

March 24, 2015

Lucky Chow  
Diana Shenk  
North Bayside Estates, LLC  
8414 SW Barbur Blvd, #103  
Portland, OR 97219

RE: Notice of Non-Compliance regarding the North Bayside Estates-South Public Water System, PWS OR4101463

Mr. Chow and Ms. Shenk,

Our records indicate that North Bayside Estates, LLC (North Bayside) owns and operates the North Bayside Estates-South (the Estates) water system located at 1802 E Bay Drive, North Bend, Oregon. Therefore, North Bayside is 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.

The Estates is a community public water system, which serves approximately 40 people, and is subject to regulation under ORS 448.115 to 448.290 and OAR 333-061-0005 to 333-061-0272.

The Oregon Health Authority, Public Health Division, Center for Health Protection, Drinking Water Services (DWS) has reviewed the operation of the Estates water system. This review has found that North Bayside 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.

#### DESCRIPTION OF RULE VIOLATIONS

- Violation No. 1: OAR 333-061-0030(4) specifies that the number of total coliform-positive samples shall not exceed one sample in any month at water systems where less than forty samples are collected for coliform bacteria. Coliform sampling results reported for the Estates water system indicate that more than two samples were total-coliform-positive for the monthly monitoring periods shown below:
  - March 2014

- April 2014
- August 2014
- November 2014

This exceeds the maximum contaminant level (MCL) for coliform bacteria and constitutes four violations of OAR 333-061-0030(4).

- Violation No. 2: OAR 333-061-0076(6)(b) requires water systems using only groundwater sources to, within 120 days of written notification, correct any significant deficiencies identified during a sanitary survey. A sanitary survey was conducted on July 30, 2014 at the Estates water system, and a letter was provided to Debra Willis, water system operator, on July 31, 2014, which detailed significant deficiencies identified during the survey. All deficiencies were required to be corrected by November 28, 2014, which is 120 days from the date of the letter. However, as of the date of this notice, DWS has not been notified that these deficiencies have been corrected. This constitutes a violation of OAR 333-061-0076(6)(b).
- Violation No. 3: OAR 333-061-0042 requires water suppliers to publish public notice for violations of Oregon administrative rules in Chapter 333, Division 061. Public notice was required for the Estates water system for exceeding the MCL for coliform bacteria for the monitoring period of November 2014. As of this notice, DWS has not received a tier 2 public notice for the November 2014 monitoring period total coliform MCL, which constitutes a violation of OAR 333-061-0042(2).

OAR 333-061-0076(7) requires that public water systems that fail to correct significant deficiencies within the timeframe specified are required to issue a public notice. As of this notice, a public notice has not been submitted. This constitutes a violation of OAR 333-061-0076(7).

- Violation No. 4: OAR 333-061-0036(6) requires water suppliers to conduct sampling for coliform bacteria at all public water systems. These sampling results, as required by the rule, have not been reported to DWS, as of the date of this notice, since November 14, 2014. This constitutes three violations of OAR 333-061-0036(6) if, in fact, samples were not collected.
- Violation No. 5: OAR 333-061-0036(2)(d) requires water suppliers to conduct sampling for nitrate annually at all public water systems. The sample result for the yearly monitoring period of 2014 has not been reported to DWS as of the date of this notice. This constitutes a violation of OAR 333-061-0036(2)(d) if, in fact, a sample was not collected.

## ACTIONS REQUIRED TO ACHIEVE COMPLIANCE

Due to the rule violations identified above, North Bayside is required to complete the following actions relating to the Estates water system:

- Compliance Action No. 1: North Bayside must submit an action plan clearly identifying how it will ensure compliance with the MCL for total coliform bacteria at the Estates water system. The action plan must be submitted to DWS no later than **May 1, 2015**.
- Compliance Action No. 2: North Bayside must, no later than **September 1, 2015**, complete corrective action as specified in a plan approved by DWS and submitted according to Compliance Action No. 1 above.
- Compliance Action No. 3: North Bayside must correct every significant deficiency identified in the letter dated July 31, 2014, relating to the sanitary survey conducted at the Estates water system by **May 1, 2015**.
- Compliance Action No. 4: North Bayside must publish a tier 2 public notice according to OAR 333-061-0042(2) for exceeding the MCL for coliform bacteria for the November 2014 monitoring period, and according to OAR 333-061-0076(7) for failing to correct significant deficiencies identified on the water system survey by the due date. These notices must be issued within 30 days of the date of this notice and a copy of the notice must be reported to DWS within ten days after issuing the notice according to OAR 333-061-0040.
- Compliance Action No. 5: North Bayside must collect water samples for coliform bacteria at the Estates water system as prescribed by OAR 333-061-0036(6)(a) and report the results to DWS no later than **May 10, 2015**.
- Compliance Action No. 6: North Bayside must collect water samples for nitrate testing at the Estates water system, and report the results to DWS as prescribed by OAR 333-061-0036(2)(d) no later than **May 1, 2015**.

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 Rick Hallmark at Coos County Environmental Health at 541-751-2403 to discuss the compliance actions specified in this letter.

Respectfully,



Janet Brock  
Compliance Specialist  
OHA - Drinking Water Services

cc: Rick Hallmark, Coos County Environmental Health  
Jay MacPherson, OHA DWP—Springfield Office  
Dennis Steinman, Registered Agent, North Bayside Estates, LLC