



Oregon

Theodore R. Kulongoski, Governor

Department of Human Services
Public Health Division
800 NE Oregon Street
Portland, OR 97232-2162

(971) 673-1111 - Emergency
(971) 673-0405
(971) 673-0457 - FAX
(971) 673-0372 - TTY-Nonvoice

February 23, 2009

Michael Brown
Saginaw Park Trust
PO Box 639
Glendale, OR 97442

RE: Notice of Violation for ~~Saginaw Park Trust~~ Public Water System, PWS
~~OR4100996~~

Dear Mr. Brown,

Saginaw Park Trust is a water supplier as defined in Oregon Revised Statute (ORS) 448.115(12) and Oregon Administrative Rule (OAR) 333-061-0020(175), and has specific responsibilities that are defined in OAR 333-061-0025.

Saginaw Park Trust operates a community public water system, which serves between 25 and 100 people, and is subject to regulation under ORS 448.115 to 448.290 and OAR 333-061-0005 to 333-061-0295.

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 Saginaw Park Trust. This investigation has found that Saginaw Park Trust 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 rules.

- Violation No. 1: Saginaw Park Trust is required by OAR 333-061-0036(2)(a) to conduct sampling of its water system to determine compliance with the Maximum Contaminant Level (MCL) for arsenic, but failed to submit arsenic sampling results for each of the following quarterly monitoring periods:
 - 2nd quarter 2008
 - 3rd quarter 2008
 - 4th quarter 2008

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- Violation No. 2: Saginaw Park Trust is required by OAR 333–061-0036(5)(b) to conduct sampling of its water system to determine compliance with the MCL for coliform bacteria, but failed to submit coliform sampling results for each of the following monthly monitoring periods:
 - May 2008
 - June 2008
 - July 2008
 - August 2008
 - September 2008
 - October 2008
 - November 2008
 - December 2008
 - January 2009
- Violation No. 3: Saginaw Park Trust is required by OAR 333–061-0036(2)(e) to conduct sampling for nitrate, but failed to submit nitrate sampling results for the 2008 annual monitoring period.
- Violation No. 4: Saginaw Park Trust is required by OAR 333–061-0036(2)(d) to conduct sampling for lead and copper, but failed to submit lead and copper sampling results for the 2008 annual monitoring period.

ACTIONS REQUIRED TO ACHIEVE COMPLIANCE

In order for Saginaw Park Trust to return to compliance with the rule(s) allegedly violated, the following actions must be completed:

- Compliance Action No. 1: Saginaw Park Trust must sample for arsenic in accordance with OAR 333-061-0036(2)(a) and conforming to the following sampling schedule:
 - The first round of samples must be collected in the first calendar quarter of 2009, and the results submitted to the Agency no later than April 10, 2009.
 - The second round of samples must be collected in the second calendar quarter of 2009, and the results submitted to the Agency no later than July 10, 2009.
 - The third round of samples must be collected in the third calendar quarter of 2009, and the results submitted to the Agency no later than October 10, 2009.
 - The fourth round of samples must be collected in the fourth calendar quarter of 2009, and the results submitted to the Agency no later than January 10, 2010.

- Compliance Action No. 2: Saginaw Park Trust must comply with the following monthly sampling schedule for determining compliance with the MCL for coliform bacteria (OAR 333-061-0036(5)(b)). Per OAR 333-061-0040(1)(b) the sample results must be reported by the water supplier within 10 days of the end of the monitoring period.
 - March sample results must be reported no later than April 10, 2009
 - April sample results must be reported no later than May 10, 2009
 - May sample results must be reported no later than June 10, 2009
 - June sample results must be reported no later than July 10, 2009
 - July sample results must be reported no later than August 10, 2009
 - August sample results must be reported no later than September 10, 2009
- Saginaw Park Trust, upon completion of 6 months of timely monitoring and reporting, will be considered to have achieved compliance with OAR 333-061-0036(5)(b). Late reporting or non-reporting of a required monthly sample will cause the above compliance schedule to be extended and may result in Saginaw Park Trust being referred for civil penalties.
- Late reporting or non-reporting of the required number of repeat coliform samples and routine samples due to a positive coliform sample result, while not subject to the above compliance schedule, is considered a violation. Such violations will cause the above compliance schedule to be extended and may result in Saginaw Park Trust being referred for civil penalties.
- Compliance Action No. 3: Saginaw Park Trust must sample for nitrate in accordance with OAR 333-061-0036(2)(e) no later than December 31, 2009, and submit the sample results no later than January 10, 2010.
- Compliance Action No. 4: Saginaw Park Trust must sample for lead and copper in accordance with OAR 333-061-0036(2)(d). Samples must be collected between June 1, 2009 and September 30, 2009 inclusive, and the results must be submitted no later than October 10, 2009.

- Compliance Action No. 5: Saginaw Park Trust must issue a Tier 2 public notice for failure to report arsenic, nitrate, lead and copper, and coliform bacteria sampling results. Saginaw Park Trust must issue the public notice no later than March 30, 2009 and repeat the notice every calendar quarter in accordance with OAR 333-061-0042(3)(b), 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 333-061-0025). A copy must be submitted to the Agency no later than 10 days after completing the public notification per OAR 333-061-0040(1)(i). The notice must be delivered in the manner most appropriate to reach all persons served by the system. For example, post the notice in conspicuous locations throughout the area served by the water system, hand deliver the notice to persons served by the water system, or use any other appropriate means of delivery.

If Saginaw Park Trust 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 Casey Lyon of the DHS-Drinking Water Program at (541) 726-2587 ex. 31 to discuss the compliance actions specified in this letter.

Thank you for your cooperation.

Sincerely,



Brad K. Daniels
Enforcement Coordinator
DHS - Drinking Water Program

cc: Casey Lyon, DHS DWP

SENDER: COMPLETE THIS SECTION

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- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Michael Brown
Saginaw Park Trust
Po Box 639
Glendale, OR 97444

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- A. Signature Agent
 Addressee
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 Patricia Chime 2-26-09
- C. Date of Delivery

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MAR 02 2009

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2. Article Number (Transfer from service label)
 PS Form 3811, February 2004

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102595-02-M-1540

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102595-02-M-1540

Domestic Return Receipt

PS Form 3811, February 2004

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2. Article Number (Transfer from service label)

COMPLETE THIS SECTION ON DELIVERY

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 Addressee

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 If YES, enter delivery address below:

COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
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 Michael Brown
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Glendale, OR 97444

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PS Form 3800, June 2002 See Reverse for Instructions

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