, it was determined that the *DEP Enforcement Manual* was not consistent with the EPA ERP in that it did not define an expectation of timely and appropriate enforcement. The *DEP Enforcement Manual* had no clear expectation and/or goal for timelines associated with issuing formal enforcement for systems that are identified as priority on the ETT nor for systems with acute, health-based violations. During the interviews and file reviews, it was determined that the goals of issuing formal enforcement varied between the offices evaluated. The Southwest District office indicated that they were given some established guidelines on the expectations of timely and appropriate enforcement in the annual *SWD Business Plans*. However, both FDOH offices (Broward County DOH and Miami-Dade DOH), indicated that there were no set timelines provided by FDEP-HQ for issuance of formal enforcement or returning the system compliance. Each of the FDOH offices had established goals/expectations for timely and appropriate enforcement on their own. In Broward County, for example, the written expectation for each employee is that enforcement actions start within five days of discovering any violation. In addition, actions commence immediately upon discovery of cases where public health may potentially be at risk.

Staff in the Division, Districts, and FDOH offices are provided with training on the *DEP Enforcement Manual* and *923 Directive*.

In February of 2013, the Division instituted a Peer Review Process. This Peer Review Process establishes that prior to the issuance of formal enforcement by the District offices, a Peer Review Recommendation Memo must be sent to the Division. The Division then reviews the Peer Review Recommendation Memo to determine if formal enforcement is appropriate, ensure that penalties are consistently calculated across all District offices, and that all regulations and violations are appropriately and consistently included in the enforcement. This process was established to ensure a consistent and equally applied approach to enforcement across all District Offices. This approach is not applied to the FDOH offices, who independently establish their

enforcement activities within the confines of the Interagency Agreement and the *DEP Enforcement Manual.*

The Southwest District office and Broward DOH office have both implemented a strategy of sending reminders to the systems of their monitoring responsibilities and timelines. The reminders are sent out to the systems at a minimum of annually and in some cases monthly or quarterly as well. These activities were implemented to decrease instances of monitoring and reporting violations. The Miami-Dade DOH office has also implemented a program that aides in decreasing monitoring and reporting violations, by conducting sampling for the small systems and as well as for the transient non-community systems and a few community systems. These sampling efforts are being done through a state laboratory in Miami.

Recommendations

Update the *DEP Enforcement Manual* or provide official written guidance to all offices of the following:

- The expectation to address those systems identified as priority systems on the ETT list within 2 quarters of appearance on the list, either by returning the system to compliance or issuing formal and enforceable enforcement as well as to act immediately on acute, health-based violations and subsequently confirm that systems with such violations return to compliance. This would help to ensure that the state is consistent with the EPA ERP, the state's PWSS grant work plan, and that the State is consistently implementing the compliance and enforcement program throughout all of the districts and authorized programs.

- The expectation that the date that is being used as the date of enforcement action, which is entered into the Potable Water System (PWS) Database and ultimately into SDWIS, is consistently the same date across all districts and authorized programs. Note: The date the proposed order is sent/signed, the date of receipt of the proposed order, and the date of signature by the respondent should not be used as the date of enforcement for reporting purposes. These dates are not indicative of an effective order.

Efforts should be made to ensure that data submitted to SDWIS is timely, enforcement action dates are accurately and consistently entered, all violations are identified and submitted to SDWIS, and that all violations are accurately linked to the appropriate enforcement mechanisms. FDEP should develop and implement revised procedures to ensure accurate reporting of enforcement and compliance information into SDWIS.

Records should be maintained in the file that denote any and all decisions made with regard to enforcement actions, such as if there is a change from the proposed document or a decision to not pursue the enforcement action initiated.

The Division should continue with the Peer Review Process initiated to ensure consistency of the enforcement activities across District offices, and evaluate whether the process should be

expanded to require that all formal actions, including those where both parties are in complete agreement, are submitted to the Division for review.

Internal state coordination between FDEP and FDOH on the drinking water program

Background

Program coordination was selected as a priority review topic due to the number of separate offices that implement Florida's PWSS program and the significant impacts that a 2012 FDEP reorganization had on many of these offices. A first goal of the review is to better understand what kinds of coordination activities occur between offices and how these activities impact PWSS program implementation. A second goal is to determine how the 2012 reorganization altered previous coordination tools and pathways and describe Florida's efforts to adjust to those changes.

As described in the Overview section of this report, Florida implements the PWSS program through multiple offices, each of which handles specified duties for a designated portion of the state. The Division manages Florida's overall primacy program and develops and maintains many of the resources used by six District offices and eight delegated FDOH offices. District and FDOH offices have autonomy to implement the program at the individual system level, but must conduct activities consistent with the Division rules, policy and guidance and communicate accomplishments and issues to the Division. The Division and District offices both report to FDEP's Deputy Secretary for Regulatory Programs. The 2012 reorganization redefined the FDEP's leadership structure and redistributed staff in the Division and some District offices in several ways, as described in the overview section of this report. FDOH offices were unaffected by the reorganization.

Florida's assignment of PWSS program duties to multiple offices and agencies allows the state to leverage significant additional resources and expertise. However, good communication and collaboration is needed to ensure effective, consistent operation of this decentralized program. The overall objective of this review is to ensure that effective mechanisms for ensuring good program coordination remain in place, and to document any particular strengths or weaknesses that require further consideration.

Priority Evaluation Method

Region 4 used a combination of document reviews and personnel interviews to understand past and present coordination activities in Florida and evaluate how well those activities support Florida's overall PWSS program implementation. The documents and information reviewed were obtained from EPA Region 4 files, Division files and the Division's SDWP website (http://www.dep.state.fl.us/water/drinkingwater/). Of these, the following documents provided information on Florida's internal and external program coordination activities:

- FDEP responses to EPA Region 4's PWSS Priority Review Background Questions
- FDEP's 2014 Operator Certification Program Annual Submittal
- FDEP's FY13 Annual Capacity Development Program Implementation Report

- FDEP's 2014 triennial report to the governor on "Florida's Strategy to Improve Public Water Supply"
- FDEP-HQ PWSS Program Review Reports for 2013-2014 program evaluations of FDEP District and FDOH county field offices
- Issues of the Floridan newsletter
- Information available to public water systems on the SDWP website

The Division also provided EPA Region 4 staff with a walk-through of the information and data management tools available on the Division's internal PWS Application during this review. These tools are accessible to all District and FDOH offices.

To obtain a range of perspectives on coordination activities, EPA Region 4 visited multiple offices that together represent a cross-section of PWSS program components. These included the Division office, the Southwest District office and FDOH offices in Broward and Miami-Dade counties. FDOH headquarters staff and Southeast District staff also participated in FDOH office visits. EPA Region 4 interviewed multiple staff at varying levels of responsibility in each office. The names of program managers and technical staff interviewed in each office were obtained from FDEP in advance. EPA Region 4 developed a comprehensive list of questions on internal, inter-office and external (i.e. outreach) coordination, and selected appropriate questions from this list for each interviewee, depending on that person's responsibilities. Program Coordination interviews were conducted with groups of employees, as this approach allowed office staff to provide a more complete description of program interaction and also allowed EPA Region 4 to better observe the dynamics of each office.

Key Findings

To achieve successful program coordination, program components must be organized in a way that allows them to work together effectively to achieve overall program goals. Florida has used many methods to facilitate effective program coordination across all offices. During interviews, staff noted the following existing and historical tools:

Existing Tools:

1) Regular internal office staff meetings
2) Monthly communication calls between the Division and all District-FDOH offices to introduce new policy and regulations
3) Regular comprehensive program evaluations are performed by the Division of District offices (triennially) and by the Division, FDOH HQ and District staff of FDOH offices (annually)
4) One-on-one communication between District liaisons/experts and FDOH office staff
5) Internal PWS communications website - repository for SDWP information, including current announcements, guidance, available training, webcasts, powerpoint presentations and historical meeting minutes; maintained by the Division
6) Internal PWS database – standardized data entry tools facilitate data reporting/retrieval and compliance determination by staff; developed and updated by the Division to address changing requirements and user needs

7) Technical assistance from Florida Rural Waters Association (FRWA) – a Division-managed contract that provides assistance to small systems and conducts FRWA training sessions on many topics, including full day "Focus on Change" Seminars

Previous Tools:

1) Quarterly Permitting, Compliance and Enforcement (PCE) Meetings – means of informally sharing policy and implementation issues between Division and FDEP-FDOH offices
2) Annual PWSS Conference – face-to-face meeting of Division and all FDEP-FDOH office staff that provided information on program policies and issues, rule training and valuable discussion of specific questions, concerns and needs.
3) Quarterly meetings between each District liaison and delegated FDOH offices located within that District. EPA Region 4 believes there is still an expectation for these meeting to occur, but it appears that currently the meetings occur infrequently and only in some Districts.

All offices emphasized that internal staff levels are minimally adequate to implement the assigned program workload. Administrators work closely with their staff to coordinate individual responsibilities in ways that build employee job satisfaction while maximizing output and work quality. One office recognized efficiencies by assigning individual staff both compliance and permitting duties in order to develop more holistic program knowledge. Another office supported employee skills development by devising a detailed training program that included both classroom and on-the-job shadowing. The assignment of job duties commensurate with skill level improved work product and employee satisfaction. Several offices strove to reduce the number of compliance issues by annually notifying systems of required upcoming monitoring activities. One office also achieved greater compliance levels by having staff conduct required monitoring for most small systems.

Many administrators stated that their programs achieve much more by leveraging resources available from the Division and other offices. Leveraging occurs in many ways, including meetings, training and the use of common tools to manage and share SDWP data and information.

The PWSS program conducts various meetings and calls on a regular basis. Monthly 1-2 hour calls coordinated by the Division provide regular updates on pertinent program issues, but are limited in scope. District liaisons noted that they continue to share expertise and have good interaction with staff in FDOH offices, but these discussions are also limited, and some District offices have lost technical expertise. Conference calls and informal information sharing also occur between some District and FDOH offices. However, the regularity and strength of these exchanges varies widely. Lengthier face-to-face meetings (such as the annual PWSS conference and quarterly PCE meetings) have historically provided the most valuable opportunities for education and exchange among office staff. These meetings have included presentations on regulations, technical issues, policy, guidance and data management tools. They also provided time for face-to-face discussions among staff with varied backgrounds and expertise. Quarterly PCE meetings sometimes facilitated the scheduling of follow-up meetings. For example, some

Districts followed quarterly PCE meetings with meetings with their delegated FDOH offices, allowing continued discussions on some PCE meeting topics or introduce other discussion topics of concern. The information exchanged in all of these meetings often facilitated faster, more comprehensive, consistent resolution of specific PWSS program concerns.

The Division conducts regular program reviews of each District and FDOH office. Program Review reports provide a consistent, in-depth assessment of 8 key program components across all 14 offices, as shown in Table 3 on the following page.

The relative weighting that the Division assigns to each of the 8 components is shown in the first row of this table. Individual cells display the percentage of total points which each office received for each component during the most recent 2013-2014 Program Evaluations. The results show that all offices successfully implement Data/File Management and Permit/Plan Review program components. Most offices also successfully implement Compliance, Enforcement and Sanitary Survey/Compliance Inspection program components. However, the basis for bonus points awarded for certain additional activities within these components, which often contribute to elevated scores, is somewhat unclear. Scores for the remaining three program components (Organization/Staffing/Resources, DEP Coordination/Assistance and Training) were more variable, with some offices receiving significantly lower scores. For the Organization/Staffing/Resources program component, three offices received less than 90%, and an additional two offices received less than 92%, of the total possible points. Offices generally received point reductions for having a higher ratio of public water systems to professional staff. However, all offices received the maximum allowable points for their response to the question: "Is the current staffing adequate to cover required workload?". These findings suggest that additional information is needed to better evaluate the adequacy of current office staffing/resource levels. For the DEP Coordination/Assistance component, four offices received 90% or less of total possible points. Point reductions were generally received due to lack of scanning capabilities for purposes of generating electronic files. Most questions required only "yes/no" responses, and the scoring system did not consider the more detailed comments provided by offices. Reconsideration of the kind of information needed to assess this component may be helpful. For the Training component, four offices received less than 85%, and an additional three offices received less than 92%, of total possible points. Point reductions were based on failure of staff to complete one or more of the identified core training courses, or lack of a written office training plan. These findings suggest that many offices do not have access to all needed training. The Division's basis for updating the list of needed courses is also unclear. EPA Region 4 believes this portion of FDEP's program evaluation is inadequate to fully assess training needs.

Table 3.
Summary of 2013-2014 FDEP Program Evaluation Results for 6 FDEP District and 8 DOH County Offices

Sum of Score (as % of PE Weight) Row Labels	Column Labels 1_Organization/ Staffing/ Resources	2_Data/File Management	3_Compliance	4_Enforcement	5_Sanitary Survey/ Compliance Inspections	6_Permit/Plan Reviews	7_DEP Coordination/ Assistance Activities	8_Training	9_Overall Score
1_PE Weight(%)	5.00	25.00	15.00	15.00	15.00	15.00	5.00	5.00	100
A_Central	91.60	94.96	100.00	100.00	93.60	100.00	100.00	100.00	97.36
A_NE	[illegible]	84.52	105.27	105.87	90.40	98.00	100.00	91.60	94.08
A_NW	100.00	97.36	100.00	105.87	100.00	97.93	100.00	91.60	99.49
A_SE	102.00	95.28	84.20	105.87	97.33	101.07	100.00	100.00	97.2
A_South	102.00	90.76	100.00	105.87	103.60	101.00	100.00	75.00	98.12
A_SW	94.80	97.96	100.00	105.87	102.60	97.87	100.00	83.40	99.36
C_Broward	102.00	95.20	[illegible]	105.87	102.33	95.87	100.00	100.00	100.59
C_Hillsborough	[illegible]	99.60	100.00	100.00	106.47	92.80	100.00	100.00	98.33
C_Lee	91.60	97.12	100.00	105.87	100.00	93.73	90.00	100.00	98.31
C_Miami-Dade	96.80	95.24	100.00	105.87	96.40	93.93	90.00	100.00	97.58
C_Palm Beach	102.00	93.36	105.87	105.87	[illegible]	96.87	80.00	100.00	99.76
C_Polk	89.60	96.48	[illegible]	100.00	102.73	100.00	100.00	83.40	99.25
C_Sarasota	91.60	97.08	100.00	105.87	[illegible]	86.47	90.00	75.04	97.04
C_Volusia	102.00	95.12	107.13	76.47	96.27	93.60	100.00	91.60	94.49

LOW 100% HIGH

Staff interviews conducted during this Priority Review provided information on how Florida currently identifies and addresses training needs. While training needs are a clear priority, the resources to address those needs are often limited. In order to justify training, the Division and District offices each prepare comprehensive annual training plans. Some FDOH offices prepare office training plans, and many notify District offices of additional training needs on an ad-hoc basis. In response to identified needs, the Division develops some training courses and makes these available to all offices. Division training generally focuses on rule implementation or database usage. District and FDOH offices conduct varied amounts of duty-specific training internally and access external training sources as resources allow.

Florida's PWSS program does not currently appear to have a clear means for tracking and addressing training needs on a program-wide basis. Staff in multiple offices identified the need for training on: use of PWS Application tools, information on DBP formation and treatment, DBP Stage 2 implementation, technical knowledge that allows staff to tie rules together and optimize overall system compliance, and state enforcement policies. These responses suggest that the PWSS program could realize some efficiencies by implementing more seamless, universal communication of training needs and resources. Several offices stated that they are in the process of re-tooling existing training plans, to adjust for changing duties and priorities that resulted from the 2012 reorganization. This re-tooling period may provide an opportunity for Florida to revisit the way in which it identifies and addresses training needs on a program-wide basis.

A primary goal of the 2012 reorganization was to recognize efficiencies and achieve greater statewide consistency by realigning staff in the Division and some District offices. The changes implemented were initially disruptive, as they altered established communication pathways and sometimes significantly revised staff workload. However, during interviews, staff provided evidence that re-tooling of the organization aimed at improving overall program coordination is now occurring on several fronts. The Division is re-examining training plans and the value of regular, lengthier face-to-face meetings. The Division continues to revisit strategies for maintaining timely access to critical information technology resources. Given the realignment of compliance staff and the revision of some enforcement guidance, the Division has also recognized the importance of clarifying the enforcement process to all offices. Districts clearly desire autonomy to implement enforcement/compliance issues; however, they are also striving to exchange information and expertise with other Districts, and expressed a desire for clearer guidance from the Division on some issues. District offices that were more heavily impacted by the reorganization continue to re-calibrate their programs to ensure effective public water system oversight.

Resources which were unchanged through the 2012 reorganization contributed considerably to the continued strength of Florida's PWSS program. These resources include FDOH-HQ and FDOH offices, the continued use of 14 geographically-targeted District and FDOH offices to maintain close working relationships with public water systems operators, the technical support contract with FRWA, and the Division's continued maintenance of several tools for managing data and information essential to the PWSS program.

Recommendations

The 2012 reorganization refocused Florida's PWSS program on the critical goals of strengthening overall program consistency, and renewing focus on timely accomplishment of program priorities (such as the prevention and resolution of health-based violations). The associated reorganization of staff and resources disrupted many valuable coordination pathways that existed under the old organization. Some expertise was also lost during the reorganization. The re-tooling period that is now occurring is critical to ensuring that Florida maintains and establishes communication pathways and tools that will allow them to best accomplish the priorities of the PWSS program under the new organization. Based on information gathered during this priority review, the following program coordination-related activities are recommended as key to strengthening Florida's PWSS program.

Regular, established communications have historically provided the Division, District and FDOH offices with some of the most valuable ways to leverage the expertise and resources available in the many offices that comprise Florida's PWSS program. Interviewed staff unanimously stated that regular face-to-face meetings (such as the annual FDEP PWS conference and quarterly PCE meetings) were the most valuable tools, as these provided the broadest exchange of PWSS program and technical information to the greatest number of staff. Reinstatement of these meetings would strengthen staff knowledge and promote rebuilding of communication pathways. Continued strengthening of regular communication pathways between District offices would increase the exchange of information and expertise relevant to direct oversight of public water system facilities. Increased District expertise could also be leveraged by FDOH offices.

EPA Region 4 recommends FDEP lead a statewide assessment of technical and programmatic training needs of all offices given the number of new drinking water regulations and new staff to the program. A re-tooling of Florida's training program that allows PWSS program offices to better identify and address training needs would be helpful.

Individual offices provide various levels of internal training, but this could be supplemented with the resources and expertise available from other offices across the state. Reinstatement of the face-to-face meetings noted earlier would provide an efficient means for providing broadly-needed training, such as guidance on program enforcement tools and priorities as well as provide a meaningful opportunity for offices to share training plans (such as the training program being developed by the SW District).

Some re-tooling of the Division's standard Program Evaluation template may increase the usefulness of Program Evaluation findings. These regular program evaluations of District and FDOH offices provide an excellent tool for consistently evaluating key components of Florida's PWSS program. However, for some components, the information collected does not clearly explain the basis for differing, or lower, scores among offices. This finding primarily applies to components that do not include reviews of specific public water systems (i.e. Organization/Staffing/Resources, DEP Coordination/Assistance and Training components). Questions and scoring mechanisms used for these components could be re-examined and modified to better characterize office strengths or deficiencies. For example, the Division might

develop a standard process for updating core training courses to reflect changing program priorities and individual office needs.

Florida's PWSS program may strengthen external coordination though increased participation by local office level in EPA's Area Wide Optimization Program (AWOP) program. This participation would allow office staff to better evaluate and assist surface water systems in optimizing treatment goals and enhancing microbial and disinfection byproduct control. The technical expertise gained could also be shared with other offices.

Local District and FDOH offices are encouraged to make use of the OCULUS and Permitting Application document management systems, particularly in an effort to coordinate compliance and permitting activities.

Disinfection Byproduct Rules Implementation

Background

DBP Rules Implementation was selected as a priority for review based on an analysis of state-wide violation data by specific contaminant group. Other than total coliform MCL violations, DBP MCL violations represented the greatest number of health-based violations for water systems in Florida over the past five years. Many water sources in Florida have high quantities of naturally occurring organic matter. When the water with high levels of organics is disinfected with chlorine, high levels of disinfection byproducts can form. Levels of many DBPs increase with water age in finished water storage tanks and distribution systems. Treatment strategies for DBPs can include adjustments to treatment systems (examples: removal of organics prior to disinfection, change of disinfectant, pH adjustment, or removal of DBPs after formation, etc.) or changes to operations of distribution systems (examples: adjustments to storage tank levels or fill/draw cycles, flushing practices, elimination of "dead ends" in distribution lines, etc.).

Over the past few years States and water systems have been transitioning from monitoring requirements associated with the Stage 1 Disinfectants and Disinfection Byproduct Rule to the Stage 2 DBP Rule. Some of the key changes include the number, frequency and locations of routine monitoring, inclusion of consecutive water systems to rule requirements, and how compliance is calculated based on locational running annual averages. The transition from the Stage 1 to Stage 2 Rule involved a period of time when EPA Region 4 was implementing aspects of rule focused on identifying potential new monitoring locations. These early implementation activities were a result of the regulatory timeline beginning before states were required to have the rule adopted. As a result, FDEP and FDOH field staff played a limited role in training and implementation associated with monitoring site selection. FRWA did provide a significant amount of outreach to water systems during this time. Florida had adopted the Stage 2 Rule by the time routine monitoring requirements began and worked with water systems to finalize monitoring plans.

Priority Evaluation Method

Region 4 utilized a combination of data analysis, personnel interviews and onsite file reviews to evaluate strengths and needs associated with Florida's implementation of the DBP Rules. Data analysis include reviews of DBP monitoring results from Florida's PWS Database and DBP violation data available from EPA's SDWIS data system. Interview questions were used to determine strategies utilized to affect system compliance, understand expertise levels and resource demands for staff and management, and to gage consistency in implementing the regulations and guidance associated with the DBP Rules. File reviews included a review of information used to develop system monitoring plans, an evaluation of system monitoring data to ensure monitoring was done in accordance with the plan, and a review of compliance determinations based on the analytical results. A complete list of the files reviewed is provided in Appendix A.

Key Findings

Most health-based violations for chemical monitoring in Florida are associated with DBPs.

Review of DBP monitoring results from the PWS Database identified a significant number of questionable values of "0" for TTHM and HAA5 analytical results, often at systems/locations that had previous and subsequent high levels. While some amount of fluctuation of results is expected, systems with detected levels greater than ½ of the MCL typically do not have fluctuations that would result in associated non-detect levels.

Staff determine compliance manually based on review of monitoring results as the Stage 2 module of the PWS Database was not yet available at the time of the review. The module has since been completed. Errors were identified in both water system reporting and state compliance determination including:

- Incorrectly calculating the locational running annual average of monitoring results
- Water system not monitoring in correct months
- Failure of systems to submit Operational Evaluation Reports when required
- Changes in monitoring locations without justifications

Staff have had training on DBP rule compliance. However, very few staff indicated they had much, if any, training related to DBP formation and/or treatment.

Reviewers found recommendations to water systems on flushing strategies that are not supported by EPA and will result in masking ongoing health risks to water system customers.

Some offices have made efforts to integrate compliance and permitting activities to ensure DBP compliance is considered in project review and the potential need for DBP monitoring plan changes based on relevant water system infrastructure changes. Efforts range from having the same staff perform both engineering review/permitting and compliance determination, to developing a liaison responsibility between permitting and compliance office staff.

