

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

In the Matter of

McKee Bridge Mobile Home Park,  
PWS OR4101165

NOTICE OF VIOLATION AND  
ADMINISTRATIVE ORDER

Respondent

To: John Staver, Registered Agent  
Rakog, LTD A California Limited Partnership  
1106 Second ST, Suite 115, PMB 115  
Encinitas, CA 92024-5008

Rakog, LTD A California Limited Partnership has at all times mentioned herein owned and operated, and continues to own and operate, the McKee Bridge Mobile Home Park water system (hereinafter “Water System”) located at 9181 Upper Applegate Road, southwest of Medford, Oregon. The Water System is a community public water system serving approximately 40 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.<sup>1</sup>

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

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All relay calls accepted | <http://healthoregon.org/dwp>

## McKee Bridge Mobile Home Park

Rakog, LTD A California Limited Partnership (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 arsenic exceeds the maximum contaminant level (MCL) in drinking water delivered by the Water System and that treatment utilized at the Water System has not been reviewed and approved by DWS to ensure the treatment infrastructure meets construction standards. Water Supplier has also failed to reliably operate treatment to protect against fecal contamination in the water source supplying the Water System. Water Supplier is therefore unable to assure its water users that the drinking 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 333-061-0025 requires water suppliers to take all reasonable actions to ensure that the water delivered to water users does not exceed maximum contaminant levels, to ensure that water system facilities are free of public health hazards, and to ensure that water system operation and maintenance are performed as required by these rules. Water Supplier has indicated an arsenic treatment system is present at the Water System but has not completed the process for review and approval of the treatment by OHA, nor has water supplier operated the treatment effectively to reduce concentrations of arsenic in drinking water to below the MCL. This constitutes one violation of OAR 333-061-0025.
2. OAR 333-061-0030(1) specifies that the maximum contaminant level (MCL) for arsenic in drinking water is 0.010 mg/L. Sample results reported for the Water System, beginning with a sample collected on September 18, 2025 exceeded the MCL and the average concentration of arsenic in drinking water, calculated according to

OAR 333-061-0036(2)(h) and based on samples collected between February 21, 2025 and December 15, 2025 is 0.024 mg/L. This exceeds the MCL of 0.010 mg/L and constitutes one violation of OAR 333-061-0030(1). Additionally, three samples collected between October 27, 2025 and December 15, 2025 contained arsenic exceeding 0.0650 mg/L, which constitutes an acute risk to human health.

Some people who drink water containing arsenic in excess of the MCL over many years could experience skin damage or problems with their circulatory system, and may have an increased risk of getting cancer. OAR 333-061-0043

Arsenic levels at or above 0.035 mg/L have been associated with health effects in children after very short-term exposures (two weeks or less) because children drink more water per body weight than adults and they are passing through important developmental stages, especially in brain development. Potential health effects when drinking water high in arsenic over a short period of time include: stomach pain, nausea, vomiting, diarrhea, heart, lung, liver, immune, nervous or reproductive system disorders and diabetes.

3. OAR 333-061-0032(6)(f) requires, in part, water suppliers responsible for water systems where a groundwater source is fecally contaminated, to provide disinfection for pathogen inactivation. Reports submitted to DWS indicate that the residual disinfectant concentration at Water System was less than the required 0.50 mg/L required to reliably inactivate fecal pathogens during at least four months in the 2025 calendar year. This constitutes a violation of OAR 333-061-0032(6)(f).
4. OAR 333-061-0060(1) requires, in part, water suppliers to submit construction and installation plans for approval before construction begins on major additions to existing public water systems. Water Supplier installed a treatment system to reduce concentrations of arsenic in drinking water at the Water System, but this treatment system was not approved for use prior to construction and installation. This constitutes a violation of the OAR 333-061-0060(1).

