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BEFORE THE STATE OF OREGON
OREGON HEALTH AUTHORITY
OFFICE OF ENVIRONMENTAL PUBLIC HEALTH

In the Matter of

Sawyer's Landing RV Park, PWS
OR4192061

Respondent

NOTICE OF VIOLATION AND
ADMINISTRATIVE ORDER

To: Thomas W. and Roberta J. Lawre, Owners
Sawyer's Landing RV Park
6008 NE 78th St.
Vancouver, WA 98665

You are a water supplier as defined in Oregon Revised Statute (ORS) 448.115(12) and Oregon Administrative Rule (OAR) 333-061-0020(211). As a water supplier, you have specific responsibilities that are identified in OAR 333-061-0025.

You have at all times mentioned herein owned and operated, and continue to own and operate a transient non-community public water system located at 4098 Yaquina Bay Rd. in Newport, Oregon. This water system serves between 25 and 100 people at Sawyer's Landing RV Park (Sawyer's Landing) and is subject to regulation under ORS 448.115 to 448.290 and OAR 333-061-0005 to 333-061-0290.

Pursuant to its authority under ORS 448.150, the Oregon Health Authority, Public Health Division, Office of Environmental Public Health, Drinking Water Program (Program) has investigated the operation of the Sawyer's Landing water system.

The Program found, during its investigation, that you have failed to ensure that water quality data was measured or recorded, and that you failed to report data in a timely manner, and therefore failed to take all reasonable precautions to ensure that water delivered to water users does not exceed maximum contaminant levels. In addition, you have failed to issue public notice as required in response to the failure to meet reporting requirements. Furthermore, you have failed to install and operate treatment processes that reliably remove or inactivate surface water pathogens. You are therefore unable to assure your water users that the water is sufficiently free from contaminants such that individuals will not be exposed to disease or harmful physiological effects (ORS 448.115(8)). This represents a potential public health hazard.

This Notice of Violation and Administrative Order (Order) is being issued to you for the aforementioned violations of the Oregon Drinking Water Quality Act (ORS 448.115 to ORS 448.285) and rules found during the Program's investigation and are specifically identified below.

DESCRIPTION OF RULE VIOLATIONS

- Violation No. 1: You are required by OAR 333-061-0025 to take all reasonable precautions to assure that the water delivered to water users does not exceed maximum contaminant levels. You failed to measure and record water quality and were therefore unable to submit water quality reports to the Program. When you did submit water quality reports to the Program they contained false information. It is therefore impossible to determine whether or not maximum contaminant levels have been exceeded. The failure to measure and record water quality parameters along with the submission of fabricated water quality data constitutes a violation of OAR 333-061-0025.
- Violation No. 2: You are required by OAR 333-061-0025(5) and OAR 333-061-0042 to provide notice to the customers of your water system when reporting requirements are not being met or when public health hazards are found to exist in the water system. The failure to measure turbidity and water quality parameters would require you to provide notice, as would the failure to submit monitoring forms for turbidity and surface water quality parameters within ten days of the end of the month (which occurred from August 2008 until January 2010, and again from March 2010 through November 2010). The failure to provide notice to customers following these deficiencies constitutes violations of OAR 333-061-0025(5) and OAR 333-061-0042.

- Violation No. 3: You are required by OAR 333-061-0032(1)(a) to install and operate water treatment that reliably removes or inactivates 99.9 percent of *Giardia lamblia* cysts, 99.99 percent of viruses, and 99 percent of *Cryptosporidium*. Program records indicate that the water treatment currently installed at the Sawyer's Landing water system doesn't meet these requirements, which constitutes a violation of OAR 333-061-0032(1)(a).
- Violation No. 4: You are required by OAR 333-061-0032(5)(b) to ensure that water entering the distribution system at Sawyer's Landing has a residual disinfectant concentration of at least 0.2 mg/L. The failure by the on-site operator to measure and record water quality parameters indicates that the residual disinfectant concentration can't be verified to be at least 0.2 mg/L, which constitutes a violation of OAR 333-061-0032(5)(b).
- Violation No. 5: You are required by OAR 333-061-0036(5)(b)(A) to measure turbidity in representative samples of the filtered water at the Sawyer's Landing water system. The failure by the on-site operator to measure and record turbidity constitutes a violation of OAR 333-061-0036(5)(b)(A).
- Violation No. 6: You are required by OAR 333-061-0036(5)(b)(B) to measure water quality parameters relating the calculation of disinfection effectiveness at the Sawyer's Landing water system. The failure to measure and record water quality parameters as specified in OAR 333-061-0036(5)(b)(B) constitutes a violation of the rule.

ACTIONS REQUIRED TO ACHIEVE COMPLIANCE

You are required to conduct the remedial actions described below which, if taken within the time specified in this Order, will effect compliance with the rule(s) allegedly violated (ORS 448.255(3)).

- Compliance Action No. 1: You must accurately measure and record turbidity and water quality as specified in OAR 333-061-0036(5)(b) every month beginning in April 2011 and continuing through December 2011. Monitoring results must be submitted to the Program within ten days of the end of the month in accordance with OAR 333-061-0040(1)(d). Operations staff at the Sawyer's Landing water system must submit to inspection by staff from the Program or the Lincoln County Health Department to verify that equipment utilized at Sawyer's Landing can accurately measure the water quality parameters specified in OAR 333-061-0036(5)(b).

