

May 29, 2013

Larry Foster
Del Ray Properties, Inc
View Point Trailer Court
15123 21st Drive SE
Mill Creek, WA 98012

RE: Notice of Non-Compliance to Del Ray Properties, Inc. regarding the View Point Trailer Court public water system, PWS OR4190269

Mr. Foster,

Records indicate that Del Ray Properties, Inc. (Del Ray) is the owner of the View Point Trailer Court public water system (View Point) at 3564 East 2nd Street in The Dalles, Oregon. Del Ray 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 View Point water system is a community public water system serving between 101 and 300 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 View Point water system. This review has found that Del Ray 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 333-061-0025(1) requires water suppliers to routinely collect and submit water samples for laboratory analyses at the frequencies prescribed by OAR 333-061-0036. OAR 333-061-0036(6) requires sampling for coliform bacteria at public water systems, but Del Ray did not report sample results to DWS demonstrating compliance with OAR 333-061-0036(6), which constitutes a violation of OAR 333-061-0025(1) if samples were in fact not collected.

- Violation No. 2: OAR 333-061-0025(5) requires water suppliers to notify all customers served by the water system when the reporting requirements are not being met, or when public health hazards are found to exist in the water system. Del Ray failed to submit sampling results for coliform bacteria for multiple monthly sampling periods during the 2011 calendar year, and also subsequently failed to publish a public notice as specified in OAR 333-061-0042 or a consumer confidence report as specified in OAR 333-061-0043, which constitutes a violation of OAR 333-061-0025(5).
- Violation No. 3: OAR 333-061-0036(6)(a) requires water suppliers to sample for coliform bacteria at public water systems, but Del Ray did not report coliform sampling results to the Program for the February and April 2013 monitoring periods, which constitutes a violation of OAR 333-061-0036(6)(a) if samples were in fact not collected.
- Violation No. 4: OAR 333-061-0042 requires water suppliers to provide public notice to persons served by public water systems when specific violations or situations exist. OAR 333-061-0042(2)(b) required public notice to be issued due to the failure by Del Ray to respond to the November 20, 2012 letter following a sanitary survey conducted at the View Point water system by the North Central Public Health District (NHPHD). Public notice was also required when coliform bacteria exceeded the maximum contaminant level (MCL) at the View Point water system in September 2008, October 2011, and November 2012. Del Ray failed to report public notice to DWS following these incidents as required, which constitutes a violation of OAR 333-061-0042 if public notice was not published as required.
- Violation No. 5: OAR 333-061-0043 requires community public water systems to deliver an annual consumer confidence report to each customer served by the water system and to submit a copy of the report to DWS along with certification that the report was delivered to customers. Del Ray has not submitted a copy of a consumer confidence report to DWS or certified 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 View Point water system constitutes a violation of OAR 333-061-0043.

- Violation No. 6: OAR 333-061-0076(6) 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 14, 2012 at the View point water system, and a letter was mailed to you on November 20, 2012 identifying significant deficiencies found during the survey. As of the date of this letter, you have not corrected all of the significant deficiencies identified in the November 20, 2012 letter, nor are you in compliance with an action plan to correct the remaining deficiencies. This constitutes a violation of OAR 333-061-0076(6).
- Violation No. 7: 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) each year before the last working day of March. DWS has not received a recent cross connection ASR for the View Point water system, which constitutes a violation of OAR 333-061-0070(9)(c).
- 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. Del Ray has not designated an operator to be in direct responsible charge of the View Point water system, which constitutes a violation of OAR 333-061-0225.

ACTIONS REQUIRED TO ACHIEVE COMPLIANCE

Due to the rule violations identified above, Del Ray is required to complete the following actions relating to the View Point water system:

- Compliance Action No. 1: Del Ray must ensure the correction of every significant deficiency identified in the letter dated November 20, 2012 relating to the sanitary survey conducted at the View Point water system on November 14, 2012.
 - Every significant deficiency must be corrected no later than July 31, 2013 to the satisfaction of North Central Public Health District.

- Compliance Action No. 2: Del Ray must collect water samples for coliform bacteria, as prescribed by OAR 333-061-0036(6), at the View Point water system. The sampling results must be reported to DWS every month as prescribed by OAR 333-061-0040(1) for at least six months, inclusive, from the date of this letter.
- Compliance Action No. 3: Del Ray must publish public notice, **within ten days of the date of this letter**, for failing to complete corrective action related to sanitary survey significant deficiencies. The notice must meet all of the applicable requirements of OAR 333-061-0042(4) and be distributed so that every person served by the View Point water system receives the notice. The notice must be reissued every three months, 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 of the notice and certification of the method of distribution must be submitted to DWS no later than 10 days after completing the public notification per OAR 333-061-0040(1)(j).
 - Submit copies of the public notice to: Brad Daniels, OHA Drinking Water Services, PO Box 14450, Portland, OR 97293-0450.
- Compliance Action No. 4: Del Ray must designate an operator to be in direct responsible charge of the View Point water system no later than July 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.

If Del Ray 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 John Zalaznik at the North Central Public Health District at (541) 506-2622 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: Steve Cripe, View Point Trailer Court
John Zalaznik, North Central Public Health District
Michelle Byrd, OHA DWS
National Registered Agents, Inc., Del Ray Properties, Inc.