

January 16, 2013

Butch Rogers  
Sun Country Water, Saddleback water system  
22648 Nelson Rd.  
Bend, OR 97701

RE: Notice of Non-Compliance regarding the Sun Country Water, Saddleback Public Water System, PWS OR4100123

Mr. Rogers,

Our records indicate that you own the Sun Country Water, Saddleback (Saddleback) water system located along Johnson Rd. and Saddleback Dr. in Bend, Oregon. Therefore, you are a water supplier as defined in Oregon Revised Statute (ORS) 448.115(12) and Oregon Administrative Rule (OAR) 333-061-0020(211), and have specific responsibilities as defined in OAR 333-061-0025.

Saddleback is a Community public water system serving between 10 and 100 people and subject to regulation under ORS 448.115 to 448.290 and OAR 333-061-0005 to 333-061-0290.

The Oregon Health Authority, Public Health Division, Center for Health Protection, Drinking Water Services (DWS) has reviewed the Saddleback water system. This review has found that you are not in compliance with the following Oregon administrative rules, and are therefore not meeting your responsibilities as a water supplier as prescribed by the Oregon Drinking Water Quality Act (ORS 448.115 to ORS 448.290) and rules.

- Violation No. 1: OAR 333-061-0070(9)(a) requires water suppliers responsible for community water systems to include an ordinance or enabling authority as part of a local cross connection program. DWS has not received the required ordinance or enabling authority for the Saddleback water system, nor were the documents available for review during the December 2, 2011 sanitary survey, which constitutes a violation of OAR 333-061-0070(9)(a).

- Violation No. 2: OAR 333-061-0070(9)(c) requires water suppliers responsible for community water systems to submit to DWS a cross connection Annual Summary Report (ASR) each year before the last working day of March. DWS has not received a recent cross connection ASR for the Saddleback water system, which constitutes a violation of OAR 333-061-0070(9)(c).
- Violation No. 3: OAR 333-061-0225(1) requires water suppliers responsible for community water systems to at all times employ, contract with, or otherwise utilize an operator to supervise and to be in direct responsible charge of the water system. OAR 333-061-0225(2) requires that the operator in direct responsible charge of a water system be certified at a level equal to or greater than the classification of the water system for which they are responsible. You have not designated an operator to be in direct responsible charge of the Saddleback water system, which constitutes a violation of OAR 333-061-0225.
- Violation No. 4: OAR 333-061-0076(6)(b) requires water systems utilizing only groundwater sources to, within 120 days of written notification, correct any significant deficiencies identified during a sanitary survey, or to be in compliance with a corrective action plan. A sanitary survey was conducted on December 2, 2011 at the Saddleback water system, and a letter was provided to Butch Rogers, water system operator, on the same day identifying significant deficiencies identified during the survey. As of the date of this order, you have not corrected all of the significant deficiencies identified in the December 2, 2011 letter, nor are you in compliance with an action plan to correct the remaining deficiencies, which constitutes a violation of OAR 333-061-0076(6).
- Violation No. 5: OAR 333-061-0036(6)(a)(G) requires samples for total coliform bacteria to be collected according to a written coliform sampling plan. DWS has not approved the required coliform sampling plan for the Saddleback water system, nor was the plan available for review and approval during the December 2, 2011 sanitary survey. The lack of an approved coliform sampling plan for the Saddleback water system constitutes a violation of OAR 333-061-0036(6)(a)(G).



ACTIONS REQUIRED TO ACHIEVE COMPLIANCE

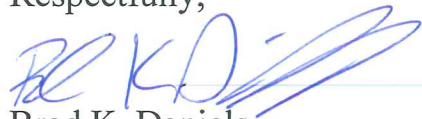
Due to the rule violations identified above, you are required to complete the following actions relating to the Saddleback water system:

- Compliance Action No. 1: You must submit to DWS, no later than March 31, 2013, a cross connection ordinance or enabling authority for the Saddleback water system as prescribed by OAR 333-061-0070(9)(a).
- Compliance Action No. 2: You must submit to DWS, no later than March 31, 2013, the 2012 cross connection ASR for the Saddleback water system as prescribed by OAR 333-061-0070(9)(c).
- Compliance Action No. 3: You must designate an operator to be in direct responsible charge of the Saddleback no later than March 31, 2013 as prescribed by OAR 333-061-0225.
  - The designation must be submitted in writing on a form approved or produced by DWS.
  - The operator must be certified in accordance with all the applicable provisions of OAR 333-061-0205 through OAR 333-061-0290.
- Compliance Action No. 4: You must ensure the correction of every significant deficiency identified in the letter dated December 2, 2011 relating to the sanitary survey conducted at the Saddleback water system.
  - Every significant deficiency must be corrected no later than March 31, 2013 to the satisfaction of the Deschutes County Environmental Health Division.

If you do not comply with the deadlines specified in this letter, the continued non-compliance may result in additional enforcement action including the assessment of civil penalties as prescribed by OAR 333-061-0090. Please contact Jeff Freund at Deschutes County Environmental Health at (541) 388-6563 to discuss the compliance actions specified in this letter.

Thank you for your cooperation.

Respectfully,



Brad K. Daniels

Enforcement Coordinator

OHA - Drinking Water Services

cc: Michelle Byrd, OHA DWP  
Jeff Freund, Deschutes County Environmental Health Division  
Theodore Lyster, Sun Country Water, Saddleback water system