



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

March 2, 2009

Jeff Kenagy
Northwest Hazelnut Company
PO Box 276
Hubbard, OR 97032

RE: Notice of Violation for Northwest Hazelnut Company Public Water System, PWS
OR4105714

Dear Mr. Kenagy,

Northwest Hazelnut Company 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 as defined in OAR 333-061-0025.

Northwest Hazelnut Company operates a transient non-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 Northwest Hazelnut Company. This investigation has found that Northwest Hazelnut Company 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: Northwest Hazelnut Company is required to conduct sampling of its water system for Nitrate. Sample results for each of the following monitoring periods exceeded the maximum contaminant level (MCL) for nitrate (OAR 333-061-0030(1)):
 - 1st quarter 2008
 - 4th quarter 2008
 - 1st quarter 2009

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ACTIONS REQUIRED TO ACHIEVE COMPLIANCE

In order for Northwest Hazelnut Company to return to compliance with the rule(s) allegedly violated (ORS 448.255(3)), the following must be completed:

- Compliance Action No. 1: Northwest Hazelnut Company must comply with one of the following options to meet the MCL for nitrate:
 - Option No. 1: Install an approved treatment system that meets the construction standards listed in OAR 333-061-0050(4).
 - Option No. 2: Develop a new water source that meets all applicable requirements in OAR 333-061-0050.
 - Option No. 3: Connect to, and receive water from, another public water system.

Northwest Hazelnut Company must comply with the following requirements for plan review and construction. All plans for additions or alterations to the system must be approved in advance, before installation, by the Agency (OAR 333-061-0060(1)(a)).

- Plans shall 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))
- Construction plans must be submitted no later than June 30, 2009.
- Construction must be completed no later than September 30, 2009.
- Northwest Hazelnut Company shall demonstrate that all system users receive drinking water that consistently meets all applicable state and federal drinking water laws and rules no later than October 31, 2009.

Please submit any plans and the plan review fee of \$150 to: Marsha Fox, DHS – Drinking Water Program, PO Box 14450, Portland, OR 97293-0450. Please make the check out DHS Health Services.

- Compliance Action No. 2: Northwest Hazelnut Company must issue public notice for exceeding the MCL for nitrate. Northwest Hazelnut Company must issue the public notice no later than March 31, 2009 and re-issue 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 Northwest Hazelnut Company 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 Sarah Schwab of the Oregon Department of Agriculture at (503) 364-0143 if you have any questions.

Thank you for your cooperation.

Sincerely,



Brad K. Daniels
Enforcement Coordinator
DHS - Drinking Water Program

cc: Gregg Baird, DHS-DWP *Feb 3-3-09*
Matthew Moore, Northwest Hazelnut Company
Sarah Schwab, Dept. of Agriculture



Business Registry Business Name Search

New Search

Business Entity Data

02-25-2009

09:18

Registry Nbr	Entity Type	Entity Status	Jurisdiction	Registry Date	Duration Date	Renewal Date
210862-10	DBC	ACT	OREGON	06-25-1985		
Entity Name NORTHWEST HAZELNUT COMPANY						
Foreign Name						

New Search

Associated Names

Type	PPB PRINCIPAL PLACE OF BUSINESS					
Addr 1	19748 HWY 99E					
Addr 2						
CSZ	HUBBARD	OR		Country	UNITED STATES OF AMERICA	

Please click here for general information about registered agents and service of process.

Type	AGT REGISTERED AGENT	Start Date	06-01-1998	Resign Date	
Name	JEFF	KENAGY			
Addr 1	19748 HWY 99E				
Addr 2	PO BOX 276				
CSZ	HUBBARD	OR	97032	1514	Country UNITED STATES OF AMERICA

Type	MAL MAILING ADDRESS				
Addr 1	PO BOX 276				
Addr 2					
CSZ	HUBBARD	OR	97032		Country UNITED STATES OF AMERICA

Type	PRE PRESIDENT			Resign Date	
Name	JEFFREY	L	KENAGY		
Addr 1	26500 SW PETES MTN				
Addr 2					
CSZ	WEST LINN	OR	97068		Country UNITED STATES OF AMERICA

Type	SEC SECRETARY			Resign Date	
Name	R.VERNE		GINGERICH		
Addr 1	10765 S BARNARDS RD				
Addr 2					
CSZ	CANBY	OR	97013		Country UNITED STATES OF AMERICA