Recommendations

There is a need for District and County staff to re-evaluate DBP monitoring locations identified in Stage 2 Monitoring Plans. FDEP and FDOH should consider enhancing the review of distribution systems during sanitary surveys to include an evaluation of DBP monitoring locations. Considerations for enhancing the sanitary survey include:

- Checking disinfectant residual levels (and pH when available) to assess water quality at areas of high probable water age relative to approved DBP compliance monitoring locations.
- Reviewing flushing practices to determine if water systems are using practices to improve water quality system-wide or just at compliance locations.
- Visit the DBP monitoring locations to identify any changes (e.g. installation of auto-flushing device) that may give reason to modify the monitoring plan.
- Evaluate the appropriateness of changing one monitoring location to Point of Entry for consecutive systems based on the number of monitoring locations and associated baseline data already collected. POE data can be valuable for coordination between wholesale and consecutive water systems.

Provide technical training to staff on how to limit DBP levels in water systems through improved distribution system operation practices. The AWOP implemented in Region 4 has been used by several states to provide training to water system personnel on DBP compliance strategies that minimize the need for costly infrastructure and to develop the staff expertise to perform the enhanced sanitary survey practices outlined above. Due to the low number of surface water systems in the state, FDEP has minimally participated in EPA's AWOP. With the network's significant change in focus to disinfection byproducts, FDEP should engage all districts and counties with opportunities to participate in AWOP.

FDEP should investigate the number of "0" monitoring results to determine if there are any obvious laboratory or data entry errors, or any trends that would raise question as to the integrity of the results.

FDEP-HQ should continue to prioritize development of the PWS Database to facilitate implementation tasks for inspectors and compliance officers.

Data Management

Background

One of the required functions of delegated PWSS Programs is to maintain a data management system for tracking compliance, enforcement actions and public water system inventory. FDEP-HQ's database for the drinking water program is the Oracle-based PWS Database. Reports are produced in Active Server Pages. Data are transmitted to SDWIS/Fed via an Extensible Markup Language file created from extrapolated data. Data are reported quarterly, including inventory, samples and violations and enforcement updates.

Automated compliance determinations for TCR, GWR, Phase II/IV, RAD, CCR, Turbidity and Stage 2 DBPs (just recently, in time to evaluate 1st Q 2015) are performed by the PWS Database nightly and verified by the district and county offices. All violations are posted automatically but can be over-ruled by the point person in each office. All other compliance determinations are entered manually within the individual offices, as are all violation letters and enforcement actions.

FDEP uses the SDWIS/Fed error reports to correct errors but finds that the ".pdf" format is not useful. That format is too difficult to mark up and data cannot be sorted. FDEP would greatly prefer data in Excel spreadsheets.

Key Findings

The Division has developed and maintains several effective tools for entering and accessing PWSS data and reports including:

PWS Database – In addition to tracking lab samples, the PWS Database tracks inventory, permit compliance/enforcement, monthly operations, inspections and complaints. The PWS Database includes reports for staff, but also posts five reports to the public FDEP website that are further divided by year or geographic area. Basic Facility Reports, Flow Data and Plant Treatment Data files are updated quarterly. Chemical Data and Microbiological Data files are updated annually in March. Reports provide information on sample results, average/max monthly flows, types of water treatment, the type of system, address, capacity, sources of water, population and service connections served, dates the Department performed the last sanitary survey, and the dates the last bacteriological and inorganic/organic contaminant testing was performed.

PA (Permitting Application) System – database that tracks the permit application process to ensure statutory time clocks are met.

OCULUS – an electronic, web-based document management system that allows the public and staff to search and review permitting documents, lab reports, inspections, etc. within DEP and at two of eight FDOH offices.

FDEP-DW standardized PDF/Word data/information entry forms - for use by public water systems and laboratories to document: (1) Permitting/Construction/O&M activities (Chapter 62-555.900 F.A.C.) and (2) reporting results for required test measurements or analyses (Chapter 62-550.730 F.A.C.). Users may generate computer-generated versions of same (see http://www.dep.state.fl.us/water/drinkingwater/forms.htm).

NEXUS – user-friendly information portal for retrieving documents from OCULUS archival database.

PASS (Permit Application Subscription Service) System - Allows user to receive automated, customized notification of permit application status (e.g by application types, geographic area, etc.)

Data entry and compliance determination tools available through the PWS Database provide staff in all offices with a rapid, reliable, consistent way to upload system monitoring data and accurately calculate compliance. The value of this tool was readily apparent during staff interviews, as staff unanimously emphasized the need for the Division's soon to be released DBP Stage 2 compliance determination tool.

Use of a state-developed tool also allows staff to more easily request helpful database changes. Simpler changes are implemented by Division staff, while more comprehensive changes are made by staff in OTIS. Requests to OTIS are sometimes delayed, as OTIS must prioritize database needs for multiple programs. The Division works to maintain the priority level of key PWS Database updates, but limited OTIS resources are an ongoing challenge.

The Division also maintains two web-based document tracking systems that allow staff and the public to obtain SDWP documents of interest. OCULUS houses copies of permitting, lab, inspection, operational and compliance/enforcement documents. The PA System allows the user to retrieve permit applications currently under review. While these systems may provide a valuable resource to inspectors and permit reviewers, it is unclear to what extent some offices use these systems. More comprehensive training on these systems may facilitate the exchange of information between permitting and compliance staff.

Recommendations

Florida's PWSS program should continue to implement a strong data and information management program that is available to all offices. The PWS Database addresses a critical need, providing a consistent suite of tools for data entry and compliance determination that can also be modified to address staff needs.

External Outreach

Background

In selecting topics for review, FDEP's compliance assistance outreach to public water systems was identified as a program strength. The review included a combination of document review and interviews of key staff and managers. With recent changes in drinking water law (Stage 2 DBP Rule, Ground Water Rule, Reduction of Lead in Drinking Water Act, Revised Total Coliform Rule), water systems are increasingly dependent on state agencies to provide the outreach necessary to explain the details of the rules and regulations that will ensure sector compliance and protection of public health.

FDEP and FDOH value a strong relationship with the regulated community and strive to ensure that, where possible, concerns are addressed through compliance assistance activities prior to water systems incurring a potential violation. Florida's drinking water program achieves outreach to water systems through site visits to water systems, training classes, contracts with technical assistance partners, and direct mailings to water systems and water system professionals.

Key Findings

FDEP and FDOH utilized a number of mechanisms to provide meaningful outreach activities to public water systems, including:

- Drinking Water Technical Assistance Program
- Contract with FRWA to provide training and operator certification
  - Focus on Change training seminars ~ 6 events/year
  - Water treatment plant operator certification ~16 events/year
  - Water distribution system certification training ~5 events/year
  - Water treatment plant operation and maintenance ~17 events/year
  - Electrical safety and generator set up ~ 1 event/year
  - Treatment technologies and conservation ~ 1 event/year
  - Emergency Response Plans ~ 0-1 event/year
  - Over 3,000 technical assistance site visits/year from Circuit Riders
- Limited Involvement in Area-Wide Optimization Program
- Operator Certification Program
- Floridian Newsletter
- Sanitary Surveys and other inspections

Florida's strong suite of outreach tools provide office staff with ways to enhance coordination with local public water system operators. The Division's Technical Assistance Program assists all offices in resolving technical, managerial and financial challenges of individual public water systems at no cost to those systems. The contracted services of FRWA are frequently used by smaller rural water systems. FRWA also provides training on various topics of interest to both system operators and FDEP and FDOH staff, including full-day sessions during the "Focus on Change" seminars which are held year-round at locations throughout the state. Available training sessions are listed on the FRWA website. The Division participates minimally in EPA's AWOP, and uses this program to more closely evaluate and assist the ability of surface water systems to optimize disinfection and filtration treatment goals and enhance microbial and disinfectant byproduct control. While participation has recently decreased, staff interviewed in some District and FDOH offices expressed interest in increasing participation in order to benefit public water systems while strengthening the expertise of office staff.

All offices expressed a need for greater technical training of inspectors, compliance, and permitting staff citing a concern with being able to adequately address simultaneous compliance concerns with water systems. Some entities expressed concern over a perceived loss of drinking water programmatic expertise within FDEP.

The Division offers a Sanitary Survey School annually to train newer FDEP and FDOH inspectors on not only the eight elements that are required by EPA when conducting a sanitary

survey, but also on operation and maintenance activities, as well as treatment theory and technologies.

Customer complaints made to the state are address in a timely and appropriate fashion. There was some uncertainty as to what FDOH laboratory support is available to District staff when responding to customer complaints.

Every office makes a concerted effort to send letters to each water system annually to provide minimum monitoring requirements to ensure water systems complete all required monitoring.

Recommendations

Florida should continue to implement a strong PWSS outreach program. FRWA contracted services and training sessions provide invaluable support to local offices in their efforts to assist public water system operators. Focus on Change seminars also provide opportunities for exchange between office staff and public water system operators, strengthening communications between these parties.

Consider exploring the appropriateness of addressing laboratory support for bacteriological monitoring in the interagency agreement between FDOH and FDEP. The support would be used when responding to customer complaints or in carrying out any special studies that would enhance the value of Department outreach for water systems.

EPA Region 4 believes District and County staff participation in the AWOP would facilitate improved outreach to water systems. In addition to new regulations, large turnover in drinking water staff, in some areas, has created a need for increased investment in drinking water program training. EPA Region 4 strongly encourages Districts and Counties to interact more, through routine meetings and trainings, to discuss implementation challenges/successes so that expertise across the state is better leveraged to fill the knowledge gaps associated with new regulations and new program staff.

Appendix A

Florida Drinking Water Program Priority Review
File Review Summary

For the enforcement cases, EPA Region 4 reviewed all actions and associated non-compliance over the past 3 years (2012-14). The case files should contain all of the case development work (violations, initial correspondence, informal and formal actions, etc.) even if prior to 2012. Example: If an enforcement order was issued in 2012 for an arsenic violation in 2010, EPA Region 4 evaluated everything from 2010 up until the system returned to compliance.

For the DBP files, EPA Region 4 reviewed files for monitoring results, monitoring plans, documents used in developing/approving monitoring locations, correspondence related to monitoring location changes, and documents related to compliance assistance outreach.

Broward County DOH

Enforcement Case Files

FL4060402	Everglades Holiday Park
FL4061517	Royal Utility Company
FL4064392	Kids Paradise

Disinfection Byproduct Files

FL4060402	Everglades Holiday Park
FL4060254	City of Deerfield Beach

Miami-Dade County DOH

Enforcement Case Files

FL4131403	American Village
FL4130833	Jones' Trailer Park
FL4130970	City of North Bay Village

Disinfection Byproduct Files

FL4131403	American Village
FL4130871	MDWASA
FL4131531	Virginia Gardens
FL4131001	Opalocka

Tampa, SW District

Enforcement Case Files

FL6095083	Seven Rivers Professional Center
FL6272304	Camper's Holiday
FL6510807	Holiday Gardens Utility, Inc.

Disinfection Byproduct Files

FL6512033	PCUD Blanton Lake Park
FL6520336	Clearwater Water System
FL6521576	Safety Water
FL6277059	Hernando Co. Utility-West
FL6280049	City of Avon Park

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Armstrong, Kathy

From: Allenbach, Becky
Sent: Tuesday, June 16, 2015 4:41 PM
To: Smith, Brian; Humphris, Allison; Campbell-Dunbar, Shawneille
Cc: Driskell, Amanda; Burns, Robert
Subject: RE: Florida Priority Review Report - final draft for your review

This looks good. Thanks!!

Becky B. Allenbach, Chief
Grants and Drinking Water Protection Branch
EPA Region 4 - Atlanta
(404)562-9687
allenbach.becky@epa.gov

From: Smith, Brian
Sent: Thursday, June 11, 2015 2:32 PM
To: Allenbach, Becky; Humphris, Allison; Campbell-Dunbar, Shawneille
Cc: Driskell, Amanda; Burns, Robert
Subject: RE: Florida Priority Review Report - final draft for your review

Becky,

Alison, Amanda and I have made the edits you suggested in the report. Below are edited versions of three sentences where you raised concerns and requested them to be reworded or supported with findings. Please let us know if you are comfortable with the revised language. Thanks! -Brian

(b)(5) Deliberative Process Privilege

[redacted]

From: Allenbach, Becky
Sent: Friday, June 05, 2015 11:29 AM
To: Humphris, Allison; Campbell-Dunbar, Shawneille
Cc: Smith, Brian; Driskell, Amanda; Burns, Robert
Subject: RE: Florida Priority Review Report - final draft for your review

I completed my review on the plane last night. Great work everyone! I do have a few questions and will schedule a meeting this week. Anyone on travel? I will use the scheduling assistant.

Becky B. Allenbach, Chief
Grants and Drinking Water Protection Branch
EPA Region 4 - Atlanta
(404)562-9687
allenbach.becky@epa.gov

From: Humphris, Allison
Sent: Monday, June 01, 2015 5:18 PM
To: Campbell-Dunbar, Shawneille; Allenbach, Becky
Cc: Smith, Brian; Driskell, Amanda; Burns, Robert
Subject: Florida Priority Review Report - final draft for your review

Shawneille/Becky,
Attached for your review is a final draft of our report for the December 2014 Priority Review of Florida's PWSS program. This version addresses all comments/concerns that we received from FDEP and the offices visited.

Please let us know of any input or questions you may have.

Thanks, Allison

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Armstrong, Kathy

From: Humphris, Allison
Sent: Friday, June 26, 2015 10:21 AM
To: Allenbach, Becky
Cc: Campbell-Dunbar, Shawneille
Subject: FW: PR Report - DD Briefing request
Attachments: Meeting Request-Division Director_062514.docx; Priority Review Final Report Transmittal Letter_FL.docx; FlPriorityReview_FINAL-062415.docx

Becky,
FYI – let me know if you have any comments or concerns.
Thanks, Allison

From: Humphris, Allison
Sent: Friday, June 26, 2015 9:49 AM
To: Campbell-Dunbar, Shawneille
Subject: PR Report - DD Briefing request

Shawneille,
In case you'd like to review before I forward on to Pam, attached are the completed DD briefing request form, along with the revised transmittal letter and final PR report.
Let me know if you have any changes.

Thanks, Allison

Ms. Frederick L. Aschauer, Jr., Director
Division of Water Resource Management
Florida Department of Environmental Protection
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Dear Mr. Aschauer:

Enclosed is the final version of the Priority Review Report for Florida's Public Water System Supervision Program (PWSS). As you know, the U.S. Environmental Protection Agency, Region 4 (Region 4) conducted an on-site review of Florida's PWSS program in December 2014. The priority review process was designed to complement previous program-wide Data Verification Audits, by selecting a small number of critical, priority areas (in consultation with the state), completing an in-depth review of those areas and providing observations and recommendations that might best assist the state in optimizing its PWSS program. Several offices were visited to evaluate program implementation across Florida's broad organization structure. This report presents the priority selection and review process, and the observations and recommendations for each selected program area.

In general, the reviewers concluded that Florida successfully implements all five selected priority areas in each of the offices visited. The Florida Department of Environmental Protection (FDEP) does an excellent job of consistently managing drinking water data and information across a decentralized organizational structure, and the State should continue to maintain this strong suite of electronic reporting tools. The State also implements a strong compliance assistance outreach program to public water systems and staff are committed to maintaining good working relationships with the regulated community and working to minimize the number of actual violations. The State runs a strong enforcement program that facilitates compliance and timely response to violations in the vast majority of cases. FDEP Division and District offices and Florida Department of Health (FDOH) county offices maintain good working relationships and information sharing practices, primarily through routine informal communication, conference calls and regular periodic oversight of FDEP District and FDOH county offices. Finally, Florida management and staff continue to make a strong effort to implement the Stage 2 Disinfectant Byproducts Rule, and fewer errors in compliance determinations should be realized as the State transitions from manual to automated compliance determination.

The attached report also identifies potential and actual areas of vulnerability noted for each priority area, and provides recommendations on how to address these vulnerabilities. These recommendations should be regarded as possible ways to maintain and strengthen implementation of a program that is already primarily successful. While all of our recommendations are important, following are a few key recommendations that EPA believes could provide significant benefit to Florida. First, EPA encourages the State to more clearly communicate EPA's Enforcement Response Policy timeframes to staff and ensure that mechanisms are in place to ensure consistent, timely reporting of violation and enforcement data to EPA. Second, EPA believes that an increase in regular internal program face-to-face meetings would allow Florida to better utilize existing technical and program expertise. Third, a statewide

assessment of training needs may assist Florida in identifying where greater expertise is be needed, as well as in identifying potential internal or external sources capable of providing this needed expertise.

We hope that the Priority Review Report will prove useful to you in your own evaluation of PWSS implementation. We appreciate the cooperation and assistance of FDEP and FDOH staff during the priority review and commend Florida for your commitment and dedication to implementing the PWSS program.

If you have questions regarding any aspect of the report or the review process, please contact me or have a member of your staff contact Allison Humphris of the Drinking Water Section at (404) 562-9305.

Sincerely,

James D. Giattina
Director
Water Protection Division

Enclosure

assessment of training needs may assist Florida in identifying where greater expertise is be needed, as well as in identifying potential internal or external sources capable of providing this needed expertise.

We hope that the Priority Review Report will prove useful to you in your own evaluation of PWSS implementation. We appreciate the cooperation and assistance of FDEP and FDOH staff during the priority review and commend Florida for your commitment and dedication to implementing the PWSS program.

If you have questions regarding any aspect of the report or the review process, please contact me or have a member of your staff contact Allison Humphris of the Drinking Water Section at (404) 562-9305.

Sincerely,

James D. Giattina
Director
Water Protection Division

Enclosure

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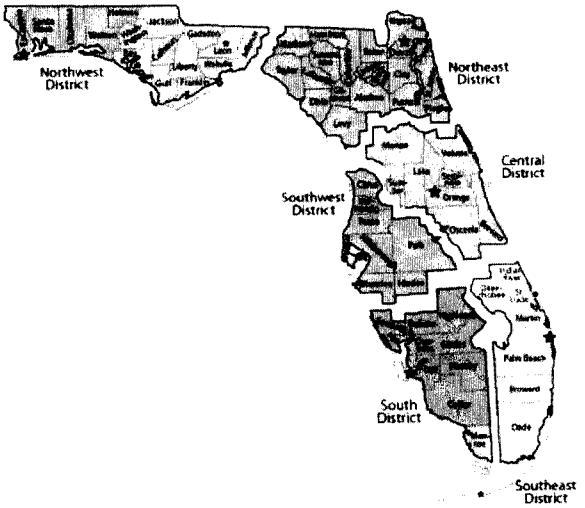
HUMPHRIS	JONES	CAMPBELL-DUNBAR	ALLENBACH	MARCUS	GIATTINA

PRIORITY REVIEW

OF THE PUBLIC WATER SYSTEM SUPERVISION PROGRAM FOR THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

FINAL REPORT



Prepared by the
Environmental Protection Agency, Region 4
Drinking Water Section, Water Protection Division

June 24, 2015

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Appendix A - Florida Drinking Water Program Priority Review – File Review Summary

(b)(5) Deliberative Process Privilege

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(b)(5) Deliberative Process Privilege

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(b)(5) Deliberative Process Privilege

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INTRODUCTION

The U.S Environmental Protection Agency Region 4 Drinking Water Section (EPA Region 4) developed a protocol, called a Priority Review, for assessing the existing resources, needs and successes of selected priority areas within state Public Water System Supervision (PWSS) Programs based on in-depth review of those areas. The Priority Review complements EPA's Data Verifications that historically reviewed state data associated with each rule in the National Primary Drinking Water Regulations. The new approach is intended to be transparent and targeted in assessing a few priority focus areas identified in a collaborative effort between the state and EPA Region 4. The following priority areas of focus have been identified for Florida:

1. Enforcement of drinking water regulations
2. Internal State coordination between FDEP and FDOH on the drinking water program
3. Disinfection Byproduct (DBP) Rules implementation
4. Data Management, and
5. External outreach

EPA Region 4 used three basic methods to obtain information: (1) identification and review of key documents and tools used by Florida to implement their PWSS program (e.g. guidance, websites, internal review protocols, databases, file management systems, reports, etc.), (2) interviews with managers and staff, and (3) review of individual system files. For the third method, EPA Region 4 selected systems for the review that were likely to provide a good understanding of Florida's approach to addressing more challenging and problematic situations.

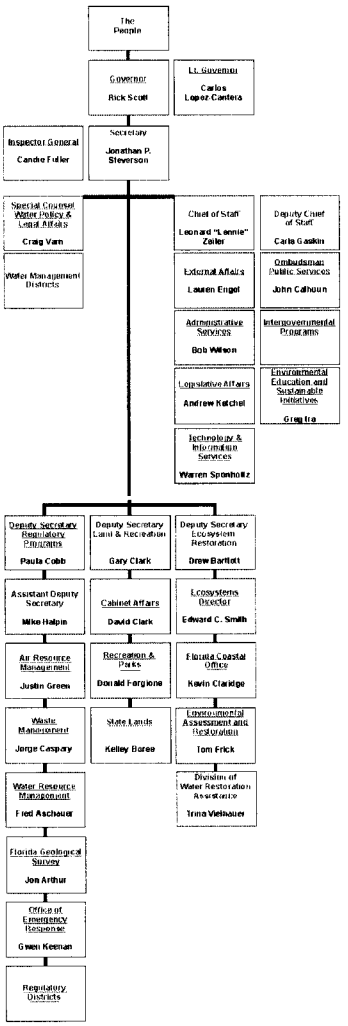
OVERVIEW OF FLORIDA'S PWSS PROGRAM

EPA gives flexibility to state primacy agencies for required PWSS program activities. In Florida, PWSS implementation activities are spread over a decentralized organizational structure. FDEP has the primary role of regulating public water systems in Florida. The Source and Drinking Water Program (SDWP) located in the FDEP's Division of Water Resource Management in

Tallahassee (the Division) is responsible for writing rules, developing policy, managing funds, providing training and managing special initiatives. The Water Compliance Assurance Program (WCAP), also located in the Division, is responsible for oversight, tracking and reporting of enforcement and compliance activities and data management. The enforcement of rules and permitting of new construction for individual public water systems is handled by six FDEP District offices. In eight Florida counties, FDEP has delegated this enforcement and permitting authority to local approved FDOH county health departments through an Interagency Agreement. FDEP has also delegated laboratory certification to the FDOH Laboratory in Jacksonville.

FDEP environmental programs are divided into three main areas, one of which is Regulatory Programs (Figure 1). The Deputy Secretary for Regulatory Programs provides oversight and direction to four regulatory divisions, including the Division of Water Resource Management, and six regulatory District offices.

Figure 1. FDEP Organizational Structure (last updated April 6, 2015)



The SDWP and WCAP programs report to the Division Director, while the Regulatory District offices report directly to the Deputy Secretary for Regulatory Programs. Following is a complete list and description of all programs which contribute to FDEP's implementation of Safe Drinking Water Act (SDWA) requirements.

Florida Department of Environmental Protection

FDEP Division of Water Resource Management:

- SDWP: Coordinate overall PWSS implementation through policy and rule development, and management of funding, training and special initiatives. Ensure all SDWA program requirements are conducted and reported to EPA as outlined in the annual PWSS Grant Workplan.
- WCAP: Facilitate Statewide coordination of compliance and enforcement activities by providing and/or supporting the development of guidance and training to ensure consistency among the six District offices for State Drinking Water and Wastewater Programs. Integral to this consistency are the automated nightly compliance routines for evaluating lab results (discussed further under the Data Management section of this report). Ensure all SDWA compliance and enforcement activities are conducted and reported to EPA as outlined in the annual PWSS Grant Workplan commitments.

