

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

In the Matter of

Deer Island Residential, LLC /
Deer Island Village Manufactured
Home Park, PWS OR41-00982

NOTICE OF VIOLATION AND
ADMINISTRATIVE ORDER

DATE of Service: December 1, 2025

Respondent

To: Leo Stoddard, Member and Registered Agent
Deer Island Residential, LLC
52640 NE 1st ST
Scappoose, OR 97056

Deer Island Residential, LLC has at all times mentioned herein owned and operated, and continues to own and operate, the Deer Island Village public water system (hereinafter “Water System”), serving manufactured homes at or near 34955 Fawn Lane in Deer Island, 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 333-061-0272.¹

¹ This Notice of Violation and Administrative Order relies on the definitions in ORS 448.115 and OAR 333-061-0020

Deer Island Residential, LLC (hereinafter “Water Supplier”) is 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, has 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 did not complete corrective action after *E. coli* bacteria were confirmed to be present in one of the groundwater wells supplying the Water System. Water Supplier is therefore unable to assure its water users 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 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 333-061-0032(6), in part, requires that water suppliers complete corrective action when sample results indicate the presence of *E. coli* bacteria in a groundwater source. Corrective action must be completed within 120 days or according to a schedule approved by DWS.

The groundwater well identified as *Well #2* supplying the Water System was determined to be contaminated with *E. coli* bacteria on September 24, 2024 but Water Supplier failed to complete corrective action within 120 days as required and has not responded to communication from DWS or the Columbia County Public Health Department regarding the delays. This constitutes a violation of OAR 333-061-0032(6).

- Additionally, a DWS registered geologist evaluated the construction of *Well #2* and determined it does not meet the construction standards in OAR 333-061-0050(2) for groundwater wells supplying public water systems as of May 7, 2025.

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 demonstrate it provides disinfection that achieves 4-log inactivation of viruses no later than 60 days after the date of service of this Order.
 - Water Supplier must continue to reliably operate this disinfection treatment until it has demonstrated completion of Compliance Action No. 3.
2. Water Supplier must submit a plan for either physically disconnecting, repairing or replacing the groundwater well identified as *Well #2* according to the following schedule:
 - Water Supplier must submit a written construction plan to DWS no later than six months after the date of service of this Order identifying which of the following corrective actions it will complete at the Water System:
 - A. *Well #2* shall be physically disconnected from the Water System,
 - B. *Well #2* shall be reconstructed so that it meets all applicable construction standards in OAR 333-061-0050(2), or
 - C. *Well #2* shall be replaced with a new water source that meets the applicable construction standards in OAR 333-061-0050.
3. Water Supplier must complete work according to Compliance Action No. 2 no later than two years after the date of service of this Order, and at the discretion of DWS, either submit to an inspection of the Water System or submit photographic evidence verifying corrective action was completed according to this Order.
4. Water Supplier must publish public notice immediately and submit a copy to DWS no later than 10 days after the date of service of this Order that informs customers the *Well #2* water source supplying the Water System contains *E. coli* bacteria and that the bacteria may be present in a consumer's drinking water. The notice must meet all the applicable requirements in OAR 333-061-0042.

- Water Supplier must publish repeat public notice(s) and deliver the notice(s) to consumers as described in this Compliance Action every three months, and include any changes or additional information regarding *E. coli* bacteria in *Well #2* and in the drinking water at the Water System. Water Supplier must comply with this action until DWS notifies it has complied with this Order and that the drinking water otherwise meets all applicable state and federal drinking water laws and rules.

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). For example, if DWS issues a Notice of Intent to Impose Civil Penalty on February 1, 2026 for failure to demonstrate providing 4-log disinfection treatment according to this Order, the proposed civil penalty could be as much as \$3,000.

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 identified in this Order.

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.

Deer Island Village

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 11/25/2025



Samina Panwhar, Manager
Drinking Water Services
Oregon Health Authority

cc: Jaime Aanensen, Columbia County Public Health
Pete Farrelly, Oregon Health Authority, Drinking Water Services
Tan Le, Columbia County Public Health

DATE of Service: December 1, 2025



Signature

Brad K. Daniels

Printed Name

By certified mail and first-class mail