

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

In the Matter of

Elk River Campground, PWS  
OR4194398

Respondent

NOTICE OF VIOLATION AND  
ADMINISTRATIVE ORDER

To: Bonnie and Glen Wagner  
93363 Elk River Road  
Port Orford, OR 97465

Bonnie and Glen Wagner, you have at all times mentioned herein owned and operated, and continue to own and operate, the public water system (hereinafter “Water System”) serving the Elk River Campground, located at 93363 Elk River Road, northeast of Port Orford, Oregon. The Water System is a community public water system serving approximately 60 people and is subject to regulation according to Oregon Revised Statutes 448.115 to 448.290 and Oregon Administrative Rules 333-061-0005 to 333-061-0272.<sup>1</sup>

<sup>1</sup> This Notice of Violation and Administrative Order relies on the definitions in ORS 448.115 and OAR 333-061-0020

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All relay calls accepted | <http://healthoregon.org/dwp>

Bonnie and Glen Wagner (hereinafter “Water Supplier”), you are 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, have 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 Water Supplier did not report sample results for disinfection byproducts, nitrate, synthetic or volatile organic chemicals, lead and copper in tap water or combined radium, and Water supplier has not published and delivered a consumer confidence report. Water Supplier has therefore violated the requirements for public water systems and is 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.

This Notice of Violation and Administrative Order (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(1) requires water suppliers to routinely collect and submit water samples for laboratory analyses at the frequencies prescribed by OAR 333-061-0036. OAR 333-061-0036 requires sampling for the following contaminants at public water systems, including but not limited to: disinfection byproducts, nitrate, lead and copper in tap water, combined radium (one of three regulated radionuclides), synthetic organic chemicals and volatile organic chemicals, as described in Violations No. 2 through No. 7. Water Supplier did not report sample results to DWS for these contaminants, which constitutes a violation of OAR 333-061-0025(1) if samples were in fact not collected.
2. OAR 333-061-0036(2)(c) requires, in part, water suppliers to monitor for nitrate at least once every year at public water systems. Additionally, OAR 333-061-0040(1)(b)(A) requires water suppliers to report monitoring required by OAR 333-061-0036 to DWS within 10 days of the end of the required monitoring period. Water Supplier has not reported nitrate monitoring for the Water System since reporting a sample collected on April 11, 2023. This constitutes a violation of OAR 333-061-

0036(2)(c), or a violation of OAR 333-061-0040(1)(b)(A) if monitoring was conducted but not reported.

3. OAR 333-061-0036(3)(a) requires, in part, water suppliers to monitor for synthetic organic chemicals at least once every year at public water systems. Additionally, OAR 333-061-0040(1)(b)(A) requires water suppliers to report monitoring required by OAR 333-061-0036 to DWS within 10 days of the end of the required monitoring period. Water Supplier has not reported synthetic organic chemical monitoring for the Water System since reporting a sample collected on April 11, 2023. This constitutes a violation of OAR 333-061-0036(2)(c), or a violation of OAR 333-061-0040(1)(b)(A) if monitoring was conducted but not reported.
4. OAR 333-061-0036(3)(b) requires, in part, water suppliers to monitor for volatile organic chemicals at least once every year at public water systems. Additionally, OAR 333-061-0040(1)(b)(A) requires water suppliers to report monitoring required by OAR 333-061-0036 to DWS within 10 days of the end of the required monitoring period. Water Supplier has not reported volatile organic chemical monitoring for the Water System since reporting a sample collected on April 11, 2023. This constitutes a violation of OAR 333-061-0036(2)(c), or a violation of OAR 333-061-0040(1)(b)(A) if monitoring was conducted but not reported.
5. OAR 333-061-0036(4)(c) requires, in part, water suppliers to monitor for disinfection byproducts at least once every year at water systems where disinfection is used. Additionally, OAR 333-061-0040(1)(b)(A) requires water suppliers to report monitoring required by OAR 333-061-0036 to DWS within 10 days of the end of the required monitoring period. Water Supplier has not reported disinfection byproduct monitoring for the Water System since reporting samples collected on August 8, 2023. This constitutes a violation of OAR 333-061-0036(4), or a violation of OAR 333-061-0040(1)(b)(A) if monitoring was conducted but not reported.
6. OAR 333-061-0036(7)(a) requires, in part, water suppliers to monitor for combined radium at least once every calendar quarter at water systems. Additionally, OAR 333-061-0040(1)(b)(A) requires water suppliers to report monitoring required by OAR 333-061-0036 to DWS within 10 days of the end of the required monitoring period. Water Supplier has not reported any monitoring for combined radium at the Water System since a sample collected on November 13, 2023. This constitutes a violation of OAR 333-061-0036(7)(a), or a violation of OAR 333-061-0040(1)(b)(A) if monitoring was conducted but not reported.