FDEP Office of General Counsel (OGC): Provide legal counsel and represent FDEP in implementing enforcement, permitting and programmatic actions. Provide training and consultation to FDEP staff.

FDEP Office of Technology and Information Services (OTIS): Manage functionality and security of the information technology systems that support FDEP mission success. Provide application development and customer support services to FDEP Divisions and Regulatory Districts that use regulatory databases, including SDWP and WCAP support needs for public water systems.

FDEP Regulatory District Offices: Coordinate and implement all permitting, compliance and enforcement activities for counties located within District boundaries, including permit reviews, facility inspections, compliance assistance, rule enforcement and response to reports of environmental damage. Six separate offices serve counties located in the Northwest, Northeast, Central, South, Southeast and Southwest portions of the State. Provide legal, technical and training assistance to delegated FDOH county offices.

Florida Department of Health

- The current FDEP-FDOH Interagency Agreement delegates lead PWSS program implementation authority from the responsible FDEP District office to FDOH offices in the counties of Broward, Miami-Dade, Hillsborough, Lee, Sarasota, Palm Beach, Polk and Volusia. Delegated FDOH county offices coordinate and implement permitting, compliance and enforcement activities for that county.
- The FDOH laboratory in Jacksonville maintains a State program for the certification of laboratories conducting analytical measurements of all drinking water contaminants, in

accordance with Florida Statutes 403.862-.8635 and Florida Administrative Code (F.A.C.) Chapter 62-550.550.

South Carolina Department of Health: South Carolina's radiological laboratory is the designated Principal State Laboratory for radionuclides for Florida, in accordance with an MOA approved by SESD on January 28, 2013.

This organization is significantly changed from the structure that was in place during the previous 2009 Program Review conducted by The Cadmus Group, Inc. on behalf of EPA. In 2012, FDEP underwent a reorganization which affected both the Division and FDEP District offices. Within the Division, source and drinking water program staff were merged to form the Source and Drinking Water Program. Staff were relocated from the Drinking Water Program to support (1) formation of a centralized compliance and enforcement group (WCAP) and (2) OTIS. District boundaries were redrawn, and resources were re-allocated, to allow for a more even distribution of resources among FDEP District offices. A primary objective of this reorganization was to improve program efficiency/effectiveness and promote consistency and cross-utilization of resources, particularly in the areas of compliance determination and data management.

FDEP's authority to implement provisions of the SDWA derives from Chapter 403, Part VI, Florida Statutes and by delegation of the federal program from the U.S. Environmental Protection Agency. The Department has promulgated a number of rules in Chapters 62-4, 62-550, 62-555, 62-560, 62-602 and 62-699 F.A.C. to address drinking water standards, monitoring and reporting; public water system permitting and compliance; and treatment plant operators, classification and staffing. These requirements impact approximately 5245 federally regulated public water systems with approximately 1649 (or 31%) of Florida's public water systems being community water systems, approximately 776 or (15%) being non-transient non-community systems, and approximately 2820 or (54%) being transient non-community systems (Table 1).

Table 1. Count of Florida Public Water Systems by Type and Source

PWS TYPE	WATER SOURCE	COUNT
CWS	Surface Water only	5
	Surface & Ground Water	69
	Ground Water only	1575
NTNC	Surface Water only	0
	Surface & Ground Water	4
	Ground Water only	772
TNC	Surface Water only	5
	Surface & Ground Water	1
	Ground Water only	2819
TOTAL		5245

PRIORITY REVIEW OF SELECTED PROGRAM AREAS

Enforcement of Drinking Water Regulations

Background

Compliance and Enforcement Program Implementation was selected as a priority for review in order to assess whether a state is implementing the requirements of the PWSS program. The states ensure that human health is safeguarded by enforcing the requirements of the SDWA to ensure that the states' public drinking water supply and its sources are protected. Historically, the reviews of the states' PWSS programs, whether that be through a Data Verification, Program Review, or a Priority Review, did not typically include an evaluation of the compliance and enforcement program at the states. EPA Region 4 has determined that this is an important aspect of a review of the implementation of a PWSS program, and plans to include this in future Priority Reviews, as appropriate. Through this review, EPA Region 4 promotes regional consistency, identifies successes in implementation of the PWSS program, and identifies opportunities for improvement in the compliance and enforcement programs.

In January of 2010, EPA began implementation of a new enforcement approach designed to help our nation's public water systems comply with the requirements of the SDWA. This new approach replaced the previous system of a contaminant to contaminant compliance strategy with one that focuses attention on the drinking water systems with the most serious or repeated violations. This strategy identifies public water systems with violations that rise to the level of significant noncompliance by focusing on those systems with health-based violations and those that show a history of violations across multiple rules. This system-based methodology is intended to ensure consistency and the integrity of the PWSS national enforcement program. This approach includes a revised Enforcement Response Policy (ERP) and new Enforcement Targeting Tool (ETT).

The ETT uses a tool that enables the prioritization of public water systems by assigning each violation a "weight" or number of points based on the assigned threat to public health. Points for each violation at a water system are summed to provide a total score for that water system. Water systems whose scores exceed a certain threshold are considered a priority system for enforcement.

EPA recognizes that states carry out both formal and informal enforcement and compliance assistance activities. These activities are effective tools for achieving compliance. Nevertheless, systems specifically identified by the ETT as priorities must be returned to compliance (RTC) or EPA will expect formal, enforceable mechanisms to return such systems to compliance. States are expected to escalate their response to ensure that RTC is accomplished. Once a public water system is identified as an enforcement priority on the ETT list, an appropriate formal action or RTC will be required within two calendar quarters to be considered "timely". However, regardless of a public water system's position on a state's ETT list, EPA expects that states will act immediately on acute, health-based violations and subsequently confirm that systems with such violations return to compliance.

Priority Evaluation Method

Region 4 utilized a combination of data analysis, personnel interviews, comparison of established program strategies with the ERP, and onsite file reviews to evaluate Florida's successes in implementation of the PWSS program and identify opportunities for improvement in its compliance and enforcement program. Data analysis included a review of the EPA ETT Tracker, which is a tool that provides useful metrics and graphing capabilities for systems' current and past ETT scores for up to twenty (20) quarters. This information was used to aide in the selection of the files to be reviewed and get a rough evaluation of Florida's ability to timely and appropriately return systems to compliance or issue formal, enforceable mechanisms that will return a system to compliance. Additionally, EPA's SDWIS data system was used to determine what violations and enforcement had been done for each of the selected files to review. Eight (8) files were selected for review (see Table 2. Timeline for Settlement of Identification as a Priority System on the ETT List below). Interview questions were used to understand the dynamics of the organization including staffing resources and demands and to determine how the established program strategies were being implemented with regards to Florida's compliance and enforcement program. The *Department of Environmental Protection (DEP) Enforcement Manual* and *Directive* 923 were reviewed for consistency with the EPA ERP requirements to ensure that these policies enabled the State to meet the requirements of timely and appropriate compliance and enforcement. File reviews included a review of the violations determined, an evaluation of the enforcement mechanisms issued for consistency with the *DEP Enforcement Manual* and the EPA ERP, and a comparison of the information found during the file review with the data reported to EPA's SDWIS data system.

Key Observations

The accuracy of data reported by FDEP to SDWIS was found to be in need of improvement in the following ways:

- All violations identified in the file and/or provided from the FDEP tracking system, are not being submitted to SDWIS. This discrepancy was found in the District office and both FDOH offices. Primarily the violations that are not being submitted are monitoring and reporting violations for various parameters. For the identified systems, 6 of the 8 reviewed had violations noted in the file/data provided that were not identified in SDWIS.

- Enforcement actions taken and submitted to SDWIS, are either not being timely uploaded, properly linked to relevant violations, and/or the data uploaded is inconsistent with the documents provided for review. For the identified systems, 7 of the 8 reviewed had discrepancies with the information for the enforcement actions submitted to SDWIS. Specifically, for the files reviewed, there were instances where violation(s) were linked to enforcement actions that upon review of the enforcement action, it was determined that the action did not include or address those violations. Also, there were several instances where the data submitted to SDWIS showed multiple dates for the same enforcement action. It appears that the dates of enforcement are not being consistently entered (i.e. dates were submitted for the signature date of the effective order, receipt date of the

effective order, or the date the proposed order was sent to the respondent). So it was noted that at times there would be two formal actions entered into SDWIS when there was only one issued.

During the file review, EPA Region 4 tracked compliance and enforcement mechanisms used and evaluated them for timeliness and appropriateness of the action or return to compliance. Based on this review, the following was determined in regards to the timeline for systems identified as a priority on the ETT list to be returned to compliance or have a formal enforcement action issued.

Table 2: Timeline for Settlement of Identification as a Priority System on the ETT List

PWS ID	System Name	Date of First Appearance on ETT List as Priority System	Date of Settlement (RTC or issuance of Formal Enf)	Days Between ETT and Settlement	Settlement RTC or Formal Action	Quarters on ETT List as a Priority System
FL6095083	**Seven Rivers Professional Center**	**9/30/2010**	**2/20/2013**	**874**	**RTC**	**10/2010, 01/11, 04/11, 07/11, 10/11, 1/2012, 04/2012, 7/2012, 10/2012, 1/2013, 4/2013, 7/2013**
FL6510807	Holiday Gardens Util Inc.	3/31/2011	7/7/2011	98	Formal Action	04/2011, 07/2011, 10/2011, 04/2014, 7/2014, 10/2014
FL6510807	Holiday Gardens Util Inc.	3/31/2014	2/27/2014	-32	RTC	
FL6272304	**Camper's Holiday**	**3/31/2011**	**4/15/2011**	**15**	**Formal Action**	**04/2011, 07/2011, 01/2013, 10/2013, 01/2014, 10/2014**
FL6272304	**Camper's Holiday**	**12/31/2012**	**6/5/2013**	**156**	**Formal Action**	
FL4064392	Kids Paradise	12/31/2011	4/26/2012	117	Formal Action	01/2012, 04/2012, 07/2012, 04/2014, 07/2014
FL4064392	Kids Paradise	3/31/2014	4/24/2014	24	Formal Action	
FL4060402	**Everglades Holiday Park**	**12/31/2009**	**3/23/2012**	**813**	**Formal Action**	**01/2010, 04/2010, 10/2011, 01/2012, 04/2012, 01/2013, 04/2013, 07/2013, 10/2013, 01/2014, 04/2014**
FL4060402	**Everglades Holiday Park**	**3/31/2013**	**3/13/2013**	**-18**	**Formal Action**	
FL4061517	Royal Utility Company	3/31/2011	10/20/2010	-162	RTC	04/2011, 07/2013, 10/2013, 01/2014
FL4061517	Royal Utility Company	6/30/2013	2/12/2013	-138	Formal Action	
FL4131403	**Americana Village**	**3/31/2010**	**8/28/2012**	**881**	**RTC**	**04/2010, 07/2010, 10/2010, 01/2011, 04/2011, 07/2011, 10/2011, 01/2012, 04/2012, 07/2012, 10/2012, 01/2013, 04/2013, 07/2013**
FL4130833	Jones Trailer Park	12/31/2009	9/30/2011	638	RTC	01/2010, 04/2010, 07/2010, 01/2011, 04/2011, 07/2011, 10/2011, 01/2012, 01/2013
FL4130833	Jones Trailer Park	12/31/2011	10/3/2012	277	RTC	
Average Days Between ETT and Settlement				**253.07**		

Note: Some of the systems had multiple dates evaluated because they were bouncing on and off the ETT Priority List

For the evaluated systems, only two (for all the specified appearances on the ETT List as a priority system) met the 2-quarter timeliness goal established in the EPA ERP, 3 of the 8 met the goal for one of the appearances on the ETT list but not for all of the appearances, 6 of the 8 did not meet the goal for one or more of the appearances the system had on the ETT List as a priority system. On average for the identified systems (including those with multiple appearances as a priority system on the ETT List), the days between appearing on the ETT list as a priority and settlement of the violations was 253 days. This is in excess of the 2-quarter timeliness goal.

Also, in evaluation of the data above, there is an indication that formal actions and/or return to compliance data is not consistently being entered timely so that the ETT scores accurately depict the compliance and enforcement history. Therefore, some of the systems above, remained on the ETT list as priority systems multiple quarters after the resolving action had been issued.

During the file review, it was discovered that in 2 of the 8 files, enforcement actions were initiated but never completed and there was no explanation in the documents provided that explained why the action was not pursued. This was especially important information since both of those systems had been identified as priority systems for multiple consecutive quarters without returning to compliance or having a formal action issued.

The *DEP Enforcement Manual,* developed jointly by the Secretary, Deputy Secretary, and Assistant Deputy Secretary of Regulatory Programs, is periodically revised as necessary. The latest revisions occurred in September 2013 and October 2014 for the chapters addressing compliance and enforcement processes. The manual describes FDEP's enforcement organization, compliance options, enforcement options, inspections and investigations protocol, administrative process and remedies, judicial process and remedies, litigation procedures, data management, and penalty policies. Overall, the *DEP Enforcement Manual* is a thorough document which is provided to all District offices and authorized FDOH offices. However, when compared to the EPA ERP, it was determined that the *DEP Enforcement Manual* was not consistent with the EPA ERP in that it did not define an expectation of timely and appropriate enforcement. The *DEP Enforcement Manual* had no clear expectation and/or goal for timelines associated with issuing formal enforcement for systems that are identified as priority on the ETT nor for systems with acute, health-based violations. During the interviews and file reviews, it was determined that the goals of issuing formal enforcement varied between the offices evaluated. The Southwest District office indicated that they were given some established guidelines on the expectations of timely and appropriate enforcement in the annual *SWD Business Plans*. However, both FDOH offices (Broward County DOH and Miami-Dade DOH), indicated that there were no set timelines provided by the Division for issuance of formal enforcement or returning the system compliance. Each of the FDOH offices had established goals/expectations for timely and appropriate enforcement on their own. In Broward County, for example, the written expectation for each employee is that enforcement actions start within five days of discovering any violation. In addition, actions commence immediately upon discovery of cases where public health may potentially be at risk.

Staff in the Division, Districts, and FDOH offices are provided with training on the *DEP Enforcement Manual* and *923 Directive*.

In February of 2013, the Division instituted a Peer Review Process. This Peer Review Process establishes that prior to the issuance of formal enforcement by the District offices, a Peer Review Recommendation Memo must be sent to the Division. The Division then reviews the Peer Review Recommendation Memo to determine if formal enforcement is appropriate, ensure that penalties are consistently calculated across all District offices, and ensure that all regulations and violations are appropriately and consistently included in the enforcement. This process was established to ensure a consistent and equally applied approach to enforcement across all District offices. This approach is not applied to the FDOH offices, who independently establish their

enforcement activities within the confines of the Interagency Agreement and the *DEP Enforcement Manual*.

The Southwest District office and Broward DOH office have both implemented a strategy of sending reminders to the systems of their monitoring responsibilities and timelines. The reminders are sent out to the systems at a minimum of annually and in some cases monthly or quarterly as well. These activities were implemented to decrease instances of monitoring and reporting violations. The Miami-Dade DOH office has also implemented a program that aides in decreasing monitoring and reporting violations, by conducting sampling for the small systems and as well as for the transient non-community systems and a few community systems. These sampling efforts are being done through a State laboratory in Miami.

Recommendations

Update the *DEP Enforcement Manual* or provide official written guidance to all offices of the following:

- The expectation to address those systems identified as priority systems on the ETT list within 2 quarters of appearance on the list, either by returning the system to compliance or issuing formal and enforceable enforcement as well as to act immediately on acute, health-based violations and subsequently confirm that systems with such violations return to compliance. This would help to ensure that the State is consistent with the EPA ERP, the State's PWSS Grant Workplan, and that the State is consistently implementing the compliance and enforcement program throughout all of the Districts and authorized programs.

- The expectation that the date that is being used as the date of enforcement action, which is entered into the Potable Water System (PWS) Database and ultimately into SDWIS, is consistently the same date across all Districts and authorized programs. Note: The date the proposed order is sent/signed, the date of receipt of the proposed order, and the date of signature by the respondent should not be used as the date of enforcement for reporting purposes. These dates are not indicative of an effective order.

Efforts should be made to ensure that data submitted to SDWIS is timely, enforcement action dates are accurately and consistently entered, all violations are identified and submitted to SDWIS, and that all violations are accurately linked to the appropriate enforcement mechanisms. The Division should develop and implement revised procedures to ensure accurate reporting of enforcement and compliance information into SDWIS.

Records should be maintained in the file that denote any and all decisions made with regard to enforcement actions, such as if there is a change from the proposed document or a decision to not pursue the enforcement action initiated.

The Division should continue with the Peer Review Process initiated to ensure consistency of the enforcement activities across District offices, and evaluate whether the process should be

expanded to require that all formal actions, including those where both parties are in complete agreement, are submitted to the Division for review.

Internal State coordination between FDEP and FDOH on the drinking water program

Background

Program coordination was selected as a priority review topic due to the number of separate offices that implement Florida's PWSS program and the significant impacts that a 2012 FDEP reorganization had on many of these offices. A first goal of the review is to better understand what kinds of coordination activities occur between offices and how these activities impact PWSS program implementation. A second goal is to determine how the 2012 reorganization altered previous coordination tools and pathways and describe Florida's efforts to adjust to those changes.

As described in the Overview section of this report, Florida implements the PWSS program through multiple offices, each of which handles specified duties for a designated portion of the State. The Division manages Florida's overall primacy program and develops and maintains many of the resources used by six District offices and eight delegated FDOH offices. District and FDOH offices have autonomy to implement the program at the individual system level, but must conduct activities consistent with the Division rules, policy and guidance and communicate accomplishments and issues to the Division. The Division and District offices both report to FDEP's Deputy Secretary for Regulatory Programs. The 2012 reorganization redefined the FDEP's leadership structure and redistributed staff in the Division and some District offices in several ways, as described in the overview section of this report. FDOH offices were unaffected by the reorganization.

Florida's assignment of PWSS program duties to multiple offices and agencies allows the State to leverage significant additional resources and expertise. However, good communication and collaboration is needed to ensure effective, consistent operation of this decentralized program. The overall objective of this review is to ensure that effective mechanisms for ensuring good program coordination remain in place, and to document any particular strengths or weaknesses that require further consideration.

Priority Evaluation Method

Region 4 used a combination of document reviews and personnel interviews to understand past and present coordination activities in Florida and evaluate how well those activities support Florida's overall PWSS program implementation. The documents and information reviewed were obtained from EPA Region 4 files, Division files and the Division's SDWP website (http://www.dep.state.fl.us/water/drinkingwater/). Of these, the following documents provided information on Florida's internal and external program coordination activities:

- FDEP responses to EPA Region 4's PWSS Priority Review Background Questions
- FDEP's 2014 Operator Certification Program Annual Submittal
- FDEP's FY13 Annual Capacity Development Program Implementation Report

- FDEP's 2014 triennial report to the governor on "Florida's Strategy to Improve Public Water Supply"
- FDEP PWSS Program Review Reports for 2013-2014 program evaluations of FDEP District and FDOH county field offices
- Issues of the Floridan newsletter
- Information available to public water systems on the SDWP website

The Division also provided EPA Region 4 staff with a walk-through of the information and data management tools available on the Division's internal PWS Application during this review. These tools are accessible to all District and FDOH offices.

To obtain a range of perspectives on coordination activities, EPA Region 4 visited multiple offices that together represent a cross-section of PWSS program components. These included the Division office, the Southwest District office and FDOH offices in Broward and Miami-Dade counties. FDOH headquarters staff and Southeast District staff also participated in FDOH office visits. EPA Region 4 interviewed multiple staff at varying levels of responsibility in each office. The names of program managers and technical staff interviewed in each office were obtained from FDEP in advance. EPA Region 4 developed a comprehensive list of questions on internal, inter-office and external (i.e. outreach) coordination, and selected appropriate questions from this list for each interviewee, depending on that person's responsibilities. Program Coordination interviews were conducted with groups of employees, as this approach allowed office staff to provide a more complete description of program interaction and also allowed EPA Region 4 to better observe the dynamics of each office.

Key Observations

To achieve successful program coordination, program components must be organized in a way that allows them to work together effectively to achieve overall program goals. Florida has used many methods to facilitate effective program coordination across all offices. During interviews, staff noted the following existing and historical tools:

Existing Tools:

1) Regular internal office staff meetings
2) Monthly communication calls between the Division and all District-FDOH offices to introduce new policy and regulations
3) Regular comprehensive program evaluations are performed by the Division of District offices (triennially) and by the Division, FDOH HQ and District staff of FDOH offices (annually)
4) One-on-one communication between District liaisons/experts and FDOH office staff
5) Internal PWS communications website - repository for SDWP information, including current announcements, guidance, available training, webcasts, powerpoint presentations and historical meeting minutes; maintained by the Division
6) Internal PWS database – standardized data entry tools facilitate data reporting/retrieval and compliance determination by staff; developed and updated by the Division to address changing requirements and user needs

7) Technical assistance from Florida Rural Waters Association (FRWA) – a Division-managed contract that provides assistance to small systems and conducts FRWA training sessions on many topics, including full day "Focus on Change" Seminars

Previous Tools:

1) Quarterly Permitting, Compliance and Enforcement (PCE) Meetings – means of informally sharing policy and implementation issues between Division and FDEP-FDOH offices
2) Annual PWSS Conference – face-to-face meeting of Division and all FDEP-FDOH office staff that provided information on program policies and issues, rule training and valuable discussion of specific questions, concerns and needs.
3) Quarterly meetings between each District liaison and delegated FDOH offices located within that District. EPA Region 4 believes there is still an expectation for these meeting to occur, but it appears that currently the meetings occur infrequently and only in some Districts.

Some offices emphasized that internal staff levels are minimally adequate to implement the assigned program workload. Water system-to-professional staff ratios across FDEP and FDOH offices range from 9:1 to 110:1, and staff turnover have reduced drinking water program expertise in some offices more than others. Administrators work closely with their staff to coordinate individual responsibilities in ways that build employee job satisfaction while maximizing output and work quality. One office recognized efficiencies by assigning individual staff both compliance and permitting duties in order to develop more holistic program knowledge. Another office supported employee skills development by devising a detailed training program that included both classroom and on-the-job shadowing. The assignment of job duties commensurate with skill level improved work product and employee satisfaction. Several offices strove to reduce the number of compliance issues by annually notifying systems of required upcoming monitoring activities. One office also achieved greater compliance levels by having staff conduct required monitoring for most small systems.

Many administrators stated that their programs achieve much more by leveraging resources available from the Division and other offices. Leveraging occurs in many ways, including meetings, training and the use of common tools to manage and share SDWP data and information.

The PWSS program conducts various meetings and calls on a regular basis. Monthly 1-2 hour calls coordinated by the Division provide regular updates on pertinent program issues, but are limited in scope. District liaisons noted that they continue to share expertise and have good interaction with staff in FDOH offices, but these discussions are also limited, and some District offices have lost technical expertise. Conference calls and informal information sharing also occur between some District and FDOH offices. However, the regularity and strength of these exchanges varies widely. Lengthier face-to-face meetings (such as the annual PWSS conference and quarterly PCE meetings) have historically provided the most valuable opportunities for education and exchange among office staff. These meetings have included presentations on regulations, technical issues, policy, guidance and data management tools. They also provided

time for face-to-face discussions among staff with varied backgrounds and expertise. Quarterly PCE meetings sometimes facilitated the scheduling of follow-up meetings. For example, some Districts followed quarterly PCE meetings with meetings with their delegated FDOH offices, allowing continued discussions on some PCE meeting topics or introduce other discussion topics of concern. The information exchanged in all of these meetings often facilitated faster, more comprehensive, consistent resolution of specific PWSS program concerns.

