



Oregon

Theodore R. Kulongoski, Governor

Department of Human Services

Public Health Division

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May 14, 2009

Jon Bartch
Carlton Plants
14301 SE Wallace Rd.
Dayton, OR 97114

RE: Notice of Violation for **Carlton Plants II** Public Water System, PWS
OR **194885**

Dear Mr. Bartch,

Carlton Plants is a water supplier as defined in Oregon Revised Statute (ORS) 448.115(12) and Oregon Administrative Rule (OAR) 333-061-0020(175), and has specific responsibilities as defined in OAR 333-061-0025.

Carlton Plants operates a non-transient non-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 Carlton Plants. This investigation has found that Carlton Plants 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: Carlton Plants is required to conduct sampling of its water system to determine compliance with the Maximum Contaminant Level (MCL) for arsenic. Carlton Plants exceeded the MCL for arsenic, based upon the available samples and determined by running annual average for each of the following monitoring periods (OAR 333-061-0030(1)):
 - 3rd quarter 2008
 - 4th quarter 2008
 - 1st quarter 2009
 - 2nd quarter 2009

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- Violation No. 2: Carlton Plants is required by OAR 333-061-0036(2)(a) to conduct sampling of its water system to determine compliance with the MCL for arsenic, but failed to submit arsenic sampling results for the 2nd quarter 2008 monitoring period.

ACTIONS REQUIRED TO ACHIEVE COMPLIANCE

In order for Carlton Plants to return to compliance with the rule(s) allegedly violated, the following actions must be completed:

- Compliance Action No. 1: Carlton Plants has the following options to comply with the MCL for Arsenic:
 - Option No. 1: Install an approved treatment system that meets the construction standards listed in OAR 333-061-0050(4).
 - Option No. 2: Develop a new water source that meets all applicable requirements in OAR 333-061-0050.
 - Option No. 3: Connect to, and receive water from, another public water system.

Carlton Plants must comply with the following requirements for plan review and construction. All plans for additions or alterations to the water system must be approved by the Agency in advance, before installation (OAR 333-061-0060(1)(a)).

- Plans shall have sufficient detail to completely and clearly illustrate what will be constructed and how the water system will meet construction standards (OAR 333-0061-0060(1))
- Carlton Plants must submit construction plans no later than August 30, 2009. These construction plans must clearly indicate which of the three options specified above was selected to meet the MCL for arsenic.
- Construction must be completed no later than November 30, 2009.
- Carlton Plants shall demonstrate that all system users receive drinking water that consistently meets all applicable state and federal drinking water laws and rules no later than December 31, 2009.

Please submit any plans and the plan review fee to: Marsha Fox, DHS – Drinking Water Program, PO Box 14450, Portland, OR 97293-0450. Please contact the Agency for the plan review fee amount. Please make the check out DHS Health Services.

- Compliance Action No. 2: Carlton Plants, per OAR 333-061-0042(2)(b), must issue a Tier 2 public notice for exceeding the MCL for arsenic. 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 Carlton Plants 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 Gary VanDerVeen of Yamhill County Public Health at (503) 434-7439 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: Carrie Gentry, DHS DWP
Gary VanDerVeen, Yamhill County Public Health
Marisela Vasquez, Carlton Plants