7. OAR 333-061-0036(10)(a) through (d) requires, in part, water suppliers to monitor for lead and copper in tap water at least once every six months at water systems, collecting samples from at least five sampling locations. Additionally, OAR 333-061-0040(1)(b)(A) requires water suppliers to report monitoring required by OAR 333-061-0036 to DWS within 10 days of the end of the required monitoring period. Water Supplier has not reported monitoring for lead and copper in tap water at five sampling locations at the Water System since reporting samples collected between the dates of June 19 and August 9, 2023. This constitutes a violation of OAR 333-061-0036(10) or a violation of OAR 333-061-0040(1)(b)(A) if monitoring was conducted but not reported.
8. OAR 333-061-0043 requires, in part, water suppliers to deliver a consumer confidence report no later than July 1 every year, to customers served by community public water systems. Copies of these reports must also be submitted to DWS with certification identifying how the report was distributed to customers. Water Supplier has not submitted a copy of any consumer confidence report to DWS, or certification of distribution to customers, which constitutes a violation of OAR 333-061-0043.

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

1. Water Supplier must conduct monitoring for nitrate according to all the applicable provisions in OAR 333-061-0036(2)(c) and report the sample results to DWS no later than 30 days after the date of service for this Order.
2. Water Supplier must conduct monitoring for synthetic organic chemicals according to all the applicable provisions in OAR 333-061-0036(3)(a) and report the sample results to DWS no later than 60 days after the date of service for this Order.
3. Water Supplier must conduct monitoring for volatile organic chemicals according to all the applicable provisions in OAR 333-061-0036(3)(b) and report the sample results to DWS no later than 60 days after the date of service for this Order.
4. Water Supplier must conduct monitoring for disinfection byproducts according to OAR 333-061-0036(4)(c) and report the sample results to DWS no later than 60 days after the date of service for this Order.



5. Water Supplier must conduct monitoring for combined radium according to all the applicable provisions in OAR 333-061-0036(7)(a) and report the sample results to DWS no later than 90 days after the date of service for this Order.
6. Water Supplier must conduct monitoring for lead and copper in tap water according to all the applicable provisions in OAR 333-061-0036(10) and report sample results from at least five sampling locations to DWS no later than 60 days after the date of service for this Order.
7. Water Supplier must publish and deliver a consumer confidence report according to all the applicable provisions in OAR 333-061-0043, and using water quality data or information collected during the 2024 calendar year or prior years if applicable. A copy of the report must be submitted to DWS with certification identifying how the report was distributed to customers no later than 60 days after the date of service of this Order.

The compliance actions listed above are summarized in the following table.

Action Required	Reporting Deadline	Notes
Nitrate monitoring	30 days	
Deliver consumer confidence report	60 days	Submit a copy of the report with certification of delivery to water users.
Disinfection byproducts monitoring	60 days	
Lead and copper monitoring	60 days	Must include results from five sampling locations
Synthetic organic chemical monitoring	60 days	
Volatile organic chemical monitoring	60 days	
Combined radium monitoring	90 days	

### 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

## Elk River Campground

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). For example, if DWS issues a Notice of Intent to Impose Civil Penalty on October 15, 2025 for failure to report nitrate, synthetic organic and volatile organic chemical monitoring according to this Order, the proposed civil penalty could be as much as \$4,500.

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: Samina Panwhar, Manager; Oregon Health Authority, Drinking Water Services; and may be delivered by mail to PO Box 14450, Portland, OR 97293 or by email to [samina.t.panwhar@oha.oregon.gov](mailto:samina.t.panwhar@oha.oregon.gov).**

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 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 identified in this Order.

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 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 at [bradley.k.daniels@oha.oregon.gov](mailto:bradley.k.daniels@oha.oregon.gov) or 503-735-5438.

## Elk River Campground

Date 7/30/2025



Samina Panwhar, Manager  
Drinking Water Services  
Oregon Health Authority

cc: Kent Downs, Oregon Health Authority, Drinking Water Services

DATE of Service: August 1, 2025



Signature

Brad K. Daniels

Printed Name

By certified mail and first-class mail