The Division conducts regular program reviews of each District and FDOH office. Program Review reports provide a consistent, in-depth assessment of 8 key program components across all 14 offices, as shown in Table 3 on the following page.

The relative weighting that the Division assigns to each of the 8 components is shown in the first row of this table. Individual cells display the percentage of total points which each office received for each component during the most recent 2013-2014 program evaluations. The results show that all offices successfully implement Data/File Management and Permit/Plan Review program components. Most offices also successfully implement Compliance, Enforcement and Sanitary Survey/Compliance Inspection program components. However, the basis for bonus points awarded for certain additional activities within these components, which often contribute to elevated scores, is somewhat unclear. Scores for the remaining three program components (Organization/Staffing/Resources, DEP Coordination/Assistance and Training) were more variable, with some offices receiving significantly lower scores. For the Organization/Staffing/Resources program component, three offices received less than 90%, and an additional two offices received less than 92%, of the total possible points. Offices generally received point reductions for having a higher ratio of public water systems to professional staff. However, all offices received the maximum allowable points for their response to the question: "Is the current staffing adequate to cover required workload?". These observations suggest that additional information is needed to better evaluate the adequacy of current office staffing/resource levels. For the DEP Coordination/Assistance component, four offices received 90% or less of total possible points. Point reductions were generally received due to lack of scanning capabilities for purposes of generating electronic files. Most questions required only "yes/no" responses, and the scoring system did not consider the more detailed comments provided by offices. Reconsideration of the kind of information needed to assess this component may be helpful. For the Training component, four offices received less than 85%, and an additional three offices received less than 92%, of total possible points. Point reductions were based on failure of staff to complete one or more of the identified core training courses, or lack of a written office training plan. These scores suggest that many offices do not have access to all needed training. The Division's basis for updating the list of needed courses is also unclear. EPA Region 4 believes this portion of FDEP's program evaluation is inadequate to fully assess training needs.

Table 3.

Summary of 2013-2014 FDEP Program Evaluation Results for 6 FDEP District and 8 DOH County Offices

Sum of Score (as % of PE Weight) Row Labels	Column Labels 1_Organization/ Staffing/ Resources	2_Data/File Management	3_Compliance	4_Enforcement	5_Sanitary Survey/ Compliance Inspections	6_Permit/Plan Reviews	7_DEP Coordination/ Assistance Activities	8_Training	9_Overall Score
1_PE Weight(%)	5.00	25.00	15.00	15.00	15.00	15.00	5.00	5.00	100
A_Central	91.60	94.96	100.00	100.00	93.60	100.00	100.00	100.00	97.36
A_NE	[illegible]	84.52	105.27	105.87	90.40	98.00	100.00	91.60	94.08
A_NW	100.00	97.36	100.00	105.87	100.00	97.93	100.00	91.60	99.49
A_SE	102.00	95.28	84.20	105.87	97.33	101.07	100.00	100.00	97.2
A_South	102.00	90.76	100.00	105.87	103.60	101.00	100.00	75.00	98.12
A_SW	94.80	97.96	100.00	105.87	102.60	97.87	100.00	83.40	99.36
C_Broward	102.00	95.20	107.13	105.87	102.33	95.87	100.00	100.00	100.59
C_Hillsborough	[illegible]	99.60	100.00	100.00	106.47	92.80	100.00	100.00	98.33
C_Lee	91.60	97.12	100.00	105.87	100.00	93.73	90.00	100.00	98.31
C_Miami-Dade	96.80	95.24	100.00	105.87	96.40	93.93	90.00	100.00	97.58
C_Palm Beach	102.00	93.36	105.87	105.87	[illegible]	96.87	80.00	100.00	99.76
C_Polk	89.60	96.48	[illegible]	100.00	102.73	100.00	100.00	83.40	99.25
C_Sarasota	91.60	97.08	100.00	105.87	[illegible]	86.47	90.00	75.00	97.04
C_Volusia	102.00	95.12	[illegible]	76.47	96.27	93.60	100.00	91.60	94.49

LOW 100% HIGH

Staff interviews conducted during this Priority Review provided information on how Florida currently identifies and addresses training needs. While training needs are a clear priority, the resources to address those needs are often limited. In order to justify training, the Division and District offices each prepare comprehensive annual training plans. Some FDOH offices prepare office training plans, and many notify District offices of additional training needs on an ad-hoc basis. In response to identified needs, the Division develops some training courses and makes these available to all offices. Division training generally focuses on rule implementation or database usage. District and FDOH offices conduct varied amounts of duty-specific training internally and access external training sources as resources allow.

Florida's PWSS program does not currently appear to have a clear means for tracking and addressing training needs on a program-wide basis. Staff in multiple offices identified the need for training on: use of PWS Application tools, information on DBP formation and treatment, DBP Stage 2 implementation, technical knowledge that allows staff to tie rules together and optimize overall system compliance, and State enforcement policies. These responses suggest that the PWSS program could realize some efficiencies by implementing more seamless, universal communication of training needs and resources. Several offices stated that they are in the process of re-tooling existing training plans, to adjust for changing duties and priorities that resulted from the 2012 reorganization. This re-tooling period may provide an opportunity for Florida to revisit the way in which it identifies and addresses training needs on a program-wide basis.

A primary goal of the 2012 reorganization was to recognize efficiencies and achieve greater Statewide consistency by realigning staff in the Division and some District offices. The changes implemented were initially disruptive, as they altered established communication pathways and sometimes significantly revised staff workload. However, during interviews, staff provided evidence that re-tooling of the organization aimed at improving overall program coordination is now occurring on several fronts. The Division is re-examining training plans and the value of regular, lengthier face-to-face meetings. The Division continues to revisit strategies for maintaining timely access to critical information technology resources. Given the realignment of compliance staff and the revision of some enforcement guidance, the Division has also recognized the importance of clarifying the enforcement process to all offices. Districts clearly desire autonomy to implement enforcement/compliance issues; however, they are also striving to exchange information and expertise with other Districts, and expressed a desire for clearer guidance from the Division on some issues. District offices that were more heavily impacted by the reorganization continue to re-calibrate their programs to ensure effective public water system oversight.

Resources which were unchanged through the 2012 reorganization contributed considerably to the continued strength of Florida's PWSS program. These resources include FDOH-HQ and FDOH offices, the continued use of 14 geographically-targeted District and FDOH offices to maintain close working relationships with public water systems operators, the technical support contract with FRWA, and the Division's continued maintenance of several tools for managing data and information essential to the PWSS program.

Recommendations

The 2012 reorganization refocused Florida's PWSS program on the critical goals of strengthening overall program consistency, and renewing focus on timely accomplishment of program priorities (such as the prevention and resolution of health-based violations). The associated reorganization of staff and resources disrupted many valuable coordination pathways that existed under the old organization. Some expertise was also lost during the reorganization. The re-tooling period that is now occurring is critical to ensuring that Florida maintains and establishes communication pathways and tools that will allow them to best accomplish the priorities of the PWSS program under the new organization. Based on information gathered during this priority review, the following program coordination-related activities are recommended as key to strengthening Florida's PWSS program.

Regular, established communications have historically provided the Division, District and FDOH offices with some of the most valuable ways to leverage the expertise and resources available in the many offices that comprise Florida's PWSS program. Interviewed staff unanimously stated that regular face-to-face meetings (such as the annual FDEP PWS conference and quarterly PCE meetings) were the most valuable tools, as these provided the broadest exchange of PWSS program and technical information to the greatest number of staff. Reinstatement of these meetings would strengthen staff knowledge and promote rebuilding of communication pathways. Continued strengthening of regular communication pathways between District offices would increase the exchange of information and expertise relevant to direct oversight of public water system facilities. Increased District expertise could also be leveraged by FDOH offices.

EPA Region 4 recommends FDEP lead a Statewide assessment of technical and programmatic training needs of all offices given the number of new drinking water regulations and new staff to the program. A re-tooling of Florida's training program that allows PWSS program offices to better identify and address training needs would be helpful.

Individual offices provide various levels of internal training, but this could be supplemented with the resources and expertise available from other offices across the State. Reinstatement of the face-to-face meetings noted earlier would provide an efficient means for providing broadly-needed training, such as guidance on program enforcement tools and priorities as well as provide a meaningful opportunity for offices to share training plans (such as the training program being developed by the SW District).

Some re-tooling of the FDEP's standard program evaluation template may increase the usefulness of program evaluation results. These regular program evaluations of District and FDOH offices provide an excellent tool for consistently evaluating key components of Florida's PWSS program. However, for some components, the information collected does not clearly explain the basis for differing, or lower, scores among offices. This observation primarily applies to components that do not include reviews of specific public water systems (i.e. Organization/Staffing/Resources, DEP Coordination/Assistance and Training components). Questions and scoring mechanisms used for these components could be re-examined and modified to better characterize office strengths or deficiencies. For example, the Division might

develop a standard process for updating core training courses to reflect changing program priorities and individual office needs.

Florida's PWSS program may strengthen external coordination though increased participation by local office level in EPA's Area Wide Optimization Program (AWOP) program. This participation would allow office staff to better evaluate and assist surface water systems in optimizing treatment goals and enhancing microbial and disinfection byproduct control. The technical expertise gained could also be shared with other offices.

Local District and FDOH offices are encouraged to make use of the OCULUS and Permitting Application document management systems, particularly in an effort to coordinate compliance and permitting activities.

Disinfection Byproduct Rules Implementation

Background

DBP Rules Implementation was selected as a priority for review based on an analysis of State-wide violation data by specific contaminant group. Other than total coliform MCL violations, DBP MCL violations represented the greatest number of health-based violations for water systems in Florida over the past five years. Many water sources in Florida have high quantities of naturally occurring organic matter. When the water with high levels of organics is disinfected with chlorine, high levels of disinfection byproducts can form. Levels of many DBPs increase with water age in finished water storage tanks and distribution systems. Treatment strategies for DBPs can include adjustments to treatment systems (examples: removal of organics prior to disinfection, change of disinfectant, pH adjustment, or removal of DBPs after formation, etc.) or changes to operations of distribution systems (examples: adjustments to storage tank levels or fill/draw cycles, flushing practices, elimination of "dead ends" in distribution lines, etc.).

Over the past few years states and water systems have been transitioning from monitoring requirements associated with the Stage 1 Disinfectants and Disinfection Byproduct Rule to the Stage 2 DBP Rule. Some of the key changes include the number, frequency and locations of routine monitoring, inclusion of consecutive water systems to rule requirements, and how compliance is calculated based on locational running annual averages. The transition from the Stage 1 to Stage 2 Rule involved a period of time when EPA Region 4 was implementing aspects of rule focused on identifying potential new monitoring locations. These early implementation activities were a result of the regulatory timeline beginning before states were required to have the rule adopted. As a result, FDEP and FDOH field staff played a limited role in training and implementation associated with monitoring site selection. FRWA did provide a significant amount of outreach to water systems during this time. Florida had adopted the Stage 2 Rule by the time routine monitoring requirements began and worked with water systems to finalize monitoring plans.

Priority Evaluation Method

Region 4 utilized a combination of data analysis, personnel interviews and onsite file reviews to evaluate strengths and needs associated with Florida's implementation of the DBP Rules. Data analysis include reviews of DBP monitoring results from Florida's PWS Database and DBP violation data available from EPA's SDWIS data system. Interview questions were used to determine strategies utilized to affect system compliance, understand expertise levels and resource demands for staff and management, and to gage consistency in implementing the regulations and guidance associated with the DBP Rules. File reviews included a review of information used to develop system monitoring plans, an evaluation of system monitoring data to ensure monitoring was done in accordance with the plan, and a review of compliance determinations based on the analytical results. A complete list of the files reviewed is provided in Appendix A.

Key Observations

Most health-based violations for chemical monitoring in Florida are associated with DBPs.

Review of DBP monitoring results from the PWS Database identified a significant number of questionable values of "0" for TTHM and HAA5 analytical results, often at systems/locations that had previous and subsequent high levels. While some amount of fluctuation of results is expected, systems with detected levels greater than ½ of the MCL typically do not have fluctuations that would result in associated non-detect levels.

Staff determine compliance manually based on review of monitoring results as the Stage 2 module of the PWS Database was not yet available at the time of the review. The module has since been completed. Errors were identified in both water system reporting and State compliance determination including:

- Incorrectly calculating the locational running annual average of monitoring results
- Water system not monitoring in correct months
- Failure of systems to submit Operational Evaluation Reports when required
- Changes in monitoring locations without justifications

Staff have had training on DBP rule compliance. However, very few staff indicated they had much, if any, training related to DBP formation and/or treatment.

Reviewers found recommendations to water systems on flushing strategies that are not supported by EPA and will result in masking ongoing health risks to water system customers.

Some offices have made efforts to integrate compliance and permitting activities to ensure DBP compliance is considered in project review and the potential need for DBP monitoring plan changes based on relevant water system infrastructure changes. Efforts range from having the same staff perform both engineering review/permitting and compliance determination, to developing a liaison responsibility between permitting and compliance office staff.

Recommendations

There is a need for District and FDOH county staff to re-evaluate DBP monitoring locations identified in Stage 2 Monitoring Plans. FDEP and FDOH should consider enhancing the review of distribution systems during sanitary surveys to include an evaluation of DBP monitoring locations. Considerations for enhancing the sanitary survey include:

- Checking disinfectant residual levels (and pH when available) to assess water quality at areas of high probable water age relative to approved DBP compliance monitoring locations.
- Reviewing flushing practices to determine if water systems are using practices to improve water quality system-wide or just at compliance locations.
- Visit the DBP monitoring locations to identify any changes (e.g. installation of auto-flushing device) that may give reason to modify the monitoring plan.
- Evaluate the appropriateness of changing one monitoring location to Point of Entry for consecutive systems based on the number of monitoring locations and associated baseline data already collected. POE data can be valuable for coordination between wholesale and consecutive water systems.

Provide technical training to staff on how to limit DBP levels in water systems through improved distribution system operation practices. The AWOP implemented in Region 4 has been used by several states to provide training to water system personnel on DBP compliance strategies that minimize the need for costly infrastructure and to develop the staff expertise to perform the enhanced sanitary survey practices outlined above. Due to the low number of surface water systems in the State, FDEP has minimally participated in EPA's AWOP. With the network's significant change in focus to disinfection byproducts, FDEP should engage all Districts and counties with opportunities to participate in AWOP.

The Division should investigate the number of "0" monitoring results to determine if there are any obvious laboratory or data entry errors, or any trends that would raise question as to the integrity of the results.

The Division should continue to prioritize development of the PWS Database to facilitate implementation tasks for inspectors and compliance officers.

Data Management

Background

One of the required functions of delegated PWSS Programs is to maintain a data management system for tracking compliance, enforcement actions and public water system inventory. The Division's database for the drinking water program is the Oracle-based PWS Database. Reports are produced in Active Server Pages. Data are transmitted to SDWIS/Fed via an Extensible Markup Language file created from extrapolated data. Data are reported quarterly, including inventory, samples and violations and enforcement updates.

Automated compliance determinations for TCR, GWR, Phase II/IV, RAD, CCR, Turbidity and Stage 2 DBPs (just recently, in time to evaluate 1st Q 2015) are performed by the PWS Database nightly and verified by the District and FDOH county offices. All violations are posted automatically but can be over-ruled by the point person in each office. All other compliance determinations are entered manually within the individual offices, as are all violation letters and enforcement actions.

FDEP uses the SDWIS/Fed error reports to correct errors but finds that the ".pdf" format is not useful. That format is too difficult to mark up and data cannot be sorted. FDEP would greatly prefer data in Excel spreadsheets.

Key Observations

The Division has developed and maintains several effective tools for entering and accessing PWSS data and reports including:

PWS Database – In addition to tracking lab samples, the PWS Database tracks inventory, permit compliance/enforcement, monthly operations, inspections and complaints. The PWS Database includes reports for staff, but also posts five reports to the public FDEP website that are further divided by year or geographic area. Basic Facility Reports, Flow Data and Plant Treatment Data files are updated quarterly. Chemical Data and Microbiological Data files are updated annually in March. Reports provide information on sample results, average/max monthly flows, types of water treatment, the type of system, address, capacity, sources of water, population and service connections served, dates the Department performed the last sanitary survey, and the dates the last bacteriological and inorganic/organic contaminant testing was performed.

PA (Permitting Application) System – database that tracks the permit application process to ensure statutory time clocks are met.

OCULUS – an electronic, web-based document management system that allows the public and staff to search and review permitting documents, lab reports, inspections, etc. within DEP and at two of eight FDOH offices.

FDEP-DW standardized PDF/Word data/information entry forms - for use by public water systems and laboratories to document: (1) Permitting/Construction/O&M activities (Chapter 62-555.900 F.A.C.) and (2) reporting results for required test measurements or analyses (Chapter 62-550.730 F.A.C.). Users may generate computer-generated versions of same (see http://www.dep.state.fl.us/water/drinkingwater/forms.htm).

NEXUS – user-friendly information portal for retrieving documents from OCULUS archival database.

PASS (Permit Application Subscription Service) System - Allows user to receive automated, customized notification of permit application status (e.g by application types, geographic area, etc.)

Data entry and compliance determination tools available through the PWS Database provide staff in all offices with a rapid, reliable, consistent way to upload system monitoring data and accurately calculate compliance. The value of this tool was readily apparent during staff interviews, as staff unanimously emphasized the need for the Division's soon to be released DBP Stage 2 compliance determination tool.

Use of a State-developed tool also allows staff to more easily request helpful database changes. Simpler changes are implemented by Division staff, while more comprehensive changes are made by staff in OTIS. Requests to OTIS are sometimes delayed, as OTIS must prioritize database needs for multiple programs. The Division works to maintain the priority level of key PWS Database updates, but limited OTIS resources are an ongoing challenge.

The Division also maintains two web-based document tracking systems that allow staff and the public to obtain SDWP documents of interest. OCULUS houses copies of permitting, lab, inspection, operational and compliance/enforcement documents. The PA System allows the user to retrieve permit applications currently under review. While these systems may provide a valuable resource to inspectors and permit reviewers, it is unclear to what extent some offices use these systems. More comprehensive training on these systems may facilitate the exchange of information between permitting and compliance staff.

Recommendations

Florida's PWSS program should continue to implement a strong data and information management program that is available to all offices. The PWS Database addresses a critical need, providing a consistent suite of tools for data entry and compliance determination that can also be modified to address staff needs.

External Outreach

Background

In selecting topics for review, FDEP's compliance assistance outreach to public water systems was identified as a program strength. The review included a combination of document review and interviews of key staff and managers. With recent changes in drinking water regulations (Stage 2 DBP Rule, Ground Water Rule, Reduction of Lead in Drinking Water Act, Revised Total Coliform Rule), water systems are increasingly dependent on state agencies to provide the outreach necessary to explain the details of the rules and regulations that will ensure sector compliance and protection of public health.

FDEP and FDOH value a strong relationship with the regulated community and strive to ensure that, where possible, concerns are addressed through compliance assistance activities prior to water systems incurring a potential violation. Florida's drinking water program achieves outreach to water systems through site visits to water systems, training classes, contracts with technical assistance partners, and direct mailings to water systems and water system professionals.

Key Observations

FDEP and FDOH utilized a number of mechanisms to provide meaningful outreach activities to public water systems, including:

- Drinking Water Technical Assistance Program
- Contract with FRWA to provide training and operator certification
  - Focus on Change training seminars ~ 6 events/year
  - Water treatment plant operator certification ~16 events/year
  - Water distribution system certification training ~5 events/year
  - Water treatment plant operation and maintenance ~17 events/year
  - Electrical safety and generator set up ~ 1 event/year
  - Treatment technologies and conservation ~ 1 event/year
  - Emergency Response Plans ~ 0-1 event/year
  - Over 3,000 technical assistance site visits/year from Circuit Riders
- Limited Involvement in Area-Wide Optimization Program
- Operator Certification Program
- Floridian Newsletter
- Sanitary Surveys and other inspections

Florida's strong suite of outreach tools provide office staff with ways to enhance coordination with local public water system operators. The Division's Technical Assistance Program assists all offices in resolving technical, managerial and financial challenges of individual public water systems at no cost to those systems. The contracted services of FRWA are frequently used by smaller rural water systems. FRWA also provides training on various topics of interest to both system operators and FDEP and FDOH staff, including full-day sessions during the "Focus on Change" seminars which are held year-round at locations throughout the State. Available training sessions are listed on the FRWA website. The Division participates minimally in EPA's AWOP, and uses this program to more closely evaluate and assist the ability of surface water systems to optimize disinfection and filtration treatment goals and enhance microbial and disinfectant byproduct control. While participation has recently decreased, staff interviewed in some District and FDOH offices expressed interest in increasing participation in order to benefit public water systems while strengthening the expertise of office staff.

All offices expressed a need for greater technical training of inspectors, compliance, and permitting staff citing a concern with being able to adequately address simultaneous compliance concerns with water systems. Some entities expressed concern over a perceived loss of drinking water programmatic expertise within FDEP.

The Division offers a Sanitary Survey School annually to train newer FDEP and FDOH inspectors on not only the eight elements that are required by EPA when conducting a sanitary

survey, but also on operation and maintenance activities, as well as treatment theory and technologies.

Customer complaints made to the State are addressed in a timely and appropriate fashion. There was some uncertainty as to what FDOH laboratory support is available to District staff when responding to customer complaints.

Every office makes a concerted effort to send letters to each water system annually to provide minimum monitoring requirements to ensure water systems complete all required monitoring.

Recommendations

Florida should continue to implement a strong PWSS outreach program. FRWA contracted services and training sessions provide invaluable support to local offices in their efforts to assist public water system operators. Focus on Change seminars also provide opportunities for exchange between office staff and public water system operators, strengthening communications between these parties.

Consider exploring the appropriateness of addressing laboratory support for bacteriological monitoring in the interagency agreement between FDOH and FDEP. The support would be used when responding to customer complaints or in carrying out any special studies that would enhance the value of Department outreach for water systems.

EPA Region 4 believes District and FDOH county staff participation in the AWOP would facilitate improved outreach to water systems. In addition to new regulations, large turnover in drinking water staff, in some areas, has created a need for increased investment in drinking water program training. EPA Region 4 strongly encourages Districts and counties to interact more, through routine meetings and trainings, to discuss implementation challenges/successes so that expertise across the State is better leveraged to fill the knowledge gaps associated with new regulations and new program staff.

Appendix A

Florida Drinking Water Program Priority Review
File Review Summary

For the enforcement cases, EPA Region 4 reviewed all actions and associated non-compliance over the past 3 years (2012-14). The case files should contain all of the case development work (violations, initial correspondence, informal and formal actions, etc.) even if prior to 2012. Example: If an enforcement order was issued in 2012 for an arsenic violation in 2010, EPA Region 4 evaluated everything from 2010 up until the system returned to compliance.

For the DBP files, EPA Region 4 reviewed files for monitoring results, monitoring plans, documents used in developing/approving monitoring locations, correspondence related to monitoring location changes, and documents related to compliance assistance outreach.

