



# Oregon

Theodore R. Kulongoski, Governor

**Department of Human Services**  
**Public Health Division**  
800 NE Oregon Street  
Portland, OR 97232-2162

**(971) 673-1111 - Emergency**  
(971) 673-0405  
(971) 673-0457 - FAX  
(971) 673-0372 - TTY-Nonvoice

April 16, 2009

Farrell Larson  
Select Onion, LLC  
PO Box 1010  
Ontario, OR 97914

RE: Notice of Violation for Select Onion, LLC Public Water System, PWS  
OR4195337

Dear Mr. Larson,

Select Onion, LLC 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 that are defined in OAR 333-061-0025.

Select Onion, LLC operates a non-transient non-community public water system, which serves between 101 and 300 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 Select Onion, LLC. This investigation has found that Select Onion, LLC 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: Select Onion, LLC is required to conduct sampling of its water system to determine compliance with the Maximum Contaminant Level (MCL) for arsenic. Select Onion, LLC exceeded the MCL for arsenic, based upon the available samples and determined by running annual average, in each of the following monitoring periods (OAR 333-061-0030(1)):
  - 3rd quarter 2008
  - 4th quarter 2008
  - 1st quarter 2009

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### ACTIONS REQUIRED TO ACHIEVE COMPLIANCE

In order for Select Onion, LLC to return to compliance with the rule(s) allegedly violated, the following actions must be completed:

- Compliance Action No. 1: Select Onion, LLC has the following options to comply with the MCL for Arsenic:
  - Option No. 1: Install an approved treatment system that meets the construction standards listed in OAR 333-061-0050(4).
  - Option No. 2: Develop a new water source that meets all applicable requirements in OAR 333-061-0050.
  - Option No. 3: Connect to, and receive water from, another public water system.

Select Onion, LLC must comply with the following requirements for plan review and construction. All plans for additions or alterations to the water system must be approved by the Agency in advance, before installation (OAR 333-061-0060(1)(a)).

- Plans shall have sufficient detail to completely and clearly illustrate what will be constructed and how the water system will meet construction standards (OAR 333-0061-0060(1))
- Select Onion, LLC must submit construction plans no later than July 31, 2009. These construction plans must clearly indicate which of the three options specified above was selected to meet the MCL for arsenic.
- Construction must be completed no later than October 31, 2009.
- Select Onion, LLC shall demonstrate that all system users receive drinking water that consistently meets all applicable state and federal drinking water laws and rules no later than November 30, 2009.

Select Onion, LLC

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Please submit any plans and the plan review fee to: Marsha Fox, DHS – Drinking Water Program, PO Box 14450, Portland, OR 97293-0450. Please contact the Agency for the plan review fee amount. Please make the check out DHS Health Services.

- Compliance Action No. 2: Select Onion, LLC, per OAR 333-061-0042(2)(b), must issue a Tier 2 public notice for exceeding the MCL for arsenic and failure to sample for arsenic. The public notice must be issued quarterly, 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 333-061-025 and OAR 333-061-0042(3)(b)(C)). 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 delivered in the manner most appropriate to reach all persons served by the system. For example, post the notice in conspicuous locations throughout the area served by the water system, hand deliver the notice to persons served by the water system, or use any other appropriate means of delivery.

If Select Onion, LLC 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  
Meg Hicks, Select Onion, LLC  
Laura Ruhland, Department of Agriculture



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