

April 10, 2013

Raymond M. Rask  
Pliska Investments, LLC  
Space Age Fuels  
1200 SW Main St.  
Portland, OR 97205-2040

RE: Notice of Non-Compliance regarding the Space Age Fuels Public Water System,  
PWS OR4191240

Dear Mr. Rask,

Our records indicate that you are the registered agent for Pliska Investments, LLC (the Company) and Space Age Fuels, Inc. Pliska Investments, LLC and Space Age Fuels, Inc own and operate the Space Age Fuels water system located at 77522 Hwy 207 in Hermiston, Oregon. Therefore, the Company is a water supplier as defined in Oregon Revised Statute (ORS) 448.115(12) and Oregon Administrative Rule (OAR) 333-061-0020(211), and has specific responsibilities as defined in OAR 333-061-0025.

The Space Age Fuels water system is a transient non-community public water system serving between 301 and 1,500 people, and is subject to regulation under ORS 448.115 to 448.290 and OAR 333-061-0005 to 333-061-0290.

The Oregon Health Authority, Public Health Division, Center for Health Protection, Drinking Water Services (DWS) has reviewed the operation of the Space Age Fuels water system. This review has found that the Company is not in compliance with the following Oregon administrative rules, and is therefore not meeting its responsibilities as a water supplier as prescribed by the Oregon Drinking Water Quality Act (ORS 448.115 to ORS 448.290) and rules.

## DESCRIPTION OF RULE VIOLATIONS

- Violation No. 1: OAR 333-061-0025 requires water suppliers to take all reasonable precautions to assure that the water delivered to water users does not exceed maximum contaminant levels. Water samples collected at the Space Age Fuels water system indicate that water provided by the system exceeds the MCL for nitrate as specified in OAR 333-061-0030(1). The Company was officially notified on May 14, 2012 that it would need to take action to ensure that the Space Age Fuels water system delivered water with levels of nitrate below the MCL. Specifically, DWS staff members have consulted with operators at the Space Age Fuels water system to replace or improve the existing nitrate treatment system. An engineer contracted to the Company reported that he would submit plans to DWS for improvements to the existing nitrate treatment system, but has failed to do so. The Company has therefore failed to demonstrate that it has taken all the reasonable actions or precautions to ensure that water does not exceed the MCL. This constitutes a violation of OAR 333-061-0025.
- Violation No. 2: OAR 333-061-0076(6)(b) requires water systems utilizing only groundwater sources to, within 120 days of written notification, correct any significant deficiencies identified during a sanitary survey, or to be in compliance with a corrective action plan. A sanitary survey was conducted on May 17, 2012 at the Space Age Fuels water system, and a letter was mailed to Don Nelson, Store Manager and James Pliska, President of Space Age Fuels, Inc on June 21, 2012 identifying significant deficiencies found during the survey. As of the date of this letter, the Company has not corrected all of the significant deficiencies identified in the June 21, 2012 letter, nor is the Company in compliance with an action plan to correct the remaining deficiencies. This constitutes a violation of OAR 333-061-0076(6).

## ACTIONS REQUIRED TO ACHIEVE COMPLIANCE

Due to the rule violations identified above, you are required to complete the following actions relating to the Space Age Fuels water system:

- Compliance Action No. 1: The Company must submit to DWS, no later than April 30, 2013, construction plans indicating how the Space Age Fuels water system will be improved so that it produces water with levels on nitrate below the MCL as specified in OAR 333-061-0030(1). The plans shall meet all the applicable requirements of OAR 333-061-0060, and have sufficient detail to completely and clearly illustrate what will be constructed.

- The plans must be submitted to: Plan Review, OHA – Drinking Water Services, PO Box 14450, Portland, OR 97293-0450.
- Compliance Action No. 2: The Company must complete construction of the approved project, for which plans were submitted in accordance with Compliance Action No. 1, no later than July 31, 2013.
  - Any related physical or infrastructure changes at the Space Age Fuels water system must meet the applicable construction standards specified in OAR 333-061-0050.
- Compliance Action No. 3: The Company must submit to DWS sampling results for nitrate in drinking water collected in accordance with OAR 333-061-0036(2)(d) at the Space Age Fuels water system.
  - Sampling results must demonstrate that water produced by the Space Age Fuels water system has levels of nitrate below the MCL as specified in OAR 333-061-0030(1).
  - Sampling results must be reported to DWS within one month of completing construction as prescribed by Compliance Action No. 2, or by August 31, 2013, whichever is earlier.

If you do 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 as prescribed by OAR 333-061-0090. Please contact Bill Goss at DWS at (541) 966-0900 to discuss the compliance actions specified in this letter.

Thank you for your cooperation.

Respectfully,



Brad K. Daniels

Enforcement Coordinator

Oregon Health Authority, Drinking Water Services

cc: Bill Goss, OHA DWS  
James Pliska, Space Age Fuels, Inc.  
Rusty Rock, Oregon Department of Agriculture