Broward County DOH

Enforcement Case Files

FL4060402	Everglades Holiday Park
FL4061517	Royal Utility Company
FL4064392	Kids Paradise

Disinfection Byproduct Files

FL4060402	Everglades Holiday Park
FL4060254	City of Deerfield Beach

Miami-Dade County DOH

Enforcement Case Files

FL4131403	American Village
FL4130833	Jones' Trailer Park
FL4130970	City of North Bay Village

Disinfection Byproduct Files

FL4131403	American Village
FL4130871	MDWASA
FL4131531	Virginia Gardens
FL4131001	Opalocka

Tampa, SW District

Enforcement Case Files

FL6095083	Seven Rivers Professional Center
FL6272304	Camper's Holiday
FL6510807	Holiday Gardens Utility, Inc.

Disinfection Byproduct Files

FL6512033	PCUD Blanton Lake Park
FL6520336	Clearwater Water System
FL6521576	Safety Water
FL6277059	Hernando Co. Utility-West
FL6280049	City of Avon Park

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Armstrong, Kathy

From: Humphris, Allison
Sent: Monday, July 13, 2015 2:48 PM
To: Giattina, James; Allenbach, Becky; Campbell-Dunbar, Shawneille; Smith, Brian; Driskell, Amanda
Subject: RE: 2014 FL Priority Review Report Presentation

In preparation for this briefing, the following items are attached for your review/consideration: (1) summary of the R4 DWS Priority Review process, (2) summary of the 2014 Florida PWSS Priority Review, and (3) the final Priority Review Report that we will transmit to DEP.

Thanks, Allison

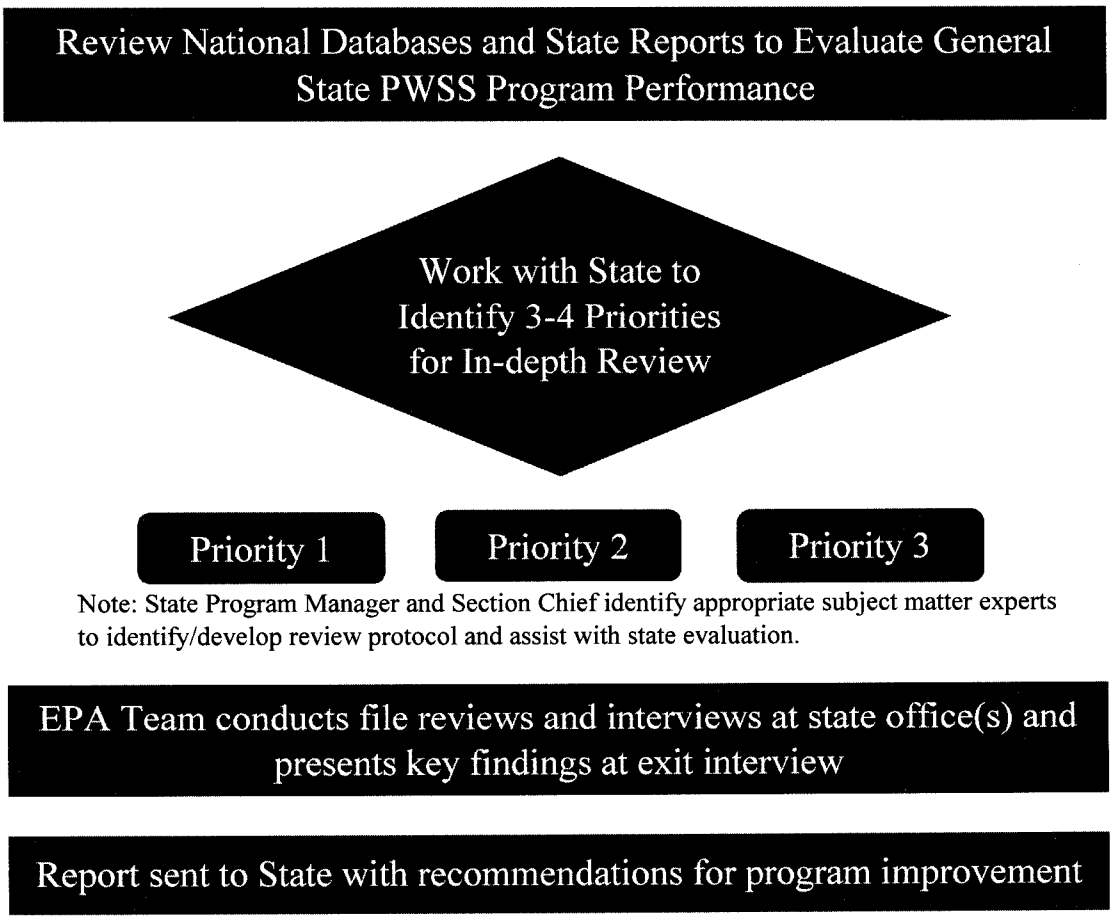
Priority Review overview.docx DDbriefing_FL-P... FIPriorityReview_...

-----Original Appointment-----
From: Giattina, James
Sent: Tuesday, June 30, 2015 2:37 PM
To: Giattina, James; Allenbach, Becky; Campbell-Dunbar, Shawneille; Humphris, Allison; Smith, Brian; Driskell, Amanda
Subject: 2014 FL Priority Review Report Presentation
When: Thursday, July 16, 2015 3:00 PM-4:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where: Conference Room 15C

Location has been added.

poc: Allison Humphries

EPA, Region 4 Drinking Water Section Priority Review Process Summary



The EPA, Region 4 DWS created a Priority Review process to facilitate state oversight of State PWSS Programs after HQs contract support for Data Verification (DV) audits was discontinued. The Priority Reviews utilize available state reports, program data and a standard question set to jointly identify, with each state, 3-4 priority areas for in-depth review. The Priority Review process is still resource intensive, but given limited resources as both EPA and the states, hopefully targets areas that are most in need of attention and likely to improve.

Priority Review vs. Data Verification	
Pros	Cons
• Better partnership between EPA and State • Identifies priorities for limited resources • Includes PWSS components not reviewed in DVs (enforcement, internal coordination, capacity development, etc.) • EPA staff cross-training and improved understanding of state program • Less travel $ required	• Does not evaluate data quality for each rule or overall program • Preparation is time intensive • Some staff not comfortable facilitating less prescriptive process • Does not result in product that is comparable between states

DECEMBER 2014 FLORIDA PWSS PRIORITY PROGRAM REVIEW

Initial preparation entailed review of several sources of data and information, including:

- Data available in SDWIS/Fed and reports previously submitted to EPA by DEP
- DEP responses to a standard list of Priority Review background questions
- PWS data and other PWSS program information on available on FDEP's website

and discussions with Florida to better understand their perspective and concerns, and determine how EPA can best assist their program.

Information gathered was used to identify the most effective areas for review.

IDENTIFY PRIORITY AREAS (Rules, Program Components, etc.)	
Critical Area not previously reviewed by EPA	Enforcement Activities
Program Areas potentially in need of improvement	Internal Program Coordination, DBP Rule Implementation
Program Areas that appear to be functioning well and are key to maintaining a strong PWSS program	Data Management, External Outreach

To prepare for the actual site visits R4 DWS staff developed protocols for conducting interviews & file reviews, identified appropriate DEP/DOH offices & staff to visit & provided participants with an overview of the PR process via teleconference.

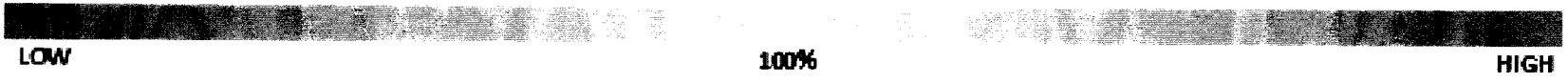
CONDUCT SITE VISIT
December 2014
FDEP-HQ, FDEP SW District, FDOH-Broward County, FDOH Miami-Dade County

(b)(5) Deliberative Process Privilege

[redacted]

Summary of 2013-2014 FDEP Program Evaluation Results for 6 FDEP District and 8 DOH County Offices

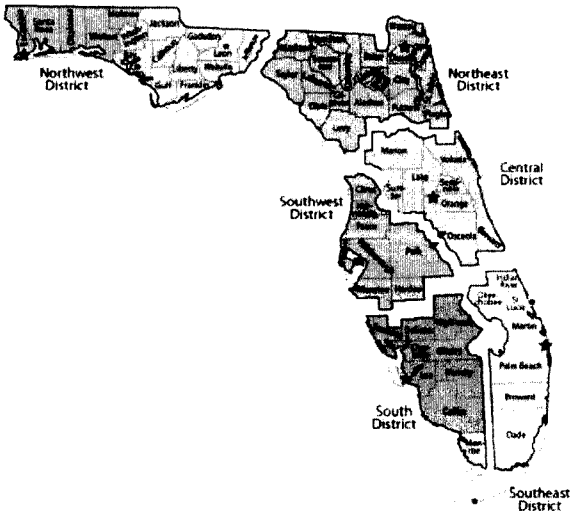
Sum of Score (as % of PE Weight) Row Labels	Column Labels 1_Organization/ Staffing/ Resources	2_Data/File Management	3_Compliance	4_Enforcement	5_Sanitary Survey/ Compliance Inspections	6_Permit/Plan Reviews	7_DEP Coordination/ Assistance Activities	8_Training	9_Overall Score
1_PE Weight(%)	5.00	25.00	15.00	15.00	15.00	15.00	5.00	5.00	100
A_Central	91.60	94.96	100.00	100.00	93.60	100.00	100.00	100.00	97.36
A_NE	[redacted]	84.52	105.27	[redacted]	90.40	98.00	100.00	91.60	94.08
A_NW	100.00	97.36	100.00	[redacted]	100.00	97.93	100.00	91.60	99.49
A_SE	102.00	95.28	84.20	[redacted]	97.33	101.07	100.00	100.00	97.2
A_South	102.00	90.76	100.00	[redacted]	103.60	101.00	100.00	[redacted]	98.12
A_SW	94.80	97.96	100.00	[redacted]	102.60	97.87	100.00	83.40	99.36
C_Broward	102.00	95.20	[redacted]	[redacted]	102.33	95.87	100.00	100.00	100.59
C_Hillsborough	[redacted]	99.60	100.00	100.00	[redacted]	92.80	100.00	100.00	98.33
C_Lee	91.60	97.12	100.00	[redacted]	100.00	93.73	90.00	100.00	98.31
C_Miami-Dade	96.80	95.24	100.00	[redacted]	96.40	93.93	90.00	100.00	97.58
C_Palm Beach	102.00	93.36	[redacted]	[redacted]	[redacted]	96.87	[redacted]	100.00	99.76
C_Polk	89.60	96.48	[redacted]	100.00	102.73	100.00	100.00	83.40	99.25
C_Sarasota	91.60	97.08	100.00	[redacted]	[redacted]	86.47	90.00	[redacted]	97.04
C_Volusia	102.00	95.12	[redacted]	[redacted]	96.27	93.60	100.00	91.60	94.49



PRIORITY REVIEW

OF THE PUBLIC WATER SYSTEM SUPERVISION PROGRAM FOR THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

FINAL REPORT



Prepared by the
Environmental Protection Agency, Region 4
Drinking Water Section, Water Protection Division

June 24, 2015

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Appendix A - Florida Drinking Water Program Priority Review – File Review Summary

(b)(5) Deliberative Process Privilege

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(b)(5) Deliberative Process Privilege

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(b)(5) Deliberative Process Privilege

[redacted]

INTRODUCTION

The U.S Environmental Protection Agency Region 4 Drinking Water Section (EPA Region 4) developed a protocol, called a Priority Review, for assessing the existing resources, needs and successes of selected priority areas within state Public Water System Supervision (PWSS) Programs based on in-depth review of those areas. The Priority Review complements EPA's Data Verifications that historically reviewed state data associated with each rule in the National Primary Drinking Water Regulations. The new approach is intended to be transparent and targeted in assessing a few priority focus areas identified in a collaborative effort between the state and EPA Region 4. The following priority areas of focus have been identified for Florida:

1. Enforcement of drinking water regulations
2. Internal State coordination between FDEP and FDOH on the drinking water program
3. Disinfection Byproduct (DBP) Rules implementation
4. Data Management, and
5. External outreach

EPA Region 4 used three basic methods to obtain information: (1) identification and review of key documents and tools used by Florida to implement their PWSS program (e.g. guidance, websites, internal review protocols, databases, file management systems, reports, etc.), (2) interviews with managers and staff, and (3) review of individual system files. For the third method, EPA Region 4 selected systems for the review that were likely to provide a good understanding of Florida's approach to addressing more challenging and problematic situations.

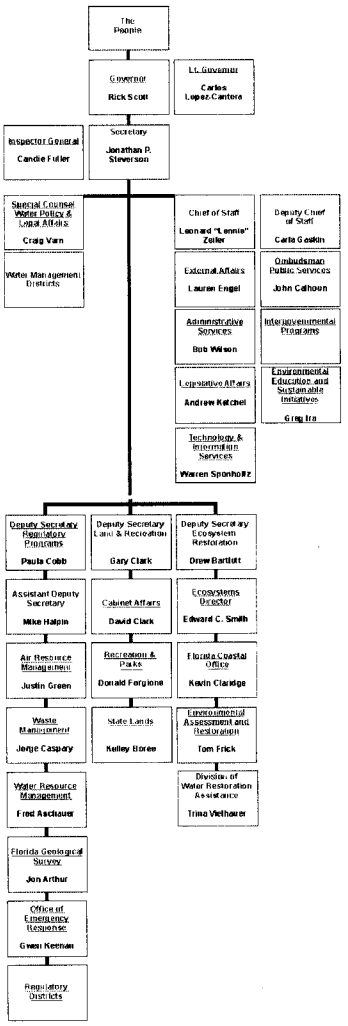
OVERVIEW OF FLORIDA'S PWSS PROGRAM

EPA gives flexibility to state primacy agencies for required PWSS program activities. In Florida, PWSS implementation activities are spread over a decentralized organizational structure. FDEP has the primary role of regulating public water systems in Florida. The Source and Drinking Water Program (SDWP) located in the FDEP's Division of Water Resource Management in

Tallahassee (the Division) is responsible for writing rules, developing policy, managing funds, providing training and managing special initiatives. The Water Compliance Assurance Program (WCAP), also located in the Division, is responsible for oversight, tracking and reporting of enforcement and compliance activities and data management. The enforcement of rules and permitting of new construction for individual public water systems is handled by six FDEP District offices. In eight Florida counties, FDEP has delegated this enforcement and permitting authority to local approved FDOH county health departments through an Interagency Agreement. FDEP has also delegated laboratory certification to the FDOH Laboratory in Jacksonville.

FDEP environmental programs are divided into three main areas, one of which is Regulatory Programs (Figure 1). The Deputy Secretary for Regulatory Programs provides oversight and direction to four regulatory divisions, including the Division of Water Resource Management, and six regulatory District offices.

Figure 1. FDEP Organizational Structure (last updated April 6, 2015)



The SDWP and WCAP programs report to the Division Director, while the Regulatory District offices report directly to the Deputy Secretary for Regulatory Programs. Following is a complete list and description of all programs which contribute to FDEP's implementation of Safe Drinking Water Act (SDWA) requirements.

Florida Department of Environmental Protection

FDEP Division of Water Resource Management:

- SDWP: Coordinate overall PWSS implementation through policy and rule development, and management of funding, training and special initiatives. Ensure all SDWA program requirements are conducted and reported to EPA as outlined in the annual PWSS Grant Workplan.
- WCAP: Facilitate Statewide coordination of compliance and enforcement activities by providing and/or supporting the development of guidance and training to ensure consistency among the six District offices for State Drinking Water and Wastewater Programs. Integral to this consistency are the automated nightly compliance routines for evaluating lab results (discussed further under the Data Management section of this report). Ensure all SDWA compliance and enforcement activities are conducted and reported to EPA as outlined in the annual PWSS Grant Workplan commitments.

FDEP Office of General Counsel (OGC): Provide legal counsel and represent FDEP in implementing enforcement, permitting and programmatic actions. Provide training and consultation to FDEP staff.

FDEP Office of Technology and Information Services (OTIS): Manage functionality and security of the information technology systems that support FDEP mission success. Provide application development and customer support services to FDEP Divisions and Regulatory Districts that use regulatory databases, including SDWP and WCAP support needs for public water systems.

FDEP Regulatory District Offices: Coordinate and implement all permitting, compliance and enforcement activities for counties located within District boundaries, including permit reviews, facility inspections, compliance assistance, rule enforcement and response to reports of environmental damage. Six separate offices serve counties located in the Northwest, Northeast, Central, South, Southeast and Southwest portions of the State. Provide legal, technical and training assistance to delegated FDOH county offices.

Florida Department of Health

- The current FDEP-FDOH Interagency Agreement delegates lead PWSS program implementation authority from the responsible FDEP District office to FDOH offices in the counties of Broward, Miami-Dade, Hillsborough, Lee, Sarasota, Palm Beach, Polk and Volusia. Delegated FDOH county offices coordinate and implement permitting, compliance and enforcement activities for that county.
- The FDOH laboratory in Jacksonville maintains a State program for the certification of laboratories conducting analytical measurements of all drinking water contaminants, in

accordance with Florida Statutes 403.862-.8635 and Florida Administrative Code (F.A.C.) Chapter 62-550.550.

South Carolina Department of Health: South Carolina's radiological laboratory is the designated Principal State Laboratory for radionuclides for Florida, in accordance with an MOA approved by SESD on January 28, 2013.

This organization is significantly changed from the structure that was in place during the previous 2009 Program Review conducted by The Cadmus Group, Inc. on behalf of EPA. In 2012, FDEP underwent a reorganization which affected both the Division and FDEP District offices. Within the Division, source and drinking water program staff were merged to form the Source and Drinking Water Program. Staff were relocated from the Drinking Water Program to support (1) formation of a centralized compliance and enforcement group (WCAP) and (2) OTIS. District boundaries were redrawn, and resources were re-allocated, to allow for a more even distribution of resources among FDEP District offices. A primary objective of this reorganization was to improve program efficiency/effectiveness and promote consistency and cross-utilization of resources, particularly in the areas of compliance determination and data management.

FDEP's authority to implement provisions of the SDWA derives from Chapter 403, Part VI, Florida Statutes and by delegation of the federal program from the U.S. Environmental Protection Agency. The Department has promulgated a number of rules in Chapters 62-4, 62-550, 62-555, 62-560, 62-602 and 62-699 F.A.C. to address drinking water standards, monitoring and reporting; public water system permitting and compliance; and treatment plant operators, classification and staffing. These requirements impact approximately 5245 federally regulated public water systems with approximately 1649 (or 31%) of Florida's public water systems being community water systems, approximately 776 or (15%) being non-transient non-community systems, and approximately 2820 or (54%) being transient non-community systems (Table 1).

Table 1. Count of Florida Public Water Systems by Type and Source

PWS TYPE	WATER SOURCE	COUNT
CWS	Surface Water only	5
	Surface & Ground Water	69
	Ground Water only	1575
NTNC	Surface Water only	0
	Surface & Ground Water	4
	Ground Water only	772
TNC	Surface Water only	5
	Surface & Ground Water	1
	Ground Water only	2819
TOTAL		5245

PRIORITY REVIEW OF SELECTED PROGRAM AREAS

Enforcement of Drinking Water Regulations

Background

Compliance and Enforcement Program Implementation was selected as a priority for review in order to assess whether a state is implementing the requirements of the PWSS program. The states ensure that human health is safeguarded by enforcing the requirements of the SDWA to ensure that the states' public drinking water supply and its sources are protected. Historically, the reviews of the states' PWSS programs, whether that be through a Data Verification, Program Review, or a Priority Review, did not typically include an evaluation of the compliance and enforcement program at the states. EPA Region 4 has determined that this is an important aspect of a review of the implementation of a PWSS program, and plans to include this in future Priority Reviews, as appropriate. Through this review, EPA Region 4 promotes regional consistency, identifies successes in implementation of the PWSS program, and identifies opportunities for improvement in the compliance and enforcement programs.

In January of 2010, EPA began implementation of a new enforcement approach designed to help our nation's public water systems comply with the requirements of the SDWA. This new approach replaced the previous system of a contaminant to contaminant compliance strategy with one that focuses attention on the drinking water systems with the most serious or repeated violations. This strategy identifies public water systems with violations that rise to the level of significant noncompliance by focusing on those systems with health-based violations and those that show a history of violations across multiple rules. This system-based methodology is intended to ensure consistency and the integrity of the PWSS national enforcement program. This approach includes a revised Enforcement Response Policy (ERP) and new Enforcement Targeting Tool (ETT).

The ETT uses a tool that enables the prioritization of public water systems by assigning each violation a "weight" or number of points based on the assigned threat to public health. Points for each violation at a water system are summed to provide a total score for that water system. Water systems whose scores exceed a certain threshold are considered a priority system for enforcement.

EPA recognizes that states carry out both formal and informal enforcement and compliance assistance activities. These activities are effective tools for achieving compliance. Nevertheless, systems specifically identified by the ETT as priorities must be returned to compliance (RTC) or EPA will expect formal, enforceable mechanisms to return such systems to compliance. States are expected to escalate their response to ensure that RTC is accomplished. Once a public water system is identified as an enforcement priority on the ETT list, an appropriate formal action or RTC will be required within two calendar quarters to be considered "timely". However, regardless of a public water system's position on a state's ETT list, EPA expects that states will act immediately on acute, health-based violations and subsequently confirm that systems with such violations return to compliance.

Priority Evaluation Method

Region 4 utilized a combination of data analysis, personnel interviews, comparison of established program strategies with the ERP, and onsite file reviews to evaluate Florida's successes in implementation of the PWSS program and identify opportunities for improvement in its compliance and enforcement program. Data analysis included a review of the EPA ETT Tracker, which is a tool that provides useful metrics and graphing capabilities for systems' current and past ETT scores for up to twenty (20) quarters. This information was used to aide in the selection of the files to be reviewed and get a rough evaluation of Florida's ability to timely and appropriately return systems to compliance or issue formal, enforceable mechanisms that will return a system to compliance. Additionally, EPA's SDWIS data system was used to determine what violations and enforcement had been done for each of the selected files to review. Eight (8) files were selected for review (see Table 2. Timeline for Settlement of Identification as a Priority System on the ETT List below). Interview questions were used to understand the dynamics of the organization including staffing resources and demands and to determine how the established program strategies were being implemented with regards to Florida's compliance and enforcement program. The *Department of Environmental Protection (DEP) Enforcement Manual* and *Directive* 923 were reviewed for consistency with the EPA ERP requirements to ensure that these policies enabled the State to meet the requirements of timely and appropriate compliance and enforcement. File reviews included a review of the violations determined, an evaluation of the enforcement mechanisms issued for consistency with the *DEP Enforcement Manual* and the EPA ERP, and a comparison of the information found during the file review with the data reported to EPA's SDWIS data system.

Key Observations

The accuracy of data reported by FDEP to SDWIS was found to be in need of improvement in the following ways:

- All violations identified in the file and/or provided from the FDEP tracking system, are not being submitted to SDWIS. This discrepancy was found in the District office and both FDOH offices. Primarily the violations that are not being submitted are monitoring and reporting violations for various parameters. For the identified systems, 6 of the 8 reviewed had violations noted in the file/data provided that were not identified in SDWIS.

