

March 11, 2015

Steve Boynton, Superintendent  
Lincoln County School District  
PO Box 1110  
Newport, OR 97365

RE: Notice of Non-Compliance regarding Eddyville Charter School Public Water System, PWS OR4192040

Mr. Boynton,

Our records indicate that the Lincoln County School District (the District) owns and operates the Eddyville Charter School water system located at 1 Eddyville School Road, Eddyville, Oregon. Therefore, the District is a water supplier as defined in Oregon Revised Statute (ORS) 448.115(12) and Oregon Administrative Rule (OAR) 333-061-0020(207), and have specific responsibilities as defined in OAR 333-061-0025.

Eddyville Charter School is a non-transient non-community public water system, which serves approximately 200 people, and is subject to regulation under ORS 448.115 to 448.290 and OAR 333-061-0005 to 333-061-0272.

The Oregon Health Authority, Public Health Division, Center for Health Protection, Drinking Water Services (DWS) has reviewed the operation of the Eddyville Charter School (Eddyville) water system. This review has found that the District 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 333-061-0034(5)(D) requires water suppliers to deliver specified public education materials to users within 60 days of being notified by the laboratory that the lead action level has been exceeded. DWS received notification that these materials were issued to the public in July 2013, but they must be re-issued at least once during each calendar year in which the system exceeds the lead action level. Betsy Parry, with the DWS Springfield office, wrote

a letter to Dennis Shultz on September 12, 2014, requesting these materials. As of this notice, DWS has not received public education materials for Eddyville in accordance with the rule for the 2014 lead exceedance. This is a violation of the rule if, in fact, public education materials were not distributed.

- Violation No. 2: OAR 333-061-0025 states water suppliers are responsible for taking all reasonable actions to assure that water systems facilities are free of public health hazards, and to assure that water system operations and maintenance are performed as required by the Drinking Water Rules. Eddyville water system has reported lead exceedances for each six month monitoring period between July 2011 and January 2014.

Excess lead in drinking water poses adverse health effects, especially to infants and children who could experience delays in their physical or mental development. Children could show slight deficits in attention span and learning abilities. Adults who drink water containing excess lead over many years could develop kidney problems or high blood pressure (OAR 333-061-0097(2)(a)).

Eddyville's previous lead exceedances indicate that the District has not taken all reasonable actions to ensure that the Eddyville water system is free of public health hazards. This constitutes a violation of OAR 333-061-0025.

### ACTIONS REQUIRED TO ACHIEVE COMPLIANCE

Due to the rule violations identified above, the District is required to complete the following actions relating to the Eddyville water system:

- Compliance Action No. 1: The District must submit proof that lead exceedance public education materials were delivered in accordance with OAR 333-061-0034(5)(D) to Eddyville's period listed in Violation No. 1. The materials must be submitted to DWS by **March 31, 2015**.
- Compliance Action No. 2: The District submitted corrosion control treatment installation materials to DWS plan review engineer in February 2015. The District must complete construction and installation of corrosion control treatment at Eddyville in accordance with plans approved by DWS by **October 1, 2015**.

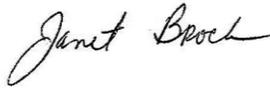
In accordance with OAR 333-061-0036(2)(c) the District must collect lead samples in tap water from at least 10 sites for two consecutive six month monitoring periods which demonstrate that the District is properly operating and maintaining

corrosion control treatment at the Eddyville water system. DWS must receive these results per the schedule below:

- July 1, 2015 to December 31, 2015 monitoring period results must be received by **January 10, 2016**.
- January 1, 2016 to June 30, 2016 monitoring period results must be received by **July 10, 2016**.

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 Betsy Parry with DWS Springfield office at 541-726-2587, ext. 30 to discuss the compliance actions specified in this letter.

Respectfully,



Janet Brock  
Compliance Specialist  
OHA - Drinking Water Services

cc: Amy Chapman, Lincoln County Environmental Health  
Betsy Parry, OHA DWP-Springfield