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

In the Matter of

Klaas and Barbara Den Heyer  
Myrtle Tree RV Park, PWS 4195332

Respondent

FINAL ORDER IMPOSING  
CIVIL PENALTY

To: Klaas and Barbara Den Heyer  
Myrtle Tree RV Park  
12143 Road 37  
Madera, CA 93636-7719

The Oregon Health Authority, Public Health Division, Center for Health Protection, Drinking Water Services (Authority) issued a Notice of Intent to Impose Civil Penalty (Notice) on October 15, 2015 for violations of the Oregon Drinking Water Quality Act and rules at the Myrtle Tree RV Park water system. The Notice offered you an opportunity for hearing, if requested within 20 days of service of the Notice, but you did not request a hearing as provided in the Notice.

FINDINGS OF FACT

You committed the following violations of Oregon Administrative Rules in your operation of the Myrtle Tree RV Park water system:

1. Failure to measure water quality parameters as required by Oregon Administrative Rule (OAR) 333-061-0036(5)(b)(B) relating to the calculation of disinfection effectiveness;
2. Failure to utilize properly designed and constructed surface water filtration treatment as required by OAR 333-061-0050(4)(c)(E);
3. Failure to monitor for nitrate as required by OAR 333-061-0036(2)(d);
4. Failure to provide public notice to people served by the Myrtle Tree RV Park water system as required by OAR 333-061-0042(2)(a) due to the failure to demonstrate effective surface water treatment; and
5. Failure to comply with an order issued by the Authority as specified in OAR 333-061-0090(3)(i).

The Authority issued a Notice of Violation and Administrative Order (Order) on July 22, 2015 for violations of the rules identified as violations 1 through 4 above. The Order identified actions to be completed in order to comply with the rules violated. You did not appeal the Order and did not comply with the Order by the deadlines specified therein. The Order is incorporated by reference.

### CONCLUSIONS OF LAW

On August 21, 2015, you violated Oregon Drinking Water Quality Act (ORS 448.115 to ORS 448.290) by violating the Oregon Administrative Rules specified herein.

### ORDER

Based on the foregoing, **YOU ARE HEREBY ORDERED** to pay a civil penalty in the amount of \$12,500.

### GENERAL PROVISIONS

Civil penalty amounts are established in Oregon Administrative Rule 333-061-0090. If unpaid, civil penalties may be recorded and filed with county clerks as liens against property 10 days after the expiration of the statutory appeals period. The Authority may assign 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.

If you have any questions about payment, or wish to make payment arrangements, please call the Authority at 971-673-0405. Make checks payable to the Oregon Health Authority, Drinking Water Services. Mail checks to the Oregon Health Authority, Drinking Water Services, PO Box 14450, Portland, Oregon 97293-0450.

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.

You are entitled to a judicial review of this Order in accordance with ORS 183.482. To appeal, you must file a petition for judicial review with the Court of Appeals within 60 days from the date of service of this Order.

If you need to receive the information in this letter in an alternate format, or if you have any questions regarding this Order, please contact Brad K. Daniels at (971) 673-0405.

Dated this 25<sup>th</sup> day of NOVEMBER, 2015.

  
\_\_\_\_\_  
Jere High, ND  
Interim Administrator, Center for Health Protection  
Oregon Health Authority

DATE of Service: November 30, 2015

  
\_\_\_\_\_  
Brad K Daniels

By certified and first class mail

cc: Jeff Carlson, Oregon Health Authority, Drinking Water Services  
Shannon O'Fallon, Oregon Department of Justice  
Betsy Parry, Oregon Health Authority, Drinking Water Services