- Compliance Action No. 2: You must immediately publish public notice for failing to measure and record water quality parameters. The notice must meet all of the applicable requirements of OAR 333-061-0042(4), must be distributed to every customer served by the Sawyer's Landing water system in accordance with OAR 333-061-0042(3)(b)(E), and must be distributed no later than ten days after the date of service for this Order. A copy of the notice must be submitted to the Agency no later than 10 days after completing the public notification per OAR 333-061-0040(1)(j). You must continue to issue the public notice 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)).
 - Submit copies of the public notice to: Brad Daniels, OHA - Drinking Water Program, PO Box 14450, Portland, OR 97293-0450.
- Compliance Action No. 3: You must submit a corrective action plan to the Program by May 31, 2011 that clearly indicates how you will ensure that the surface water treatment system at Sawyer's Landing meets the water treatment requirements specified in OAR 333-061-0032(1)(a). The corrective action plan must include specific information relating to the continued use or replacement of the cartridge filtration currently in use at Sawyer's Landing and any changes to disinfection treatment at Sawyer's Landing.
- Compliance Action No. 4: You must submit complete construction plans to the Program no later than September 30, 2011. The plans must clearly indicate how Sawyer's Landing will comply with the MCL for turbidity as specified in OAR 333-061-0030(3) and all of the applicable surface water treatment requirements specified in OAR 333-061-0032(1)(a), OAR 333-061-0032(4), and OAR 333-061-0032(5). The plans must also meet all of the applicable requirements of OAR 333-061-0060, and must clearly show that the changes to the water system will meet all the applicable construction standards specified in OAR 333-061-0050.
- Compliance Action No. 5: Alterations, upgrades, installation of new equipment, and any improvements to the water treatment system at Sawyer's Landing must be completed no later than December 31, 2011. All physical or infrastructure changes at Sawyer's Landing are subject to inspection by Program staff to verify that the water system meets the applicable construction standards specified in OAR 333-061-0050.

- Compliance Action No. 6: You must demonstrate, no later than January 31, 2012, that the treatment system at Sawyer's Landing achieves the surface water treatment requirements specified in OAR 333-061-0032(1)(a), and that water being provided to all system users meets all the applicable state and federal drinking water laws and rules.
- Compliance Action No. 7: You must submit certification to the Program, no later than July 31, 2011, that the person responsible for operation of the surface water treatment system at Sawyer's Landing has attended a Small Water System Training Course or an equivalent training as prescribed by OAR 333-061-0065(2)(c).

GENERAL PROVISIONS AND CIVIL PENALTIES

This Order does not constitute a waiver, suspension or modification of the requirements of the Oregon Drinking Water Quality Act; ORS 448.115 to 448.285 and administrative rules OAR 333-061-0005 to 333-061-0290, which remain in full force and effect.

This Order does not relieve you of any responsibilities or liabilities established pursuant to any applicable federal, state, or local law or regulation.

Issuance of this Order is not an election by the Program to forgo any civil actions authorized under the Oregon Drinking Water Quality Act.

Failure to comply with any of the requirements in this Order by the specified due dates may result in additional enforcement action, which could include assessment of civil penalties in the amount of \$50 per day per violation (OAR 333-061-0090). Civil penalties may be assessed beginning the day following the date of service of this Order and accruing through the date when the Program issues a Notice of Intent to Impose Civil Penalty.

Pursuant to ORS 448.990(2), violations of a rule of the Oregon Health Authority may be a crime in Oregon and punishable as a Class A misdemeanor.

NOTICE OF RIGHT TO REQUEST A HEARING

You are entitled to a hearing as provided by the Administrative Procedure Act (Oregon Revised Statutes, Chapter 183,). If you want a hearing you must file a written request for hearing with the Program within 10 days from the date this Order was mailed. The request for hearing must be sent to: David E. Leland, Manager; DHS - Drinking Water Program; PO Box 14450; Portland, OR 97293.

If you request a hearing, you will be notified of the time and place of the hearing. You will also be given information on the procedures, right of representation and other rights of parties relating to the conduct of the hearing before commencement of the hearing.

If you do not make a timely request for a hearing, or if you withdraw a request for hearing, notify the Program or the administrative law judge that you will not appear or fail to appear at a scheduled hearing, the Program may issue a final order by default. If the Program issues a final order by default, the Program designates the relevant portions of its files on this matter, including all materials that you have submitted relating to this matter, as the record for purposes of proving a prima facie case upon default. If the Order becomes final in this manner, you will have the right to appeal the Order to the Oregon Court of Appeals pursuant to ORS 183.482. To appeal you must file a petition for judicial review with the Court of Appeals within 71 days from the day this Order was mailed. If you do not file a petition for judicial review within the 71-day time period, you will lose your right to appeal.

If you do not request a hearing and the Program subsequently issues a Notice Imposing a Civil Penalty, you will have waived any right to contest the violations.

The Program has designated the Program's complete file on the Sawyer's Landing water system as the record in this case for purposes of proving a prima facie case upon default.

If you need to receive the information in this letter in an alternate format, or if you have any questions about the requirements in this Order, please contact Brad K. Daniels at 971-673-0405.

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Dated this 19th day of April, 2011.



Gail R. Shibley, JD, Administrator
Office of Environmental Public Health

cc: Dion Blake, Sawyer's Landing RV Park
Neil Jensen, Lincoln County Environmental Health
Fred Kalish, OHA-DWP
Karen Kelley, OHA-DWP

DATE of Service: April 19, 2011



Brad K. Daniels

By certified mail and first class mail

