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March 20, 2013

Kevin Cloud  
 Nunhems USA, Inc.  
 8850 59<sup>th</sup> Ave NE  
 Brooks, OR 97305

RE: Follow-up Nunhems USA, Inc. PWS OR4195460

Dear Mr. Cloud,

This letter is a follow-up to the Water System Survey done April 4, 2012.

I have the following time line:

System added to State Inventory Survey	August 23, 2011
Survey paperwork mailed	April 4, 2012
Required Corrective Action Plan	April 5, 2012
Correction date from survey	May 4, 2012
System request for extension	August 2012
Plan Review for system approval	July 31, 2012
New date for correction	August 24, 2012
Email to system requesting corrections	Dec. 31, 2012
Letter for OHA-System violation	Dec. 20, 2012
	January 9, 2013

I have again reviewed the system requirements presented to you through the Water System Survey (WSS). This review has found that Nunhems is not in compliance with the following Oregon administrative rules, and 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.

The significant deficiencies and rule violations were noted on the WSS are as follows:

1. W-1 is an unapproved source and is connected to the system. The well must be able to meet construction standards or be completely removed from the system. To completely remove from the system the intertie must be permanently disconnected.
2. The testing required for a public water system can be found on page 8. There are tests that are required to be done second quarter of 2012. The page also gives the required frequency of testing for the contaminants. A complete listing for your system can be found on the State Drinking Water Data online page. Under Chemical Schedule Details-  
[http://170.104.63.9/schedule\\_status.php?pwsno=95460](http://170.104.63.9/schedule_status.php?pwsno=95460)
3. The system has no coliform sampling plan and I have included a template you might find helpful.
4. The system has no Maintenance and Operation Manual, I left a brief outline with you at the time of the survey.
5. The system has no Emergency Response Plan for the water system; I left the required paperwork for you at the time of the survey.
6. The system has no identified Direct Responsible Charge (DRC) : I left the information for the online training and application for the DRC that would need to be filed with the Drinking Water Program.

The system did not address the significant deficiencies on the WSS and has a minimum of 12 Rule Violations. Each time period the system does not test a violation is noted which in turn adds to the system score.

The current system score for violations stands at 22, a score of greater than 10 puts the system in a category known as a Priority non-complier. All the violation history can be found on the following link.

<http://170.104.63.9/violsum.php?pwsno=95460>

## DESCRIPTION OF RULE VIOLATIONS

- Violation No. 1: 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. Nunhems did not report sample results to DWS, which constitutes a violation of OAR 333-061-0025(1) if samples were in fact not collected and submitted for laboratory analysis.
- 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. Nunhems failed to submit sampling results as identified below throughout the 2012 calendar year but subsequently failed to publish a public notice as specified in OAR 333-061-0042, which constitutes a violation of OAR 333-061-0025(5).
- Violation No. 3: OAR 333-061-0036(c) requires water suppliers to conduct sampling for lead and copper in tap water at public water systems, but Nunhems did not report lead and copper sampling results to DWS for the Nunhems Brooks water system as prescribed by the rule, which constitutes a violation of OAR 333-061-0036(2)(c) if samples were in fact not collected.
- Violation No. 4: OAR 333-061-0036(2)(d) requires water suppliers to conduct sampling for nitrate at public water systems, but Nunhems did not report nitrate sampling results to DWS for the Nunhems Brooks water system as prescribed by the rule, which constitutes a violation of OAR 333-061-0036(2)(d) if samples were in fact not collected.
- Violation No. 5: OAR 333-061-0036(3)(a) requires water suppliers to conduct sampling for synthetic organic chemicals (SOC) at public water systems, but Nunhems did not report synthetic organic chemical sampling results to DWS for the Nunhems Brooks water system as prescribed by the rule, which constitutes a violation of OAR 333-061-0036(3)(a) if samples were in fact not collected.
- Violation No. 6: OAR 333-061-0036(3)(b) requires water suppliers to conduct sampling for volatile organic chemicals (VOC) at public water systems, but Nunhems did not report volatile organic chemical sampling

results to DWS for the Nunhems Brooks water system as prescribed by the rule, which constitutes a violation of OAR 333-061-0036(3)(b) if samples were in fact not collected.

