

Subject:	Procedure for Follow-up of Deficiencies identified in the Water System Survey	Date:	8/6/12
Unit:	Tech services & DMCE (CM, TS, KS, CL) MB	Revised:	8/20/15, 3/4/2020
Purpose & Scope: The purpose of this procedure is to provide guidance on actions to be taken in the follow-up to deficiencies identified in the water system survey.			

1. This procedure is preceded by the Water System Survey procedure, which includes details on how to conduct the survey and necessary information for the cover letter.
2. Significant Deficiencies and rules violations listed on the survey forms will be referred to as “deficiencies” in this document.
3. When the completed survey and cover letter are submitted to DWS, due dates for the correction of deficiencies or a corrective action plan will be entered, exactly 7 or 18 weeks from the date of the letter. This date needs to match the due date specified in the letter. If this date falls on a holiday go to the next business day. This schedule will be viewable on Data On-line under “Site Visits”, or “Last Survey Date” hyperlink on PWS main page.
4. Groundwater systems are required to respond to the survey within 30 days of the date of the letter by contacting the regulating 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 deficiencies identified in the report. This date is not tracked in SDWIS, so the regulator needs to track it themselves. If the PWS fails to contact the regulating 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 deficiencies cited in the survey report with the PWS and remind the PWS of the 18 week deadline to either correct the rule deficiencies or have an approved corrective action plan in place.
5. The system should submit documentation that they corrected the deficiencies or submit their corrective action plan to the regulating agency. If the corrective action plan is acceptable, the regulating agency needs to submit documentation to DMCE by sending an email to Compliance.DW@state.or.us that lists the following:
 - the water system name and ID#
 - each deficiency (or “all” if applicable), the status and following date:
 - For corrected deficiencies: the date you were notified by the system
 - For approved corrective action plan: the approved due date.
6. As a deadline to complete correction nears and if no completion date has been entered, DMCE will send a reminder email two weeks before the deadline to the regulating agency that this deadline is approaching. The regulating agency should contact the system operator to remind them of the need to correct the issues. Explain the public health rationale for correcting the issue: eliminating a pathway for contamination, ensuring proper sampling or other procedures are followed, ensuring proper treatment, etc. Ask if any resources or assistance are needed, such as templates, web resources, or circuit rider assistance. Emphasize the importance of correcting the issue, particularly for priority items (see below). Document any contacts in a contact report. If the operator needs more time and the regulating agency agrees the schedule needs to be modified, the operator must submit a revised plan in writing. Follow steps outlined in step 5 above for a new corrective action plan.

7. Deficiencies do not have a point value associated to them and are not listed on the violations page or in the system score.
8. A tier 2 public notice is required within 30 days of missing a deadline of correcting a deficiency, or not submitting a corrective action plan. Reminding a system of this can help encourage compliance, as the system may not want to issue the public notice. However, violations will not be issued in SDWIS for not issuing a public notice.
9. If a due date is overdue by 1 month, DMCE will send a reminder email to the regulating agency that this deadline has passed. The regulating agency needs to continue to work with the water system to either correct the deficiencies and if needed be on a corrective action plan. Use the template letter found at the end of this procedure to follow up with the water system. To document when the follow-up letter was sent, enter the letter date into DWS Web Forms under Update Deficiencies. Select the water system, survey date, and add the letter date to the column titled Failure to Correct Deficiencies Letter Sent. If survey deficiencies have been resolved or a revised due date is given, add these dates to their respective columns to display on the water system's site visit page.
10. Formal enforcement by DWS will only be done for systems with priority deficiencies (see list in #11). Priority deficiencies will be presented in red on Data-Online. DWCE staff will review systems with uncorrected priority deficiencies and determine if formal enforcement is warranted. Enforcement, including issuing violations in SDWIS, will proceed as workload allows. The regulating agency may advise DMCE if they feel certain situations are more serious and enforcement would result in compliance more so than technical assistance, or if the significant deficiency or violation priority should be increased or decreased based on the specific circumstance.
11. Priority deficiencies are as follows. These are generally categorized as a direct pathway for contamination or inability to determine treatment effectiveness.
 - Well: Sanitary seal or casing not watertight
 - Well: No screen on existing well vent
 - Spring: No screen on overflow
 - Spring: Spring box not impervious durable material
 - Spring: Access hatch / entry not watertight
 - Storage: No screened vent
 - Storage: Roof and access hatch not watertight
 - Storage: No flap valve, screen, or equivalent on overflow
 - Treatment (UV): No intensity sensor with alarm or shut-off
 - Treatment (SW): Incorrect location for compliance turbidity monitoring
 - Treatment (Conventional/Direct filtration): No alarm or plant shut off for high turbidity
 - Treatment (Cartridge filtration): No pressure gauges before and after cartridge filter
 - Treatment (Cartridge filtration): Filters not changed according to manufacturer's recommended pressure differential
 - Treatment (Membrane filtration): Direct integrity testing not done at least daily
 - Treatment (DE filtration): Body feed not added with influent flow

Appendix A: 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 an 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. The system is not in compliance, and a corrective action plan is needed. Please submit your corrective action plan by [**+30 DAYS FROM LETTER DATE**] 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 need to 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 have 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,

[Regulator]

Enclosures: Tier 2 public notice template
Survey letter

cc: OHA-DWP Portland file