#### 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)).

## McKee Bridge Mobile Home Park

1. Water Supplier must submit new construction plans if applicable and thereafter take all necessary actions to complete plan review and final approval for the arsenic treatment system in use at the Water System, according to the applicable provisions of OAR 333-061-0060.
  - Water Supplier must submit construction plans and the applicable plan review fee no later than 90 days after the date of service of this Order.
  - Water Supplier must complete all actions such that DWS may grant final plan approval no later than six months after DWS grants conditional plan approval.
  - DWS may waive this compliance action if a physical inspection verifies treatment in place and operated at the Water System is the same as the treatment for which DWS issued conditional approval on April 8, 2022.
2. Water Supplier must monitor for arsenic at the Water System according to OAR 333-061-0036(2)(a) and 333-061-0036(1)(g) as follows:
  - Monitoring must begin immediately after DWS grants final plan approval for arsenic treatment according to Compliance Action No. 1 and must be conducted every month according to OAR 333-061-0036(1)(g).
  - Sample results must be reported to DWS no more than 10 days after the end of each month according to OAR 333-061-0040(1).
3. Water Supplier must measure the disinfectant residual at the Water System every day according to OAR 333-061-0036(11)(b)(B) and demonstrate that the minimum CT value set by DWS for 4-log inactivation of viruses is achieved every day water is delivered to consumers.
  - Disinfectant residual measurements must begin immediately and be conducted every month according to all applicable provisions in OAR 333-061-0036(11), and measurements must be reported to DWS no more than 10 days after the end of each month according to OAR 333-061-0040(1).
4. Water Supplier must publish two public notices according to all applicable provisions of OAR 333-061-0042 notifying consumers both that: sample results exceed the MCL for arsenic in drinking water, and that treatment at the water system failed to achieve

## McKee Bridge Mobile Home Park

disinfection requirements for 4-log inactivation of viruses due to fecal contamination in the groundwater well supplying the Water System.

- Within 10 calendar days of distributing each public notice to customers, Water Supplier must submit a copy of the notices to DWS along with a written statement that it has fully complied with the distribution and public notification requirements according to OAR 333-061-0040(1)(i).
  - Water Supplier shall continue to provide public notices to customers in the same manner every three months that includes any changes or additional information regarding arsenic in the drinking water or disinfection for fecal contamination at the Water System. Water Supplier must comply with this action until DWS notifies it that its drinking water is below the MCL for arsenic or that disinfection treatment is operated effectively for at least three months, and that the drinking water otherwise meets all applicable state and federal drinking water laws and rules.
5. Water Supplier shall comply with this Order when both of the following conditions are met:
- If sample results reported for the Water System have concentrations of arsenic below the MCL specified in OAR 333-061-0030(1) every month for nine consecutive months. After which, Water Supplier may return to monitoring arsenic once every calendar quarter according to OAR 333-061-0036(2)(a).
  - If disinfectant residual monitoring reported for the Water System demonstrates the minimum CT value set by DWS is met every day water is delivered to consumers, for six consecutive months.
6. Water Supplier shall violate this Order if the average concentration of arsenic in drinking water at the Water System exceeds the MCL specified in OAR 333-061-0030(1) during any calendar quarter within the first nine months after DWS issues final plan approval for the arsenic treatment system according to Compliance Action No. 1.

### 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

## McKee Bridge Mobile Home Park

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 April 15, 2025 for failure to submit construction plans and the associated plan review fee according to this Order, the proposed civil penalty could be as much as \$1,500.

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](mailto: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.

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](mailto:bradley.k.daniels@oha.oregon.gov) or 503-735-5438.

McKee Bridge Mobile Home Park

Date 1/9/2026

*Samina Panwhar*

Samina Panwhar, Manager  
Drinking Water Services  
Oregon Health Authority

cc: Rebecca Templin, Oregon Health Authority, Drinking Water Services  
Tony George, Jackson County Environmental Health

DATE of Service: January 12, 2026

*Brad K Daniels*

Signature

Brad K Daniels

By certified mail and first-class mail