



Oregon

Theodore R. Kulongoski, Governor

Department of Human Services
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September 1, 2010

Paula Vincent
Valley Vista Estates Water Improvement District
3285 Valley Vista Dr.
Central Point, OR 97502

RE: Notice of Violation for Valley Vista Estates Water Improvement District Public Water System, PWS OR4101426

Dear Ms. Vincent,

My records indicate that you are the legal representative for Valley Vista Estates Water Improvement District (Valley Vista). Valley Vista owns and operates a community public water system, which serves between 10 and 100 people, and is subject to regulation under Oregon Revised Statute (ORS) 448.115 to 448.290 and Oregon Administrative Rule (OAR) 333-061-0005 to 333-061-0290. This makes Valley Vista a water supplier as defined in ORS 448.115(12) and OAR 333-061-0020(211), and as a water supplier, Valley Vista has specific responsibilities as listed in OAR 333-061-0025.

Pursuant to its authority under ORS 448.150, the Oregon Department of Human Services, Office of Environmental Public Health, Drinking Water Program (Agency) has reviewed the operations of the water system owned by Valley Vista. This review has found that Valley Vista 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: Valley Vista exceeded the Maximum Contaminant Level (MCL) for arsenic as specified in OAR 333-061-0030(1), based upon the submitted samples and determined by running annual average, in each of the following monitoring periods:

- 2nd quarter 2009
- 3rd quarter 2009
- 4th quarter 2009
- 1st quarter 2010
- 2nd quarter 2010

This constitutes five violations of OAR 333-061-0030(1).

- Violation No. 2: Valley Vista failed to submit the arsenic sampling results required by OAR 333-061-0036(2)(a) for both the 3rd quarter 2009 and 1st quarter 2010 monitoring periods, which constitutes two violations of the rule.

ACTIONS REQUIRED TO ACHIEVE COMPLIANCE

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

- Compliance Action No. 1: Valley Vista must sample for arsenic every calendar quarter in accordance with OAR 333-061-0036(2)(a), and submit the sampling results to the Agency in accordance with OAR 333-061-0040(1)(b).
- Compliance Action No. 2: Valley Vista must complete installation of the arsenic treatment system identified in plan review #177-2009 no later than December 31, 2010.
 - Any changes or additions to the previously submitted plans, or new plans for additions or alterations to the water system must be approved by the Agency in advance, before installation (OAR 333-061-0060(1)(a)).
 - Plans must have sufficient detail to completely and clearly illustrate what will be constructed and how the water system will meet construction standards (OAR 333-0061-0060(1)).
- Compliance Action No. 3: Valley Vista must submit sampling results demonstrating that the arsenic concentration in drinking water provided to system users is below the MCL for arsenic no later than March 31, 2011.

- Compliance Action No. 4: Valley Vista must issue a Tier 2 public notice for exceeding the MCL for arsenic as required by OAR 333-061-0042(2)(b). The public notice must be issued every calendar quarter 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 333-061-025 and OAR 333-061-0042(3)(b)(C)). 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 Valley Vista 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 Mike Obereigner of Jackson County Environmental Health at (541) 774-7843 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: Dan Cady, Valley Vista Estates Water Improvement District Public
Scott Curry, DHS DWP
Daniel Hough, DHS DWP
Karen Kelley, DHS-DWP
Carol Kurtz, Valley Vista Estates Water Improvement District Public
Mike Obereigner, Jackson County Environmental Health

