



Oregon

Theodore R. Kulongoski, Governor

Department of Human Services

Public Health Division

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2/17/09

BEFORE THE STATE OF OREGON
DEPARTMENT OF HUMAN SERVICES
OFFICE OF ENVIRONMENTAL PUBLIC HEALTH

In the Matter of

Deer Island Heights, PWS OR4105114

SETTLEMENT AGREEMENT

The Oregon Department of Human Services, Public Health Division, Office of Environmental Public Health, Drinking Water Program (Agency) issued a Notice of Intent to Impose Civil Penalty on November 19, 2008 assessing a \$3,500 civil penalty against Deer Island Heights for violations of the Oregon Drinking Water Quality Act (ORS 448.115 to ORS 448.285) and Oregon Administrative Rules. On December 9, 2008, Deer Island Heights requested a hearing.

The Agency and Deer Island Heights agree to resolve the matter of the \$3,500 civil penalty by stipulating as follows:

- Agreement Article No. 1: Deer Island Heights will pay a civil penalty of \$50 at the time this agreement is signed.



Deer Island Heights

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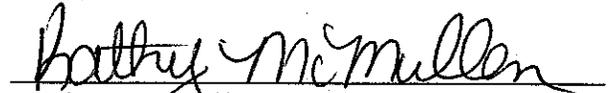
- Agreement Article No. 2: Deer Island Heights will sample for coliform bacteria and report the sample results monthly, pursuant to the sampling schedule shown below:
 - January sample results must be reported no later than February 10, 2009
 - February sample results must be reported no later than March 10, 2009
 - March sample results must be reported no later than April 10, 2009
 - ○ April sample results must be reported no later than May 10, 2009
 - May sample results must be reported no later than June 10, 2009
 - June sample results must be reported no later than July 10, 2009
- Agreement Article No. 3: Deer Island Heights will collect all samples required by OAR 333-061-0036(5)(c) and OAR 333-061-0036(5)(i) if one of the required monthly samples is total coliform positive.
- Agreement Article No. 4: Deer Island Heights will sample for inorganic chemicals as specified by OAR 333-061-0036(2)(a) and report the sample results no later than March 10, 2009.
- Agreement Article No. 5: Deer Island Heights will sample for lead and copper as specified by OAR 333-061-0036(2)(b) and report the sample results no later than June 10, 2009.
- X • Agreement Article No. 6: Deer Island Heights will sample for synthetic organic chemicals as specified by OAR 333-061-0036(3)(a) and report the sample results no later than April 10, 2009.
- Agreement Article No. 7: Deer Island Heights will sample for volatile organic chemicals as specified by OAR 333-061-0036(3)(c) and report the sample results no later than June 10, 2009.
- Agreement Article No. 8: Deer Island Heights waives all rights to a contested case hearing or any judicial review.
- Agreement Article No. 9: Deer Island Heights agrees to pay the remaining civil penalty of \$3,450 should it fail to meet any of the agreement articles specified herein. Payment of the civil penalty shall be due and payable within 10 days of a Notice of Violation of Settlement Agreement being issued.

Deer Island Heights

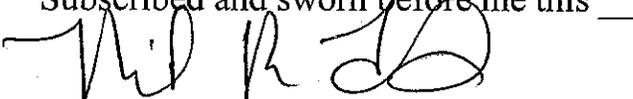
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Dated this 17 day of Feb, 2009. Dated this 17 day of Feb, 2009.


Scott McMullen
Owner
Deer Island Heights


Kathy McMullen
Owner
Deer Island Heights

Subscribed and sworn before me this 17th day of Feb, 2008^B
2009


Notary Public for Oregon



My commission expires July 10 2010

Dated this 19th day of February, 2009.


David Leland
Program Manager
Oregon Department of Human Services, Drinking Water Program

- cc: Mark Edington, Columbia County Environmental Health Program
- Evan Hofeld, DHS-DWP
- Chris Hughes, DHS-DWP
- Harold Rogers, USEPA

Deer Island Heights

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- Agreement Article No. 10: Deer Island Heights will issue its 2008 consumer confidence report as specified by OAR 333-061-0043 no later than July 10, 2009. In addition to other information included in the report, it will include an explanation for the following violations in accordance with OAR 333-061-0043(2)(n): failure to sample for coliform bacteria, inorganic chemicals, lead and copper, synthetic organic chemicals, and volatile organic chemicals. Deer Island Heights will submit a copy of the report to the Agency no later than 10 days after completing the public notification.

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 333-061-0295, which remain in full force and effect.

This Agreement does not relieve the Deer Island Heights of any responsibilities or liabilities established pursuant to any applicable federal, state, or local law or regulation.