



Jeb Bush
Governor

John O. Agwunobi, M.D., M.B.A.
Secretary

May 2, 2005

Certified Mail
Return Receipt Requested
Consent Order (CO) # DW-96-05

Ms. Stacey Marshall, Group Leader
The School District of Palm Beach County
Jupiter Farms Elementary School
3300 Summit Blvd
West Palm Beach, FL 33406-4108

Re: Proposed Settlement of Palm Beach County Health Department (Consent Order # DW-96-05) v. PBC School Board (Jupiter Farms Elem. School PWS ID # 4504664) with respect to violation of Drinking Water Regulations

Dear Ms. Marshall:

The purpose of this letter is to complete the resolution of the matter previously identified by the Palm Beach County Health Department (PBCHD) in the Warning Letter dated March 23, 2005, copy of which is attached. All corrective actions required to bring your facility into compliance with this issue have been completed as stated in the letter from Mr. Chris Skerlec of the PBC School Board dated April 22, 2005. In order to resolve the matters identified in the attached Warning Letter, you are assessed civil penalties in the amount of \$4,000, along with \$250 to reimburse Health Department costs, for a total of \$4,250 (four thousand two hundred and fifty dollars). This payment shall be made payable to the Palm Beach County Health Department (PBCHD) by cashier's check or money order and shall include the Consent Order number assigned above (DW-96-05). Payment shall be sent to the Drinking Water Section, Environmental Health & Engineering, 901 Evernia Street, West Palm Beach, Florida 33402, attention Mrs. Bridget Bethune along with this letter after you have signed it. Payment must be received by June 3, 2005.

Your signing this letter constitutes acceptance of the Department's offer to resolve this matter on these terms. If you elect to sign this letter, please return it to the Department at the address indicated above. The Department will then countersign the letter and file it with the Clerk of the Department. When the signed letter is filed with the Clerk, the letter shall constitute final agency action of the Department, which shall be enforceable pursuant to **Section 403.121(4)(b), Florida Statutes**.

By countersigning this letter, the PBCHD waives its right to seek judicial imposition of damages or civil penalties arising from this case for the violation described in the Warning Letter. By the signature of the responsible official, The School Board of PBC waives its right to appeal the provisions of this consent order.

If you do not sign and return this letter to the Palm Beach County Health Department address by June 3, 2005, the Department will assume you are not interested in settling this matter on the above described terms, and will proceed accordingly. None of your rights or substantial interests are determined by this letter unless you sign it and it is filed with the Department Clerk, Mrs. Bridget Bethune, within the designated time frame.

Should you have any questions, please contact Mr. Michael Hambor / Operations Section Supervisor at (561) 355-3070 ext. 1176.

Sincerely,

A handwritten signature in black ink, appearing to read "Frank J. Gargiulo".

Frank J. Gargiulo, P.E., R.S., Director
Division of Environmental Health & Engineering

I, _____, on behalf of The School District of PBC, West Palm Beach, Florida
Responsible Official

HEREBY ACCEPT THE TERMS OF THE SETTLEMENT OFFER IDENTIFIED ABOVE.

FOR THE RESPONDENT:

By: _____ Date _____
Responsible Official
The School District of PBC
WPB, FL 33406-4108

FOR THE DEPARTMENT:

DONE AND ORDERED this ____ day of _____, 2005, in West Palm Beach, Florida

By: _____ Date _____
Frank J. Gargiulo, P.E., R.S., Director
Division of Environmental Health and
Engineering/Florida Department of Health
Palm Beach County Health Department

FILING AND ACKNOWLEDGMENT

FILED, on this date, pursuant to §120.52 Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged:

Clerk Date _____



Jeb Bush
Governor

John O. Agwunobi, M.D., M.B.A.
Secretary

March 23, 2005

Ms. Stacey Marshall
The School District of Palm Beach County
3300 Summit Blvd
West Palm Beach, FL 33406-4108

Certified Mail
Return Receipt Requested
Warning Letter DW-96-05

Re: Jupiter Farms Elementary School (PWS ID # 4504664)
Failure to properly maintain drinking water treatment equipment.

Dear Ms. Marshall:

The purpose of this letter is to advise you of certain violations of law for which you may be responsible, and to seek cooperation in resolving the matter.

Rule 62-555.350, Florida Administrative Code (F.A.C.), Operation and Maintenance of Equipment states in part:

(2) "Suppliers of water shall keep all necessary public water system components in operation and shall maintain such components in good operating condition so the components function as intended".

Remarks: The membranes in the softening system had outlived their useful life and were not being properly inspected and maintained according to the manufacturer's O & M manual causing system components to fail allowing disinfection byproducts precursors to by-pass treatment resulting in an MCL exceedance for THMs and HAA5 when the finish water was chlorinated (the MCL exceedance was previously addressed in Warning Letter DW-76-04).

Based on the letter received from the School District dated December 10, 2004, it is our understanding that the membranes have been replaced and the system refurbished. In addition a modified O & M manual has been developed in response to this situation. The THM and HAA5 data received on March 16, 2005 confirms that the system components are now operating properly.

If there is any additional information which you would like to provide to the Department prior to a final determination, please send it to us in writing within 15 days of receipt of this letter.

PALM BEACH COUNTY HEALTH DEPARTMENT

♦ P. O. Box 29 ♦ 901 Evernia Street ♦ West Palm Beach, FL 33402-0029

Page 2 of 2.
PBCHD v. The School District of Palm Beach County

Be advised this Warning Letter is part of an agency investigation preliminary to agency action in accordance with **Section 403.121(4)(b), Florida Statutes**. We look forward to your cooperation in completing this investigation and resolution of this matter.

Sincerely,



Michael Hambor
Engineer Supervisor
Operations Section
Division of Environmental Health & Engineering

Cc: Mr. Bill Bright
Drinking Water Operator