



PUBLIC HEALTH DIVISION
Center for Health Protection, Drinking Water Services

Tina Kotek, Governor

Oregon
Health
Authority

800 NE Oregon St.
Portland, Oregon 97232-2162
Voice (971) 673-0405
FAX (971) 673-0694
TTY (971) 673-0372

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

In the Matter of

Villadom Mobile Home Park, PWS
OR4100525

Respondent

NOTICE OF VIOLATION AND
ADMINISTRATIVE ORDER

To: Howard Robbins
1679 Carmel Drive
Walnut Creek, CA 94596

Howard Robbins, you have at all times mentioned herein owned and operated, and continue to own and operate, the Villadom Mobile Home Park public water system (hereinafter "Water System") located at 53785 W Crockett Road in Milton Freewater, Oregon. The Water System is a community public water system serving approximately 100 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.

Howard Robbins (hereinafter "Water Supplier"), you are 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, have 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 Supplier failed to maintain water quality parameters at or above the minimum values for optimal corrosion control treatment. Water systems where optimal corrosion control is practiced but where minimum water quality parameter values are not met 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. OAR 333-061-0034(3)(1) requires, in part, water suppliers to operate and maintain optimal corrosion control treatment such that water quality parameters are maintained at or above the minimum values designated by DWS. Water Suppliers are out of compliance with this rule if water quality parameters are below those minimum values on more than nine days during any six-month compliance period. Measurements reported for the Water System demonstrated that water quality parameters were below the designated minimums for 18 days cumulatively during April and May 2023, and for 14 days cumulatively during July and August 2023. This constitutes a violation of OAR 333-061-0034(3)(1).
2. OAR 333-061-0076(5)(b) requires, in part, water suppliers to correct significant deficiencies identified during a sanitary survey within 120 days of notification, or to comply with an approved corrective action schedule. DWS conducted a sanitary survey on October 18, 2022 and notified Water Supplier of seven significant deficiencies on November 2, 2022. One of these deficiencies, the failure to test backflow prevention assemblies at least once every 12 months according to OAR 333-061-0070(6), was also identified during a sanitary survey conducted on July 3, 2019, and was not corrected by the September 9, 2023 due date. This constitutes a violation of OAR 333-061-0076(5).

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 must measure water quality parameters every month according to OAR 333-061-0036(10)(f) and report the results to DWS according to OAR 333-061-0040(1)(h),
 - Water Supplier shall have satisfied this compliance action when measurements demonstrate water quality parameters were maintained at or above the minimum values designated by DWS in compliance with OAR 333-061-0034(3)(l) for a six-month monitoring period.
 - Water Supplier violates this Order if it does not demonstrate compliance with OAR 333-061-0034(3)(l) in either of the monitoring periods ending on or before December 31, 2024.
2. Water Supplier must ensure all backflow prevention assemblies installed at the Water System are tested as prescribed by OAR 333-061-0070(6).
 - Backflow prevention assemblies must be tested within 30 days after the date of service of this Order and to the satisfaction of DWS.

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 \$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 DWS issues a Notice of Intent to Impose Civil Penalty. For example, if DWS issues a Notice of Intent to Impose Civil Penalty on March 15, 2024 for failure to test backflow prevention assemblies according to this Order, the proposed civil penalty could be as much as \$1,500.

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.

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 2/7/2024



Samina Panwhar, Manager
Drinking Water Services
Oregon Health Authority

- cc: Bill Goss, Oregon Health Authority, Drinking Water Services
- Molly Keller, Oregon Health Authority, Drinking Water Services
- Amy Word, Oregon Health Authority, Drinking Water Services

DATE of Service: February 7, 2024



Signature

Brad K. Daniels

Printed Name

By certified mail and first-class mail