

Subject:	<b>Procedure for Follow-up of Rule Violations/Deficiencies identified in the Water System Survey</b>	Date:	8/6/12
Unit:	Technical services & DMCE (cm)	Revised:	4/18/14
<p>Purpose &amp; Scope: The purpose of this procedure is to provide staff guidance on actions to be taken in the follow-up to deficiencies/violations identified in the water system survey. "Agency" refers to the state DWS, County, or Dept of Ag technical contact. If any surface water is used, the requirements for surface water systems apply.</p>			

1. Significant deficiencies are clearly identified in the survey cover letter. For groundwater systems, deficiencies must be corrected, or a corrective action plan approved, exactly 18 weeks from the date of the cover letter. For surface water systems, deficiencies must be corrected, or a corrective action plan approved, exactly 7 weeks from the date of the cover letter.
2. When the completed survey and cover letter are submitted for data entry, a schedule to correct deficiencies will be set, with a due date 7 or 18 weeks later. This schedule will be viewable on Data On-line under "Site Visits."
3. Groundwater systems are required to respond to the survey within 30 days of the date of the letter by contacting the Agency. The purpose of this requirement is to confirm that the PWS received the water system survey report, and understands their responsibility to correct the rule violations/deficiencies identified in the report. In the event that the PWS fails to contact the Agency, the following actions should be taken:
  - Contact the PWS by telephone/email and document contact by writing and submitting a Contact Report.
  - The Agency should discuss the rule violations/deficiencies cited in the survey report with the PWS, and remind the PWS of the 18 week deadline to either correct the rule violations/deficiencies *or* have an approved Corrective Action Plan in place.
4. If the water system corrects all deficiencies prior to the deadline, they need to submit demonstration of the correction(s) in writing. Once reviewed and approved (written reports, photos, or site visit as necessary), inform DMCE at [dwp.dmce@state.or.us](mailto:dwp.dmce@state.or.us) that corrections have been completed and what date submitted/approved. DMCE will enter the completion dates, and no further action is needed.
5. If system needs additional time to correct the deficiencies, the operator must submit a written Corrective Action Plan including new deadline(s) for correction. If the plan needs adjusted work with the system to come to an agreement and have them resubmit a plan that is agreeable to both the system and Agency. Once approved, inform DMCE via [dwp.dmce@state.or.us](mailto:dwp.dmce@state.or.us) of the deadline(s) and which deficiencies will be completed by that date. Include the date that the system submitted the approved plan. DMCE will enter the corrective action plan date to display online. For example, the coliform sampling plan will be completed April 10, and the Operations and Maintenance Manual will be completed June 4. Include a note that the other deficiencies are corrected for documentation purposes.

6. As a deadline to complete correction nears and if no completion date has been entered, DMCE will send a reminder email to the Agency representative that this deadline is approaching. If the Agency representative agrees the schedule needs to be modified, the operator must submit a revised plan in writing.
7. In the event that the PWS fails to correct deficiencies by the due date and no Corrective Action Plan is submitted, a Tier 2 violation will be issued. Tier 2 violations will be generated and reviewed monthly including a review of items submitted by the system after the due date but within the month reviewed. Once validated, the system is required to post a public notice and submit a copy to DWS. If late submittal has occurred, inform the system that a Tier 2 Public Notice is required. If no action by the system has occurred then the Agency should send the PWS a follow-up letter (see Standard Format Letter included on pages 3 and 4 of this document), in which the PWS is notified of the following:
  - Requirement that a Tier 2 Public Notice be issued for failure to correct violations/deficiencies within specified timeframe [OAR 333-061-0076(7)].
  - Requirement that corrections be completed or a Corrective Action Plan (1<sup>st</sup> or updated as appropriate for the system) submitted to the Agency within 30 days.
  - Failure to issue the required Public Notice AND failure to submit proof of correction of rule violations/deficiencies or have an approved Corrective Action Plan in place, could result in formal enforcement.
8. In the event that the PWS fails to meet the Public Notice Deadline and/or fails to be on an approved Corrective Action Plan, the following action should be taken:
  - If no public notice is received by DWP then a Public Notice violation will also be issued.
  - If no Corrective Action Plan is submitted, then the Agency should send a request for enforcement action to the DWP Enforcement Section. The request must include a summary of follow-up actions taken by Agency regarding the rule violations/deficiencies to date. This can also lead to the assessment of civil penalties.

*Standard Format Letter*

**Month Date, Year**

[PWS CONTACT]  
[PWS ADDRESS]

**Re: Water System Survey Significant Deficiencies/Rule Violations  
[PWS NAME], [PWS NUMBER]**

Dear [PWS CONTACT]:

A water system survey was completed for [PWS NAME] on [SURVEY DATE] identifying significant deficiencies and rule violations to be corrected. A letter and copy of the survey report were mailed to your attention on [SURVEY LETTER DATE]. Oregon Administrative Rule (OAR) 333-061-0076(6)([a for SW/GWUDI or b for GW]) requires water systems that use [surface water/GWUDI or groundwater] sources to have completed corrective action or be in compliance with a Department-approved corrective action plan within [45 or 120] days of receiving written notice of a significant deficiency.

The [PWS NAME] was to complete corrective action by [7/18 WEEKS FROM SURVEY LETTER DATE] or have a Department-approved corrective action plan with a reasonable timeframe to complete the corrective action. To date, this information has not been received. As a result, the [PWS NAME] is in violation and is now subject to formal enforcement which could include the assessment of civil penalties. In order to return to compliance and avoid formal enforcement action, your corrective action plan to the water system survey report **must be received and approved by [+30 DAYS FROM LETTER DATE]**. Please send information to: [DWP/COUNTY CONTACT NAME AND ADDRESS]. A copy of the survey letter is enclosed for your reference.

Since [PWS NAME] failed to take action within the required timeframe, you **must provide notification** to all persons served by the water system as soon as practical and by no later than 30 days after the date of this letter. The public notice must include the mandatory language and corrective action taken. You are also required to issue a repeat notice every three months until all deficiencies are corrected or you are in compliance with an approved corrective action plan. A copy of the Tier 2 public notice instructions and template are enclosed.

A copy of the public notice must be sent to the Oregon Health Authority - Drinking Water Program, PO Box 14350, Portland, OR 97293-0350 within ten (10) days after completion to certify that the [PWS NAME] has fully complied with the distribution and public notification requirements.

Please contact me by phone at [CONTACT PHONE] or via email at [CONTACT EMAIL] if you have questions or comments.

I appreciate your immediate attention to this matter.

Sincerely,

[DWP OR COUNTY CONTACT]

Enclosures: Tier 2 public notice template  
Survey letter

cc: OHA-DWP Portland file