

BEFORE THE STATE OF OREGON
OREGON HEALTH AUTHORITY
PUBLIC HEALTH DIVISION
CENTER FOR HEALTH PROTECTION

In the Matter of

City of Adrian, PWS OR4100002

Respondent

NOTICE OF VIOLATION AND
ADMINISTRATIVE ORDER

To: Carlos Mendoza, Mayor
City of Adrian
PO Box 226
Adrian, OR 97901

The City of Adrian has at all times mentioned herein owned and operated, and continues to own and operate, the public water system (hereinafter “Water System”) serving the residences and businesses of Adrian, Oregon. The Water System is a community public water system serving approximately 150 people and is subject to regulation under Oregon Revised Statutes 448.115 to 448.290 and Oregon Administrative Rules 333-061-0005 to 333-061-0272.¹

¹ This Notice of Violation and Administrative Order relies on the definitions in ORS 448.115 and OAR 333-061-0020

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The City of Adrian (hereinafter “Water Supplier”) is therefore a water supplier as defined in Oregon Revised Statute (ORS) 448.115(12) and Oregon Administrative Rule (OAR) 333-061-0020, and as a water supplier, has specific responsibilities that are identified in OAR 333-061-0025.

Pursuant to its authority established in ORS 431A.010 and ORS 448.255, the Oregon Health Authority, Public Health Division, Center for Health Protection, Drinking Water Services (DWS) has investigated the operation of the Water System.

DWS found, during its investigation, that water provided by the Water System exceeds the maximum contaminant level (MCL) for arsenic. Also, Water Supplier has not effectively operated its arsenic removal/treatment system. Water Supplier is therefore unable to assure its 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 Water Supplier for the specific violations of the Oregon Drinking Water Quality Act (ORS 448.115 to ORS 448.290) and rules found during DWS' investigation as described below.

DESCRIPTION OF RULE VIOLATIONS

1. The MCL for arsenic is 0.010 mg/L. OAR 333-061-0030(1). Sample results for the Water System demonstrate that the water has been above the MCL for arsenic in violation of OAR 333-061-0030(1). On March 14, 2025, test results showed that the running annual average of arsenic concentration in the water provided by the Water System was 0.011 mg/L. As of September 8, 2025, the average arsenic concentration in the water provided by the Water System was 0.015 mg/L. This constitutes a violation of OAR 333-061-0030(1).
2. OAR 333-061-0065(1)(a) requires water suppliers to operate all phases and components of the water system effectively in the manner for which they were designed. The Water System has an arsenic treatment system, but Water Supplier has not operated the treatment effectively so that arsenic concentrations remain below the MCL. This failure to operate the arsenic treatment system effectively constitutes a violation of OAR 333-061-0065(1)(a).

ACTIONS REQUIRED TO ACHIEVE COMPLIANCE

Water Supplier is required to conduct the remedial actions described below which, if taken within the time specified in this Order, will constitute compliance with the rule(s) violated (ORS 448.255(3)).

1. Water supplier shall complete repairs or maintenance to restore the arsenic treatment at the Water System to effective operation such that the concentration of arsenic in drinking water samples are below the MCL specified in OAR 333-061-0030(1).
 - Water Supplier shall restore the arsenic treatment at the Water System to effective operation no later than September 30, 2027 and notify DWS within five (5) days of completing the repairs or maintenance.
 - Effective operation is further defined for the purposes of this Order to mean that treatment at the water system is operated in the manner in which it was designed and produces drinking water with arsenic below the MCL in at least one sample result and where Water Supplier can demonstrate a plan to maintain and operate the treatment to consistently achieve concentrations of arsenic below the MCL.
2. Water Supplier shall monitor for arsenic at the Water System according to OAR 333-061-0036(2)(a) and 333-061-0036(1)(g) as follows:
 - Monitoring shall begin immediately after Water Supplier notifies DWS that arsenic treatment at the Water System was repaired or maintained according to Compliance Action No. 1. Water Supplier shall conduct monitoring every month according to OAR 333-061-0036(1)(g).
 - Sample results shall be reported to DWS no more than 10 days after the end of each month according to OAR 333-061-0040(1).
3. Water Supplier shall publish a public notice according to all applicable provisions of OAR 333-061-0042 at least every ninety days, if necessary, that informs customers that the average annual concentration of arsenic in drinking water at the Water System exceeds the MCL.
 - Within 10 calendar days of distributing any public notice to customers, Water Supplier must submit a copy of the notice to DWS along with a written statement

