

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

In the Matter of

Circle K Store #9641, PWS  
OR4195225

Respondent

NOTICE OF VIOLATION AND  
ADMINISTRATIVE ORDER

To: Circle K Stores, Inc.  
Kathleen Cunnington, President  
1130 W Warner RD, Bldg B  
Tempe, AZ 85284

Circle K Stores, Inc. has at all times mentioned herein operated and continues to operate the Circle K Store #9641 water system (hereinafter “Water System”) located at 490 S Pacific Hwy in Woodburn, Oregon. The Water System is a transient non-community public water system serving approximately 100 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.<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

800 NE Oregon Street, Suite #640, Portland, OR 97232-2162

Voice: 971-673-0405 | Fax: 971-673-0458

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

Circle K Stores, Inc. (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 water provided by the Water System exceeds the maximum contaminant level (MCL) for *E. coli* bacteria. Water Supplier also failed to complete corrective action after fecal contamination was confirmed to be present in the groundwater source supplying the Water System and failed to conduct routine monitoring for coliform bacteria. 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.

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 333-061-0030(4) specifies, in part, that the MCL for *E. coli* applies to all public water systems and is exceeded or violated when a total coliform-positive repeat sample follows an *E. coli*-positive routine sample. Coliform monitoring reported for the Water System indicates that on August 23, 2025, a total coliform and *E. coli*-positive repeat sample was reported following an *E. coli*-positive routine sample reported on August 22, 2025. This exceeds the MCL for *E. coli* and constitutes a violation of OAR 333-061-0030(4).

*E. coli* are bacteria whose presence indicates that the water may be contaminated with human or animal wastes. Human pathogens in these wastes can cause short-term effects, such as diarrhea, cramps, nausea, headaches, or other symptoms. They may pose a greater health risk for infants, young children, the elderly, and people with severely compromised immune systems.

2. OAR 333-061-0032(6), in part, requires water suppliers to complete corrective action when a groundwater source is determined to have significant deficiencies or when sample results indicate the presence of *E. coli* bacteria in a groundwater source. Corrective action must be completed within 120 days or according to a schedule approved by DWS.

*E. coli* bacteria were confirmed to be present in the groundwater source supplying the Water System on August 28, 2025 when sample results were reported to DWS but Water Supplier failed to complete corrective action according to an approved schedule. This constitutes a violation of OAR 333-061-0032(6).

3. OAR 333-061-0036(6)(b)(C) requires, in part, water suppliers to monitor for coliform bacteria at least once every month 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 coliform monitoring for the Water System since reporting a sample collected on August 26, 2025. This constitutes six violations of OAR 333-061-0036(6), or six violations of OAR 333-061-0040(1)(b)(A) if all monitoring was conducted but no sample results were reported to DWS.

#### 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 submit a plan for corrective action to be completed at the Water System no later than 60 days after the date of service of this Order. The corrective action must be expected to reliably prevent *E. coli* bacteria from being present in drinking water provided by the Water System. The plan must include a schedule for when Water Supplier will complete the corrective action.
  - Upon approval by DWS, Water Supplier must complete all corrective actions identified in the plan to the schedule approved by DWS.
  - Water Supplier must notify DWS in writing no later than five calendar days after completing any corrective action.

2. Water Supplier must monitor for coliform bacteria according to all the applicable provisions of OAR 333-061-0036(6) at the Water System no later than 30 days after notifying DWS corrective action was completed according to Compliance Action No. 1.
  - Routine monitoring for coliform bacteria must be conducted every month following completion of corrective action according to Compliance Action No. 1.
  - Routine, repeat and source water monitoring for coliform bacteria must be conducted according to the applicable provisions of OAR 333-061-0036(6) for at least six consecutive months.
  - All monitoring must be reported to DWS according to OAR 333-061-0040(1)(b)(A).
3. Water Supplier will have complied with the Order after:
  - It has completed corrective action according to Compliance Action No. 1,
  - Coliform bacteria monitoring is reported to DWS for six consecutive months according to all the applicable provisions of OAR 333-061-0036(6) and OAR 333-061-0040(1), and
  - *E. coli* bacteria are not present in any drinking water samples collected at the Water System according to this Order.

#### 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). For example,

if DWS issues a Notice of Intent to Impose Civil Penalty on June 1, 2026 for failure to submit an action plan according to this Order, the proposed civil penalty could be as much as \$3,000.

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, Acting 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@oha.oregon.gov](mailto:karyl.l.salis@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.

Date March 23, 2026

*Kari Salis*

Kari Salis, Acting Manager  
Drinking Water Services  
Oregon Health Authority

cc: Corporation Service Company (Registered Agent), Circle K Stores, Inc.  
Sarah Schwab, Oregon Department of Agriculture  
Chantal Wikstrom, Oregon Health Authority, Drinking Water Services  
Adrian, Circle K Stores, Inc.

DATE of Service: March 27, 2026

*Brad K. Daniels*

Signature

Brad K. Daniels

Printed Name

By certified mail and first-class mail

