



Oregon

Theodore R. Kulongoski, Governor

Department of Human Services

Public Health Division

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August 6, 2009

Bette Carter
Boulder Creek/Rose Lodge Water Company
PO Box 123
Otis, OR 97368

RE: Notice of Violation for Boulder Creek/Rose Lodge Water Company Public
Water System, PWS OR4100722

Dear Ms. Carter,

Boulder Creek/Rose Lodge Water Company, hereafter referred to as Boulder Creek WS, is a water supplier as defined in Oregon Revised Statute (ORS) 448.115(12) and Oregon Administrative Rule (OAR) 333-061-0020(194), and has specific responsibilities that are defined in OAR 333-061-0025.

Boulder Creek WS operates a community public water system, which serves between 101 and 300 people, and is subject to regulation under ORS 448.115 to 448.290 and OAR 333-061-0005 to 333-061-0295.

Pursuant to its authority under ORS 448.150, the Oregon Department of Human Services, Office of Environmental Public Health, Drinking Water Program (Agency) has conducted an investigation of the water system operated by Boulder Creek WS. This investigation has found that Boulder Creek WS is not meeting its responsibilities as a water supplier due to the following violations of the Oregon Drinking Water Quality Act (ORS 448.115 to ORS 448.290) and administrative rules.

- Violation No. 1: Boulder Creek WS is required by OAR 333-061-0036(5)(b) to monitor surface water quality data, but failed to submit surface water quality reports for the following monitoring periods:

- September 2008
 - November 2008
 - January 2009
 - February 2009
 - March 2009
 - April 2009
 - May 2009
 - June 2009
- Violation No. 2: Boulder Creek WS is required by OAR 333-061-0036(3)(b) to conduct sampling of its water system to determine compliance with the Maximum Contaminant Level (MCL) for volatile organic chemicals, but failed to submit volatile organic chemical sampling results for the 2008 annual monitoring period.
 - Violation No. 3: Boulder Creek WS is required by OAR 333-061-0036(4)(c) to conduct sampling of its water system to determine compliance with the MCL for disinfection byproducts, but failed to submit disinfection byproduct sampling results for the following monitoring periods:
 - 1st quarter 2009
 - 2nd quarter 2009

ACTIONS REQUIRED TO ACHIEVE COMPLIANCE

In order for Boulder Creek WS to return to compliance with the rule(s) allegedly violated, the following actions must be completed:

- Compliance Action No. 1: Boulder Creek WS must submit surface water quality data in accordance with OAR 333-061-0036(5)(b) and conforming to the following schedule:
 - August surface water quality data must be reported no later than September 10, 2009.
 - September surface water quality data must be reported no later than October 10, 2009.
 - October surface water quality data must be reported no later than November 10, 2009.
- Compliance Action No. 2: Boulder Creek WS must submit volatile organic chemical sampling results in accordance with OAR 333-061-0036(3)(b) no later than January 10, 2010.

- Compliance Action No. 3: Boulder Creek WS must submit disinfection byproduct sampling results in accordance with OAR 333-061-0036(4)(c) and conforming to the following sampling schedule:
 - The first round of samples must be collected in the third calendar quarter of 2009, and the results submitted to the Agency no later than October 10, 2009.
 - The second round of samples must be collected in the fourth calendar quarter of 2009, and the results submitted to the Agency no later than January 10, 2010.
 - The third round of samples must be collected in the first calendar quarter of 2010, and the results submitted to the Agency no later than April 10, 2010.
 - The fourth round of samples must be collected in the second calendar quarter of 2010, and the results submitted to the Agency no later than July 10, 2010.

If Boulder Creek WS does 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. Please contact Fred Kalish at (541) 726-2587, ex. 27 to discuss the compliance actions specified in this letter.

Thank you for your cooperation.

Sincerely,



Brad K. Daniels
Enforcement Coordinator
DHS - Drinking Water Program

cc: Fred Kalish, DHS DWP
Karen Kelley, DHS DWP

