

December 16, 2024

James R. Luttrell
Elderberry Nehalem Water System
41266 Kamy Lane
Seaside, OR 97138

RE: Notice of failure to correct significant deficiencies at the Elderberry Nehalem public water system

Records indicate Elderberry Nehalem Water System owns and operates the public water system (hereinafter “Water System”) serving residences along and near Kamy Lane in Elsie, Oregon. Elderberry Nehalem Water System (hereinafter “Water Supplier”) is therefore a water supplier as defined in ORS 448.115(12) and Oregon Administrative Rule (OAR) 333-061-0020 and has specific responsibilities as defined in OAR 333-061-0025.

The Water System is identified by public water system ID# OR41-00804 and is subject to regulation according to the Oregon Drinking Water Quality Act (Oregon Revised Statutes 448.115 to 448.290) and OAR 333-061-0005 through OAR 333-061-0272.

OAR 333-061-0076(5)(b) requires, in part, water suppliers to correct significant deficiencies or to be in compliance with an approved corrective action plan within 120 days of receiving written notice of a significant deficiency. The Oregon Health Authority, Drinking Water Services (DWS) found that several significant deficiencies were identified during a sanitary survey conducted on September 15, 2023. Water Supplier was notified about the deficiencies on October 19, 2023 but has not reported that the deficiencies were corrected by the February 22, 2024 due date as required by OAR 333-061-0076(5)(b).

Here is a [hyperlink](#) to the uncorrected deficiencies currently associated with the Water system.

800 NE Oregon Street, Suite #640, Portland, OR 97232-2162

Voice: 971-673-0405 | Fax: 971-673-0458

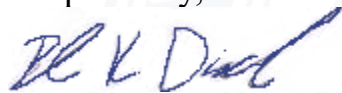
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One of the deficiencies, the lack of a watertight roof or access hatch for a finished water storage facility, is considered a direct pathway for contamination to enter a water system and is a priority for correction.

Please submit written verification to me that this deficiency is corrected within 30 days of the date of this notice.

If Water Supplier does not comply with the deadline specified in this letter, the continued non-compliance may result in additional enforcement action, which could include the assessment of civil penalties in the amount of \$100 for every distinct rule violation and for every day the Water System is in violation of a rule as prescribed by OAR 333-061-0090. Please contact me at bradley.k.daniels@oha.oregon.gov or (503) 735-5438 if you have any questions about the compliance action specified in this letter.

Respectfully,



Brad K. Daniels

Compliance Specialist

Oregon Health Authority, Drinking Water Services

cc: Pete Farrelly, Oregon Health Authority, Drinking Water Services

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