

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

In the Matter of

Robert Cook/Golf Mobile City, PWS
OR4100588

Respondent

NOTICE OF VIOLATION AND
ADMINISTRATIVE ORDER

To: Robert Cook
155 Caldwell Blvd.
Nampa, ID 9783651

You are a water supplier as defined in Oregon Revised Statute (ORS) 448.115(12) and Oregon Administrative Rule (OAR) 333-061-0020(211), and as a water supplier, 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 the Golf Mobile City water system, which is a community public water system located at 3375 SW 18th Avenue in Ontario, Oregon. Golf Mobile City serves between 25 and 100 people 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 Golf Mobile City water system.

The Program found, during its investigation, that water provided by Golf Mobile City exceeds the maximum contaminant level (MCL) for both arsenic and nitrate. Also, you have failed to correct significant deficiencies and have not consistently reported sample results for inorganic chemicals, lead and copper, nitrite, synthetic organic chemicals, volatile organic chemicals, and radionuclides. You are therefore unable to assure the water users at Golf Mobile City 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 specific violations of the Oregon Drinking Water Quality Act (ORS 448.115 to ORS 448.290) and rules found during the Program's investigation and are listed below.

DESCRIPTION OF RULE VIOLATIONS

- Violation No. 1: OAR 333-061-0025 requires water suppliers to take all reasonable precautions to assure that the water delivered to water users does not exceed maximum contaminant levels. Water samples collected at the Golf Mobile City water system indicate that water provided by the system exceeds the MCL for both arsenic and nitrate as specified in OAR 333-061-0030(1). The entire sampling history for the Golf Mobile City water system shows that levels of arsenic and nitrate exceed the current MCL for each respective chemical.

Water with nitrate in excess of the MCL has the significant potential to have serious adverse effects on human health as a result of short term exposure (OAR 333-061-0042(2)(a)). Infants below the age of 6 months who drink water containing nitrate in excess of the MCL could become seriously ill and, if untreated, may die. Symptoms include shortness of breath and blue baby syndrome (OAR 333-061-0097(3)(k))

Water with arsenic in excess of the MCL has the potential to have serious adverse effects on human health (OAR 333-061-0042(2)(b)). Some people who drink water containing arsenic in excess of the MCL over many years could experience skin damage or problems with their circulatory system, and may have an increased risk of getting cancer (OAR 333-061-0097(3)(b)).

You were officially notified on May 19, 2010 that you would need to take action to ensure that the Golf Mobile City water system delivered water with levels of arsenic and nitrate below the MCL.

You have however failed to demonstrate that you have taken all the reasonable actions or precautions to ensure that water does not exceed the MCL for arsenic or nitrate by seeking an alternate water source or beginning the process to install a treatment system. This constitutes a violation of OAR 333-061-0025.

- Violation No. 2: OAR 333-061-0025(1) requires water suppliers to routinely collect and submit water samples for laboratory analysis at the frequencies prescribed by OAR 333-061-0036. Violations No. 4 through No. 9 describes your failure to report water sampling results to the Program for multiple chemical contaminants. It constitutes a violation of OAR 333-061-0025(1) if the samples were in fact not collected as required.
- Violation No. 3: OAR 333-061-0036(2)(a) requires sampling for inorganic chemicals at water systems. OAR 333-061-0040(1)(b)(A) requires water suppliers to submit sampling results to the Program within ten days of the end of the specified monitoring period. Samples for inorganic chemicals were required to be collected at the Golf Mobile City water system within the 2008 to 2010 three-year monitoring period. You however failed to report any inorganic chemical sampling results for the specified monitoring period, which constitutes a violation of OAR 333-061-0036(2)(a) if samples were not collected, or constitutes a violation of OAR 333-061-0040(1)(b)(A) if samples were collected but the sample analysis was not reported.
- Violation No. 4: OAR 333-061-0036(2)(c) requires sampling for lead and copper in tap water. OAR 333-061-0040(1)(b)(A) requires water suppliers to submit sampling results to the Program within ten days of the end of the specified monitoring period. Samples for lead and copper were required to be collected at the Golf Mobile City water system in the six-month monitoring period from July through December 2010. You however failed to report any lead and copper sampling results for the specified monitoring period, which constitutes a violation of OAR 333-061-0036(2)(c) if samples were not collected, or a violation of OAR 333-061-0040(1)(b)(A) if samples were collected but the sample analysis was not reported.
- Violation No. 5: OAR 333-061-0036(2)(e) requires sampling for nitrite at water systems. OAR 333-061-0040(1)(b)(A) requires water suppliers to submit sampling results to the Program within ten days of the end of the specified monitoring period. Samples for nitrite were required to be collected at the Golf Mobile City water system within the 2008 to 2010 three-year monitoring period. You however failed to report any nitrite sampling results for the specified monitoring period, which constitutes a violation of OAR 333-061-0036(2)(e) if samples were not collected, or a violation of

OAR 333-061-0040(1)(b)(A) if samples were collected but the sample analysis was not reported.

