

BEFORE THE STATE OF OREGON
OREGON HEALTH AUTHORITY
OFFICE OF ENVIRONMENTAL PUBLIC HEALTH

In the Matter of

Lawrence and Jan Durette/Riverbend Park
public water system, PWS OR4100601

SETTLEMENT AGREEMENT

The Oregon Health Authority, Public Health Division, Office of Environmental Public Health, Drinking Water Program (Program) issued a Notice of Intent to Impose Civil Penalty on January 18, 2011 assessing a \$1,800 civil penalty against Lawrence and Jan Durette for violations of the Oregon Drinking Water Quality Act (ORS 448.115 to ORS 448.285) and Oregon Administrative Rules. On February 3, 2011, Jan Durette requested a hearing as provided by the Administrative Procedure Act (Oregon Revised Statutes, Chapter 183).

The Program and Lawrence and Jan Durette agree to resolve the matter of the \$1,800 civil penalty by stipulating as follows:

- Agreement Article No. 1: Lawrence and Jan Durette will pay a civil penalty of \$180 and will submit the payment to the Program within ten (10) days of signing this agreement.
- Agreement Article No. 2: The Program will hold in abeyance \$1,620 of the civil penalty as long as Lawrence and Jan Durette comply with the terms of this agreement.

- Agreement Article No. 3: Lawrence and Jan Durette will collect samples for coliform bacteria at the Riverbend Park water system, in accordance with OAR 333-061-0036(6)(b) every month from March 2011 to December 2011, inclusive. Sampling results will be submitted to the Program within ten days of the end of every month in which a sample was collected as prescribed by OAR 333-061-0040(1).
- Agreement Article No. 4: Lawrence and Jan Durette will collect a sample for nitrate at the Riverbend Park water system in accordance with OAR 333-061-0036(2)(d) and submit the sampling results to the Program no later than April 10, 2011.
- Agreement Article No. 5: Lawrence and Jan Durette will correct each of the significant deficiencies identified in the letter dated December 10, 2010 regarding the water system survey conducted on November 19, 2010 at the Riverbend Park water system. Every significant deficiency will be corrected to the satisfaction of staff from Lincoln County Environmental Health no later than April 10, 2011, except for the coliform and chemical sampling requirements otherwise specified in this agreement, for which results can be submitted according to the deadlines agreed upon herein.
- Agreement Article No. 6: Lawrence and Jan Durette will collect samples for lead and copper at the Riverbend Park water system in accordance with OAR 333-061-0036(2)(c) between June 1, 2011 and September 30, 2011, and submit the sampling results to the Program no later than October 10, 2011.
- Agreement Article No. 7: Lawrence and Jan Durette will collect samples for synthetic organic chemicals at the Riverbend Park water system, in accordance with OAR 333-061-0036(3)(a) and submit the sampling results to the Program no later than October 10, 2011.
- Agreement Article No. 8: Lawrence and Jan Durette will collect samples for volatile organic chemicals at the Riverbend Park water system, in accordance with OAR 333-061-0036(3)(b) and submit the sampling results to the Program no later than October 10, 2011.

- Agreement Article No. 9: Lawrence and Jan Durette will publish public notice for the violations identified in the Notice of Intent to Impose Civil Penalty issued on January 18, 2011 (OAR 333-061-025). The notice will meet all of the applicable requirements of OAR 333-061-0042(4) and will be distributed to every customer served by the Riverbend Park water system in accordance with OAR 333-061-0042(3)(c)(C) no later than March 31, 2011. A copy of the notice will be submitted to the Agency no later than 10 days after completing the public notification per OAR 333-061-0040(1)(j).
- Agreement Article No. 10: Lawrence and Jan Durette waive all rights to a contested case hearing or any judicial review regarding the civil penalty specified in this agreement.
- Agreement Article No. 11: Lawrence and Jan Durette agree to pay the remaining civil penalty of \$1,620 should they fail to meet any of the agreement articles specified herein. Payment of the civil penalty shall be due and payable by Lawrence and Jan Durette within 10 days of being notified that they have violated the Settlement Agreement.
- Agreement Article No. 12: The Program will permanently waive the remaining civil penalty of \$1,620 upon completion of all of the actions and articles specified herein, if completed by the dates agreed upon.

GENERAL PROVISIONS

This Agreement does not constitute a waiver, suspension or modification of the requirements of the Oregon Drinking Water Quality Act; ORS 448.115 to 448.285 and administrative rules OAR 333-061-0050 to 333-061-0290, which remain in full force and effect.

This Agreement does not relieve the Lawrence and Jan Durette of any responsibilities or liabilities established pursuant to any applicable federal, state, or local law or regulation.

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Dated this 14 day of MARCh, 2011. Dated this 14 day of MARCh, 2011.

Lawrence Durette
by Jan Durette his attorney in fact
Lawrence Durette
Owner
Riverbend Park

Jan Durette
Jan Durette
Owner
Riverbend Park

Subscribed and sworn before me this 14 day of March, 2011

Angela F Manary
Notary Public for Oregon

My commission expires 4-2-11



Dated this 17th day of March, 2011.

David Leland
David Leland
Program Manager
Oregon Health Authority, Drinking Water Program

- cc: Amy Chapman, Lincoln County Environmental Health
- Neil Jensen, Lincoln County Environmental Health
- Casey Lyon, OHA Drinking Water Program
- Kathy Miller, Oregon Public Utility Commission