

PUBLIC HEALTH DIVISION  
Center for Health Protection, Drinking Water Services  
Kate Brown, Governor



800 NE Oregon St.  
Portland, Oregon 97232-2162  
Voice (971) 673-0405  
FAX (971) 673-0694  
TTY (971) 673-0372

March 8, 2016

Mayor Bette Keehley  
637 Locust St.  
Oakland, OR 97462

RE: Notice of Non-Compliance regarding City of Oakland Water System, PWS  
OR4100581

Ms. Keehley,

The City of Oakland (Oakland) is a community public water system, which serves approximately 954 people, and is subject to regulation under ORS 448.115 to 448.290 and OAR 333-061-0005 to 333-061-0272.

The City of Oakland (the City) is a water supplier as defined in Oregon Revised Statute (ORS) 448.115(12) and Oregon Administrative Rule (OAR) 333-061-0020(207), and has specific responsibilities as defined in OAR 333-061-0025.

The Oregon Health Authority, Public Health Division, Center for Health Protection, Drinking Water Services (DWS) has reviewed the operation of the Oakland water system. This review has found that the City 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) requires water suppliers to deliver specified public education materials and notice of lead tap monitoring results to water users within 60 days of being notified by the laboratory that the lead action level has been exceeded. The Oakland water system exceeded the lead action level with samples reported August 27, 2013. Rebecca Templin, with the DWS Springfield office, wrote a letter to Jim Hart on December 13, 2013 requesting

these materials. As of this notice, DWS has not received either notices, as specified in the rule, which constitutes a violation of OAR 333-061-0034(5).

- 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)).
- Violation No. 2: OAR 333-061-0036(2)(c)(D)(iv)(V), in part, requires water systems that exceed the lead action level to monitor during each subsequent six-month monitoring period following the exceedance. As of this notice, DWS has not received lead and copper sampling results as required by the rule. This constitutes a violation of the rule if, in fact, samples were not collected.
- Violation No. 3: OAR 333-061-0036(2)(c) requires water suppliers to perform water quality parameter sampling and to collect a lead and copper sample at the source. These sampling results, as required by the rule, have not been reported to DWS as of the date of this notice. This constitutes a violation of OAR 333-061-0036(2)(c) if, in fact, samples were not collected.
- Violation No. 4: 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.

The Oakland water system's 2013 lead exceedance and absence of water quality testing and sampling indicate that the City has not taken all reasonable actions to ensure that the Oakland 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 City is required to complete the following actions relating to the Oakland water system:

- Compliance Action No. 1: In accordance with OAR 333-061-0036(2)(c), the City must collect lead and copper samples in tap water from at least 20 sites and report the results to DWS no later than July 10, 2016.

- The City will collect lead and copper samples for every six-month monitoring period (January 1 to June 30<sup>th</sup> and July 1 to December 31) as required in OAR 333-061-0036(2)(c) and report results to DWS by the 10<sup>th</sup> of the month following the end of the monitoring period in which samples were collected.
- Compliance Action No. 2: The City must perform water quality parameter testing and collect a lead and copper sample from Oakland water system's source, Calapooya Creek, by July 10, 2016 according to OAR 333-061-0036(2)(c) and report results to DWS as specified in OAR 333-061-0040.
- Compliance Action No. 3: The City must submit proof that lead exceedance public education materials were delivered to all customers in accordance with OAR 333-061-0034(5). Lead and copper sample results also need to be distributed to individual homes that collected the samples. Proof and certification that both these materials were distributed as required must be submitted to DWS by March 31, 2016.
- Compliance Action No. 4: In accordance with OAR 333-061-0034(b), the City will make a corrosion control treatment recommendation to DWS by September 1, 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 Rebecca Templin with DWS Springfield office at 541-726-2587, ext. 29 to discuss the compliance actions specified in this letter.

Respectfully,



Joseph R. Carlson  
Manager, Data Management, Compliance, and Enforcement  
OHA-Drinking Water Services

cc: Rebecca Templin, OHA DWS-Springfield  
James Hart, Public Works Director, City of Oakland