- Violation No. 6: OAR 333-061-0036(3)(a) requires sampling for synthetic organic chemicals at water systems. OAR 333-061-0040(1)(b)(A) requires water suppliers to submit sampling results to the Program within ten days of the end of the specified monitoring period. Samples for synthetic organic chemicals were required to be collected at the Golf Mobile City water system within the 2010 annual monitoring period. You however failed to report any synthetic organic chemical sampling results for the specified monitoring period, which constitutes a violation of OAR 333-061-0036(3)(a) if samples were not collected, or a violation of OAR 333-061-0040(1)(b)(A) if samples were collected but the sample analysis was not reported.
- Violation No. 7: OAR 333-061-0036(3)(b) requires sampling for volatile organic chemicals at water systems. OAR 333-061-0040(1)(b)(A) requires water suppliers to submit sampling results to the Program within ten days of the end of the specified monitoring period. Samples for volatile organic chemicals were required to be collected at the Golf Mobile City water system within the 2010 annual monitoring period. You however failed to report any volatile organic chemical sampling results for the specified monitoring period, which constitutes a violation of OAR 333-061-0036(3)(b) if samples were not collected, or a violation of OAR 333-061-0040(1)(b)(A) if samples were collected but the sample analysis was not reported.
- Violation No. 8: OAR 333-061-0036(7) requires sampling for radionuclides at community water systems. OAR 333-061-0040(1)(b)(A) requires water suppliers to submit sampling results to the Program within ten days of the end of the specified monitoring period. Samples for radionuclides were required to be collected at the Golf Mobile City water system within each of the calendar quarters from July 2010 through March 2011. You however failed to report any radionuclide sampling results for the specified monitoring periods, which constitutes a violation of OAR 333-061-0036(7) if samples were not collected, or a violation of OAR 333-061-0040(1)(b)(A) if samples were collected but the sample analysis was not reported.
- Violation No. 9: 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 May 19, 2010 at the Golf Mobile City water system, and a letter was mailed to you on July 9, 2010 identifying significant deficiencies found during the survey. As of the date of this order, you have

not corrected all of the significant deficiencies identified in the July 9, 2010 letter, nor are you in compliance with an action plan to correct the remaining deficiencies, which constitutes a violation of OAR 333-061-0076(6).

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 submit an action plan that identifies how the water system at Golf Mobile City will be made to produce water with levels of arsenic and nitrate below the applicable MCLs specified in OAR 333-061-0030(1). The action plan must:
 - Be submitted to the Program no later than July 31, 2011;
 - Identify how remediation of the arsenic and nitrate contamination at the Golf Mobile City water system will be funded;
 - Identify when remediation of the arsenic and nitrate contamination at the Golf Mobile City water system is expected to be completed; and
 - Identify which of the following three options will be utilized for remediation of the arsenic and nitrate contamination at the Golf Mobile City water system:
 1. Installation an approved treatment system that meets the construction standards listed in OAR 333-061-0050(4);
 2. Development of a new water source that meets all applicable requirements in OAR 333-061-0050; or
 3. Connection to another public water system for the purpose of receiving potable water from that system.
- Compliance Action No. 2: You must submit construction plans to the Program no later than December 31, 2011. The plans must meet all the applicable requirements of OAR 333-061-0060, and must clearly identify how the water system at Golf Mobile

City will be made to produce water with levels of arsenic and nitrate below the applicable MCLs specified in OAR 333-061-0030(1).

- Compliance Action No. 3: You must complete construction of the project for remediation of the arsenic and nitrate contamination at the Golf Mobile City water system no later than June 30, 2012. All physical or infrastructure changes at Golf Mobile City 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. 4: You must demonstrate that every person served by the Golf Mobile City water system receives drinking water that consistently meets all applicable state and federal drinking water laws and rules no later than September 30, 2012.
- Compliance Action No. 5: You must correct each of the significant deficiencies identified in the letter dated July 9, 2010 relating to the sanitary survey conducted on May 19, 2010 at the Golf Mobile City water system. Every significant deficiency will be corrected to the satisfaction of Program staff no later than August 31, 2011, except for compliance with the MCLs for arsenic and nitrate, for which correction will occur as specified in Compliance Actions No. 1 through No. 4 of this order.
- Compliance Action No. 6: You must collect samples for lead and copper at the Golf Mobile City water system in accordance with OAR 333-061-0036(2)(c) between July 1, 2011 and December 31, 2011, and submit the sampling results to the Program no later than January 10, 2012.
- Compliance Action No. 7: You must collect samples for lead and copper at the Golf Mobile City water system in accordance with OAR 333-061-0036(2)(c) between January 1, 2012 and June 30, 2012, and submit the sampling results to the Program no later than July 10, 2012.
- Compliance Action No. 8: You must publish public notice for exceeding the MCL for arsenic and for nitrate 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)). The notice must meet all of the applicable requirements of OAR 333-061-0042(4), must be distributed to every customer served by the Golf Mobile City water system in accordance with OAR 333-061-0042(3)(b)(E). 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).

- Submit copies of the public notice to: Brad Daniels, OHA - Drinking Water Program, PO Box 14450, Portland, OR 97293-0450.

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 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; OHA - 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.

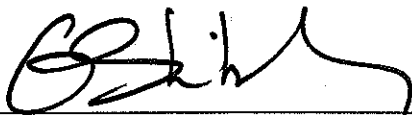
If you do not make a timely request for a hearing, or if you withdraw a request for hearing, notify the Program or the administrative law judge that you will not appear or fail to appear at a scheduled hearing, the Program may issue a final order by default. If the Program issues a final order by default, 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 Golf Mobile City 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.

Dated this 25th day of May, 2011.



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

cc: Amy Baker, OHA-DWP
Bill Goss, OHA-DWP

DATE of Service: May 27, 2011


Brad K. Daniels

By certified mail and first class mail