

January 28, 2013

Dale Bernards  
Seventh Mountain Golf Village Water Company  
8360 SW Crestwood Lane  
Portland, OR 97225

RE: Notice of Non-Compliance regarding the Seventh Mountain Golf Village Water Company public water system, PWS OR4101448

Mr. Bernards,

Our records indicate that you are the President and Registered Agent for the Seventh Mountain Golf Village Water Company (SMGV). SMGV owns and operates the SMGV/Widgi Creek water system serving customers at and near 18707 Century Drive in Bend, Oregon. SMGV 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 SMGV/Widgi Creek water system is a community public water system serving between 101 and 300 and 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 SMGV/Widgi Creek water system. This review has found that SMGV 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 333-061-0070(9)(c) requires water suppliers 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 SMGV/Widgi Creek water system, which constitutes a violation of OAR 333-061-0070(9)(c).

- Violation No. 2: OAR 333-061-0225(1) requires water suppliers responsible for community water systems to at all times employ, contract with, or otherwise utilize an operator to supervise and to be in direct responsible charge of the water system. OAR 333-061-0225(2) requires that the operator in direct responsible charge of a water system be certified at a level equal to or greater than the classification of the water system for which they are responsible. SMGV has not designated an operator to be in direct responsible charge of the SMGV/Widgi Creek water system, which constitutes a violation of OAR 333-061-0225.
- Violation No. 3: OAR 333-061-0076(6)(b) 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 November 17, 2011 at the SMGV/Widgi Creek water system, and a letter was provided to Butch Rogers, water system operator the same day identifying significant deficiencies found during the survey. As of the date of this letter, SMGV has not corrected all of the significant deficiencies identified in the November 17, 2011 letter, nor is SMGV in compliance with an action plan to correct the remaining deficiencies, which constitutes a violation of OAR 333-061-0076(6).
- Violation No. 4: OAR 333-061-0036(6)(a)(G) requires samples for total coliform bacteria to be collected according to a written coliform sampling plan. DWS has not approved the required coliform sampling plan for the SMGV/Widgi Creek water system, nor was the plan available for review and approval during the November 17, 2011 sanitary survey. The lack of an approved coliform sampling plan for the SMGV/Widgi Creek water system constitutes a violation of OAR 333-061-0036(6)(a)(G).
- Violation No. 5: OAR 333-061-0043 requires community public water systems to deliver an annual consumer confidence report to each customer and to submit a copy of the report to DWS along with certification that the report was delivered to customers. SMGV did not submit a copy, to DWS, of the consumer confidence report for the 2011 calendar year as required by the rule. The failure to submit a copy of the annual consumer confidence report to DWS constitutes a violation of OAR 333-061-0043.

ACTIONS REQUIRED TO ACHIEVE COMPLIANCE

Due to the rule violations identified above, SMGV is required to complete the following actions relating to the SMGV/Widgi Creek water system:

- Compliance Action No. 1: SMGV must submit to DWS, no later than March 31, 2013, the 2012 cross connection ASR for the SMGV/Widgi Creek water system.
  
- Compliance Action No. 2: SMGV must designate an operator to be in direct responsible charge of the SMGV water system no later than March 31, 2013.
  - The designation must be submitted in writing on a form approved or produced by DWS.
  - The operator must be certified in accordance with all the applicable provisions of OAR 333-061-0205 through OAR 333-061-0290.
  
- Compliance Action No. 3: SMGV must ensure the correction of every significant deficiency identified in the letter dated May 6, 2010 relating to the sanitary survey conducted at the SMGV/Widgi Creek water system.
  - Every significant deficiency must be corrected no later than May 15, 2013 to the satisfaction of the Deschutes County Environmental Health Division.
  
- Compliance Action No. 4: SMGV must deliver a consumer confidence report to the customers served by the SMGV/Widgi Creek 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 April 30, 2013.
  - A copy of the report, and certification that the report was delivered to customers, must be submitted to DWS no later than May 15, 2013.

If SMGV 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 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 Services

cc: Michelle Byrd, OHA DWS  
Jeff Freund, Deschutes County Environmental Health Division  
Butch Rogers, SMGV Water District