- Enforcement actions taken and submitted to SDWIS, are either not being timely uploaded, properly linked to relevant violations, and/or the data uploaded is inconsistent with the documents provided for review. For the identified systems, 7 of the 8 reviewed had discrepancies with the information for the enforcement actions submitted to SDWIS. Specifically, for the files reviewed, there were instances where violation(s) were linked to enforcement actions that upon review of the enforcement action, it was determined that the action did not include or address those violations. Also, there were several instances where the data submitted to SDWIS showed multiple dates for the same enforcement action. It appears that the dates of enforcement are not being consistently entered (i.e. dates were submitted for the signature date of the effective order, receipt date of the

effective order, or the date the proposed order was sent to the respondent). So it was noted that at times there would be two formal actions entered into SDWIS when there was only one issued.

During the file review, EPA Region 4 tracked compliance and enforcement mechanisms used and evaluated them for timeliness and appropriateness of the action or return to compliance. Based on this review, the following was determined in regards to the timeline for systems identified as a priority on the ETT list to be returned to compliance or have a formal enforcement action issued.

Table 2: Timeline for Settlement of Identification as a Priority System on the ETT List

PWS ID	System Name	Date of First Appearance on ETT List as Priority System	Date of Settlement (RTC or issuance of Formal Enf)	Days Between ETT and Settlement	Settlement RTC or Formal Action	Quarters on ETT List as a Priority System
FL6095083	**Seven Rivers Professional Center**	**9/30/2010**	**2/20/2013**	**874**	**RTC**	**10/2010, 01/11, 04/11, 07/11, 10/11, 1/2012, 04/2012, 7/2012, 10/2012, 1/2013, 4/2013, 7/2013**
FL6510807	Holiday Gardens Util Inc.	3/31/2011	7/7/2011	98	Formal Action	04/2011, 07/2011, 10/2011, 04/2014, 7/2014, 10/2014
FL6510807	Holiday Gardens Util Inc.	3/31/2014	2/27/2014	-32	RTC	
FL6272304	**Camper's Holiday**	**3/31/2011**	**4/15/2011**	**15**	**Formal Action**	**04/2011, 07/2011, 01/2013, 10/2013, 01/2014, 10/2014**
FL6272304	**Camper's Holiday**	**12/31/2012**	**6/5/2013**	**156**	**Formal Action**	
FL4064392	Kids Paradise	12/31/2011	4/26/2012	117	Formal Action	01/2012, 04/2012, 07/2012, 04/2014, 07/2014
FL4064392	Kids Paradise	3/31/2014	4/24/2014	24	Formal Action	
FL4060402	**Everglades Holiday Park**	**12/31/2009**	**3/23/2012**	**813**	**Formal Action**	**01/2010, 04/2010, 10/2011, 01/2012, 04/2012, 01/2013, 04/2013, 07/2013, 10/2013, 01/2014, 04/2014**
FL4060402	**Everglades Holiday Park**	**3/31/2013**	**3/13/2013**	**-18**	**Formal Action**	
FL4061517	Royal Utility Company	3/31/2011	10/20/2010	-162	RTC	04/2011, 07/2013, 10/2013, 01/2014
FL4061517	Royal Utility Company	6/30/2013	2/12/2013	-138	Formal Action	
FL4131403	**Americana Village**	**3/31/2010**	**8/28/2012**	**881**	**RTC**	**04/2010, 07/2010, 10/2010, 01/2011, 04/2011, 07/2011, 10/2011, 01/2012, 04/2012, 07/2012, 10/2012, 01/2013, 04/2013, 07/2013**
FL4130833	Jones Trailer Park	12/31/2009	9/30/2011	638	RTC	01/2010, 04/2010, 07/2010, 01/2011, 04/2011, 07/2011, 10/2011, 01/2012, 01/2013
FL4130833	Jones Trailer Park	12/31/2011	10/3/2012	277	RTC	
Average Days Between ETT and Settlement				**253.07**		

Note: Some of the systems had multiple dates evaluated because they were bouncing on and off the ETT Priority List

For the evaluated systems, only two (for all the specified appearances on the ETT List as a priority system) met the 2-quarter timeliness goal established in the EPA ERP, 3 of the 8 met the goal for one of the appearances on the ETT list but not for all of the appearances, 6 of the 8 did not meet the goal for one or more of the appearances the system had on the ETT List as a priority system. On average for the identified systems (including those with multiple appearances as a priority system on the ETT List), the days between appearing on the ETT list as a priority and settlement of the violations was 253 days. This is in excess of the 2-quarter timeliness goal.

Also, in evaluation of the data above, there is an indication that formal actions and/or return to compliance data is not consistently being entered timely so that the ETT scores accurately depict the compliance and enforcement history. Therefore, some of the systems above, remained on the ETT list as priority systems multiple quarters after the resolving action had been issued.

During the file review, it was discovered that in 2 of the 8 files, enforcement actions were initiated but never completed and there was no explanation in the documents provided that explained why the action was not pursued. This was especially important information since both of those systems had been identified as priority systems for multiple consecutive quarters without returning to compliance or having a formal action issued.

The *DEP Enforcement Manual,* developed jointly by the Secretary, Deputy Secretary, and Assistant Deputy Secretary of Regulatory Programs, is periodically revised as necessary. The latest revisions occurred in September 2013 and October 2014 for the chapters addressing compliance and enforcement processes. The manual describes FDEP's enforcement organization, compliance options, enforcement options, inspections and investigations protocol, administrative process and remedies, judicial process and remedies, litigation procedures, data management, and penalty policies. Overall, the *DEP Enforcement Manual* is a thorough document which is provided to all District offices and authorized FDOH offices. However, when compared to the EPA ERP, it was determined that the *DEP Enforcement Manual* was not consistent with the EPA ERP in that it did not define an expectation of timely and appropriate enforcement. The *DEP Enforcement Manual* had no clear expectation and/or goal for timelines associated with issuing formal enforcement for systems that are identified as priority on the ETT nor for systems with acute, health-based violations. During the interviews and file reviews, it was determined that the goals of issuing formal enforcement varied between the offices evaluated. The Southwest District office indicated that they were given some established guidelines on the expectations of timely and appropriate enforcement in the annual *SWD Business Plans*. However, both FDOH offices (Broward County DOH and Miami-Dade DOH), indicated that there were no set timelines provided by the Division for issuance of formal enforcement or returning the system compliance. Each of the FDOH offices had established goals/expectations for timely and appropriate enforcement on their own. In Broward County, for example, the written expectation for each employee is that enforcement actions start within five days of discovering any violation. In addition, actions commence immediately upon discovery of cases where public health may potentially be at risk.

Staff in the Division, Districts, and FDOH offices are provided with training on the *DEP Enforcement Manual* and *923 Directive*.

In February of 2013, the Division instituted a Peer Review Process. This Peer Review Process establishes that prior to the issuance of formal enforcement by the District offices, a Peer Review Recommendation Memo must be sent to the Division. The Division then reviews the Peer Review Recommendation Memo to determine if formal enforcement is appropriate, ensure that penalties are consistently calculated across all District offices, and ensure that all regulations and violations are appropriately and consistently included in the enforcement. This process was established to ensure a consistent and equally applied approach to enforcement across all District offices. This approach is not applied to the FDOH offices, who independently establish their

enforcement activities within the confines of the Interagency Agreement and the *DEP Enforcement Manual.*

The Southwest District office and Broward DOH office have both implemented a strategy of sending reminders to the systems of their monitoring responsibilities and timelines. The reminders are sent out to the systems at a minimum of annually and in some cases monthly or quarterly as well. These activities were implemented to decrease instances of monitoring and reporting violations. The Miami-Dade DOH office has also implemented a program that aides in decreasing monitoring and reporting violations, by conducting sampling for the small systems and as well as for the transient non-community systems and a few community systems. These sampling efforts are being done through a State laboratory in Miami.

Recommendations

Update the *DEP Enforcement Manual* or provide official written guidance to all offices of the following:

- The expectation to address those systems identified as priority systems on the ETT list within 2 quarters of appearance on the list, either by returning the system to compliance or issuing formal and enforceable enforcement as well as to act immediately on acute, health-based violations and subsequently confirm that systems with such violations return to compliance. This would help to ensure that the State is consistent with the EPA ERP, the State's PWSS Grant Workplan, and that the State is consistently implementing the compliance and enforcement program throughout all of the Districts and authorized programs.

- The expectation that the date that is being used as the date of enforcement action, which is entered into the Potable Water System (PWS) Database and ultimately into SDWIS, is consistently the same date across all Districts and authorized programs. Note: The date the proposed order is sent/signed, the date of receipt of the proposed order, and the date of signature by the respondent should not be used as the date of enforcement for reporting purposes. These dates are not indicative of an effective order.

Efforts should be made to ensure that data submitted to SDWIS is timely, enforcement action dates are accurately and consistently entered, all violations are identified and submitted to SDWIS, and that all violations are accurately linked to the appropriate enforcement mechanisms. The Division should develop and implement revised procedures to ensure accurate reporting of enforcement and compliance information into SDWIS.

Records should be maintained in the file that denote any and all decisions made with regard to enforcement actions, such as if there is a change from the proposed document or a decision to not pursue the enforcement action initiated.

The Division should continue with the Peer Review Process initiated to ensure consistency of the enforcement activities across District offices, and evaluate whether the process should be

expanded to require that all formal actions, including those where both parties are in complete agreement, are submitted to the Division for review.

Internal State coordination between FDEP and FDOH on the drinking water program

Background

Program coordination was selected as a priority review topic due to the number of separate offices that implement Florida's PWSS program and the significant impacts that a 2012 FDEP reorganization had on many of these offices. A first goal of the review is to better understand what kinds of coordination activities occur between offices and how these activities impact PWSS program implementation. A second goal is to determine how the 2012 reorganization altered previous coordination tools and pathways and describe Florida's efforts to adjust to those changes.

As described in the Overview section of this report, Florida implements the PWSS program through multiple offices, each of which handles specified duties for a designated portion of the State. The Division manages Florida's overall primacy program and develops and maintains many of the resources used by six District offices and eight delegated FDOH offices. District and FDOH offices have autonomy to implement the program at the individual system level, but must conduct activities consistent with the Division rules, policy and guidance and communicate accomplishments and issues to the Division. The Division and District offices both report to FDEP's Deputy Secretary for Regulatory Programs. The 2012 reorganization redefined the FDEP's leadership structure and redistributed staff in the Division and some District offices in several ways, as described in the overview section of this report. FDOH offices were unaffected by the reorganization.

Florida's assignment of PWSS program duties to multiple offices and agencies allows the State to leverage significant additional resources and expertise. However, good communication and collaboration is needed to ensure effective, consistent operation of this decentralized program. The overall objective of this review is to ensure that effective mechanisms for ensuring good program coordination remain in place, and to document any particular strengths or weaknesses that require further consideration.

Priority Evaluation Method

Region 4 used a combination of document reviews and personnel interviews to understand past and present coordination activities in Florida and evaluate how well those activities support Florida's overall PWSS program implementation. The documents and information reviewed were obtained from EPA Region 4 files, Division files and the Division's SDWP website (http://www.dep.state.fl.us/water/drinkingwater/). Of these, the following documents provided information on Florida's internal and external program coordination activities:

- FDEP responses to EPA Region 4's PWSS Priority Review Background Questions
- FDEP's 2014 Operator Certification Program Annual Submittal
- FDEP's FY13 Annual Capacity Development Program Implementation Report

- FDEP's 2014 triennial report to the governor on "Florida's Strategy to Improve Public Water Supply"
- FDEP PWSS Program Review Reports for 2013-2014 program evaluations of FDEP District and FDOH county field offices
- Issues of the Floridan newsletter
- Information available to public water systems on the SDWP website

The Division also provided EPA Region 4 staff with a walk-through of the information and data management tools available on the Division's internal PWS Application during this review. These tools are accessible to all District and FDOH offices.

To obtain a range of perspectives on coordination activities, EPA Region 4 visited multiple offices that together represent a cross-section of PWSS program components. These included the Division office, the Southwest District office and FDOH offices in Broward and Miami-Dade counties. FDOH headquarters staff and Southeast District staff also participated in FDOH office visits. EPA Region 4 interviewed multiple staff at varying levels of responsibility in each office. The names of program managers and technical staff interviewed in each office were obtained from FDEP in advance. EPA Region 4 developed a comprehensive list of questions on internal, inter-office and external (i.e. outreach) coordination, and selected appropriate questions from this list for each interviewee, depending on that person's responsibilities. Program Coordination interviews were conducted with groups of employees, as this approach allowed office staff to provide a more complete description of program interaction and also allowed EPA Region 4 to better observe the dynamics of each office.

Key Observations

To achieve successful program coordination, program components must be organized in a way that allows them to work together effectively to achieve overall program goals. Florida has used many methods to facilitate effective program coordination across all offices. During interviews, staff noted the following existing and historical tools:

Existing Tools:

1) Regular internal office staff meetings
2) Monthly communication calls between the Division and all District-FDOH offices to introduce new policy and regulations
3) Regular comprehensive program evaluations are performed by the Division of District offices (triennially) and by the Division, FDOH HQ and District staff of FDOH offices (annually)
4) One-on-one communication between District liaisons/experts and FDOH office staff
5) Internal PWS communications website - repository for SDWP information, including current announcements, guidance, available training, webcasts, powerpoint presentations and historical meeting minutes; maintained by the Division
6) Internal PWS database – standardized data entry tools facilitate data reporting/retrieval and compliance determination by staff; developed and updated by the Division to address changing requirements and user needs

7) Technical assistance from Florida Rural Waters Association (FRWA) – a Division-managed contract that provides assistance to small systems and conducts FRWA training sessions on many topics, including full day "Focus on Change" Seminars

Previous Tools:

1) Quarterly Permitting, Compliance and Enforcement (PCE) Meetings – means of informally sharing policy and implementation issues between Division and FDEP-FDOH offices
2) Annual PWSS Conference – face-to-face meeting of Division and all FDEP-FDOH office staff that provided information on program policies and issues, rule training and valuable discussion of specific questions, concerns and needs.
3) Quarterly meetings between each District liaison and delegated FDOH offices located within that District. EPA Region 4 believes there is still an expectation for these meeting to occur, but it appears that currently the meetings occur infrequently and only in some Districts.

Some offices emphasized that internal staff levels are minimally adequate to implement the assigned program workload. Water system-to-professional staff ratios across FDEP and FDOH offices range from 9:1 to 110:1, and staff turnover have reduced drinking water program expertise in some offices more than others. Administrators work closely with their staff to coordinate individual responsibilities in ways that build employee job satisfaction while maximizing output and work quality. One office recognized efficiencies by assigning individual staff both compliance and permitting duties in order to develop more holistic program knowledge. Another office supported employee skills development by devising a detailed training program that included both classroom and on-the-job shadowing. The assignment of job duties commensurate with skill level improved work product and employee satisfaction. Several offices strove to reduce the number of compliance issues by annually notifying systems of required upcoming monitoring activities. One office also achieved greater compliance levels by having staff conduct required monitoring for most small systems.

Many administrators stated that their programs achieve much more by leveraging resources available from the Division and other offices. Leveraging occurs in many ways, including meetings, training and the use of common tools to manage and share SDWP data and information.

The PWSS program conducts various meetings and calls on a regular basis. Monthly 1-2 hour calls coordinated by the Division provide regular updates on pertinent program issues, but are limited in scope. District liaisons noted that they continue to share expertise and have good interaction with staff in FDOH offices, but these discussions are also limited, and some District offices have lost technical expertise. Conference calls and informal information sharing also occur between some District and FDOH offices. However, the regularity and strength of these exchanges varies widely. Lengthier face-to-face meetings (such as the annual PWSS conference and quarterly PCE meetings) have historically provided the most valuable opportunities for education and exchange among office staff. These meetings have included presentations on regulations, technical issues, policy, guidance and data management tools. They also provided

time for face-to-face discussions among staff with varied backgrounds and expertise. Quarterly PCE meetings sometimes facilitated the scheduling of follow-up meetings. For example, some Districts followed quarterly PCE meetings with meetings with their delegated FDOH offices, allowing continued discussions on some PCE meeting topics or introduce other discussion topics of concern. The information exchanged in all of these meetings often facilitated faster, more comprehensive, consistent resolution of specific PWSS program concerns.

The Division conducts regular program reviews of each District and FDOH office. Program Review reports provide a consistent, in-depth assessment of 8 key program components across all 14 offices, as shown in Table 3 on the following page.

The relative weighting that the Division assigns to each of the 8 components is shown in the first row of this table. Individual cells display the percentage of total points which each office received for each component during the most recent 2013-2014 program evaluations. The results show that all offices successfully implement Data/File Management and Permit/Plan Review program components. Most offices also successfully implement Compliance, Enforcement and Sanitary Survey/Compliance Inspection program components. However, the basis for bonus points awarded for certain additional activities within these components, which often contribute to elevated scores, is somewhat unclear. Scores for the remaining three program components (Organization/Staffing/Resources, DEP Coordination/Assistance and Training) were more variable, with some offices receiving significantly lower scores. For the Organization/Staffing/Resources program component, three offices received less than 90%, and an additional two offices received less than 92%, of the total possible points. Offices generally received point reductions for having a higher ratio of public water systems to professional staff. However, all offices received the maximum allowable points for their response to the question: "Is the current staffing adequate to cover required workload?". These observations suggest that additional information is needed to better evaluate the adequacy of current office staffing/resource levels. For the DEP Coordination/Assistance component, four offices received 90% or less of total possible points. Point reductions were generally received due to lack of scanning capabilities for purposes of generating electronic files. Most questions required only "yes/no" responses, and the scoring system did not consider the more detailed comments provided by offices. Reconsideration of the kind of information needed to assess this component may be helpful. For the Training component, four offices received less than 85%, and an additional three offices received less than 92%, of total possible points. Point reductions were based on failure of staff to complete one or more of the identified core training courses, or lack of a written office training plan. These scores suggest that many offices do not have access to all needed training. The Division's basis for updating the list of needed courses is also unclear. EPA Region 4 believes this portion of FDEP's program evaluation is inadequate to fully assess training needs.

Table 3.
Summary of 2013-2014 FDEP Program Evaluation Results for 6 FDEP District and 8 DOH County Offices

Sum of Score (as % of PE Weight) Row Labels	Column Labels 1_Organization/ Staffing/ Resources	2_Data/File Management	3_Compliance	4_Enforcement	5_Sanitary Survey/ Compliance Inspections	6_Permit/Plan Reviews	7_DEP Coordination/ Assistance Activities	8_Training	9_Overall Score
1_PE Weight(%)	5.00	25.00	15.00	15.00	15.00	15.00	5.00	5.00	100
A_Central	91.60	94.96	100.00	100.00	93.60	100.00	100.00	100.00	97.36
A_NE	[illegible]	84.52	105.27	105.87	90.40	98.00	100.00	91.60	94.08
A_NW	100.00	97.36	100.00	105.87	100.00	97.93	100.00	91.60	99.49
A_SE	102.00	95.28	84.20	105.87	97.33	101.07	100.00	100.00	97.2
A_South	102.00	90.76	100.00	105.87	103.60	101.00	100.00	[illegible]	98.12
A_SW	94.80	97.96	100.00	105.87	102.60	97.87	100.00	83.40	99.36
C_Broward	102.00	95.20	[illegible]	105.87	102.33	95.87	100.00	100.00	100.59
C_Hillsborough	[illegible]	99.60	100.00	100.00	[illegible]	92.80	100.00	100.00	98.33
C_Lee	91.60	97.12	100.00	105.87	100.00	93.73	90.00	100.00	98.31
C_Miami-Dade	96.80	95.24	100.00	105.87	96.40	93.93	90.00	100.00	97.58
C_Palm Beach	102.00	93.36	105.87	105.87	[illegible]	96.87	80.00	100.00	99.76
C_Polk	89.60	96.48	[illegible]	100.00	102.73	100.00	100.00	83.40	99.25
C_Sarasota	91.60	97.08	100.00	105.87	[illegible]	86.47	90.00	[illegible]	97.04
C_Volusia	102.00	95.12	[illegible]	76.47	96.27	93.60	100.00	91.60	94.49

LOW 100% HIGH

Staff interviews conducted during this Priority Review provided information on how Florida currently identifies and addresses training needs. While training needs are a clear priority, the resources to address those needs are often limited. In order to justify training, the Division and District offices each prepare comprehensive annual training plans. Some FDOH offices prepare office training plans, and many notify District offices of additional training needs on an ad-hoc basis. In response to identified needs, the Division develops some training courses and makes these available to all offices. Division training generally focuses on rule implementation or database usage. District and FDOH offices conduct varied amounts of duty-specific training internally and access external training sources as resources allow.

Florida's PWSS program does not currently appear to have a clear means for tracking and addressing training needs on a program-wide basis. Staff in multiple offices identified the need for training on: use of PWS Application tools, information on DBP formation and treatment, DBP Stage 2 implementation, technical knowledge that allows staff to tie rules together and optimize overall system compliance, and State enforcement policies. These responses suggest that the PWSS program could realize some efficiencies by implementing more seamless, universal communication of training needs and resources. Several offices stated that they are in the process of re-tooling existing training plans, to adjust for changing duties and priorities that resulted from the 2012 reorganization. This re-tooling period may provide an opportunity for Florida to revisit the way in which it identifies and addresses training needs on a program-wide basis.

A primary goal of the 2012 reorganization was to recognize efficiencies and achieve greater Statewide consistency by realigning staff in the Division and some District offices. The changes implemented were initially disruptive, as they altered established communication pathways and sometimes significantly revised staff workload. However, during interviews, staff provided evidence that re-tooling of the organization aimed at improving overall program coordination is now occurring on several fronts. The Division is re-examining training plans and the value of regular, lengthier face-to-face meetings. The Division continues to revisit strategies for maintaining timely access to critical information technology resources. Given the realignment of compliance staff and the revision of some enforcement guidance, the Division has also recognized the importance of clarifying the enforcement process to all offices. Districts clearly desire autonomy to implement enforcement/compliance issues; however, they are also striving to exchange information and expertise with other Districts, and expressed a desire for clearer guidance from the Division on some issues. District offices that were more heavily impacted by the reorganization continue to re-calibrate their programs to ensure effective public water system oversight.

Resources which were unchanged through the 2012 reorganization contributed considerably to the continued strength of Florida's PWSS program. These resources include FDOH-HQ and FDOH offices, the continued use of 14 geographically-targeted District and FDOH offices to maintain close working relationships with public water systems operators, the technical support contract with FRWA, and the Division's continued maintenance of several tools for managing data and information essential to the PWSS program.

Recommendations

The 2012 reorganization refocused Florida's PWSS program on the critical goals of strengthening overall program consistency, and renewing focus on timely accomplishment of program priorities (such as the prevention and resolution of health-based violations). The associated reorganization of staff and resources disrupted many valuable coordination pathways that existed under the old organization. Some expertise was also lost during the reorganization. The re-tooling period that is now occurring is critical to ensuring that Florida maintains and establishes communication pathways and tools that will allow them to best accomplish the priorities of the PWSS program under the new organization. Based on information gathered during this priority review, the following program coordination-related activities are recommended as key to strengthening Florida's PWSS program.

Regular, established communications have historically provided the Division, District and FDOH offices with some of the most valuable ways to leverage the expertise and resources available in the many offices that comprise Florida's PWSS program. Interviewed staff unanimously stated that regular face-to-face meetings (such as the annual FDEP PWS conference and quarterly PCE meetings) were the most valuable tools, as these provided the broadest exchange of PWSS program and technical information to the greatest number of staff. Reinstatement of these meetings would strengthen staff knowledge and promote rebuilding of communication pathways. Continued strengthening of regular communication pathways between District offices would increase the exchange of information and expertise relevant to direct oversight of public water system facilities. Increased District expertise could also be leveraged by FDOH offices.

