

June 6, 2013

Rieta Marleen Legenbauer  
Legenbauer Separate Property Trust  
College Mobile Home Park  
515 North Street  
Susanville, CA 96130-3827

RE: Notice of Non-Compliance to Legenbauer Separate Property Trust regarding the College Mobile Home Park public water system, PWS OR4100972

Mr. Foster,

Records indicate that the Legenbauer Separate Property Trust (the Trust) is the owner of the College Mobile Home Park (College) public water system at 1950 Demaray Drive in Grants Pass, Oregon. The Trust is therefore a water supplier as defined in Oregon Revised Statute (ORS) 448.115(12) and Oregon Administrative Rule (OAR) 333-061-0020(211), and has specific responsibilities as defined in OAR 333-061-0025.

The College water system is a community public water system serving between 10 and 100 people and is subject to regulation under ORS 448.115 to 448.290 and OAR 333-061-0005 to 333-061-0290.

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

- Violation No. 1: OAR 333-061-0025(1) requires water suppliers to routinely collect and submit water samples for laboratory analyses at the frequencies prescribed by OAR 333-061-0036. The Trust did not report sample results to DWS demonstrating compliance with a number of the sampling requirements specified by OAR 333-061-0036, which constitutes a violation of OAR 333-061-0025(1) if samples were in fact not collected.

- Violation No. 2: OAR 333-061-0025(5) requires water suppliers to notify all customers served by the water system when the reporting requirements are not being met, or when public health hazards are found to exist in the water system. The Trust failed to report sampling results for inorganic chemicals, nitrite, synthetic organic chemicals, or lead and copper for the College water system during the 2008 to 2010 sampling period, and also subsequently failed to publish a public notice as specified in OAR 333-061-0042 or a consumer confidence report as specified in OAR 333-061-0043, which constitutes a violation of OAR 333-061-0025(5).
- Violation No. 3: OAR 333-061-0036(2)(a) requires water suppliers to sample for inorganic chemicals at public water systems, but the Trust did not report inorganic chemical sampling results to DWS for the College water system for the 2008 to 2010 sampling period, which constitutes a violation of OAR 333-061-0036(2)(a) if samples were in fact not collected.
- Violation No. 4: OAR 333-061-0036(2)(c) requires water suppliers to sample for lead and copper at public water systems, but the Trust did not report lead and copper sampling results to DWS for the College water system for the 2008, 2009, 2010, 2011, or 2012 annual sampling periods, which constitutes five violations of OAR 333-061-0036(2)(c) if samples were in fact not collected.
- Violation No. 5: OAR 333-061-0036(2)(e) requires water suppliers to sample for nitrite at public water systems, but the Trust did not report nitrite sampling results to DWS for the College water system for the 2008 to 2010 sampling period, which constitutes a violation of OAR 333-061-0036(2)(e) if samples were in fact not collected.
- Violation No. 6: OAR 333-061-0036(3)(a) requires water suppliers to sample for synthetic organic chemicals at public water systems, but the Trust did not report synthetic organic chemical sampling results to DWS for the College water system for the 2008 to 2010 sampling period, which constitutes a violation of OAR 333-061-0036(3)(a) if samples were in fact not collected.
- Violation No. 7: OAR 333-061-0042 requires water suppliers to provide public notice to persons served by public water systems when specific violations or situations exist. OAR 333-061-0042(2)(b) required public notice to be issued due to the failure by the Trust to respond to the September 20, 2012 letter following a sanitary survey conducted by Josephine County Environmental Health Services at the College water

system. The Trust failed to demonstrate that public notice was published and report a copy of the public notice to DWS following the failure to respond to the sanitary survey report as required, which constitutes a violation of OAR 333-061-0042 if public notice was not published as required.

- Violation No. 8: OAR 333-061-0043 requires community public water systems to deliver an annual consumer confidence report to each customer served by the water system and to submit a copy of the report to DWS along with certification that the report was delivered to customers. The Trust has not submitted a copy of a consumer confidence report to DWS or certified that an annual report was delivered to customers as required by the rule. The failure to deliver an annual consumer confidence report to the customers of the College water system constitutes a violation of OAR 333-061-0043.
- Violation No. 9: OAR 333-061-0064 requires all public water systems to have and maintain a current emergency response plan. Brad Carlson of Josephine County Environmental Health Services inspected the College water system on September 13, 2012 and was unable to verify that a current emergency response plan was present for the College water system. The lack of a current emergency response plan constitutes a violation of OAR 333-061-0064.
- Violation No. 10: OAR 333-061-0065(4) requires all public water systems to have and maintain a current water system operations manual. Brad Carlson of Josephine County Environmental Health Services inspected the College water system on September 13, 2012 and was unable to verify that a current operations manual was present for the College water system. The lack of a current operations manual constitutes a violation of OAR 333-061-0065(4).
- Violation No. 11: OAR 333-061-0070(9)(a) requires water suppliers responsible for community water systems to include an ordinance or enabling authority as part of a local cross connection program. DWS has not received the required ordinance or enabling authority for the College water system, nor were the documents available for review during the September 13, 2012 sanitary survey, which constitutes a violation of OAR 333-061-0070(9)(a).

