

Entered/Docketed  
Date 11-25-13

**FILED**  
Malheur County Circuit Court  
NOV 25 2013

Time: 2:08 p.m. By SM

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF MALHEUR

STATE OF OREGON, by and through its  
OREGON HEALTH AUTHORITY,

Plaintiff,

v.

ROBERT M. COOK,

Defendant.

Case No. 1307377L

DEFAULT GENERAL JUDGMENT  
PERMANENT INJUNCTION and  
MONEY AWARD

**ORS 20.140 - State fees deferred at filing**

This matter comes before the Court on the application of Stephanie M. Parent, attorney for plaintiff herein, for a default judgment against the above-named defendant Robert M. Cook. It appears to the Court that an Order of default has been entered as to defendant and that plaintiff should have and recover judgment against defendant Robert M. Cook. The Court being fully advised in the premises,

NOW THEREFORE, Judgment is hereby rendered in favor of Plaintiff, State of Oregon, by and through its Oregon Health Authority, and against Defendant Robert M. Cook as follows:

PERMANENT INJUNCTION

1. Defendant Robert M. Cook shall bring the Golf Mobile City public water system (hereafter "the water system") into compliance with the State Maximum Contaminant Level (MCL) for arsenic and nitrate in drinking water found in Oregon Administrative Rule (OAR) 333-061-0030(1) (arsenic must not exceed 0.010 mg/L and nitrate must not exceed 10mg/L). To bring the water system into compliance with the MCL for arsenic and nitrate, Defendant shall install a central water treatment system that ensures water delivered to every customer's service

*forward*

*SM*

X

1 connection has arsenic and nitrate levels at or below the MCL for arsenic and nitrates. Treatment  
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 mail, 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  
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.



- 1 c) Social Security No.: N/A  
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 Accrual/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 21 day of November, 2013.

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16 \_\_\_\_\_  
17 Circuit Court Judge

18 Lung S. Hung  
19 Circuit Judge

17 Submitted by:

18 STEPHANIE M. PARENT #925908  
19 Senior Assistant Attorney General  
20 Stephanie.M.Parent@doj.state.or.us  
21 Of Attorneys for Plaintiff

