



Oregon

Theodore R. Kulongoski, Governor

Department of Human Services
Public Health Division
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February 23, 2009

Gloria Arney
Arney's Forest View MHP
PO Box 2180
Terrebonne, OR 97760

RE: Notice of Violation for ~~Arney's Forest View MHP~~ Public Water System, PWS
OR ~~4100992~~

Dear Mrs. Arney,

Arney's Forest View MHP is a water supplier as defined in Oregon Revised Statute (ORS) 448.115(12) and Oregon Administrative Rule (OAR) 333-061-0020(175), and has specific responsibilities that are defined in OAR 333-061-0025.

Arney's Forest View MHP operates a community public water system, which serves between 25 and 100 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 Arney's Forest View MHP. This investigation has found that Arney's Forest View MHP 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 rules.

- Violation No. 1: Arney's Forest View MHP is required to conduct sampling of its water system to determine compliance with the Maximum Contaminant Level (MCL) for arsenic. Arney's Forest View MHP exceeded the MCL for arsenic, based upon the available samples and determined by running annual average, in each of the following monitoring periods (OAR 333-061-0030(1)):
 - 1st quarter 2008
 - 2nd quarter 2008
 - 3rd quarter 2008
 - 4th quarter 2008

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- Violation No. 2: Arney's Forest View MHP is required by OAR 333-061-0036(2)(a) to conduct sampling of its water system to determine compliance with the Maximum Contaminant Level (MCL) for arsenic, but failed to submit arsenic sampling results for the 4th quarter 2008 monitoring periods.

ACTIONS REQUIRED TO ACHIEVE COMPLIANCE

In order for Arney's Forest View MHP to return to compliance with the rule(s) allegedly violated, the following actions must be completed:

- Compliance Action No. 1: Arney's Forest View MHP has the following options to comply with the MCL for Arsenic:
 - Option No. 1: Install an approved treatment system that meets the construction standards listed in OAR 333-061-0050(4).
 - Option No. 2: Develop a new water source that meets all applicable requirements in OAR 333-061-0050.
 - Option No. 3: Connect to, and receive water from, another public water system.

Arney's Forest View MHP must comply with the following requirements for plan review and construction. All plans for additions and/or alterations to the system must be approved in advance, before installation, by the Agency (OAR 333-061-0060(1)(a)).

- Plans shall have sufficient detail to completely and clearly illustrate what will be constructed and how the water system will meet construction standards (OAR 333-0061-0060(1))
- Construction plans must be submitted no later than June 30, 2009.
- Construction must be completed no later than September 30, 2009.
- Arney's Forest View MHP shall demonstrate that all system users receive drinking water that consistently meets all applicable state and federal drinking water laws and rules no later than October 31, 2009.

Please submit any plans and the plan review fee to: Marsha Fox, DHS – Drinking Water Program, PO Box 14450, Portland, OR 97293-0450. Please contact the Agency for the plan review fee amount. Please make the check out DHS Health Services.

- Compliance Action No. 2: Arney's Forest View MHP must issue a Tier 2 public notice for exceeding the MCL for Arsenic. Arney's Forest View MHP must issue the public notice no later than March 30, 2009 and repeat the notice every calendar quarter in accordance with OAR 333-061-0042(3)(b), 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 333-061-0025). A copy must be submitted to the Agency no later than 10 days after completing the public notification per OAR 333-061-0040(1)(i). The notice must be delivered in the manner most appropriate to reach all persons served by the system. For example, post the notice in conspicuous locations throughout the area served by the water system, hand deliver the notice to persons served by the water system, or use any other appropriate means of delivery.

If Arney's Forest View MHP 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 Casey Lyon of the DHS-Drinking Water Program at (541) 726-2587 ex. 31 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: Casey Lyon, DHS DWP
Jan Solesbee, Arney's Forest View MHP

