



Oregon

Theodore R. Kulongoski, Governor

Department of Human Services
Public Health Division
800 NE Oregon Street
Portland, OR 97232-2162
(971) 673-0405
(971) 673-0694 - FAX
(971) 673-0372 - TTY-Nonvoice

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

In the Matter of

Corinne Clifton
Weiss Estates Water System, PWS
4105581

Respondent

FINAL ORDER IMPOSING
CIVIL PENALTY

To: Corinne Clifton, President
Weiss Estates Water System
57259 Dodger Rd.
Bandon, OR 97411

To: Bobbie Bolden, Secretary
Weiss Estates Water System
88567 Weiss Estates Ln.
Bandon, OR 97411

FINDINGS OF FACT

1. The Oregon Department of Human Services, Public Health Division, Office of Environmental Public Health, Drinking Water Program (DHS) issued a Notice of Intent to Impose Civil Penalty on February 24, 2010 for specific violations of the Oregon Drinking Water Quality Act and rules at the Weiss Estates Water System. The Notice offered you an opportunity for hearing, if requested within 20 days of service of the Notice.

2. In lieu of a hearing you and DHS signed a settlement agreement on May 3, 2010, in accordance with ORS 183.417(3)(b), incorporated by reference.

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3. The agreement specified that if you failed to comply with the terms of the agreement, the remainder of the civil penalty that was held in abeyance, \$900, would be immediately due and payable.

4. On October 1, 2010 you violated the agreement by failing to install and operate filtration technology that met the requirements of OAR 333-061-0050(4)(c)(B) by September 30, 2010, and by failing to employ or contract with a certified operator to supervise and to be in direct responsible charge of the water system as required by OAR 333-061-0225(1) by September 30, 2010.

CONCLUSIONS OF LAW

On October 1, 2010, Weiss Estates Water System violated Oregon Drinking Water Quality Act (ORS 448.115 to ORS 448.285) by failing to demonstrate the effectiveness of the alternative filtration method as required by OAR 333-061-0050(4)(c)(B), and by failing to employ or contract with a certified operator to supervise and to be in direct responsible charge of the water system as required by OAR 333-061-0225(1).

ORDER

You are hereby ordered to pay the remaining civil penalty in the amount of \$900 within 10 days of the date of this order.

GENERAL PROVISIONS

Civil penalty amounts are established in Oregon Administrative Rule 333-061-0090. If unpaid, civil penalties may be assigned 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.

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 unpaid, civil penalties, may also be recorded and filed with county clerks as liens against property 10 days after the expiration of the statutory appeals period. Make Checks payable to the DHS-Drinking Water Program.

If you need to receive the information in this order in an alternate format, or if you have any questions regarding this Notice, please contact Brad K. Daniels, DHS-Drinking Water Program, (971) 673-0407.

Dated this 15th day of October, 2010.



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

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

DATE of Service: October 15, 2010



Brad K Daniels

By certified and first class mail

