

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

In the Matter of

Little River Christian Camp Public  
Water System, PWS OR4190476

Respondents

Dave Humphreys  
Grove Christian Service Camp  
PO Box 13  
Drain, OR 97435

CANCELLATION OF BILATERAL  
COMPLIANCE AGREEMENT

NOTICE OF VIOLATION AND  
ADMINISTRATIVE ORDER

Grove Christian Service Camp has at all times mentioned herein owned and operated, and continues to own and operate the Little River Christian Camp public water system (hereinafter "Water System") located at 351 Christian Camp Lane in Glide, Oregon. The Water System is a transient non-community public water system serving approximately 30 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.

Grove Christian Service Camp (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 drinking water provided by the water system was not adequately disinfected throughout the month of September 2021.

Water Supplier entered into a bilateral compliance agreement (BCA) with DWS on April 21, 2022. In the BCA, Water Supplier agreed, in part, to operate disinfection treatment at the Water System such that a residual disinfectant concentration of at least 0.2 mg/L is achieved in water entering the distribution system every day. Water Supplier did not report surface water treatment operations for the month of June 2022 and treatment operations reported for July 2022 did not demonstrate the required disinfectant residual was achieved every day.

Water Supplier did not request an extension to the agreed upon deadline in the BCA and has not demonstrated it satisfied the terms of the BCA. 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.

DWS hereby cancels the BCA executed on April 21, 2022 because Water Supplier failed to satisfy the terms agreed upon therein. This 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, in part, to take all reasonable actions to assure that water system facilities are free of public health hazards and to assure that water system operation and maintenance are performed as required by the Oregon administrative rules in chapter 333, division 61. Water Supplier has not demonstrated that effective disinfection of surface water was provided for drinking water at the Water System. This constitutes a violation of OAR 333-061-0025.
2. OAR 333-061-0032(5)(a) requires, in part, that total treatment processes achieve at least 99.9 percent inactivation or removal of *Giardia lamblia* cysts and at least 99.99 percent inactivation of viruses at water systems where a surface water source is

utilized with filtration. The disinfectant concentration at the Water System during the month of September 2021 was insufficient to ensure the disinfection treatment at the Water System achieved the required level of viral inactivation. This constitutes a violation of OAR 333-061-0032(5)(a).

3. OAR 333-061-0032(5)(b) requires, in part, that water suppliers ensure water entering the distribution system at water systems utilizing a surface water source have a residual disinfectant concentration of at least 0.2 mg/L. Reports submitted to DWS indicate that the residual disinfectant concentration at the Water System were less than 0.2 mg/L every day drinking water was treated between September 1 and September 30, 2021. Additionally, water treatment was not reported for the month of June 2022 and reporting for July 2022 did not demonstrate adequate disinfection. This constitutes a violation of OAR 333-061-0032(5)(b).

Inadequately treated water may contain disease-causing organisms. These organisms include bacteria, viruses, and parasites which can cause symptoms such as nausea, cramps, diarrhea, and associated headaches. OAR 333-061-0097

#### 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 effect compliance with the rule(s) violated (ORS 448.255(3)).

1. Water Supplier must operate disinfection treatment at the Water System such that a residual disinfectant concentration of at least 0.2 mg/L is achieved in water entering the distribution system every day during the month of September 2022.
  - Water Supplier must report to DWS a log of surface water treatment operations demonstrating treatment effectiveness according to OAR 333-061-0036(5)(b) and OAR 333-061-0040(1) no later than October 10, 2022

## 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). Civil penalties may be assessed beginning the day following the date of service of this Order and accruing through the date when DWS issues a Notice of Intent to Impose Civil Penalty. For example, if DWS issues a Notice of Intent to Impose Civil Penalty on October 11, 2022 for failure to report effective disinfection treatment 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: Kari Salis, Manager; Oregon Health Authority, Drinking Water Services; and may be delivered by mail to PO Box 14450, Portland, OR 97293 or by email to [karyl.l.salis@dhsosha.state.or.us](mailto:karyl.l.salis@dhsosha.state.or.us).**

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 time 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.

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 time 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 [bradley.k.daniels@dhsola.state.or.us](mailto:bradley.k.daniels@dhsola.state.or.us) or 503-735-5438.

Date August 29, 2022

Kari Salis

Kari Salis, PE  
Interim Manager  
Drinking Water Services  
Oregon Health Authority

cc: Rebecca Templin, Oregon Health Authority, Drinking Water Services  
Joel Young, Grove Christian Service Camp

DATE of Service: August 30, 2022



Signature

Brad K. Daniels

Printed Name

By certified mail and first-class mail