



Certification & Restoration Program
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From: Jerrel Phillips <JPhillips@peer.org>
Sent: Wednesday, March 31, 2021 2:34 PM
To: Hardy, Chad <Chad.Hardy@dep.state.fl.us>
Subject: Investigation Request--City of Delray Beach, Utilities

Dear Mr. Hardy:

It was a pleasure speaking with you. In follow-up to that conversation, I wanted to provide you with the following information that we have been given involving an individual, Juan Guevarez, who holds a DEP Class C Operator's License 0027367. Mr. Guevarez is currently working at the City of Delray Beach as the Assistant Director of Utilities.

In looking at this matter we learned, upon information and belief, that

- Mr. Guevarez worked at Boynton for about a year as a Manager of Water Quality & Treatment, a position utilities supervisor. According to the Human Relations Department at Boynton Beach, Mr. Guevarez began working for them in September 2018, and worked there until his resignation in October 2020. The position, per Boynton Beach, is a supervisory position only and does not involve the actual operation of the water plant.
- While still employed in his supervisor's role at Boynton Beach, Mr. Guevarez completed the operator certification course with PSI by passing the exam given by CSUS. He consequently obtained 2 certificates from CSUS dated October and November 2020.
- In or about November 2020, Mr. Guevarez began working at the City of Delray Beach as the Assistant Director of Utilities.
- On December 9, 2020, Mr. Guevarez filed an Application for Water or Wastewater Treatment Plant Operator Examination, seeking an operator's license to operate a water/wastewater facility. The FDEP then sent Mr. Guevarez a letter dated 12/17/20 and stated therein that he should present the cover letter to PSI in order to take the exam (which he may have already taken).
- In response to the FDEP letter, Mr. Guevarez then completed and signed the attached Application for Water or Wastewater Treatment Plant Operator License (DEP Form 62-602.900(2)). He signed the application on 1/26/21. In that application, Mr. David Roland (license number 12436) certified that Mr. Guevarez completed 2080 hours of direct work as an operator at the Boynton water plant. This work, per the application, was performed from 10/11/2019 through 10/12/2020, at a rate of 40 hours/week for 52 weeks. It is our understanding that Mr. Roland, who was the Lead Operator at the Boynton Beach plant, worked for Mr. Guevarez at the Boynton Beach Utilities Department.
- The operator's license application does not ask the applicant, or the person certifying, what the job title was that the applicant held while allegedly working at the facility. Thus, the application at issue does not disclose this information.
- On February 9, 2021, the FDEP issued Mr. Guevarez the attached Class C Operator's License. License number 0027367.

The reason for our inquiry is that 62-602.250(1)(a) and (b), F.A.C. require that an applicant actually perform the work of an operator in order to fulfill the experience requirement for a Class A., B, or C license. Further, 62-602.250(6)(f), F.A.C., specifically excludes, "[p]eriods of employment as directors of public works, utility managers, regulatory inspectors, or in other occupations which do not include the experience as defined in this

rule section." Consequently, an individual who merely supervises an operator but does not actually perform the daily operational duties at a water or wastewater plant should not be able to use the time spent in a supervisory capacity as credit towards the requisite experience needed to obtain his or her own Class C license.

As I mentioned to you in our conversation, the Florida, Department of Health is currently prosecuting a significant enforcement action against the City of Delray Beach for its actions in the operation of its wastewater treatment plant, specifically the provision of reclaimed water to local residents. I am enclosing a copy of the draft consent order and penalty calculation worksheet, that identify the specific violations, some of which include providing false information to the FDOH. (See, Pages 6 & 9, Draft Penalty Auth Memo) When the above information came to our attention, we thought it best that the FDEP be made aware of the city's history and potential ongoing issues with the operation of its plant.

It should also be noted that the City of Delray Beach currently is the permittee of the South Central Regional WWTP, operating under NPDES Permit number FL0035980. Section V.A.1. Staffing Requirements of that permit requires that the facility be operated by operators who are certified "in accordance with Chapter 62-602, F.A.C." Accordingly, the licensing status of operators of the Delray Beach facility are of direct interest to the FDEP and to the public that is served by the facility.

In writing to you, we are seeking clarification as to whether the FDEP checks operator log-books to verify an applicant's claims in an application for a Class C Operator's License. We would also like to know whether such a check was performed regarding the application submitted by Mr. Guevarez. Did the log-books from Boynton Beach confirm his daily operation of that wastewater/water treatment plant? These records are required to be kept in order to comply with the recordkeeping requirements in each NPDES permit, so they should have been readily available. If no such investigation was conducted by the FDEP, will the FDEP conduct a thorough investigation at this point given the above-information, in order to confirm that all qualifications for the license were met?

Thank you for your kind attention in this matter.

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