EPA Region 4 recommends FDEP lead a Statewide assessment of technical and programmatic training needs of all offices given the number of new drinking water regulations and new staff to the program. A re-tooling of Florida's training program that allows PWSS program offices to better identify and address training needs would be helpful.

Individual offices provide various levels of internal training, but this could be supplemented with the resources and expertise available from other offices across the State. Reinstatement of the face-to-face meetings noted earlier would provide an efficient means for providing broadly-needed training, such as guidance on program enforcement tools and priorities as well as provide a meaningful opportunity for offices to share training plans (such as the training program being developed by the SW District).

Some re-tooling of the FDEP's standard program evaluation template may increase the usefulness of program evaluation results. These regular program evaluations of District and FDOH offices provide an excellent tool for consistently evaluating key components of Florida's PWSS program. However, for some components, the information collected does not clearly explain the basis for differing, or lower, scores among offices. This observation primarily applies to components that do not include reviews of specific public water systems (i.e. Organization/Staffing/Resources, DEP Coordination/Assistance and Training components). Questions and scoring mechanisms used for these components could be re-examined and modified to better characterize office strengths or deficiencies. For example, the Division might

develop a standard process for updating core training courses to reflect changing program priorities and individual office needs.

Florida's PWSS program may strengthen external coordination though increased participation by local office level in EPA's Area Wide Optimization Program (AWOP) program. This participation would allow office staff to better evaluate and assist surface water systems in optimizing treatment goals and enhancing microbial and disinfection byproduct control. The technical expertise gained could also be shared with other offices.

Local District and FDOH offices are encouraged to make use of the OCULUS and Permitting Application document management systems, particularly in an effort to coordinate compliance and permitting activities.

Disinfection Byproduct Rules Implementation

Background

DBP Rules Implementation was selected as a priority for review based on an analysis of State-wide violation data by specific contaminant group. Other than total coliform MCL violations, DBP MCL violations represented the greatest number of health-based violations for water systems in Florida over the past five years. Many water sources in Florida have high quantities of naturally occurring organic matter. When the water with high levels of organics is disinfected with chlorine, high levels of disinfection byproducts can form. Levels of many DBPs increase with water age in finished water storage tanks and distribution systems. Treatment strategies for DBPs can include adjustments to treatment systems (examples: removal of organics prior to disinfection, change of disinfectant, pH adjustment, or removal of DBPs after formation, etc.) or changes to operations of distribution systems (examples: adjustments to storage tank levels or fill/draw cycles, flushing practices, elimination of "dead ends" in distribution lines, etc.).

Over the past few years states and water systems have been transitioning from monitoring requirements associated with the Stage 1 Disinfectants and Disinfection Byproduct Rule to the Stage 2 DBP Rule. Some of the key changes include the number, frequency and locations of routine monitoring, inclusion of consecutive water systems to rule requirements, and how compliance is calculated based on locational running annual averages. The transition from the Stage 1 to Stage 2 Rule involved a period of time when EPA Region 4 was implementing aspects of rule focused on identifying potential new monitoring locations. These early implementation activities were a result of the regulatory timeline beginning before states were required to have the rule adopted. As a result, FDEP and FDOH field staff played a limited role in training and implementation associated with monitoring site selection. FRWA did provide a significant amount of outreach to water systems during this time. Florida had adopted the Stage 2 Rule by the time routine monitoring requirements began and worked with water systems to finalize monitoring plans.

Priority Evaluation Method

Region 4 utilized a combination of data analysis, personnel interviews and onsite file reviews to evaluate strengths and needs associated with Florida's implementation of the DBP Rules. Data analysis include reviews of DBP monitoring results from Florida's PWS Database and DBP violation data available from EPA's SDWIS data system. Interview questions were used to determine strategies utilized to affect system compliance, understand expertise levels and resource demands for staff and management, and to gage consistency in implementing the regulations and guidance associated with the DBP Rules. File reviews included a review of information used to develop system monitoring plans, an evaluation of system monitoring data to ensure monitoring was done in accordance with the plan, and a review of compliance determinations based on the analytical results. A complete list of the files reviewed is provided in Appendix A.

Key Observations

Most health-based violations for chemical monitoring in Florida are associated with DBPs.

Review of DBP monitoring results from the PWS Database identified a significant number of questionable values of "0" for TTHM and HAA5 analytical results, often at systems/locations that had previous and subsequent high levels. While some amount of fluctuation of results is expected, systems with detected levels greater than ½ of the MCL typically do not have fluctuations that would result in associated non-detect levels.

Staff determine compliance manually based on review of monitoring results as the Stage 2 module of the PWS Database was not yet available at the time of the review. The module has since been completed. Errors were identified in both water system reporting and State compliance determination including:

- Incorrectly calculating the locational running annual average of monitoring results
- Water system not monitoring in correct months
- Failure of systems to submit Operational Evaluation Reports when required
- Changes in monitoring locations without justifications

Staff have had training on DBP rule compliance. However, very few staff indicated they had much, if any, training related to DBP formation and/or treatment.

Reviewers found recommendations to water systems on flushing strategies that are not supported by EPA and will result in masking ongoing health risks to water system customers.

Some offices have made efforts to integrate compliance and permitting activities to ensure DBP compliance is considered in project review and the potential need for DBP monitoring plan changes based on relevant water system infrastructure changes. Efforts range from having the same staff perform both engineering review/permitting and compliance determination, to developing a liaison responsibility between permitting and compliance office staff.

Recommendations

There is a need for District and FDOH county staff to re-evaluate DBP monitoring locations identified in Stage 2 Monitoring Plans. FDEP and FDOH should consider enhancing the review of distribution systems during sanitary surveys to include an evaluation of DBP monitoring locations. Considerations for enhancing the sanitary survey include:

- Checking disinfectant residual levels (and pH when available) to assess water quality at areas of high probable water age relative to approved DBP compliance monitoring locations.
- Reviewing flushing practices to determine if water systems are using practices to improve water quality system-wide or just at compliance locations.
- Visit the DBP monitoring locations to identify any changes (e.g. installation of auto-flushing device) that may give reason to modify the monitoring plan.
- Evaluate the appropriateness of changing one monitoring location to Point of Entry for consecutive systems based on the number of monitoring locations and associated baseline data already collected. POE data can be valuable for coordination between wholesale and consecutive water systems.

Provide technical training to staff on how to limit DBP levels in water systems through improved distribution system operation practices. The AWOP implemented in Region 4 has been used by several states to provide training to water system personnel on DBP compliance strategies that minimize the need for costly infrastructure and to develop the staff expertise to perform the enhanced sanitary survey practices outlined above. Due to the low number of surface water systems in the State, FDEP has minimally participated in EPA's AWOP. With the network's significant change in focus to disinfection byproducts, FDEP should engage all Districts and counties with opportunities to participate in AWOP.

The Division should investigate the number of "0" monitoring results to determine if there are any obvious laboratory or data entry errors, or any trends that would raise question as to the integrity of the results.

The Division should continue to prioritize development of the PWS Database to facilitate implementation tasks for inspectors and compliance officers.

Data Management

Background

One of the required functions of delegated PWSS Programs is to maintain a data management system for tracking compliance, enforcement actions and public water system inventory. The Division's database for the drinking water program is the Oracle-based PWS Database. Reports are produced in Active Server Pages. Data are transmitted to SDWIS/Fed via an Extensible Markup Language file created from extrapolated data. Data are reported quarterly, including inventory, samples and violations and enforcement updates.

Automated compliance determinations for TCR, GWR, Phase II/IV, RAD, CCR, Turbidity and Stage 2 DBPs (just recently, in time to evaluate 1st Q 2015) are performed by the PWS Database nightly and verified by the District and FDOH county offices. All violations are posted automatically but can be over-ruled by the point person in each office. All other compliance determinations are entered manually within the individual offices, as are all violation letters and enforcement actions.

FDEP uses the SDWIS/Fed error reports to correct errors but finds that the ".pdf" format is not useful. That format is too difficult to mark up and data cannot be sorted. FDEP would greatly prefer data in Excel spreadsheets.

Key Observations

The Division has developed and maintains several effective tools for entering and accessing PWSS data and reports including:

PWS Database – In addition to tracking lab samples, the PWS Database tracks inventory, permit compliance/enforcement, monthly operations, inspections and complaints. The PWS Database includes reports for staff, but also posts five reports to the public FDEP website that are further divided by year or geographic area. Basic Facility Reports, Flow Data and Plant Treatment Data files are updated quarterly. Chemical Data and Microbiological Data files are updated annually in March. Reports provide information on sample results, average/max monthly flows, types of water treatment, the type of system, address, capacity, sources of water, population and service connections served, dates the Department performed the last sanitary survey, and the dates the last bacteriological and inorganic/organic contaminant testing was performed.

PA (Permitting Application) System – database that tracks the permit application process to ensure statutory time clocks are met.

OCULUS – an electronic, web-based document management system that allows the public and staff to search and review permitting documents, lab reports, inspections, etc. within DEP and at two of eight FDOH offices.

FDEP-DW standardized PDF/Word data/information entry forms - for use by public water systems and laboratories to document: (1) Permitting/Construction/O&M activities (Chapter 62-555.900 F.A.C.) and (2) reporting results for required test measurements or analyses (Chapter 62-550.730 F.A.C.). Users may generate computer-generated versions of same (see http://www.dep.state.fl.us/water/drinkingwater/forms.htm).

NEXUS – user-friendly information portal for retrieving documents from OCULUS archival database.

PASS (Permit Application Subscription Service) System - Allows user to receive automated, customized notification of permit application status (e.g by application types, geographic area, etc.)

Data entry and compliance determination tools available through the PWS Database provide staff in all offices with a rapid, reliable, consistent way to upload system monitoring data and accurately calculate compliance. The value of this tool was readily apparent during staff interviews, as staff unanimously emphasized the need for the Division's soon to be released DBP Stage 2 compliance determination tool.

Use of a State-developed tool also allows staff to more easily request helpful database changes. Simpler changes are implemented by Division staff, while more comprehensive changes are made by staff in OTIS. Requests to OTIS are sometimes delayed, as OTIS must prioritize database needs for multiple programs. The Division works to maintain the priority level of key PWS Database updates, but limited OTIS resources are an ongoing challenge.

The Division also maintains two web-based document tracking systems that allow staff and the public to obtain SDWP documents of interest. OCULUS houses copies of permitting, lab, inspection, operational and compliance/enforcement documents. The PA System allows the user to retrieve permit applications currently under review. While these systems may provide a valuable resource to inspectors and permit reviewers, it is unclear to what extent some offices use these systems. More comprehensive training on these systems may facilitate the exchange of information between permitting and compliance staff.

Recommendations

Florida's PWSS program should continue to implement a strong data and information management program that is available to all offices. The PWS Database addresses a critical need, providing a consistent suite of tools for data entry and compliance determination that can also be modified to address staff needs.

External Outreach

Background

In selecting topics for review, FDEP's compliance assistance outreach to public water systems was identified as a program strength. The review included a combination of document review and interviews of key staff and managers. With recent changes in drinking water regulations (Stage 2 DBP Rule, Ground Water Rule, Reduction of Lead in Drinking Water Act, Revised Total Coliform Rule), water systems are increasingly dependent on state agencies to provide the outreach necessary to explain the details of the rules and regulations that will ensure sector compliance and protection of public health.

FDEP and FDOH value a strong relationship with the regulated community and strive to ensure that, where possible, concerns are addressed through compliance assistance activities prior to water systems incurring a potential violation. Florida's drinking water program achieves outreach to water systems through site visits to water systems, training classes, contracts with technical assistance partners, and direct mailings to water systems and water system professionals.

Key Observations

FDEP and FDOH utilized a number of mechanisms to provide meaningful outreach activities to public water systems, including:

- Drinking Water Technical Assistance Program
- Contract with FRWA to provide training and operator certification
  - Focus on Change training seminars ~ 6 events/year
  - Water treatment plant operator certification ~16 events/year
  - Water distribution system certification training ~5 events/year
  - Water treatment plant operation and maintenance ~17 events/year
  - Electrical safety and generator set up ~ 1 event/year
  - Treatment technologies and conservation ~ 1 event/year
  - Emergency Response Plans ~ 0-1 event/year
  - Over 3,000 technical assistance site visits/year from Circuit Riders
- Limited Involvement in Area-Wide Optimization Program
- Operator Certification Program
- Floridian Newsletter
- Sanitary Surveys and other inspections

Florida's strong suite of outreach tools provide office staff with ways to enhance coordination with local public water system operators. The Division's Technical Assistance Program assists all offices in resolving technical, managerial and financial challenges of individual public water systems at no cost to those systems. The contracted services of FRWA are frequently used by smaller rural water systems. FRWA also provides training on various topics of interest to both system operators and FDEP and FDOH staff, including full-day sessions during the "Focus on Change" seminars which are held year-round at locations throughout the State. Available training sessions are listed on the FRWA website. The Division participates minimally in EPA's AWOP, and uses this program to more closely evaluate and assist the ability of surface water systems to optimize disinfection and filtration treatment goals and enhance microbial and disinfectant byproduct control. While participation has recently decreased, staff interviewed in some District and FDOH offices expressed interest in increasing participation in order to benefit public water systems while strengthening the expertise of office staff.

All offices expressed a need for greater technical training of inspectors, compliance, and permitting staff citing a concern with being able to adequately address simultaneous compliance concerns with water systems. Some entities expressed concern over a perceived loss of drinking water programmatic expertise within FDEP.

The Division offers a Sanitary Survey School annually to train newer FDEP and FDOH inspectors on not only the eight elements that are required by EPA when conducting a sanitary

survey, but also on operation and maintenance activities, as well as treatment theory and technologies.

Customer complaints made to the State are addressed in a timely and appropriate fashion. There was some uncertainty as to what FDOH laboratory support is available to District staff when responding to customer complaints.

Every office makes a concerted effort to send letters to each water system annually to provide minimum monitoring requirements to ensure water systems complete all required monitoring.

Recommendations

Florida should continue to implement a strong PWSS outreach program. FRWA contracted services and training sessions provide invaluable support to local offices in their efforts to assist public water system operators. Focus on Change seminars also provide opportunities for exchange between office staff and public water system operators, strengthening communications between these parties.

Consider exploring the appropriateness of addressing laboratory support for bacteriological monitoring in the interagency agreement between FDOH and FDEP. The support would be used when responding to customer complaints or in carrying out any special studies that would enhance the value of Department outreach for water systems.

EPA Region 4 believes District and FDOH county staff participation in the AWOP would facilitate improved outreach to water systems. In addition to new regulations, large turnover in drinking water staff, in some areas, has created a need for increased investment in drinking water program training. EPA Region 4 strongly encourages Districts and counties to interact more, through routine meetings and trainings, to discuss implementation challenges/successes so that expertise across the State is better leveraged to fill the knowledge gaps associated with new regulations and new program staff.

Appendix A

Florida Drinking Water Program Priority Review
File Review Summary

For the enforcement cases, EPA Region 4 reviewed all actions and associated non-compliance over the past 3 years (2012-14). The case files should contain all of the case development work (violations, initial correspondence, informal and formal actions, etc.) even if prior to 2012. Example: If an enforcement order was issued in 2012 for an arsenic violation in 2010, EPA Region 4 evaluated everything from 2010 up until the system returned to compliance.

For the DBP files, EPA Region 4 reviewed files for monitoring results, monitoring plans, documents used in developing/approving monitoring locations, correspondence related to monitoring location changes, and documents related to compliance assistance outreach.

Broward County DOH

Enforcement Case Files

FL4060402	Everglades Holiday Park
FL4061517	Royal Utility Company
FL4064392	Kids Paradise

Disinfection Byproduct Files

FL4060402	Everglades Holiday Park
FL4060254	City of Deerfield Beach

Miami-Dade County DOH

Enforcement Case Files

FL4131403	American Village
FL4130833	Jones' Trailer Park
FL4130970	City of North Bay Village

Disinfection Byproduct Files

FL4131403	American Village
FL4130871	MDWASA
FL4131531	Virginia Gardens
FL4131001	Opalocka

Tampa, SW District

Enforcement Case Files

FL6095083	Seven Rivers Professional Center
FL6272304	Camper's Holiday
FL6510807	Holiday Gardens Utility, Inc.

Disinfection Byproduct Files

FL6512033	PCUD Blanton Lake Park
FL6520336	Clearwater Water System
FL6521576	Safety Water
FL6277059	Hernando Co. Utility-West
FL6280049	City of Avon Park

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Giraldo, Sandra E

From: Giraldo, Sandra E
Sent: Tuesday, April 16, 2013 6:28 PM
To: 'jockm@alstonmccartney.com'; 'Royal Utility - Jock McCartney'
Cc: Reyes, Rafael; Lorenzo-Sulsona, William G; Montero, Wilhelmina V
Subject: 4061517-ROYAL UTILITY Q1-13 TTHM NOV
Attachments: 4061517-20130416-Royal Utility_NOV_Q-1_13-TTHM.pdf

Jock,

You can proceed with mail delivery and publication on the website for the public notice. Please send us a copy of the notice for review and approval as soon as you have it ready.

Should you have any additional question, please do not hesitate to contact me.

Best Regards,

Sandra E. Giraldo, M.A., MPH
Engineer IV
Environmental Engineering Section
Broward County Health Department
2421A S.W. 6th Avenue
Ft. Lauderdale, FL 33315
Phone: (954) 467-4700x4223
Fax: (954) 467-4898
email: sandra_giraldo@doh.state.fl.us
website: www.BrowardCHD.org

Please consider the environment before printing this email.

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

Vision: *To be the* Healthiest State *in the Nation*

Values: (ICARE)

Innovation: *We search for creative solutions and manage resources wisely.*
Collaboration: *We use teamwork to achieve common goals & solve problems.*
Accountability: *We perform with integrity & respect.*
Responsiveness: *We achieve our mission by serving our customers & engaging our partners.*
Excellence: *We promote quality outcomes through learning & continuous performance improvement.*

Please Note: *Florida has a very broad public records law. Most written communications to or from state officials regarding state business are public records available to the public and media upon request. Your e-mail communication may therefore be subject to public disclosure.*

From: Reyes, Rafael
Sent: Tuesday, April 16, 2013 5:38 PM
To: Giraldo, Sandra E
Subject: FW: [Spam:********** SpamScore] 4061517-ROYAL UTILITY Q1-13 TTHM NOV

FYR

Rafael Reyes
Environmental Manager
Environmental Engineering Section

From: Jock McCartney [mailto:jockm@alstonmccartney.com]
Sent: Tuesday, April 16, 2013 11:58 AM
To: Reyes, Rafael
Subject: [Spam:********** SpamScore] 4061517-ROYAL UTILITY Q1-13 TTHM NOV

Good Day Rafael,
Thank you for a very productive meeting last week relating to our propose 4-Log and chloramine project, it was most helpful and we plan of submitting within the next two weeks.
We have attached a letter requesting a waiver of the newspaper advertising requirement for the subject NOV that we discussed at the meeting.
Would much appreciate your assistance in seeking the waiver.....jock

Jock A. McCartney
President
Royal Utility Co.
8900 NW 44th Court
Coral Springs,
FL. 33065
(954) 341-7417
JockM@RoyalUtility.com

Royal Utility Company

April 16th 2013

Broward County Health Department
Environmental Engineering Section
Rafael Reyes P.E.,
2421A S.W. 6th Avenue
Ft. Lauderdale, FL 33315

Dear Mr. Reyes,

RE: NOV. NEWSPAPER ADVERTISING REQUIREMENT

As discussed last Thursday 4/11/13 we exceeded the TTHM running annual average MCL by 10.9 μg/L for first quarter of 2013. Our excedence of the MCL in the fourth quarter of 2012 meant that excedence of the MCL in the next and subsequent quarters was a virtual mathematical certainty and would remain so until such time the proposed NH_3 addition to the Cl_2 disinfection regimen is implemented, even then it may take a number of quarters for the running annual average to drop below the 80μg/L MCL.

We acknowledge the requirement to notify the department and our customers as prescribed by the applicable rules, but seek relief on the newspaper publication of the notice because it has proven to be both ineffective and economically burdensome. The fourth quarter 2012 notice published in the Fort Lauderdale News Sun Sentinel did not result in a single enquiry from within our service area and cost $5,526.50 (see attached).

We plan on providing all notices as required in addition to posting on our web site, and would be most appreciative if the department could waive the newspaper publication notice. We have tried unsuccessfully to secure a loan from both banks as well as governmental entities to pay for improvements required to fund the NH_3 project so must fund out of current cash flow and $5,562.50 represents a significant portion of our net monthly revenues.

Thank you in advance for your kind consideration in this matter.

Sincerely,

Jock McCartney,
President
Royal Utility Company

8900 Northwest 44th Court, Coral Springs, FL 33065
Phone (954) 344-9106 Fax (954) 341-0261 E-Mail info@royalutility.com
www.royalutility.com

SunSentinel

333 Southwest Twelfth Avenue
Deerfield Beach, FL 33442-3196

ACCOUNT #	BILLING PERIOD
[redacted] (b)(4) Confidential Business Information ROYAL UTILITY CO./JOCK MCCARTNEY 8900 NW 44 CT CORAL SPRINGS, FL 33065	1/1/2013 1/31/2013

Date/ Pub	Description	Size	Rate	Gross Amount	Net Amount
	LEGAL DISPLAY NOTICE 1/4 PAGE 7 CONSECUTIVE DAYS 1/6 THRU 1/12		SPECIAL	$5,526.50	$5,526.50
	NOTARIZED AFFIDAVITS			TOTAL	$5,526.50
	PAID IN FULL BY CHECK BY PHONE				
	AUTHORIZATION CODE [redacted] (b)(4) Confidential Business Information				

TOTAL NET DUE: $0.00

REMIT TO:

ROYAL UTILITY COMPANY

SUN-SENTINEL

[redacted] (b)(4) Confidential Business Information

Date	Type	Reference	Original Amt.	Balance Due	12/28/2012 Discount	Payment
12/28/2012	Bill		5,526.50	5,526.50		5,526.50
					Check Amount	5,526.50

PAYMENT

Viol ID	Viol Type Desc	Contam ID	Desc	Vio Start Date	Vio End Date	Enf Timestamp	Enf Related Date	Enf Id	Enf Code	Enf Action	Enf Remarks
20130007296	AVERAGE MCL	2950	TOTAL THMS	7/1/2013	9/30/2013	7/28/2014 12:05	4/11/2014	385447	AN	PUBLIC NOTIFICATION CERTIFICATION REC'D	EXCEEDANCE OF STAGE 1 MCL TOTAL TTHMS-PUBLISHED 03/31/2014
20130007296	AVERAGE MCL	2950	TOTAL THMS	7/1/2013	9/30/2013	7/28/2014 12:05	4/11/2014	385565	AF	PUBLIC NOTIFICATION RECEIVED	EXCEEDANCE OF STAGE 1 MCL TOTAL TTHMS-PUBLISHED 03/31/2014
20130007296	AVERAGE MCL	2950	TOTAL THMS	7/1/2013	9/30/2013	7/28/2014 12:07	7/22/2014	392546	AF	PUBLIC NOTIFICATION RECEIVED	EXCEEDANCE OF STAGE 1 MCL TOTAL TTHMS-PUBLISHED 06/30/2014
20130007296	AVERAGE MCL	2950	TOTAL THMS	7/1/2013	9/30/2013	7/28/2014 12:08	7/22/2014	392547	AN	PUBLIC NOTIFICATION CERTIFICATION REC'D	EXCEEDANCE OF STAGE 1 MCL TOTAL TTHMS-PUBLISHED 06/30/14

10/15/14 Linked to violation 20150000044 (late publication)
PN also

PUBLIC NOTICES
CONTAIN'G:
Q4-2013
Q1-2014
Q2-2014

PWS CERTIFICATION OF DELIVERY OF PUBLIC NOTICE

INSTRUCTIONS: The supplier of water, within ten days of completion of each public notification requirement pursuant to Part IV of Chapter 62-560, Florida Administrative Code, shall submit to the appropriate Department of Environmental Protection District Office or Approved County Health Department a completed DEP Form 62-555.900(22), Certification of Delivery of Public Notice, and include with the form a representative copy of each type of notice distributed, published, posted, and made available to the persons served by the system, and the media. All information provided on this form shall be typed or printed in ink.

