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Data Mgmt & Compliance  
Drinking Water Program

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

In the Matter of

Brewster Community Homeowners  
Association, PWS OR4100762

SETTLEMENT ORDER

The Oregon Health Authority, Public Health Division, Office of Environmental Public Health, Drinking Water Program (Program) issued a Final Order Imposing Civil Penalty on August 3, 2011 assessing a \$4,500 civil penalty against Brewster Community Homeowners Association (The Association) for violations of the Oregon Drinking Water Quality Act (ORS 448.115 to ORS 448.290) and Oregon Administrative Rules.

The Association paid the civil penalty and elected new board members to oversee operation of the public water system for which it's responsible. The Association's president has attended a required training and has been designated the operator in direct responsible charge of the Association's water system. The Association has also collected water samples for inorganic chemicals, lead and copper, nitrate, nitrite, and radionuclides and submitted those samples to an accredited laboratory for analysis.

The Association submitted a payment of \$450 to the Program on November 22, 2011 and the Program returned the Association's check for \$4,500 on December 28, 2011.

Therefore, in lieu of accepting the full civil penalty and in order to bring the Association into compliance, the Program hereby withdraws the Final Order issued on August 3, 2011 and, with The Association, agrees to the following in order to resolve the matter of the Notice of Intent to Impose Civil Penalty issued on June 17, 2011:

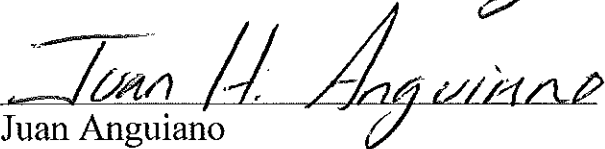
- Agreement Article No. 1: The Program shall hold in abeyance the remaining civil penalty of \$4,050 as long as The Association complies with Agreement Articles No. 2 through No. 7 of this Settlement Order.
- Agreement Article No. 2: The Association will submit to the Program no later than March 31, 2012, sampling results for inorganic chemicals collected in accordance with OAR 333-061-0036(2)(a).
- Agreement Article No. 3: The Association will submit to the Program no later than April 30, 2012, sampling results for lead and copper collected in accordance with OAR 333-061-0036(2)(c).
- Agreement Article No. 4: The Association will submit to the Program no later than March 31, 2012, sampling results for radionuclides collected in accordance with OAR 333-061-0036(7)(a)(A),
- Agreement Article No. 5: The Association will collect a sample for synthetic organic chemicals in accordance with OAR 333-061-0036(3)(a), and submit the sampling results to the Program no later than April 30, 2012.
- Agreement Article No. 6: The Association will collect a sample for volatile organic chemicals in accordance with OAR 333-061-0036(3)(b), and submit the sampling results to the Program no later than April 30, 2012.
- Agreement Article No. 7: The Association waives all rights to a contested case hearing and any judicial review in this matter.
- Agreement Article No. 8: The Association agrees to pay the remaining civil penalty of \$4,050 should it fail to meet any of the agreement articles specified herein. Payment of the civil penalty shall be due and payable within 10 days of a Notice of Violation of Settlement Agreement being issued.
- Agreement Article No. 9: The Program will permanently waive the remaining civil penalty of \$4,050 upon completion of all of the actions and articles specified herein, if completed by the dates agreed upon.

GENERAL PROVISIONS

This Agreement does not constitute a waiver, suspension or modification of the requirements of the Oregon Drinking Water Quality Act; ORS 448.115 to 448.285 and administrative rules OAR 333-061-0050 to 333-061-0290, which remain in full force and effect.

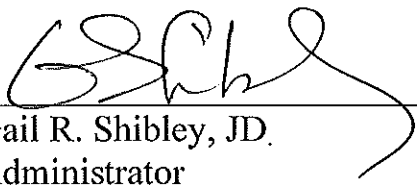
This Agreement does not relieve the Association of any responsibilities or liabilities established pursuant to any applicable federal, state, or local law or regulation.

Dated this 14 day of February, 2012.

  
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Juan Anguiano

President  
Brewster Community Homeowners Association

Dated this 2d day of March, 2012.

  
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Gail R. Shibley, JD.  
Administrator

Oregon Health Authority, Office of Environmental Public Health

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