



Oregon

Theodore R. Kulongoski, Governor

Oregon Health Authority
Public Health Division
Environmental Public Health
800 NE Oregon Street, Suite 640
Portland, OR 97232-2162
Voice 971-673-0405
FAX 971-673-0694
TTY 971-673-0372

BEFORE THE STATE OF OREGON
OREGON HEALTH AUTHORITY
OFFICE OF ENVIRONMENTAL PUBLIC HEALTH

In the Matter of

Bear Creek Hideout Water System/
Rose Lodge Water Co.,
PWS OR4100482

Respondent

NOTICE OF VIOLATION OF
SETTLEMENT AGREEMENT;
FINAL ORDER IMPOSING CIVIL
PENALTY

To: Bette Carter, Owner
974 N. Sundown Dr.
Otis, Oregon 97368

1. You entered into a Settlement Order with the Oregon Health Authority on December 14, 2010.
2. In that Settlement Order you agreed, in pertinent part, to:
 - a. Pay a \$100 civil penalty within ten days of signing the Order;
 - b. Submit a completed General Application and Application Supplement for Safe Drinking Water Revolving Loan Funds to the Oregon Business Development Department (OBDD) and to the Authority no later than December 31, 2010. Because December 31, 2010, was a state holiday, you had until January 3, 2011 to submit the application; and

"Assisting People to Become Independent, Healthy and Safe"
An Equal Opportunity Employer



c. Notify the Authority immediately or at least within 24 hours, of losses of water pressure below 20 pounds per square inch at the Bear Creek water system.

3. You failed to submit a \$100 payment to the Authority by December 24, 2010, and to date no payment has been received.

4. You have failed to submit a General Application and Application Supplement for Safe Drinking Water Revolving Loan Funds to OBDD by January 3, 2011, and to date no application has been submitted.

5. There were losses of water pressure below 20 pounds per square inch at the Bear Creek water system on December 14, 17, 19, 25, 26, 30 and 31, 2010. You failed to notify the Authority of these losses of water pressure.

6. The Settlement Order states that you agree to pay the remaining civil penalty of \$900.00 if you fail to meet the terms of the Order, due and payable within 10 days of the issuance of a Notice of Violation of Settlement Agreement.

ORDER

Based on the foregoing, **YOU ARE HEREBY ORDERED** to pay the entire civil penalty of \$1,000 (\$100 that was required under the terms of the settlement and \$900 that was held in abeyance) within 10 days of the date this Notice and Order was mailed.

The Settlement Order between you and the Authority concerning the Bear Creek Hideout water system is no longer in effect.

GENERAL PROVISIONS

Civil penalty amounts are established in Oregon Administrative Rule 333-061-0090. If unpaid, civil penalties may be recorded and filed with county clerks as liens against property 10 days after the expiration of the statutory appeals period. The Agency may assign liquidated and delinquent civil penalties to the Department of Revenue, as provided in ORS 293.250, not later than 90 days after the Notice becomes final. If you have any questions about payment, or wish to make payment arrangements, please call Brad Daniels at 971-673-0407. Make Checks payable to the DHS-Drinking Water Program.

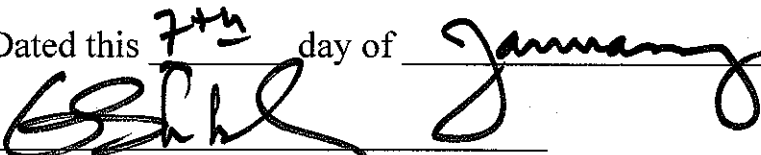
Reasonable administrative costs, collection costs, attorney's fees, and all other costs and charges necessary for the collection of any amount not paid when due, including but not limited to collection charges assessed by the Department of Revenue may be added to the amount due.

If unpaid, civil penalties may also be recorded and filed with county clerks as liens against property 10 days after the expiration of the statutory appeals period. Make Checks payable to the DHS-Drinking Water Program.

If you need to receive the information in this order in an alternate format, or if you have any questions regarding this Notice, please contact Brad K. Daniels, DHS-Drinking Water Program, (971) 673-0407.

If you want to appeal this order you may file a petition with the Circuit Court in accordance with ORS 183.484 within 60 days of the date of service.

Dated this 7th day of January, 2011.



Gail R. Shibley, JD, Administrator
Office of Environmental Public Health

- cc: Fred Kalish, DHS-DWP
- Karen Kelley, DHS-DWP
- Kathy Miller, Public Utility Commission
- Harold Rogers, USEPA

DATE of Service: January 7, 2011


Brad K Daniels

By certified and first class mail

