

January 16, 2013

David Hancock
Smith Rock Mobile Estates
64100 N Hwy 97 #22
Bend, OR 97701

RE: Notice of Non-Compliance regarding the Smith Rock Mobile Estates Public Water System, PWS OR4100863

Mr. Hancock,

Our records indicate that you own and operate the Smith Rock Mobile Estates (Smith Rock) water system located at 10100 NE Crooked River Drive in Terrebonne, Deschutes County. Therefore, 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 have specific responsibilities as defined in OAR 333-061-0025.

Smith Rock is a community public water system, which serves between 10 and 100 people, and is subject to regulation under ORS 448.115 to 448.290 and OAR 333-061-0005 to 333-061-0290.

The Oregon Health Authority, Public Health Division, Center for Health Protection, Drinking Water Services (DWS) has reviewed the Smith Rock water system. This review has found that you are not in compliance with the following Oregon administrative rules, and are therefore not meeting your responsibilities as a water supplier as prescribed by the Oregon Drinking Water Quality Act (ORS 448.115 to ORS 448.290) and rules.

- Violation No. 1: OAR 333-061-0070(9)(a) requires water suppliers responsible for community water systems to include an ordinance or enabling authority as part of a local cross connection program. DWS has not received the required ordinance or enabling authority for the Smith Rock water system, nor were the documents available for review during the May 31, 2012 sanitary survey, which constitutes a violation of OAR 333-061-0070(9)(a).

- Violation No. 2: OAR 333-061-0070(9)(c) requires water suppliers responsible for community water systems to submit to DWS a cross connection Annual Summary Report (ASR) each year before the last working day of March. DWS has not received a recent cross connection ASR for the Smith Rock water system, which constitutes a violation of OAR 333-061-0070(9)(c).
- Violation No. 3: OAR 333-061-0225(1) requires water suppliers responsible for community water systems to at all times employ, contract with, or otherwise utilize an operator to supervise and to be in direct responsible charge of the water system. OAR 333-061-0225(2) requires that the operator in direct responsible charge of a water system be certified at a level equal to or greater than the classification of the water system for which they are responsible. You have not designated an operator to be in direct responsible charge of the Smith Rock water system, which constitutes a violation of OAR 333-061-0225.
- Violation No. 4: 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 31, 2012 at the Smith Rock water system, and a letter was mailed to you on June 1, 2012 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 June 1, 2013 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).
- Violation No. 5: OAR 333-061-0043 requires community public water systems to deliver an annual consumer confidence report to each customer and to submit a copy of the report to DWS along with certification that the report was delivered to customers. You have not submitted a copy of a consumer confidence report to DWS or certified that an annual report was delivered to customers as required by the rule. The failure to deliver an annual consumer confidence report to the customers of the Smith Rock water system constitutes a violation of OAR 333-061-0043.
- Violation No. 6: OAR 333-061-0064 requires all public water systems to have and maintain a current emergency response plan. Jeff Freund of the Deschutes County Health Department inspected the Smith Rock water system on May 31, 2012 and was unable to verify that a current emergency response plan was present for the Smith Rock water system. The lack of a current emergency response plan constitutes a violation of OAR 333-061-0064.

- Violation No. 7: OAR 333-061-0065(4) requires all public water systems to have and maintain a current water system operations manual. Jeff Freund of the Deschutes County Health Department inspected the Smith Rock water system on May 31, 2012 and was unable to verify that a current operations manual was present for the Smith Rock water system. The lack of a current operations manual constitutes a violation of OAR 333-061-0065(4).

ACTIONS REQUIRED TO ACHIEVE COMPLIANCE

Due to the rule violations identified above, you are required to complete the following actions relating to the Smith Rock water system:

- Compliance Action No. 1: You must submit to DWS, no later than March 31, 2013, a cross connection ordinance or enabling authority for the Smith Rock water system as prescribed by OAR 333-061-0070(9)(a).
- Compliance Action No. 2: You must submit to DWS, no later than March 31, 2013, a cross connection ASR for the Smith Rock water system as prescribed by OAR 333-061-0070(9)(c).
- Compliance Action No. 4: You must designate an operator to be in direct responsible charge of the Smith Rock no later than March 31, 2013.
 - The designation must be submitted in writing on a form approved or produced by DWS.
 - The operator must be certified in accordance with all the applicable provisions of OAR 333-061-0205 through OAR 333-061-0290.
- Compliance Action No. 5: You must ensure the correction of every significant deficiency identified in the letter dated June 1, 2012 relating to the sanitary survey conducted on May 31, 2012 at the Smith Rock water system.
 - Every significant deficiency must be corrected no later than May 15, 2013 to the satisfaction of the Deschutes County Environmental Health Division.

- Compliance Action No. 6: You must deliver a consumer confidence report to the customers served by the Smith Rock water system for the 2012 calendar year as prescribed by OAR 333-061-0043.
 - The report must be completed and delivered to customers no later than April 30, 2013.
 - A copy of the report, and certification that the report was delivered to customers, must be submitted to DWS no later than May 15, 2013.

If you do 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 as prescribed by OAR 333-061-0090. Please contact Jeff Freund at Deschutes County Environmental Health at (541) 388-6563 to discuss the compliance actions specified in this letter.

Thank you for your cooperation.

Respectfully,



Brad K. Daniels
Enforcement Coordinator
OHA - Drinking Water Services

cc: Michelle Byrd, OHA DWS
Jeff Freund, Deschutes County Environmental Health Division