



Oregon

Theodore R. Kulongoski, Governor

Department of Human Services
Public Health Division
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September 23, 2009

Matthew Moore
Northwest Hazelnut Company
PO Box 276
Hubbard, OR 97032

RE: Amendment to Notice of Violation for Northwest Hazelnut Company Public Water System, PWS OR4105714

Dear Mr. Moore,

You have requested an extension to the compliance deadlines listed in the Notice of Violation originally issued by the Oregon Department of Human Services, Office of Environmental Public Health, Drinking Water Program (Agency) on March 2, 2009. The Notice of Violation requires compliance with the Maximum Contaminant Level (MCL) for nitrate through either development of a new water source or construction of a nitrate removal system. After reviewing your request for extension, the Agency hereby grants your request and amends the Notice of Violation as specified below.

ACTIONS REQUIRED TO ACHIEVE COMPLIANCE

In order for Northwest Hazelnut Company to return to compliance with the MCL for nitrate, the following actions must be completed:

- Compliance Action No. 1: Northwest Hazelnut Company must submit construction plans that indicate how the water system will comply with the MCL for nitrate. The construction plans must be submitted to the Agency no later than May 31, 2010.

Please submit the construction plans and plan review fee of \$150 to: Marsha Fox, DHS – Drinking Water Program, PO Box 14450, Portland, OR 97293-0450. Please make the check out DHS Health Services.

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- Construction must be completed no later than August 31, 2010.
- Northwest Hazelnut Company must demonstrate that all system users receive drinking water that consistently meets all applicable state and federal drinking water laws and rules no later than September 30, 2009.
- Compliance Action No. 2: Northwest Hazelnut Company must continue to monitor for nitrate every calendar quarter in accordance with OAR 333-061-0036(2)(e) and submit the results of that monitoring no less than 10 days following the end of the quarter (OAR 333-061-0040(1)(b)).
- Compliance Action No. 3: Northwest Hazelnut Company must continue to issue public notice for exceeding the MCL for nitrate. The public notice must be issued quarterly, until all corrections are made, and all system users receive drinking water that meets all applicable state and federal drinking water laws and rules (OAR 333-061-025 and OAR 333-061-0042(3)(b)(C)). A copy must be submitted to the Agency no later than 10 days after completing the public notification per OAR 333-061-0040(1)(i). The notice must be delivered in the manner most appropriate to reach all persons served by the system. For example, post the notice in conspicuous locations throughout the area served by the water system, hand deliver the notice to persons served by the water system, or use any other appropriate means of delivery.

If Northwest Hazelnut Company does not meet the terms of the compliance actions and associated deadlines specified in this letter, the continued non-compliance may result in additional enforcement action including the assessment of civil penalties. Please contact Sarah Schwab of the Oregon Department of Agriculture at (503) 364-0143 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: Gregg Baird, DHS DWP
Sarah Schwab, Oregon Dept. of Agriculture