



# Oregon

Theodore R. Kulongoski, Governor

**Department of Human Services**  
**Public Health Division**  
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BEFORE THE STATE OF OREGON  
DEPARTMENT OF HUMAN SERVICES  
OFFICE OF ENVIRONMENTAL PUBLIC HEALTH

In the Matter of

Weiss Estates Water System, PWS  
OR4105581

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 February 24, 2010 assessing a \$1,000 civil penalty against Weiss Estates Water System for violations of the Oregon Drinking Water Quality Act (ORS 448.115 to ORS 448.285) and Oregon Administrative Rules. On March 15, 2010, Weiss Estates Water System requested a hearing as provided by the Administrative Procedures Act (Oregon Revised Statutes Chapter 183).

The Agency and Weiss Estates Water System agree to resolve the matter of the \$1,000 civil penalty by stipulating as follows:

- Agreement Article No. 1: Weiss Estates Water System will pay a civil penalty of \$100 at the time this agreement is signed.



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- Agreement Article No. 2: Weiss Estates Water System will issue public notice for failure to respond to the sanitary survey letter dated June 12, 2009 and for failure to provide adequate treatment of surface water. The public notice will include the health effects language specified in OAR 333-061-0097(5)(c), and will be posted in a conspicuous location within the area served by the water system. The notice will also be delivered by hand to each customer served by the water system (OAR 333-061-025 and OAR 333-061-0042(3)(b)(C)) no later than May 30, 2010, and also submitted to the Agency within ten days of being delivered to customers.
- Agreement Article No. 3: Weiss Estates Water System will install a device to measure the turbidity of filtered water prior to any water storage, pursuant to OAR 333-061-0036(5)(b)(A), no later than June 30, 2010.
- Agreement Article No. 4: Weiss Estates Water System will complete one of the following actions as specified below:
  - Install and operate filtration technology that meets the requirements of OAR 333-061-0050(4)(c), and has been approved in accordance with OAR 333-061-0060, utilizing the existing surface water source no later than September 30, 2010; or
  - Develop at least one exploratory or permanent groundwater well to serve as a groundwater source for the Weiss Estates Water System, including an on-site inspection of the well, no later than August 31, 2010. Weiss Estates will also submit a written statement committing the water system to develop a permanent groundwater source no later than September 30, 2010. The groundwater source will meet all the applicable requirements in OAR 333-061-0050(2)(a) and be fully operational and providing sufficient water to supply all the customers of the water system no later than November 30, 2010.
- Agreement Article No. 5: Weiss Estates Water System will install a device to measure the flow rate of the effluent from its storage tank used for contact time, pursuant to OAR 333-061-0050(6)(a)(S), no later than June 30, 2010.
- Agreement Article No. 6: Weiss Estates Water System will employ or contract with a certified operator and designate that operator to be in direct responsible charge of the water system, pursuant to OAR 333-061-0225, no later than September 30, 2010.

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- Agreement Article No. 7: Weiss Estates Water System waives all rights to a contested case hearing or any judicial review.
- Agreement Article No. 8: Weiss Estates Water System agrees to pay the remaining civil penalty of \$900 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 the issuance of a Notice of Violation of Settlement Agreement.

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 Weiss Estates Water System of any responsibilities or liabilities established pursuant to any applicable federal, state, or local law or regulation.

Dated this 3 day of May, 2010.

Corinne Clifton  
Corinne Clifton, President  
Weiss Estates Water System  
CORINNE CLIFTON

Subscribed and sworn before me this 3 day of MAY, 2010

Kathleen Miller  
Notary Public for Oregon

My commission expires NOV 7, 2012



Weiss Estates Water System

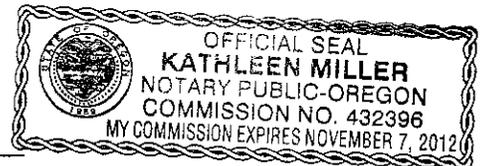
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Dated this 3 day of May, 2010.

Bobbie Bolden  
Bobbie Bolden, Secretary  
Weiss Estates Water System

Subscribed and sworn before me this 3 day of MAY, 2010

Kathleen Miller  
Notary Public for Oregon



My commission expires NOV 7 2012

Dated this 21 day of MAY, 2010.

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

- cc: Karen Kelley, DHS-DWP  
Jay MacPherson, DHS-DWP  
Shannon O'Fallon, Oregon Dept. of Justice  
Harold Rogers, USEPA