



Oregon

Theodore R. Kulongoski, Governor

Department of Human Services

Public Health Division

800 NE Oregon Street

Portland, OR 97232-2162

(971) 673-0405

(971) 673-0694 – FAX

(971) 673-0372 - TTY-Nonvoice

October 9, 2009

Dan Parks, President
Ochoco West Water and Sanitary Authority
5488 NW Prine Rd.
Prineville, OR 97754

RE: Notice of Violation for Ochoco West Water and Sanitary Authority Public
Water System, PWS OR4100681

Dear Mr. Parks,

Ochoco West Water and Sanitary Authority is a water supplier as defined in Oregon Revised Statute (ORS) 448.115(12) and Oregon Administrative Rule (OAR) 333-061-0020(194), and has specific responsibilities that are defined in OAR 333-061-0025.

Ochoco West Water and Sanitary Authority operates a community public water system, which serves between 301 and 1,500 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 Ochoco West Water and Sanitary Authority. This investigation has found that Ochoco West Water and Sanitary Authority 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 administrative rules.

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- Violation No. 1: Ochoco West Water and Sanitary Authority is required by OAR 333-061-0225 to have a Water Distribution Level 1 certified operator designated to supervise and be in direct responsible charge of the water system. Agency records indicate that the water system does not currently have a certified operator at this level in direct responsible charge of the water system, which is a violation of OAR 333-061-0225.
- Violation No. 2: Ochoco West Water and Sanitary Authority is required by OAR 333-061-0025(2) to take immediate action when sample results indicate that a maximum contaminant level (MCL) has been exceeded. Ochoco West Water and Sanitary Authority did not take immediate action following the sample analysis completed on August 5, 2009 where the sample results exceeded the MCL for arsenic, which is a violation of OAR 333-061-0025(2).
- Violation No. 3: Ochoco West Water and Sanitary Authority is required by OAR 333-061-0065(7) to immediately notify the Agency when an emergency arises which affects the quality of water produced by the water system. The sample analysis completed on August 5, 2009 that exceeded the MCL for arsenic is considered an emergency requiring immediate notification to the Agency or to the Crook County Environmental Health Department. Ochoco West Water and Sanitary Authority failed to connect either of the agencies specified above, which is a violation of OAR 333-061-0065(7).

ACTIONS REQUIRED TO ACHIEVE COMPLIANCE

In order for Ochoco West Water and Sanitary Authority to return to compliance with the rule(s) allegedly violated, the following actions must be completed:

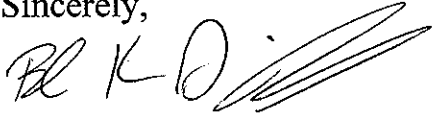
- Compliance Action No. 1: Ochoco West Water and Sanitary Authority must designate a certified operator to be in charge of the water system, in accordance with OAR 333-061-0225, no later than December 31, 2009. The designation must be submitted in writing to: Dottie Reynolds, DHS – Drinking Water Program, PO Box 14450, Portland, OR 97293-0450.

- Compliance Action No. 2: Ochoco West Water and Sanitary Authority must comply with one of the following options in order to meet the MCL for arsenic:
 - Ochoco West Water and Sanitary Authority must cease and desist utilizing the well identified by Oregon Water Resources Department well ID# "CROO 482" as a water source for the public water system it operates. Russell Hanson of Crook County Environmental Health Services must inspect the well, no later than December 31, 2009, to certify that is disconnected from the drinking water distribution system; or
 - Ochoco West Water and Sanitary Authority must upgrade its existing arsenic treatment system to have the capacity to effectively remove arsenic so that all water produced by the water system contains arsenic below the MCL specified in OAR 333-061-0030(1).
 - All plans for alterations or additions to the existing arsenic treatment system must be approved by the Agency in advance, before installation (OAR 333-061-0060(1)(a)).
 - Plans must be prepared by a registered professional engineer and 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))
 - Ochoco West Water and Sanitary Authority must submit construction plans no later than January 31, 2010. 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 April 30, 2010.
 - Ochoco West Water and Sanitary Authority 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 May 31, 2010.

If Ochoco West Water and Sanitary Authority 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 Russell Hanson at the Crook County Environmental Health Department at (541) 447-8155 to discuss the compliance actions specified in this letter.

Thank you for your cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read 'BKD', with a stylized flourish extending to the right.

Brad K. Daniels
Enforcement Coordinator
DHS - Drinking Water Program

cc: Russell Hanson, Crook County Environmental Health Services
Amy Baker, DHS DWP
Board of Directors, Ochoco West Water and Sanitary Authority
Michelle Byrd, DHS DWP
Bill Goss, DHS DWP
Eric Sather, Ochoco West Water and Sanitary Authority
Marty Stegman, Ochoco West Water and Sanitary Authority