



Oregon

Theodore R. Kulongoski, Governor

Department of Human Services
Public Health Division
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March 18, 2009

Dietmar Kinzel
Space Age Fuel
77522 Hwy 207
Hermiston, OR 97838

RE: Notice of Violation for Space Age Fuel Public Water System, PWS OR4191240

Dear Mr. Kinzel,

Space Age Fuel 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.

Space Age Fuel operates a transient non-community public water system, which serves between 301 and 1,500 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 Space Age Fuel. This investigation has found that Space Age Fuel 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: Space Age Fuel is required to conduct sampling to determine the presence or absence of microbiological contaminants in its water system. In each of the following monitoring periods, two or more sample results for the system were positive for total coliform bacteria:
 - 4th quarter 2007
 - 4th quarter 2008
 - January 2009

This constitutes three violations of the microbiological MCL for total coliform (OAR 333-061-0030(4)).



- Violation No. 2: Space Age Fuel is required by OAR 333-061-0036(5)(b) to report sample results for the presence or absence of microbiological contaminants, but failed to do so in each of the following monitoring periods:
 - 2nd quarter 2008
 - 3rd quarter 2008

ACTIONS REQUIRED TO ACHIEVE COMPLIANCE

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

- Compliance Action No. 1: Space Age Fuel must collect samples for microbiological contaminants as required by OAR 333-061-0036(5)(b) for both the 2nd and 3rd calendar quarters of 2009. The 2nd quarter sample must be reported to the Agency no later than July 10, 2009 and the 3rd calendar sample must be reported no later than October 10, 2009.
- Compliance Action No. 2: Space Age Fuel must issue public notice for exceeding the MCL for coliform bacteria and failure to monitor for coliform bacteria. Space Age Fuel must issue the public notice no later than April 30, 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 posted in conspicuous locations so that it reaches all persons served by the water system.

If Space Age Fuel 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 Laura Ruhland of the Department of Agriculture at (541) 916-8515 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: Bill Goss, DHS DWP
Laura Ruhland, Department of Agriculture
Umatilla County Environmental Health