that it has fully complied with the distribution and public notification requirements according to OAR 333-061-0040(1)(i).

4. Water Supplier shall comply with this Order and may return to monitoring arsenic once every calendar quarter according to OAR 333-061-0036(2)(a), if sample results reported for the Water System have concentrations of arsenic below the MCL specified in OAR 333-061-0030(1) every month for 9 consecutive months.
5. Water Supplier shall violate this Order if sample results reported for the Water System have concentrations of arsenic at or above the MCL specified in OAR 333-061-0030(1) during three or more months within a rolling six month period after notifying DWS that arsenic treatment at the Water System was repaired or maintained according to Compliance Action No. 1.

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 448.290) and Oregon Administrative Rules OAR 333-061-0005 to 333-061-0272, which remain in full force and effect.

This Order does not relieve Water Supplier 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 DWS 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 date may result in additional enforcement action, which could include assessment of civil penalties in the amount of \$100 per day per violation (OAR 333-061-0090). For example, if DWS issues a Notice of Intent to Impose Civil Penalty on October 1, 2027 for failure to repair the arsenic treatment system and restore it to effective operation, according to this Order, the proposed civil penalty could be as much as \$73,000.

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 DWS within 10 days from the date this Order was mailed. **The request for hearing must be sent to: Samina Panwhar, Manager; Oregon Health Authority, Drinking Water Services; and may be delivered by mail to PO Box 14450, Portland, OR 97293 or by email to samina.t.panwhar@oha.oregon.gov.**

If you request a hearing, DWS will notify you of the time and place at which the hearing will be held. You may enlist representation by legal counsel. Per ORS 413.041, a party that is not a natural person may be represented by an attorney or by any officer or authorized agent or employee of the party. Parties are ordinarily represented by counsel. DWS will be represented by an Assistant Attorney General. Prior to the hearing date, DWS will provide you with information on the procedures, right of representation and other rights of parties relating to the conduct of the hearing. An administrative law judge from the Office of Administrative Hearings will be assigned to preside over the hearing, as required by ORS 183.635.

If you do not make a timely request for a hearing, the Notice of Violation and Administrative Order will become final and effective 11 days after the date this Order was mailed. 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 period, you will lose your right to appeal.

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

If you withdraw a request for hearing, or notify DWS or the administrative law judge that you will not appear or fail to appear at a scheduled hearing, DWS may issue a final order by 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 60 days from the day this Order was mailed. If you do not file a petition for judicial review within the 60-day period, you will lose your right to appeal.

Notice to Active Duty Servicemembers

Active-duty service members have a right to stay proceedings under the federal Service members Civil Relief Act and may contact the Oregon State Bar at 1 (800) 452-8260 or the Oregon Military Department at 503-584-3571 for more information. The internet address for the United States Armed Forces Legal Assistance Locator website is <http://legalassistance.law.af.mil>.

DWS has designated its complete file on the 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 Order in an alternate format, or if you have any questions about the requirements in this Order, please contact Brad K. Daniels at bradley.k.daniels@oha.oregon.gov or 503-735-5438.

Date 10/3/2025



Samina Panwhar, Manager
Drinking Water Services
Oregon Health Authority

cc: Bill Goss, Oregon Health Authority, Drinking Water Services
Kari Salis, Oregon Health Authority, Drinking Water Services
Amy Word, Oregon Health Authority, Drinking Water Services

DATE of Service: October 3, 2025



Signature

Brad K. Daniels

Printed Name

By certified mail and first-class mail