

August 14, 2013

Robert Miller  
Mill Mar Estates Water System  
PO Box 197  
Shady Cove, OR 97539

RE: Notice of Non-Compliance regarding the Mill Mar Estates public water system,  
PWS OR4101472

Mr. Miller,

Records indicate that you are the president of and representative for the Mill Mar Estates homeowners association, which provides drinking water to homes along Yew Wood Drive in Shady Cove, Oregon. Mill Mar Estates 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 Mill Mar Estates public water system is a community 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 Mill Mar Estates water system. This review has found that Mill Mar Estates is not in compliance with construction, sampling, and operational requirements, 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 identified below.

- Violation No. 1: OAR 333-061-0036(6) requires water suppliers to sample for coliform bacteria at all public water systems. Coliform bacteria sampling results have not been reported to DWS for the Mill Mar Estates water system for any required monthly sampling period since November 2012. This constitutes eight violations of OAR 333-061-0036(6) or eight violations of OAR 333-061-0040 if samples were collected but the results not reported to DWS.

- Violation No. 2: OAR 333-061-0043 requires water suppliers to deliver an annual consumer confidence report to each customer at community public water systems and to submit a copy of the report to DWS along with certification that the report was delivered to customers. A copy of the consumer confidence report for the Mill Mar Estates water system has not been received by DWS, nor has certification been received 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 Mill Mar Estates water system constitutes a violation of OAR 333-061-0043.
- Violation No. 3: OAR 333-061-0064 requires a current emergency response plan be maintained for all public water systems. Mike Obereigner of Jackson County Environmental Public Health inspected the Mill Mar Estates water system on February 5, 2013 and was unable to verify that a current emergency response plan was present for the Mill Mar Estates water system. The lack of a current emergency response plan constitutes a violation of OAR 333-061-0064.
- Violation No. 4: OAR 333-061-0065(4) requires a current water system operations manual be maintained for all public water systems. Mike Obereigner of Jackson County Environmental Public Health inspected the Mill Mar Estates water system on February 5, 2013 and was unable to verify that a current operations manual was present for the Mill Mar Estates water system. The lack of a current operations manual constitutes a violation of OAR 333-061-0065(4).
- Violation No. 5: 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 a copy of the ordinance or enabling authority for the Mill Mar Estates water system, nor were the documents available for review during the February 5, 2013 inspection of the Mill Mar Estates water system, which constitutes a violation of OAR 333-061-0070(9)(a).
- Violation No. 6: 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) every year before the last working day of March. DWS has not received a recent cross connection ASR for the Mill Mar Estates water system, which constitutes a violation of OAR 333-061-0070(9)(c).
- Violation No. 7: 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 February 5, 2013 at

the Mill Mar Estates water system, and a letter was mailed to you on February 12, 2013 identifying significant deficiencies identified during the survey. As of the date of this letter, Mill Mar Estates has not corrected all of the significant deficiencies identified in the February 12, 2013 letter, nor is it in compliance with an action plan to correct the remaining deficiencies, which constitutes a violation of OAR 333-061-0076(6).

- Violation No. 8: 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. Mill Mar Estates has not designated an operator to be in direct responsible charge of the Mill Mar Estates water system, which constitutes a violation of OAR 333-061-0225.

#### ACTIONS REQUIRED TO ACHIEVE COMPLIANCE

Due to the rule violations identified above, the following actions relating to the Mill Mar Estates water system must be completed.

- Compliance Action No. 1: Mill Mar Estates must collect water samples for coliform bacteria at the Mill Mar Estates water system as prescribed by OAR 333-061-0036(6), and the sampling results reported to DWS as prescribed by OAR 333-061-0040(1).
- Compliance Action No. 2: Mill Mar Estates must deliver a consumer confidence report to the customers served by the Mill Mar Estates 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 September 30, 2013.
  - A copy of the report, and certification that the report was delivered to customers, must be submitted to DWS no later than October 15, 2013.
- Compliance Action No. 3: Mill Mar Estates must submit to DWS, no later than September 30, 2013, a cross connection ordinance or enabling authority for the Mill Mar Estates water system as prescribed by OAR 333-061-0070(9)(a).

- Compliance Action No. 4: Mill Mar Estates must submit to DWS, no later than September 30, 2013, a cross connection ASR for the Mill Mar Estates water system as prescribed by OAR 333-061-0070(9)(c).
- Compliance Action No. 5: Mill Mar Estates must ensure the correction of every significant deficiency identified in the letter dated February 12, 2013 relating to the sanitary survey conducted at the Mill Mar Estates water system.
  - The correction of significant deficiencies must be completed no later than October 15, 2013 to the satisfaction of Jackson County Environmental Public Health.
- Compliance Action No. 6: Mill Mar Estates must designate an operator to be in direct responsible charge of the Mill Mar Estates no later than September 30, 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.

If Mill Mar Estates 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 Mike Obereigner at Jackson County Environmental Public Health at (541) 774-7843 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: Gary Clark, Mill Mar Estates  
Scott Curry, OHA DWS  
Mike Obereigner, Jackson County Environmental Health Division