

April 2, 2013

Walt Conner
Loyal Order of Moose, Medford Lodge No. 178
9713 Old Stage Road
Gold Hill, OR 97525

RE: Notice of Non-Compliance regarding the Medford Moose Lodge No. 178 public water system, PWS OR4190195

Mr. Conner,

Our records indicate that you are the President of the Loyal Order of Moose, Medford Lodge No. 178 (the Order). The Order owns and operates the Medford Moose Lodge No. 178 (Moose Lodge) water system at 9713 Old Stage Road in Gold Hill, Oregon. The Order 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 Moose Lodge water system is a transient non-community public water system serving between 10 and 100 people and is 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 operation of the Moose Lodge water system. This review has found that the Order 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 333-061-0025 requires water suppliers to take all reasonable precautions to assure that the water delivered to water users does not exceed maximum contaminant levels. Water samples collected at the Moose Lodge water system indicate that the source water well is contaminated with *E. coli* bacteria, which combined with the lack of an effective disinfection treatment system creates the

likelihood that the Moose Lodge water system will exceed the MCL for coliform bacteria as specified in OAR 333-061-0030(4) in the future. The Order was officially notified on July 11, 2012 that it needs to take action to reduce the risk of *E. coli* contamination from the groundwater well at the Moose Lodge water system and thereby resolve the risk of exceeding the MCL for coliform bacteria at the Moose Lodge water system. The Order however has failed to demonstrate that it has taken all reasonable actions to ensure that water will not exceed the MCL. This constitutes a violation of OAR 333-061-0025.

- Violation No. 2: OAR 333-061-0032(6) requires, in part, that water systems using groundwater sources take corrective action when sample results indicate the presence of *E. coli* bacteria in a groundwater source. Three samples collected in June 2012 at the Moose Lodge water system were analyzed and shown to have the presence of *E. coli* bacteria. The Order however has failed to complete corrective action or be in compliance with a corrective action plan since being notified of the presence of *E. coli* in Moose Lodge source water samples. This constitutes a violation of OAR 333-061-0032(6).
- Violation No. 3: OAR 333-061-0050(2) requires, in part, that groundwater wells utilized by public water systems within Oregon be constructed in accordance with standards for the construction and maintenance of water wells in Oregon as prescribed in OAR chapter 690, divisions 200 through 220. DWS has reviewed the construction of the groundwater well serving the Moose Lodge water system and found it does not meet construction standards and must be re-constructed or disconnected from the Moose Lodge water system. The Order has not demonstrated to DWS that the groundwater well serving the Moose Lodge water system has been re-constructed or disconnected, which constitutes a violation of OAR 333-061-0050(2).
- Violation No. 4: OAR 333-061-0076(6) requires water suppliers for 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 February 23, 2009 at the Moose Lodge water system, and a letter was mailed to Larry Rose, water system operator, on March 19, 2009 identifying significant deficiencies found during the survey. As of the date of this letter, the Order has not corrected all of the significant deficiencies identified in the March 19, 2009 letter, nor is the Order in compliance with an action plan to correct the remaining deficiencies. This constitutes a violation of OAR 333-061-0076(6).

ACTIONS REQUIRED TO ACHIEVE COMPLIANCE

Due to the rule violations identified above, the Order is required to complete the following actions relating to the Moose Lodge water system:

- Compliance Action No. 1: The Order must submit to DWS, no later than May 15, 2013, construction plans indicating how the groundwater well at the Moose Lodge water system will be re-constructed or disconnected and thereby eliminated as a source of microbiological contamination. The plans shall meet all the applicable requirements of OAR 333-061-0060, and have sufficient detail to completely and clearly illustrate what will be constructed.
 - The plans must be submitted to: Plan Review, OHA – Drinking Water Services, PO Box 14450, Portland, OR 97293-0450.
- Compliance Action No. 2: The Order must complete construction of the approved project, for which plans were submitted in accordance with Compliance Action No. 1, no later than June 30, 2013.
 - Any related physical or infrastructure changes at the Moose Lodge water system must meet the applicable construction standards specified in OAR 333-061-0050.
- Compliance Action No. 3: The Order must publish public notice for failing to complete corrective action related to sanitary survey significant deficiencies and groundwater treatment technique requirements. The notice must include the following language in italics, exactly as written: *The water on these premises is not safe for human consumption. Do not use water from any faucet, tap, or spigot at The Medford Moose Lodge #178 for drinking, food preparation, or any other similar purpose.* The notice must meet all of the applicable requirements of OAR 333-061-0042(4) and be distributed so that every person served by the Moose Lodge water system receives the notice. The notice must be reissued every three months, until all corrections are made, and all system users receive drinking water that meets all applicable state and federal drinking water laws and rules (OAR 333-061-025 and OAR 333-061-0042(3)(b)(C)). A copy of the notice and certification of the method of distribution must be submitted to DWS no later than 10 days after completing the public notification per OAR 333-061-0040(1)(j).
 - Submit copies of the public notice to: Brad Daniels, OHA Drinking Water Services, PO Box 14450, Portland, OR 97293-0450.

- Compliance Action No. 4: The Order must ensure the correction of every significant deficiency identified in the letter dated March 19, 2009 relating to the sanitary survey conducted at the Moose Lodge water system.
 - Every significant deficiency must be corrected no later than May 31, 2013 to the satisfaction of the Jackson County Environmental Health Division.

If the Order 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 Mike Obereigner at the Jackson County Environmental Health Division at (541) 774-7843 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: Scott Curry, OHA DWS
C T Corporation System, Medford Moose Lodge No. 178
Gary Gentry, Medford Moose Lodge No. 178
Mike Obereigner, Jackson County Environmental Health Division