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

In the Matter of

Lawrence and Jan Durette
Riverbend Park, PWS 4100601

Respondent

NOTICE OF VIOLATION OF
SETTLEMENT AGREEMENT/
FINAL ORDER IMPOSING
CIVIL PENALTY

To: Lawrence and Jan Durette
Riverbend Park public water system
PO Box 246
Otis, OR 97368

1. You entered into a Settlement Agreement, incorporated by reference, with the Oregon Health Authority, Public Health Division, Office of Environmental Public Health, Drinking Water Program (Program) on March 14, 2011. In that Settlement Agreement you agreed, in pertinent part, to:

- Collect samples for coliform bacteria every month in accordance with OAR 333-061-0032(6) from March 2011 until December 2011 and to submit the related sampling results to the Program within ten days of the end of the month; and
- Correct each significant deficiency identified in the letter dated December 10, 2010 related to the water system survey conducted on November 19, 2010 at the Riverbend Park water system. The corrections were to be completed no later than April 10, 2011.

2. You failed to submit any coliform sampling results for samples collected during March 2011.

3. During an inspection by county and Program staff on April 20, 2011, it was determined and you have also failed to correct the significant deficiencies identified in the letter dated December 10, 2010 as specified below:

1. The overflow pipe from the two 1,100 gallon storage tanks was not fitted with a flap valve or screen;
2. The access hatches for the two 1,100 gallon storage tanks was not fitted with a lock or equivalent device;
3. An Annual Summary Report for cross-connection and backflow devices was not completed;
4. Cross-connection and backflow device testing records were not available;
5. A coliform sampling plan was not available for review;
6. An Operations and Maintenance Manual was not available for review;
7. An Emergency Response Plan was not available for review; and
8. A Consumer Confidence Report for 2010 was not completed.

4. According to the Settlement Agreement, you agreed to pay the remaining civil penalty of \$1,620 if you failed to meet the terms of the Agreement within 10 days of the issuance of this Notice of Violation of Settlement Agreement.

ORDER

Based on the foregoing, YOU ARE HEREBY ORDERED to pay a civil penalty in the amount of \$1,620, on or before May 6, 2011.

The Settlement Agreement between you and the Program concerning the Riverbend Park water system is no longer in effect.

GENERAL PROVISIONS

Civil penalty amounts are established in Oregon Administrative Rule 333-061-0090. If unpaid, civil penalties may be recorded and filed with county clerks as liens against property 10 days after the expiration of the statutory appeals period. The Program may assign liquidated and delinquent civil penalties to the Department of Revenue, as provided in ORS 293.250, not later than 90 days after the Notice becomes final.

If you have any questions about payment, or wish to make payment arrangements, please call the Drinking Water Program at 971-673-0405. Make Checks payable to the OHA-Drinking Water Program. Mail checks to the OHA-Drinking Water Program, PO Box 14450, Portland, Oregon 97293-0450.

Reasonable administrative costs, collection costs, attorney's fees, and all other costs and charges necessary for the collection of any amount not paid when due, including but not limited to collection charges assessed by the Department of Revenue may be added to the amount due.

If you need to receive the information in this letter in an alternate format, or if you have any questions regarding this Notice, please contact Brad K. Daniels, OHA-Drinking Water Program, (971) 673-0405.

Dated this 26th day of April, 2011.



Gail R. Shibley, JD, Administrator
Office of Environmental Public Health

cc: Amy Chapman, Lincoln County Environmental Health
Fred Kalish, OHA-DWP
Kathy Miller, PUC
Shannon O'Fallon, Oregon Department of Justice

DATE of Service: April 26, 2011



Brad K Daniels

By certified and first class mail

