

January 23, 2013

Dale Peer  
Laidlaw Water District  
64711 Wood Ave.  
Bend, OR 97701

RE: Notice of Non-Compliance regarding the Laidlaw Water District Public Water System, PWS OR4101096

Mr. Peer,

Our records indicate that you are the District Manager for the Laidlaw Water District (the District). The District owns and operates the Laidlaw water system located in Tumalo, Oregon. The District is therefore a water supplier as defined in Oregon Revised Statute (ORS) 448.115(12) and Oregon Administrative Rule (OAR) 333-061-0020(211), and has specific responsibilities as defined in OAR 333-061-0025.

The Laidlaw water system is a community public water system serving between 301 and 1,500 and subject to regulation under ORS 448.115 to 448.290 and OAR 333-061-0005 to 333-061-0290.

The Oregon Health Authority, Public Health Division, Center for Health Protection, Drinking Water Services (DWS) has reviewed the Laidlaw water system. This review has found that the District 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.

- Violation No. 1: OAR 333-061-0070(9)(a) requires water suppliers for community water systems to include an ordinance or enabling authority as part of a local cross connection program. DWS has not received a cross connection local ordinance or enabling authority for the Laidlaw water system, which constitutes a violation of OAR 333-061-0070(9)(a).

- Violation No. 2: OAR 333-061-0070(9)(c) requires water suppliers for community water systems to submit to DWS a cross connection Annual Summary Report (ASR) each year before the last working day of March. DWS has not received a recent cross connection ASR for the Laidlaw water system, which constitutes a violation of OAR 333-061-0070(9)(c).
- Violation No. 3: OAR 333-061-0225(1) requires water suppliers responsible for community water systems to at all times employ, contract with, or otherwise utilize an operator to supervise and to be in direct responsible charge of the water system. OAR 333-061-0225(2) requires that the operator in direct responsible charge of a water system be certified at a level equal to or greater than the classification of the water system for which they are responsible. The District has not designated an operator to be in direct responsible charge of the Laidlaw water system, which constitutes a violation of OAR 333-061-0225.
- Violation No. 4: OAR 333-061-0076(6)(b) requires water systems utilizing only groundwater sources to, within 120 days of written notification, correct any significant deficiencies identified during a sanitary survey, or to be in compliance with a corrective action plan. A sanitary survey was conducted on May 5, 2010 at the Laidlaw water system, and a letter was mailed to Nathan Rogers, water system operator, and Jackie Brewington on May 6, 2010 identifying significant deficiencies found during the survey. As of the date of this letter, The District has not corrected all of the significant deficiencies identified in the May 6, 2010 letter, nor is the District in compliance with an action plan to correct the remaining deficiencies, which constitutes a violation of OAR 333-061-0076(6).
- Violation No. 5: OAR 333-061-0036(6)(a)(G) requires samples for total coliform bacteria to be collected according to a written coliform sampling plan. DWS has not approved the required coliform sampling plan for the Laidlaw water system, nor was the plan available for review and approval during the May 5, 2010 sanitary survey. The lack of an approved coliform sampling plan for the Laidlaw water system constitutes a violation of OAR 333-061-0036(6)(a)(G).
- Violation No. 6: OAR 333-061-0043 requires community public water systems to deliver an annual consumer confidence report to each customer and to submit a copy of the report to DWS along with certification that the report was delivered to customers. The District has not submitted a copy of a consumer confidence report to DWS as required by the rule although it did submit certification that the report was delivered. The failure to submit a copy of the annual consumer confidence report to DWS constitutes a violation of OAR 333-061-0043.

- Violation No. 7: OAR 333-061-0065(4) requires all public water systems to have and maintain a current water system operations manual. Jeff Freund of the Deschutes County Health Department inspected the Laidlaw water system on May 5, 2010 and was unable to verify that a current operations manual was present for the Laidlaw water system. The lack of a current operations manual constitutes a violation of OAR 333-061-0065(4).

### ACTIONS REQUIRED TO ACHIEVE COMPLIANCE

Due to the rule violations identified above, the District is required to complete the following actions relating to the Laidlaw water system:

- Compliance Action No. 1: The District must submit to DWS, no later than March 31, 2013, a cross connection ordinance or enabling authority for the Laidlaw water system as prescribed by OAR 333-061-0070(9)(a).
- Compliance Action No. 2: The District must submit to DWS, no later than March 31, 2013, the 2012 cross connection ASR for the Laidlaw water system.
- Compliance Action No. 3: The District must designate an operator to be in direct responsible charge of the Laidlaw water system no later than March 31, 2013.
  - The designation must be submitted in writing on a form approved or produced by DWS.
  - The operator must be certified in accordance with all the applicable provisions of OAR 333-061-0205 through OAR 333-061-0290.
- Compliance Action No. 4: You must ensure the correction of every significant deficiency identified in the letter dated May 6, 2010 relating to the sanitary survey conducted at the Laidlaw water system.
  - Every significant deficiency must be corrected no later than May 15, 2013 to the satisfaction of the Deschutes County Environmental Health Division.

- Compliance Action No. 5: The District must deliver a consumer confidence report to the customers served by the Laidlaw water system for the 2012 calendar year as prescribed by OAR 333-061-0043.
  - The report must be completed and delivered to customers no later than April 30, 2013.
  - A copy of the report, and certification that the report was delivered to customers, must be submitted to DWS no later than May 15, 2013.

If the District 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 as prescribed by OAR 333-061-0090. Please contact Jeff Freund at Deschutes County Environmental Health at (541) 388-6563 to discuss the compliance actions specified in this letter.

Thank you for your cooperation.

Respectfully,



Brad K. Daniels  
Enforcement Coordinator  
OHA - Drinking Water Services

cc: Michelle Byrd, OHA DWS  
Jeff Freund, Deschutes County Environmental Health Division  
Butch Rogers, Laidlaw Water District