I. General Information		
Public Water System (PWS) Name: Royal Utility Company		
PWS ID: 4061517		
PWS Type: [X] Community [ ] Non-Transient Non-Community [ ] Transient Non-Community		
PWS Owner: Royal Utility Company		
Contact Person: Jock A. McCatrney	Contact Person's Title: President	
Contact Person's Mailing Address: 8900 NW 44th Court		
City: Coral Springs	State: FL	Zip Code: 33065
Contact Person's Telephone Number: (954) 341-7417	Contact Person's Fax Number:	
Contact Person's E-Mail Address: JockM@RoyalUtility.com		

II. Certification						
For Violation/Situation: EXCEEDENCE OF DBPR 1 TTHM MCL Q3-13						
Date of Occurrence: 09/27/13						
Consultation Date: 10/11/13						
Delivery Methods:	[ ] Radio/TV	[X] Mail	[ ] Newspaper	[X] Hand Delivery	[X] Posting	[X] Other(describe)
Delivery Date/s:		12/30/13		12/30/13	12/30/13	10/31/13 RoyalUtility.com

I am duly authorized to sign this form on behalf of the public water system identified in Part I of this form. I certify that the information provided on this form is correct to the best of my knowledge and that public notice has been provided to consumers in accordance with the delivery, content, and formal requirements and deadlines in Chapter 62-560, Florida Administrative Code.

Signature and Date	Jock A. McCartney Printed or Typed Name	President Title

TTHM EXCEEDANCE
Q4-2013

In PWS 2/7/2014
SHG

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Royal Utility Water Treatment Plant Has Levels of Total Trihalomethanes Above Drinking Water Standards

Our water system recently violated a drinking water standard. Although this incident was not an emergency to our customers, you have the right to know what happened and what we are doing to correct this situation.

Royal Utility Water Treatment Plant routinely monitors for drinking water contaminants. Total Trihalomethanes (TTHMs) and Haloacetic Acids (HAA5s) are by-products of the reaction of the chlorine disinfectant with the natural organic and inorganic matter in the water. The state of Florida as well as many other states requires the use of a disinfectant to minimize the possibility of bacterial contamination in the drinking water distribution system. The Maximum Contaminant Level (MCL) set by the Florida Department of Environmental Protection (FDEP) for TTHMs is 80 parts per billion (ppb) and for HAA5s is 60 ppb. Based on test results for samples collected in previous quarters, the running annual averages (RAAs) for TTHMs and HAA5s are shown in the table below. Based on the RAA for TTHMs, an MCL violation exists.

SAMPLE DATE	TTHM (ppb)	HAA5 (ppb)
2013 Stage I RUNNING ANNUAL AVERAGE	*89.1*	*40.3*
MCL	*80*	*60*

Royal Utility has recently begun collecting and evaluating new disinfection by-products data before determining compliance with the Maximum Contaminant Level under Stage 2 Disinfectants and Disinfection Byproduct Rule as required by Federal and State Regulations.

What should I do?
You do not need to boil your water or take corrective actions. However if you have specific health concerns, please consult your doctor.

What does this mean?
This is not an emergency. If it had been, you would have been notified immediately.

Some people who drink water containing trihalomethanes in excess of the MCL over many years may experience problems with their liver, kidneys, or central nervous system, and may have an increased risk of getting cancer. Some people who drink water containing haloacetic acids in excess of the MCL over many years may have an increased risk of getting cancer.

What corrective action is being taken?
Royal Utility is planning to modify the water disinfection method; the proposed method involves the use of ammonia in addition to chlorine in the disinfection process to reduce the production of disinfection by-products. The proposed disinfection protocol (chloramination) is commonly used by other utilities in the City and in South Florida.

Royal Utility Water Treatment Plant will continue to monitor and report the HAA5s and TTHMs results to you on a quarterly basis as long as any running annual average exceeds the MCL, as required by FDEP. If you should have any questions concerning this situation, please do not hesitate to contact Royal Utility at (954) 344-9106. 8900 Northwest 44th Court, Coral Springs, FL. 33065

Please share this information with other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.

This notice is being sent to you by the Royal Utility. State Water System ID#: 4061517 Date distributed:12/30/13

In PWS 2/7/2014
SHG

PWS CERTIFICATION OF DELIVERY OF PUBLIC NOTICE

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City: Coral Springs	State: Fl.	Zip Code: 33065
Contact Person's Telephone Number: (954) 341-7417	Contact Person's Fax Number:	
Contact Person's E-Mail Address: JockM@RoyalUtility.com		

II. Certification						
For Violation/Situation: EXCEEDENCE OF STAGE 1 MCL TOTAL TRIHALOMETHANES						
Date of Occurrence: 09/11/13						
Consultation Date: 10/27/13						
Delivery Methods:	[ ] Radio/TV	[X] Mail	[ ] Newspaper	[X] Hand Delivery	[X] Posting	[X] Other(describe) Posted on Website RoyalUtility.com
Delivery Date/s:		03/31/14		03/31/14	03/31/14	

I am duly authorized to sign this form on behalf of the public water system identified in Part I of this form. I certify that the information provided on this form is correct to the best of my knowledge and that public notice has been provided to consumers in accordance with the delivery, content, and format requirements and deadlines in Chapter 62-560, Florida Administrative Code.

Signature and Date	Printed or Typed Name	Title
04/08/14	Jock A. McCartney	President

In PWS, SHG 4/12/2014

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Royal Utility has recently begun collecting and evaluating new disinfection by-products data before determining compliance with the Maximum Contaminant Level under Stage 2 Disinfectants and Disinfection Byproduct Rule as required by Federal and State Regulations.

What should I do?
You do not need to boil your water or take corrective actions. However if you have specific health concerns, please consult your doctor.

What does this mean?
This is not an emergency. If it had been, you would have been notified immediately.

Some people who drink water containing trihalomethanes in excess of the MCL over many years may experience problems with their liver, kidneys, or central nervous system, and may have an increased risk of getting cancer. Some people who drink water containing haloacetic acids in excess of the MCL over many years may have an increased risk of getting cancer.

What corrective action is being taken?
Royal Utility is planning to modify the water disinfection method; the proposed method involves the use of ammonia in addition to chlorine in the disinfection process to reduce the production of disinfection by-products. The proposed disinfection protocol (chloramination) is commonly used by other utilities in the City and in South Florida.

Royal Utility Water Treatment Plant will continue to monitor and report the HAA5s and TTHMs results to you on a quarterly basis as long as any running annual average exceeds the MCL, as required by FDEP. If you should have any questions concerning this situation, please do not hesitate to contact Royal Utility at (954) 344-9106. 8900 Northwest 44th Court, Coral Springs, FL. 33065

Please share this information with other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.

This notice is being sent to you by the Royal Utility. State Water System ID#: 4061517 Date distributed:03/31/14

In PWS, SHG, 4/12/2014

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FLORIDA DEPARTMENT OF HEALTH

Broward County Health Department
Environmental Engineering Section
2421 SW 6 Avenue, Ft. Lauderdale, FL 33315-2613

(b)(4) Confidential Business Information

4773

SAFE DRINKING WATER/ POOLS
**** RECEIPT FOR FEES ****

(b)(4) Confidential Business Information

Centrax Pin Number
(b)(4) Confidential Business Information

Reference # (Log/Permit)

Employee I.D. #

Project Name [illegible] # 12406 [illegible] **Date** [illegible]

Applicant [illegible] Co. **Utility** [illegible]

PUBLIC WATER TREATMENT PLANT FACILITY APPROVAL

358 AT	a.	Exceeds	0.00 MGD	Up to and including		0.10 MGD	$
358 BT	b.	"	0.11 MGD	"	"	0.50 MGD	$
358 CT	c.	"	0.51 MGD	"	"	1.00 MGD	$
358 DT	d.	"	1.01 MGD	"	"	2.00 MGD	$
358 ET	e.	"	2.01 MGD	"	"	4.00 MGD	$
358 FT	f.	"	4.01 MGD	"	"	8.00 MGD	$
358 GT	g.	"	8.01 MGD	"	"	20.00 MGD	$
358 HT	h.	"	20.01 MGD				$

PRINTED ON LINEMARK PAPER - HOLD TO LIGHT TO VIEW. FOR ADDITIONAL SECURITY FEATURES SEE BACK.

0066142 / Office AU # — 11-24 / 1210(8)

Operator I.D.: fl006532

CASHIER'S CHECK

(b)(4) Confidential Business Information

Security Features Included. Details on Back.

PAY TO THE ORDER OF ***BROWARD COUNTY HEALTH DEPARTMENT***
OGC CASE # 12-406PWS1517-A

May 17, 2012

****Two thousand five hundred dollars and no cents****

****$2,500.00****

WELLS FARGO BANK, N.A.
9501 WESTVIEW DR
CORAL SPRINGS, FL 33076
FOR INQUIRIES CALL (480) 394-3122

VOID IF OVER US $ 2,500.00

Richard Levy
CONTROLLER

(b)(4) Confidential Business Information

358 SW	m.	Other Public Water Supply Well	$

PRIVATE WATER SYSTEM APPROVAL

357 WW	a.	Private water well installation	$
357 WS	b.	Lab charge	$
357 WL	c.	Limited Use Construction	$
357 PW	d.	Private Well Delineation	$
357 LU	e.	Limited Use-Commercial Water Registration	$

RECEIVED MAY 1 [illegible]

PUBLIC POOL/BATHING PLACE APPROVAL

360 PC	a.	Plan review for original construction	$
360 PD	b.	Plan review for modification/revision	$
360 PI	c.	Issuance of initial operating permit	$
4007		Other (Specify) [illegible]	$

TOTAL $

MAY 21 2012

BCHD-EE/44 (Rev 1/2000) White — Customer Yellow — Engineering Pink — Accounting

#0154

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Flo ı Department of Health in Broward (ınty

Environmental Engineering Section
2421 SW 6 Avenue, Ft.Lauderdale, Fl 33315-2613

Florida HEALTH

SAFE DRINKING WATER/POOLS
** RECEIPT FOR FEES **

2205

FHDR # (b)(4) Confidential Business Information

Reference #

PWS # 4060402

Check # (b)(4) Confidential Business Information

Project Name EVERGLADES HOLIDAY PARK Date 6/16/14

Applicant _____ Utility _____

PUBLIC WATER TREATMENT PLAN FACILITY APPROVAL

358 AT	a.	Exceeds	0.00 MGD	Up to and including	0.10 MGD	$
358 BT	b.	"	0.11 MGD	" "	0.50 MGD	$
358 CT	c.	"	0.51 MGD	" "	1.00 MGD	$
358 DT	d.	"	1.01 MGD	" "	2.00 MGD	$
358 ET	e.	"	2.01 MGD	" "	4.00 MGD	$
358 FT	f.	"	4.01 MGD	" "	8.00 MGD	$
358 GT	g.	"	8.01 MGD	" "	20.00 MGD	$
358 HT	h.	"	20.01 MGD			$
358 IT	i.	Public Well Site Evaluation				$
358 PM	j.	Plant Modification - no capacity change				$

WATER STORAGE FACILITY APPROVAL

358 T1	a.	Storage Facility >0.00 MG To 1.00 MG	$
358 T2	b.	Storage Facility >1.00 MG To 2.00 MG	$
358 T3	c.	Storage Facility >2.00 MG To 3.00 MG	$
358 T4	d.	Storage Facility >3.00 MG To 4.00 MG	$
358 T5	e.	Storage Facility >4.00 MG and Above	$

PUBLIC WATER DISTRIBUTION SYSTEM APPROVAL & CONSTRUCTION

358 WA	a.	DEP Major Plant Modification 1MGD +				$
358 DM	b.	DEP Minor Modification				$
358 W1	c.	DEP Water Plant Construction 5+ MGD				$
358 W2	d.	DEP Water Plant Construction Up to .1 MGD				$
358 W3	e.	DEP Water Plant Construction 1.01 MGD to 5MGD				$
358 WG	f.	DEP General Permit Fee				$
358 D1	g.	Mains <6"	$0 _____	x _____	Linear ft =	$
358 D2	h.	Mains 6" to 10"	$0 _____	x _____	Linear ft =	$
358 D3	i.	Mains 12" or larger	$0 _____	x _____	Linear ft =	$
358 D4	j.	Water Project Clearance				$
358 SW	e.	Other Public Water Supply Well				$

PRIVATE WATER SYSTEM APPROVAL

357 WW	a.	Private water well installation	$
357 WL	b.	Limited Use Permit	$
357 PW	c.	Private Well Delineation	$
357 LU	d.	Limited Use-Commercial Water Registration	$

MISCELLANEOUS

360 PC	a.	Plan review for original construction	$
360 PD	b.	Plan review for modification/revision	$
360 PI	c.	Issuance of initial operating permit for Swimming Pool	$
358 WC	d.	SDWA Enforcement Fines	$ 5,500.00
_____	g.	Other (Specify) _____	$

TOTAL $ 5,500.00

FDOH-EE/44 (Rev 10/03) White -- Customer Yellow -- Engineering Pink -- Accounting

Flc a Department of Health in Broward ,unty

Environmental Engineering Section
2421 SW 6 Avenue, Ft.Lauderdale, Fl 33315-2613

SAFE DRINKING WATER/POOLS
** RECEIPT FOR FEES **

COPY

2205

FHDR # (b)(4) Confidential Business Information

Reference #

PWS # 4060402

Check # (b)(4) Confidential Business Information

Project Name EVERGLADES HOLIDAY PARK

Date 6/16/14

Applicant

Utility

PUBLIC WATER TREATMENT PLAN FACILITY APPROVAL

358 AT	a.	Exceeds	0.00 MGD	Up to and including	0.10 MGD	$
358 BT	b.	"	0.11 MGD	" "	0.50 MGD	$
358 CT	c.	"	0.51 MGD	" "	1.00 MGD	$
358 DT	d.	"	1.01 MGD	" "	2.00 MGD	$
358 ET	e.	"	2.01 MGD			

WELLS FARGO BANK, N.A
FORT LAUDERDALE, FLORIDA

BROWARD COUNTY FLORIDA
ACCOUNTS PAYABLE

BOARD OF COUNTY COMMISSIONERS
BROWARD COUNTY • FORT LAUDERDALE, FLORIDA

64-975
612

CHECK NO (b)(4) Confidential Business Information

DATE 06/10/2014

CHECK NO (b)(4) Confidential Business Information

VOID AFTER 180 DAYS

PAY ***Five Thousand Five Hundred Dollars And 00/100 Cents **********

AMOUNT ***$5,500.00*

To The Order Of
BROWARD COUNTY HEALTH DEPARTMENT
2421A SW 6 AVE
FT LAUDERDALE, FL 33315

(b)(4) Confidential Business Information

358 D4	j.	Mains 12" or larger $0	x	Linear ft =	$	
358 SW	e.	Water Project Clearance			$	
		Other Public Water Supply Well			$	

PRIVATE WATER SYSTEM APPROVAL

357 WW	a.	Private water well installation	$
357 WL	b.	Limited Use Permit	$
357 PW	c.	Private Well Delineation	$
357 LU	d.	Limited Use-Commercial Water Registration	$

MISCELLANEOUS

360 PC	a.	Plan review for original construction	$
360 PD	b.	Plan review for modification/revision	$
360 PI	c.	Issuance of initial operating permit for Swimming Pool	$
358 WC	d.	SDWA Enforcement Fines	$
	g.	Other (Specify)	$ 5,500.00
			$

TOTAL $ 5,500.00

FDOH-EE/44 (Rev 10/03)

White – Customer Yellow – Engineering Pink – Accounting

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FLORIDA DEPARTMENT OF HEALTH

Broward County Health Dept
780 SW 24 St Fort Lauderdale, FL 33315

COPY

PAYING ON: PERMIT #: 06-58-00080 BILL DOC #:6-BID-1958003

RECEIVED FROM: Royal Utility Co

AMOUNT PAID: $ 2500.00

PAYMENT FORM: CHECK (b)(4) Confidential Business Information

PAYMENT DATE: 05/21/2012

MAIL TO: **(Royal Utility)**
8900 NW 44 Ct
Pompano Beach, FL 33065

FACILITY NAME : Royal Utility

PROPERTY LOCATION:

8900 NW 44 Ct
Pompano Beach, FL 33065

Lot: _____ Block: _____

Property ID: _____

EXPLANATION or DESCRIPTION:	QUANTITY	FEE
-1 - County, SDWA Fines	1	$ 2500.00

RECEIVED BY: RothME

AUDIT CONTROL NO. **6-PID-1863842**

Note: CONSENT ORDER FINE

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FLORIDA DEPARTMENT OF HEALTH

Broward County Health Department
Environmental Engineering Section
2421 SW 6 Avenue, Ft. Lauderdale, FL 33315-2613

(b)(4) Confidential Business Information

Check

SAFE DRINKING WATER/ POOLS
**** RECEIPT FOR FEES ****

Centrax Pin Number
(b)(4) Confidential Business Information

Reference # (Log/Permit)
12-406PWS1517-B

Employee I.D. #
(b)(4) Confidential Business Information

Project Name Royal Utility **Date** 2/1/13

Applicant Jock McCartney **Utility** Royal Utility

PUBLIC WATER TREATMENT PLANT FACILITY APPROVAL

358 AT	a.	Exceeds	0.00 MGD	Up to and including		0.10 MGD	$
358 BT	b.	"	0.11 MGD	"	"	0.50 MGD	$
358 CT	c.	"	0.51 MGD	"	"	1.00 MGD	$
358 DT	d.	"	1.01 MGD	"	"	2.00 MGD	$
358 ET	e.	"	2.01 MGD	"	"	4.00 MGD	$
358 FT	f.	"	4.01 MGD	"	"	8.00 MGD	$
358 GT	g.	"	8.01 MGD	"	"	20.00 MGD	$
358 HT	h.	"	20.01 MGD				$
358 IT	i.	Public Well Site Evaluation					$
358 PM	j.	Plant Modification - no capacity change					$

WATER STORAGE FACILITY APPROVAL

358 T1	a.	Storage Facility >0.00 MG To 1.00 MG	$
358 T2	b.	Storage Facility >1.00 MG To 2.00 MG	$
358 T3	c.	Storage Facility >2.00 MG To 3.00 MG	$
358 T4	d.	Storage Facility >3.00 MG To 4.00 MG	$
358 T5	e.	Storage Facility >4.00 MG And Above	$

PUBLIC WATER DISTRIBUTION SYSTEM APPROVAL & CONSTRUCTION

358 WA	a.	DEP Major Plant Modification 1MGD +					$
358 DM	b.	DEP Minor Modification					$
358 W1	c.	DEP Water Plant Construction 5+ MGD					$
358 W2	d.	DEP Water Plant Construction Up To .1 MGD					$
358 W3	e.	DEP Water Plant Construction 1.01MGD to 5MGD					$
358 WG	f.	DEP General Permit Fee					$
358 D1	g.	Mains <6"	$0	X		linear ft =	$
358 D2	h.	Mains 6" to 10"	$0	X		linear ft =	$
358 D3	i.	Mains 12" or larger	$0	X		linear ft =	$
358 D4	j.	Water Project Clearance					$
358 WD	k.	DEP Permit Extension Fee					$
358 WP	l.	BCHD Permit Extension Fee					$
358 SW	m.	Other Public Water Supply Well					$

PRIVATE WATER SYSTEM APPROVAL

357 WW	a.	Private water well installation	$
357 WS	b.	Lab charge	$
357 WL	c.	Limited Use Construction	$
357 PW	d.	Private Well Delineation	$
357 LU	e.	Limited Use-Commercial Water Registration	$

RECEIVED

PUBLIC POOL/BATHING PLACE APPROVAL

360 PC	a.	Plan review for original construction	$
360 PD	b.	Plan review for modification/revision	$
360 PI	c.	Issuance of initial operating permit	$
4607		Other (Specify) ENFORCEMENT FINES	$ 1250.00
		TOTAL	$ 1250.00

BCHD-EE/44 (Rev 1/2000) White --- Customer Yellow -- Engineering Pink -- Accounting

FLORIDA DEPARTMENT OF HEALTH

Broward County Health Department
Environmental Engineering Section
2421 SW 6 Avenue, Ft. Lauderdale, FL 33315-2613

(b)(4) Confidential Business Information

Check

SAFE DRINKING WATER/ POOLS
**** RECEIPT FOR FEES ****

Contrax Pin Number
(b)(4) Confidential Business Information

Reference # (Log/Permit)
12-406PWS1517-B

Employee I.D. #
(b)(4) Confidential Business Information

Project Name Royal Utility **Date** 2/1/13

Applicant Jock. McCartney **Utility** Royal Utility

PUBLIC WATER TREATMENT PLANT FACILITY APPROVAL

0066142 Office AU # 11-24 1210(8)

CASHIER'S CHECK

(b)(4) Confidential Business Information

Operator I.D.: fl008153 fl006532

Security Features Included. Details on Back.

January 30, 2013

PAY TO THE ORDER OF ***BROWARD COUNTY HEALTH DEPARTMENT***
REF. 12-406PWS1517-B

****One thousand two hundred fifty dollars and no cents****

****$1,250.00****

WELLS FARGO BANK, N.A.
9501 WESTVIEW DR
CORAL SPRINGS, FL 33076
FOR INQUIRIES CALL (480) 394-3122

VOID IF OVER US $ 1,250.00

Richard Leary
CONTROLLER

(b)(4) Confidential Business Information

358 W2	d.	DEP Water Plant Construction Up To 1 MGD					$
358 W3	e.	DEP Water Plant Construction 1.01MGD to 5MGD					$
358 WG	f.	DEP General Permit Fee					$
358 D1	g.	Mains <6"	$0	X		linear ft =	$
358 D2	h.	Mains 6" to 10"	$0	X		linear ft =	$
358 D3	i.	Mains 12" or larger	$0	X		linear ft =	$
358 D4	j.	Water Project Clearance					$
358 WD	k.	DEP Permit Extension Fee					$
358 WP	l.	BCHD Permit Extension Fee					$
358 SW	m.	Other Public Water Supply Well					$

PRIVATE WATER SYSTEM APPROVAL

357 WW	a.	Private water well installation	$
357 WS	b.	Lab charge	$
357 WL	c.	Limited Use Construction	$
357 PW	d.	Private Well Delineation	$
357 LU	e.	Limited Use-Commercial Water Registration	$

PUBLIC POOL/BATHING PLACE APPROVAL

360 PC	a.	Plan review for original construction	$
360 PD	b.	Plan review for modification/revision	$
360 PI	c.	Issuance of initial operating permit	$
4607		Other (Specify) ENFORCEMENT FINES	$ 1250.00
		TOTAL	$ 1250.00

BCHD-EE/44 (Rev 1/2000) White -- Customer Yellow -- Engineering Pink -- Accounting