



# Oregon

Theodore R. Kulongoski, Governor

**Department of Human Services**  
**Public Health Division**  
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Portland, OR 97232-2162  
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March 24, 2010

David Kinyon  
Mountain Terrace Mobile Home Park  
PO Box 233  
Medford, OR 97501

RE: Notice of Non-Compliance for Mountain Terrace Mobile Home Park Public  
Water System, PWS OR4105364

Dear Mr. Kinyon,

Mountain Terrace Mobile Home Park, hereafter referred to as Mt. Terrace, is a water supplier as defined in Oregon Revised Statute (ORS) 448.115(12) and Oregon Administrative Rule (OAR) 333-061-0020(194), and has specific responsibilities that are defined in OAR 333-061-0025.

Mt. Terrace operates a community public water system, which serves between 25 and 100 people, and is subject to regulation under ORS 448.115 to 448.290 and OAR 333-061-0005 to 333-061-0295.

Mt. Terrace is not meeting its responsibilities as a water supplier due to the following violations of the Oregon Drinking Water Quality Act (ORS 448.115 to ORS 448.290) and administrative rules.

- Violation No. 1: Mt. Terrace exceeded the microbiological maximum contaminant level (MCL) in September 2009 (OAR 333-061-0030(4)).
- Violation No. 2: Mt. Terrace, since June 2007, has accrued at least eight violations of OAR 333-061-0036(3)(b) for failure to collect routine coliform samples.

- Violation No. 3: Mt. Terrace, since June 2007, has accrued two violations of OAR 333-061-0036(6)(i) for failure to collect at least five routine coliform samples during the next month following a total coliform-positive sample result.
- Violation No. 4: Mt. Terrace, since June 2007, has accrued two violations of OAR 333-061-0036(4)(c) for failure to collect total trihalomethanes (TTHM) and haloacetic acids(five) (HAA5) samples.
- Violation No. 5: Mt. Terrace, since June 2007, has accrued two violations of OAR 333-061-0036(2)(e) for failure to collect nitrate samples.
- Violation No. 6: Mt. Terrace violated OAR 333-061-0036(2)(a) for failing to collect inorganic chemical samples for the 2005-2007 three-year monitoring period.
- Violation No. 7: Mt. Terrace violated OAR 333-061-0036(3)(a) for failing to collect synthetic organic chemical samples for the 2005-2007 three-year monitoring period.
- Violation No. 8: Mt. Terrace violated OAR 333-061-0036(3)(b) for failing to collect volatile organic chemical samples for the 2005-2007 three-year monitoring period.
- Violation No. 9: Mt. Terrace violated OAR 333-061-0076(8) for failing to correct significant deficiencies identified in a sanitary survey as described below:
  - On December 3, 2004, a sanitary survey of the water system at Mt. Terrace was conducted and identified several significant deficiencies. A Significant Deficiency is defined in OAR 333-061-0020(162) as "a defect in design, operation, or maintenance, or a malfunction of the source(s), treatment, storage, or distribution system that has been determined to cause or have the potential for causing the introduction of contamination into the water delivered to consumers." Eight of these significant deficiencies were not corrected as required, and were again identified during the next sanitary survey conducted on April 29, 2008.

#### ACTIONS REQUIRED TO ACHIEVE COMPLIANCE

In order for Mt. Terrace to return to compliance with the specified rule violations, the following actions must be completed:

- Compliance Action No. 1: Mt. Terrace must immediately contact Rick Hallmark at Coos County Environmental Health regarding the significant deficiencies identified in the sanitary survey conducted on April 29, 2008, and submit a written report to Rick Hallmark no later than April 30, 2010 specifying how and when the deficiencies will be corrected.
- Compliance Action No. 2: Mt. Terrace must collect monthly untreated source water coliform samples beginning in April 2010 and continuing until March 2011 (OAR 333-061-0036(1)(g)). The samples must be collected at the wellhead sample tap, identified as source water samples, and reported to the Agency within ten days of the end of the month. The samples must be reported to: DHS – Drinking Water Program, PO Box 14350, Portland, OR 97293-0350.
- Compliance Action No. 3: Mt. Terrace must issue public notice for exceeding the microbiological MCL for total coliform bacteria and also failure to sample for coliform bacteria. Mt. Terrace must issue the notice no later than April 30, and a copy must be submitted to the Agency no later than 10 days after completing the public notification in accordance with OAR 333-061-0040(1)(i). The notice must be delivered by mail or direct delivery to each customer to which water is delivered by the public water system. The notice must also be posted in a conspicuous location within the area served by the water system.
- Compliance Action No. 4: Mt. Terrace does not currently have a certified operator, and must therefore designate a new certified operator to be in direct responsible charge of the water system immediately pursuant to OAR 333-061-0225(1). Mt. Terrace must notify the Agency of the new operator no later than April 30, 2010.

This notice 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 333-061-0005 to 333-061-0295, which remain in full force and effect.

If Mt. Terrace 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. Contact Rick Hallmark at (541) 756-2020, ex. 513 to discuss the compliance actions specified in this letter, and if you have any questions.

Thank you for your cooperation.

Sincerely,



Brad K. Daniels  
Enforcement Coordinator  
DHS - Drinking Water Program

cc: Rick Hallmark, Coos County Environmental Health  
Jay MacPherson, DHS DWP  
Shannon O'Fallon, Oregon Dept. of Justice