- Violation No. 7: OAR 333-061-0036(6) requires water suppliers to conduct sampling for coliform bacteria at public water systems, but Nunhems did not report coliform bacteria sampling results to DWS for the Nunhems Brooks water system as prescribed by the rule, which constitutes a violation of OAR 333-061-0036(6) if samples were in fact not collected.
- Violation No. 8: OAR 333-061-0040(1) requires water suppliers to report sampling results collected as required by OAR 333-061-0036. Nunhems did not report any chemical or coliform bacteria sampling results to DWS for the Nunhems Brooks water system for the 2012 calendar year, which constitutes a violation of OAR 333-061-0040(1) if samples were in fact collected.
- Violation No. 9: OAR 333-061-0064 requires all public water systems to have and maintain a current emergency response plan. Carolyn Stegall of Marion County Environmental Health inspected the Nunhems Brooks water system on April 5, 2012 but was unable to verify that a current emergency response plan was present for the Nunhems Brooks water system. The lack of a current emergency response plan constitutes a violation of OAR 333-061-0064.
- Violation No. 10: OAR 333-061-0065(4) requires all public water systems to have and maintain a current water system operations manual. Carolyn Stegall of Marion County Environmental Health inspected the Nunhems Brooks water system on April 5, 2012 but was unable to verify that a current operations manual was present for the Nunhems Brooks water system. The lack of a current operations manual constitutes a violation of OAR 333-061-0065(4).
- Violation No. 11: OAR 333-061-0076(6)(b) requires 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 April 5, 2012 at the Nunhems Brooks water system, and a letter was provided to General Manager Kevin Cloud on the same date identifying significant deficiencies found during the

survey. As of the date of this letter, Nunhems has not corrected all of the significant deficiencies identified in the April 5, 2012 letter, nor is Nunhems in compliance with an action plan to correct the remaining deficiencies, which constitutes a violation of OAR 333-061-0076(6).

- Violation No. 12: 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. Nunhems has not designated an operator to be in direct responsible charge of the Nunhems Brooks water system, which constitutes a violation of OAR 333-061-0225.

#### ACTIONS REQUIRED TO ACHIEVE COMPLIANCE

Due to the rule violations identified above, you are required to complete the following actions relating to the Nunhems Brooks water system:

- Compliance Action No. 1: Nunhems must sample for lead and copper as prescribed by OAR 333-061-0036(2)(c) and submit the sample results for the first round of sampling to DWS no later than June 10, 2013.
- Compliance Action No. 2: Nunhems must sample for nitrate as prescribed by OAR 333-061-0036(2)(d) and submit the sample results to DWS no later than June 10, 2013.
- Compliance Action No. 3: Nunhems must sample for synthetic organic chemicals as prescribed by OAR 333-061-0036(3)(a) and submit the sample results to DWS no later than June 10, 2013.
- Compliance Action No. 4: Nunhems must sample for volatile organic chemicals as prescribed by OAR 333-061-0036(3)(b) and submit the sample results to DWS no later than June 10, 2013.
- Compliance Action No. 5: Nunhems must begin sampling for coliform bacteria as prescribed by OAR 333-061-0036(6) and submit the first set of sample results to DWS no later than April 10, 2013.

- Compliance Action No. 6: Nunhems must ensure the correction of every significant deficiency identified in the letter dated April 5, 2012 relating to the sanitary survey conducted on April 5, 2012 at the Nunhems Brooks water system.
  - Every significant deficiency must be corrected no later than June 10, 2013 to the satisfaction of Marion County Environmental Health.
  
- Compliance Action No. 7: Nunhems must designate an operator to be in direct responsible charge of the Nunhems Brooks no later than June 10, 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 you do 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 me at (503) 588-5126 to discuss the compliance actions specified in this letter.

Thank you for your cooperation.

Respectfully,



Carolyn Stegall, REHS  
Marion County Environmental Health

cc: Brad K. Daniels, Enforcement Coordinator OHA DWS  
Gregg Baird, OHA DWP