- Violation No. 12: OAR 333-061-0070(9)(c) requires water suppliers responsible for community water systems to submit to DWS a cross connection Annual Summary Report (ASR) each year before the last working day of March. DWS has not received a recent cross connection ASR for the College water system, which constitutes a violation of OAR 333-061-0070(9)(c).
- Violation No. 13: OAR 333-061-0076(6) requires water suppliers for water systems utilizing only groundwater sources to, within 120 days of written notification, correct any significant deficiencies identified during a sanitary survey, or to be in compliance with a corrective action plan. A sanitary survey was conducted on September 13, 2012 at the College water system, and a letter was mailed to you on September 20, 2012 identifying significant deficiencies found during the survey. As of the date of this letter, you have not corrected all of the significant deficiencies identified in the September 20, 2012 letter, nor are you in compliance with an action plan to correct the remaining deficiencies. This constitutes a violation of OAR 333-061-0076(6).

#### ACTIONS REQUIRED TO ACHIEVE COMPLIANCE

Due to the rule violations identified above, the Trust is required to complete the following actions relating to the College water system:

- Compliance Action No. 1: The Trust must collect water samples for inorganic chemicals as prescribed by OAR 333-061-0036(2)(a) at the College water system, and report the results to DWS as prescribed by OAR 333-061-0040(1) no later than August 10, 2013.
- Compliance Action No. 2: The Trust must collect water samples for lead and copper as prescribed by OAR 333-061-0036(2)(c) at the College water system, and report the results to DWS as prescribed by OAR 333-061-0040(1) no later than August 10, 2013.
- Compliance Action No. 3: The Trust must collect water samples for nitrite as prescribed by OAR 333-061-0036(2)(e) at the College water system, and report the results to DWS as prescribed by OAR 333-061-0040(1) no later than August 10, 2013.
- Compliance Action No. 4: The Trust must collect water samples for synthetic organic chemicals as prescribed by OAR 333-061-0036(3)(a) at the College water system, and report the results to DWS as prescribed by OAR 333-061-0040(1) no later than August 10, 2013.

- Compliance Action No. 5: The Trust must publish public notice, **within ten days of the date of this letter**, for failing to complete corrective action related to sanitary survey significant deficiencies. The notice must meet all of the applicable requirements of OAR 333-061-0042(4) and be distributed so that every person served by the College water system receives the notice. The notice must be reissued 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)). A copy of the notice and certification of the method of distribution must be submitted to DWS no later than 10 days after completing the public notification per OAR 333-061-0040(1)(j).
  - Submit copies of the public notice to: Brad Daniels, OHA Drinking Water Services, PO Box 14450, Portland, OR 97293-0450.
- Compliance Action No. 6: The Trust must deliver a consumer confidence report to the customers served by the College water system for the 2012 calendar year as prescribed by OAR 333-061-0043.
  - The report must be completed and delivered to customers no later than June 30, 2013.
  - A copy of the report, and certification that the report was delivered to customers, must be submitted to DWS no later than July 15, 2013.
- Compliance Action No. 7: The Trust must ensure the correction of every significant deficiency identified in the letter dated September 20, 2012 relating to the sanitary survey conducted at the College water system on September 13, 2012.
  - Every significant deficiency must be corrected no later than August 31, 2013 to the satisfaction of Josephine County Environmental Health Services.
- Compliance Action No. 8: The Trust must submit to DWS, no later than July 31, 2013, a cross connection ordinance or enabling authority for the College water system as prescribed by OAR 333-061-0070(9)(a).
- Compliance Action No. 9: The Trust must submit to DWS, no later than July 31, 2013, the 2012 cross connection ASR for the College water system as prescribed by OAR 333-061-0070(9)(c).

If the Trust 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 as prescribed by OAR 333-061-0090. Please contact Brad Carlson at Josephine County Environmental Health Services at (541) 474-5336 to discuss the compliance actions specified in this letter.

Thank you for your cooperation.

Respectfully,



Brad K. Daniels  
Enforcement Coordinator  
Oregon Health Authority, Drinking Water Services

cc: Brad Carlson, Josephine County Environmental Health  
Scott Curry, Oregon Health Authority, Drinking Water Services  
Mike Walker, College Mobile Home Park