Malheur County Circuit Court Entered/Docketed 1 Date 11-25-13 NOV 25 2013 2 3 IN THE CIRCUIT COURT OF THE STATE OF OREGON 4 5 FOR THE COUNTY OF MALHEUR 6 STATE OF OREGON, by and through its Case No. 1307377L OREGON HEALTH AUTHORITY, 7 DEFAULT GENERAL JUDGMENT Plaintiff. PERMANENT INJUNCTION and 8 MONEY AWARD v. 9 ROBERT M. COOK, 10 ORS 20.140 - State fees deferred at filing Defendant. 11 This matter comes before the Court on the application of Stephanie M. Parent, attorney 12 13 for plaintiff herein, for a default judgment against the above-named defendant Robert M. Cook. 14 It appears to the Court that an Order of default has been entered as to defendant and that plaintiff 15 should have and recover judgment against defendant Robert M. Cook. The Court being fully 16 advised in the premises, 17 NOW THEREFORE, Judgment is hereby rendered in favor of Plaintiff, State of Oregon, 18 by and through its Oregon Health Authority, and against Defendant Robert M. Cook as follows: 19 PERMANENT INJUNCTION 20 1. Defendant Robert M. Cook shall bring the Golf Mobile City public water system 21 (hereafter "the water system") into compliance with the State Maximum Contaminant Level 22 (MCL) for arsenic and nitrate in drinking water found in Oregon Administrative Rule (OAR) 23 333-061-0030(1) (arsenic must not exceed 0.010 mg/L and nitrate must not exceed 10mg/L). To 24 bring the water system into compliance with the MCL for arsenic and nitrate, Defendant shall 25 install a central water treatment system that ensures water delivered to every customer's service 26

DEFAULT GENERAL JUDGMENT and MONEY AWARD boscord

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| 1 | connection has arsenic and nitrate levels at or below the MCL for arsenic and nitrates. Treatment |
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| 2 | shall be installed in the following manner: |
| 3 | a) Prior to installation and no later than 60 days after judgment is entered, Defendant |
| 4 | shall submit to Oregon Health Authority (OHA) for approval construction and installation plans |
| 5 | that: |
| 6 | 1) meet all of the requirements specified in OAR 333-061-0060(1), |
| 7 | including but not limited to the requirement that any preliminary plans, |
| 8 | pilot studies, master plans and construction plans shall be prepared by a |
| 9 | Professional Engineer registered in Oregon, as required by OAR 333-061- |
| 10 | 0060(1)(b), and that include the information required by OAR 333-061- |
| 11 | 0060(1)(c); |
| 12 | 2) clearly identify how the proposed treatment system will enable |
| 13 | Golf Mobile City water system to supply water with arsenic and nitrate levels |
| 14 | at or below the MCL specified in OAR 333-061-0030(1), including but not |
| 15 | limited to as set forth in OAR 333-061-0050(4), requiring demonstration |
| 16 | of use of best available technology or supporting pilot studies or data to |
| 17 | demonstrate effectiveness of the treatment system; and |
| 18 | 3) are accompanied by the plan review fee, as required by OAR 333-061- |
| 19 | 0060(3). |
| 20 | b) If, upon receipt of plans, OHA cannot approve plans and advises that correction |
| 21 | or clarification is required pursuant to OAR 333-061-0060(2)(a), Defendant shall submit |
| 22 | clarification or correction no later than 30 days after the date OHA mails to Defendant by |
| .23 | certified mail, its determination that correction or clarification is required. |
| 24 | c) No later than 90 days after the date OHA mails by certified may, its written |
| 25 | approval of the construction and installation plans pursuant to OAR 333-061-0060(2)(a) |
| 26 | Defendant shall exercise due diligence to: |

| 1 | 1) complete construction of the arsenic and nitrate treatment system and any |
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| 2 | other necessary improvements identified in the construction plans, in accordance |
| 3 | with the construction standards in OAR 333-061-0050; |
| 4 | 2) submit to OHA a statement of a professional engineer registered in |
| 5 | Oregon certifying that the project has been constructed in compliance with |
| 6 | the approved plans and specifications, as required by OAR 333-061- |
| 7 | 0060(2)(b); |
| 8 | 3) submit to OHA a report of the results of collection and analysis for arsenic |
| 9 | and nitrate levels of water samples taken from the new treatment system; and |
| 10 | 4) notify OHA that the system is ready for OHA's inspection. |
| 11 | d) Prior to supplying water to customers Defendant must receive approval from OHA. |
| 12 | If OHA cannot approve supplying water following its inspection OHA shall notify Defendant that |
| 13 | corrections are required and Defendant shall complete the corrections within 30 days of the date |
| 14 | OHA mails its notification of corrections by certified mail. |
| 15 | 2. Defendant shall continue to sample the water quarterly for arsenic and nitrate and |
| 16 | report the results to OHA in accordance with OAR 333-061-0025. |
| 17 | 3. Defendant shall continue to notify the public that Golf Mobile City public water |
| 18 | system does not meet state standards for arsenic and nitrates, in accordance with OAR 333-061- |
| 19 | 0025, OAR 333-061-0040, and OAR 333-061-0042, and report public notification to OHA. |
| 20 | Thereafter, every quarter (every three months), Defendant shall notify the public that the Golf |
| 21 | Mobile City public water system does not meet state standards for arsenic and nitrates, in |
| 22 | accordance with OAR 333-061-0025, OAR 333-061-0040, and OAR 333-061-0042, and report |
| 23 | public notification to OHA within ten days of the end of the quarter. Defendant shall continue this |
| 24 | quarterly public notice and report to OHA unless and until Defendant's quarterly water sample |
| 25 | results, as described in paragraph 2, are at or below the MCL for arsenic as specified in OAR 333- |
| 26 | 061-0030(1) for four consecutive calendar quarters. |

