

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

In the Matter of

Brewster Community Homeowners
Association, PWS 4100762

Respondent

FINAL ORDER IMPOSING
CIVIL PENALTY

To: Frank Rupp, President
Regina Harrison, Secretary
PO Box 18162
Salem, OR 97305

The Oregon Health Authority, Public Health Division, Office of Environmental Public Health, Drinking Water Program (Program) issued a Notice of Intent to Impose Civil Penalty (Notice) on June 17, 2011 for specific violations of the Oregon Drinking Water Quality Act and rules at the Brewster Community Homeowners Association (Brewster CHA) water system. The Notice offered you an opportunity for hearing, if requested within 20 days of service of the Notice, but you did not request a hearing within 20 days of service of the Notice.

FINDINGS OF FACT

Brewster CHA committed the following violations of administrative rules:

1. Brewster CHA failed to notify customers as required by OAR 333-061-0025(5) when reporting requirements were not met on January 10, 2008.

2. Brewster CHA failed to sample for inorganic chemicals every three-years as required by OAR 333-061-0036(2)(a).
3. Brewster CHA failed to sample for lead and copper as required by OAR 333-061-0036(2)(c).
4. Brewster CHA failed to sample for nitrate in 2010 as required by OAR 333-061-0036(2)(d).
5. Brewster CHA failed to sample for synthetic organic chemicals every three-years as required by OAR 333-061-0036(3)(a).
6. Brewster CHA failed to sample for volatile organic chemicals every three-years as required by OAR 333-061-0036(3)(b).
7. Brewster CHA failed to sample for radionuclides as required by OAR 333-061-0036(7)(a).
8. Brewster CHA failed to comply with the Violation and Administrative Order (Order) issued on April 12, 2011 pursuant to ORS 448.255 and for which civil penalties were assessed as prescribed by OAR 333-061-0090(4)(i).
9. Brewster CHA failed to employ, contract with, or otherwise utilize an operator to be in direct responsible charge of the water system as required by OAR 333-061-0225.

The Program issued an Order on April 12, 2011 for violations of the rules specified above. The Order identified actions to be completed by Brewster CHA in order to comply with the rules allegedly violated. Brewster CHA did not appeal the Order, and did not comply with actions specified in the Order by the deadlines included therein. The Order is incorporated by reference.

The Notice issued on June 17, 2011 cited violations of the rules specified above and assessed a civil penalty in the amount of \$4,500. Brewster CHA did not appeal the Notice and did not pay the civil penalty assessed therein. The Notice is incorporated by reference.

CONCLUSIONS OF LAW

On May 3, 2011, Brewster CHA violated the Oregon Drinking Water Quality Act (ORS 448.115 to ORS 448.290) by failing to comply with the Order issued on April 12, 2011. Brewster CHA also violated the Oregon Drinking Water Quality Act (ORS 448.115 to ORS 448.290) by failing to comply with the specific rule requirements as identified in the Findings of Fact above.

ORDER

Based on the foregoing, YOU ARE HEREBY ORDERED to pay a civil penalty in the amount of \$4,500.

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 Program 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.

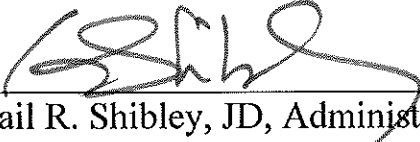
If you have any questions about payment, or wish to make payment arrangements, please call the Drinking Water Program at 971-673-0405. Make Checks payable to the OHA-Drinking Water Program. Mail checks to the OHA-Drinking Water Program, PO Box 14450, Portland, Oregon 97293-0450.

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.

You are entitled to a judicial review of this Order in accordance with ORS 183.482. To appeal, you must file a petition for judicial review with the Court of Appeals within 60 days from the date of service of this Order.

If you need to receive the information in this letter in an alternate format, or if you have any questions regarding this Notice, please contact Brad K. Daniels, OHA-Drinking Water Program, (971) 673-0405.

Dated this 3d day of August, 2011.



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

cc: Gregg Baird, OHA-DWP
Greg DeBlase, County Environmental Health
Shannon O'Fallon, Oregon Department of Justice

CERTIFICATE OF MAILING

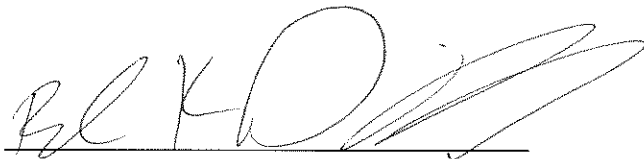
On the 3RD day of August 2011, I mailed the foregoing FINAL ORDER

BY CERTIFIED AND FIRST CLASS MAIL:

Frank Rupp, President
Brewster Community Homeowners Association
1520 Norway St. NE
Salem, OR 97301

Regina Harrison, Secretary
Brewster Community Homeowners Association
PO Box 18162
Salem, OR 97305

Albert C. Depenbrock, Registered Agent
Brewster Community Homeowners Association
PO Box 904
Salem OR 97308



Brad K. Daniels
Enforcement Coordinator