

BEFORE THE STATE OF OREGON
OREGON HEALTH AUTHORITY
PUBLIC HEALTH DIVISION
CENTER FOR HEALTH PROTECTION

In the Matter of

S.V. Bradley, LLC
Meadow Wood RV Park, PWS
OR4192123

Respondent

NOTICE OF INTENT TO IMPOSE
CIVIL PENALTY

To: Mike. D Brown
S.V. Bradley, LLC
Meadow Wood RV Park
922 Old Town Loop Rd.
Oakland, OR 97462

Pursuant to Oregon Revised Statutes (ORS) 448.280, 448.285, and Oregon Administrative Rules (OAR) 333-061-0090, the Oregon Health Authority, Public Health Division, Center for Health Protection, Drinking Water Services (DWS) intends to impose a civil penalty of \$500 against you for violations of OAR 333-061-0036(2)(d).

You own and operate, the Meadow Wood RV Park water system located at 869 Autumn Lane in Glendale, Oregon. The Meadow Wood RV Park water system is a transient non-community public water system serving approximately 28 people and is subject to regulation under ORS 448.115 to 448.290 and OAR 333-061-0005 to 333-061-0272.

DWS initially notified you of rule violations at the Meadow Wood RV Park water system in a letter on July 23, 2014. The letter identified actions to be completed in order to comply with the rules violated and warned of civil penalties for failing to comply. You did not contact DWS regarding the violations, did not report monitoring as required, and did not otherwise take action to correct the violations. The letter is incorporated by reference.

The proposed civil penalty is based on the following violation:

1. OAR 333-061-0036(2)(d) requires monitoring for nitrate every year, but nitrate monitoring results were not reported to DWS for the 2013 and 2014 monitoring periods, which is a violation of the rule if samples were in fact not collected.

CIVIL PENALTY

Pursuant to OAR 333-061-0090, you will be assessed a civil penalty in the amount of \$500 based upon the population served by the public water system, for each distinct violation and for every day the violation occurred. The civil penalty is based on the period of time from January 11, 2015 through January 20, 2015, inclusive. Each day within this ten day period has one associated violation in the amount of \$50 per violation, for a total penalty of \$500.

If the rule violation identified in this notice, or other violations incorporated by reference, continue, you may be subject to additional civil penalties of \$50 per day per violation.

CIVIL PENALTY FACTORS CONSIDERED

In assessing the civil penalty, DWS considered the factors set out in ORS 448.285(2).

- (a) The past history of the person incurring the penalty in taking all feasible steps or procedures necessary or appropriate to correct the violation:
 - You were provided written notification of the violation specified in this notice on five separate occasions as described below but have not taken action to correct the violation or return to compliance with the rule being violated.
 1. The Douglas County Environmental Health Services Program mailed a letter to you on May 27, 2014 notifying you of rule violations at the Meadow Wood RV Park water system. The letter directed you to take immediate corrective action to

resolve the matter. You did not respond to the letter and monitoring results were not reported as required.

2. DWS mailed a letter to you on July 23, 2014 describing rule violations at the Meadow Wood RV Park water system and specifying corrective actions to be completed to avoid the assessment of civil penalties. You did not respond to the letter and monitoring results were not reported as required.
3. DWS provided notice to you on August 20, 2014 that civil penalties would be assessed for your failure to comply with the rules requiring monitoring for nitrate and coliform bacteria. You did not request a hearing or respond to the notice and DWS subsequently issued a Final Order Imposing Civil Penalty on September 17, 2014.
4. DWS mailed a letter to you on November 6, 2014 notifying you that nitrate monitoring results were not reported for the Meadow Wood RV Park water system and requiring that results be reported no later than January 10, 2015. You did not respond to the letter and monitoring results were not reported as required.
5. The Douglas County Planning Department, Environmental Health Program mailed a letter to you on November 24, 2014 notifying you of rule violations at the Meadow Wood RV Park water system. The letter directed you to take corrective action to resolve the matter. You did not respond to the letter and monitoring results were not reported as required.

- (b)Prior violations:

- OAR 333-061-0036(2)(d), which requires sampling for nitrate, was violated five times between January 1, 2009 and December 31, 2014 by failing to sample for nitrate required by the rule.

- (c)Economic and financial conditions of the person incurring the penalty:

- DWS has no information about your economic or financial details, or the economic or financial conditions relating to Mike. D Brown, S.V. Bradley, LLC or the Meadow wood RV Park water system.

NOTICE OF RIGHT TO REQUEST A HEARING

You are entitled to a hearing as provided by the Administrative Procedure Act (Oregon Revised Statutes, Chapter 183). If you want a hearing, you must file a written request for hearing with DWS within 20 days from the date this Notice was mailed. **The request for hearing must be sent to: David E. Leland, Manager; Oregon Health Authority, Drinking Water Services; PO Box 14450; Portland, OR 97293-0450. If a request for hearing is not received within the 20-day period, you will have waived your right to a hearing.**

If you request a hearing, you will be notified of the time and place of the hearing. You will also be given information on the procedures, right of representation and other rights of parties relating to the conduct of the hearing before commencement of the hearing. Any hearing will be held by an administrative law judge from the Office of Administrative Hearings (ORS 183.635).

If you do not request a hearing within 20 days, or if you withdraw a request for hearing, notify DWS or the administrative law judge that you will not appear or fail to appear at a scheduled hearing, DWS may issue a final order by default ordering you to pay a civil penalty. If DWS issues a final order by default, DWS designates the relevant portions of its files on this matter, including all materials that you have submitted relating to this matter, as the record for purposes of proving a prima facie case upon default.

For purposes of ORS 293.229 through 293.233 and ORS 293.250, the civil penalty specified herein will become a liquidated debt if a final order is issued. Pursuant to ORS 293.231 DWS is required to assign liquidated and delinquent civil penalties to the Department of Revenue, as provided in ORS 293.250, not later than 90 days after the final order is issued. 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 of \$500.

If you need to receive the information in this letter in an alternate format, or if you have any questions about the requirements in this notice, please contact Brad K. Daniels, DHS-DWP at (971) 673-0407.

Dated this 27 day of FEBRUARY, 2015.



Steven A. Wagner, MPH, Administrator
Oregon Health Authority, Center for Health Protection

cc: Caroline Gross-Regan, Douglas County Environmental Health Services Program
Shannon O'Fallon, Oregon Department of Justice
Rebecca Templin, Oregon Health Authority, Drinking Water Services

DATE of Service: March 2, 2015


Brad K Daniels

By certified and first class mail