



Oregon

Theodore R. Kulongoski, Governor

Department of Human Services

Public Health Division

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August 11, 2009

Jerry Bolden
Weiss Estates Water System
88567 Weiss Estates Rd.
Bandon, OR 97411

RE: Notice of Violation for Weiss Estates Public Water System, PWS OR4105581

Dear Mr. Bolden,

Weiss Estates Water System is a water supplier as defined in Oregon Revised Statute (ORS) 448.115(12) and Oregon Administrative Rule (OAR) 333-061-0020(194), and has specific responsibilities that are defined in OAR 333-061-0025.

Weiss Estates Water System operates a community public water system, which serves between 10 and 100 people, and is subject to regulation under ORS 448.115 to 448.290 and OAR 333-061-0005 to 333-061-0295.

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 Weiss Estates Water System. This investigation has found that Weiss Estates Water System 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: Weiss Estates Water System is required by OAR 333-061-0225 to have a certified operator designated to supervise and be in direct responsible charge of the water system. Agency records indicate that Weiss Estates Water System does not currently have a certified operator in direct responsible charge of the water system which is a violation of the rule.

- Violation No. 2: A sanitary survey conducted on March 26, 2009 identified construction deficiencies at the Weiss Estates Water System. Specifically: the turbidity meter is not installed in the proper location which is a violation of OAR 333-061-0036(5)(b)(A); the cartridge filtration unit utilized by the water system has not been approved for surface water filtration by the Agency which is a violation of OAR 333-061-0050(4)(c); and the flow meter is not installed in the proper location which is both a violation of OAR 333-061-0050(6)(a)(S) and identified as a significant deficiency in OAR 333-061-0076(4)(d)(A).

ACTIONS REQUIRED TO ACHIEVE COMPLIANCE

In order for Weiss Estates Water System to return to compliance with the rule(s) allegedly violated, the following actions must be completed.

- Compliance Action No. 1: Weiss Estates Water System must designate a certified operator to be in charge of the water system, in accordance with OAR 333-061-0225, no later than December 31, 2009. The designation must be submitted in writing to: Dottie Reynolds, DHS – Drinking Water Program, PO Box 14450, Portland, OR 97293-0450.
- Compliance Action No. 2: Weiss Estates Water System must correct each of the deficiencies identified in Violation No. 2 of this letter, as specified in the sanitary survey letter from Jay MacPherson dated June 12, 2009. Each of the deficiencies must be corrected no later than December 31, 2009, and the corrections must be inspected by Jay MacPherson to verify that the repair was completed properly.

If Weiss Estates Water System 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 Jay MacPherson at (541) 726-2587, extension 57 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: Jay MacPherson, DHS DWP