

October 30, 2014

Eugene Labunsky
West Coast Real Estate Holdings, LLC
Dunn Court Duplexes
PO Box 1969
Lake Oswego, OR 97035

RE: Notice of Non-Compliance regarding Dunn Court Duplexes Public Water System

Mr. Labunsky.

Our records indicate that you own the Dunn Court Duplexes (Dunn Court) water system serving residents along Dunn Ct. in Woodburn, Oregon. Therefore, you are a water supplier as defined in Oregon Revised Statute (ORS) [448.115\(12\)](#) and Oregon Administrative Rule (OAR) [333-061-0020\(207\)](#), and have specific responsibilities as defined in [OAR 333-061-0025](#).

Dunn Court is a community public water system identified by public water system ID #41- 00962 serving approximately 88 people and is subject to regulation under ORS 448.115 to 448.290 and [OAR 333-061-0005 through OAR 333-061-0272](#).

The Oregon Health Authority, Public Health Division, Center for Health Protection, Drinking Water Services (DWS) has reviewed the operation of the Dunn Court water system. This review has found that you are not in compliance with the following Oregon administrative rules, and therefore not meeting your responsibilities as a water supplier as prescribed by the Oregon Drinking Water Quality Act (ORS 448.115 to ORS 448.290) and rules.

DESCRIPTION OF RULE VIOLATIONS

- Violation No. 1: [OAR 333-061-0030\(1\)](#) specifies that the maximum contaminant level (MCL) for arsenic in drinking water is 0.010 mg/L. The Dunn Court water system exceeded the MCL for arsenic as specified in 333-061-0030(1) based upon the results of samples collected between April 4, 2013 and September 25, 2014, inclusive, and the running annual average for arsenic in drinking water at the Dunn Court water

system is currently 0.012 mg/L, which constitutes a violation of OAR 333-061-0030(1).

- Violation No. 2: You are required by [OAR 333-061-0042](#) to provide public notice to the people served by the Dunn Court water system about the levels of arsenic in drinking water at the water system, and required by OAR 333-061-0040 to submit a copy of the notice to DWS after completing the notification process. DWS has not received a copy of the public notice issued to water users at the Dunn Court water system for any of the exceedances of the MCL for arsenic described in Violation No. 1, which constitutes a violation of OAR 333-061-0042 or a violation of [OAR 333-061-0040](#) if notice was issued but not submitted to DWS.

ACTIONS REQUIRED TO ACHIEVE COMPLIANCE

Due to the rule violations identified in this notice, you are required to complete the following action relating to Dunn Court water system:

- Compliance Action No. 1: You must submit a corrective action plan, including complete construction plans if applicable, no later than December 31, 2014 clearly identifying what action will be taken to ensure water at the Dunn Court water system provides water with levels of arsenic below the MCL.
 - Construction plans must meet all the applicable requirements of OAR 333-061-0060 and have sufficient detail to completely and clearly illustrate what will be constructed.
- Compliance Action No 2: You must complete corrective action according to the plan submitted as specified in Compliance Action No. 1 above no later than June 30, 2015,
- Compliance Action No. 3: You must report sampling results for arsenic collected in accordance with [OAR 333-061-0036\(2\)\(a\)](#) demonstrating that levels of arsenic in drinking water are below the MCL as specified in OAR 333-061-0030(1) at the Dunn Court water system.
 - Sampling results must be reported no later than September 30, 2015.

- Compliance Action No. 4: You must publish public notice every calendar quarter according to [OAR 333-061-0042](#) for exceeding the MCL for arsenic and distribute the notice to people served by the Dunn Court water system. The notice must meet all of the applicable requirements of OAR 333-061-0042(4), and must be repeated every three months until all corrections are made and all system users receive drinking water that meets all applicable state and federal drinking water laws and rules (OAR 333-061-025 and OAR 333-061-0042(3)(b)(C)). You must submit a copy of the notice and certification of the method of distribution to DWS no later than 10 days after completing the public notification according to [OAR 333-061-0040\(1\)\(i\)](#).
- Copies of the notice must be submitted to: Brad Daniels, Oregon Health Authority, Drinking Water Services, PO Box 14450, Portland, OR 97293-0450.

If you do 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 as prescribed by OAR [333-061-0090](#). Please contact Greg DeBlase at Marion County Environmental Health at 503-388-5407 to discuss the compliance actions specified in this letter.

Respectfully,



Brad Daniels
Enforcement Coordinator
Oregon Health Authority, Drinking Water Services

cc: Gregg Baird, Oregon Health Authority, Drinking Water Services
Greg DeBlase, Marion County Environmental Health