Page 3 - DEFAULT GENERAL JUDGMENT and MONEY AWARD

| . 1 | 4. Defendant shall submit all documents and information required in this Stipulated |
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| 2 | Judgment to OHA by facsimile to 971-673-0694 or by mail to: |
| 3 4 | Drinking Water Systems, Water Quality Reporting PO Box 14350 Portland, OR 97293-0350 |
| 5 | 5. If Defendant intends to transfer his interest in the water system, in whole or in par |
| 6 | by any means, Defendant shall provide a copy of this Judgment to the prospective recipient of an |
| 7 | of Defendant's interest in the water system. |
| 8 | 6. Defendant is required to take any other reasonable measures that OHA asserts are |
| 9 | necessary to prevent future violations and to protect public health, safety and welfare. |
| 10 | 7. If Defendant fails to comply with the orders of this Court as set forth in paragraph |
| 11 | 1 through 6, pursuant to ORS 448.250(2), this Court may appoint a special master to operate the |
| 12 | water system or require the sale of a water system under a special master to a responsible party. |
| 13 | 8. Further judgment is hereby rendered, requiring compliance with the Civil Penalty |
| 14 | Order by paying OHA the amount of \$3,500.00, together with the State of Oregon's costs and |
| 15 | attorney fees for pursuing the public good in this matter, herein incurred, as set forth below, and |
| 16 | that execution issue therefore. |
| 17 | MONEY AWARD |
| 18 | 1. Judgment Creditor: Oregon Health Authority |
| 19 | Address of Creditor: 500 Summer Street, NE, E-20, Salem, OR 97301 |
| 20 | Judgment Creditor's Attorney: Stephanie M. Parent, Sr. Assistant Attorney General |
| 21 | Address of Creditor's Attorney: Oregon Department of Justice, 1515 SW Fifth Ave. |
| 22 | Suite 410, Portland, OR 97201 |
| 23 | Phone Number of Creditor's Attorney: (971) 673-1880 |
| 24 | 2. Judgment Debtor: Robert M. Cook |
| 25 | a) Address: 155 Caldwell Blvd., Nampa, ID 83651 |
| 26 | b) Date of Birth: N/A |
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Page 4 - DEFAULT GENERAL JUDGMENT and MONEY AWARD

| 1 | c) Social Security No.: N/A |
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| 2 | d) Driver's License No.: N/A; State of Issuance: N/A |
| 3 | e) Judgment Debtor's Attorney: N/A |
| 4 | f) Address of Debtor's Attorney: N/A |
| 5 | g) Telephone of Debtor's Attorney: N/A |
| 6 | 3. Other persons or public body entitled to any portion of payment made on judgment: none |
| 7 | 4. Principal Amount of Money Award: \$3,500.00 |
| 8 | 5. Interest as of date of judgment is entered: N/A |
| 9 | 6. Interest accruing on judgment after entry: N/A |
| 10 | 7. Periodic Accrued arrearages: none |
| 11 | 8. Costs and disbursements are awarded as follows: |
| 12 | a. Costs and Disbursements: To be determined in accordance with ORCP 68 |
| 13 | b. Attorney Fees: To be determined in accordance with ORCP 68 |
| 14 | DATED THIS 2 day of November, 2013. |
| 15 | £8,50 |
| 16 | Circuit Court Judge |
| 17 | Lung S. Hung |
| ,17 | Submitted by: Circuit Judge |
| 18 | STEPHANIE M. PARENT #925908 |
| 19 | Senior Assistant Attorney General Stephanie.M.Parent@doj.state.or.us |
| 20 | Of Attorneys for Plaintiff |
| 21 | CERTIFIED TO BE A TRUE COPY OF THE ORIGINAL. |
| 22 | Channa Xook |
| 23 | Court Cold |
| 24 | |
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