

October 28, 2011

Judy Ballew, Registered Agent  
Tumalo West Water, Inc.  
19524 Tumalo Reservoir Rd.  
Bend, OR 97701

RE: Notice of Non-Compliance regarding the Tumalo West Water Public Water System, PWS OR4101368

Dear Judy,

Our records indicate that you are the registered agent for Tumalo West Water, Inc. (Tumalo West), which owns and operates a public water system serving homes located along Tumalo Reservoir Rd., Coyote Run Ln., and Quail Dr. in Deschutes County, Oregon. Tumalo West 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 Tumalo West 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, Office of Environmental Public Health, Drinking Water Program (Program) has reviewed the operation of the Tumalo West water system and found that Tumalo West is not in compliance with the following Oregon administrative rules, and 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.

- Compliance Deficiency No. 1: OAR 333-061-0025(10) requires water suppliers to submit to the Program, plans prepared by a professional engineer registered in Oregon for review and approval before undertaking the construction of new water systems or major modifications to existing water systems. Tumalo West commissioned the

construction of a new groundwater well in October 2007, identified with well tag L90419, which supplies water to the Tumalo West water system. Plans for that well however were not submitted to the Program prior to its construction, which constitutes a violation of OAR 333-061-0025(10).

- Compliance Deficiency No. 2: OAR 333-061-0060(1)(d) requires water suppliers to submit a site plan to the Program prior to drilling a well for use at a public water system. OAR 333-061-0060(1)(d) also requires water suppliers to submit data to the Program after the well has been drilled. Tumalo West has failed to submit any of the required information to the Program prior to or since the construction of the new well, which constitutes a violation of OAR 333-061-0060(1)(d).

Furthermore, the Program has made repeated attempts to obtain the required plans and information from Tumalo West since learning of the construction of the well, but Tumalo West has failed to submit any of the required plans or information to the Program for review.

- Compliance Deficiency No. 3: OAR 333-061-0076(6)(b) requires 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 16, 2010 at the Tumalo West water system, and a letter was mailed to Tumalo West on September 20, 2010 identifying several significant deficiencies found during the survey. As of the date of this letter, Tumalo West has not corrected any of the significant deficiencies identified in the September 20, 2010 letter, nor is Tumalo West in compliance with an action plan to correct the deficiencies, which constitutes a violation of OAR 333-061-0076(6).

#### ACTIONS REQUIRED TO ACHIEVE COMPLIANCE

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

- Compliance Action No. 1: Tumalo West must submit to the Program all of the information specified in OAR 333-061-0060(1)(d) relating to the groundwater well identified with well tag L90419. Tumalo West must also submit the plan review fee of \$600 as prescribed by OAR 333-061-0060(3). The information and plan review fee must be submitted to the Program no later than November 30, 2011.

- Compliance Action No. 2: You must correct each of the significant deficiencies identified in the letter dated September 20, 2010 relating to the sanitary survey conducted on September 16, 2010 at the Tumalo West water system. Every significant deficiency must be corrected, and the correction verified, no later than November 30, 2011.

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 Jeff Freund at Deschutes County Environmental Health at (541) 388-6563 to discuss the compliance actions specified in this letter.

Thank you for your cooperation.

Respectfully,



Brad K. Daniels  
Enforcement Coordinator  
OHA - Drinking Water Program

cc: Michelle Byrd, OHA DWP  
Nancy Crigler, Tumalo West Water, Inc  
Jeff Freund, Deschutes County Environmental Health  
Carrie Gentry, OHA DWP  
Butch Rogers, Tumalo West Water, Inc  
Tumalo West Water, Inc