



May 20, 2025

Drinking Water Services Formal Enforcement

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Welcome and introductions



- Hello, I'm Brad Daniels.
- I work in the Drinking Water Services, Data Management, Compliance and Enforcement Unit.



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What to expect today

- What is formal enforcement.
- When formal enforcement may be triggered.
- What to do when preparing for formal enforcement or when it's already in place.
- Two case studies.

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Acronyms Used in this Presentation

- AO – administrative order
- BCA – bilateral compliance agreement
- PNC – priority non-complier

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What Counts as “Formal” Enforcement

1. Administrative orders,
 2. Bilateral compliance agreements, and
 3. Civil penalties.
- As of April 28, 2025:
 1. 15 water systems were addressed with an open/active AO,
 2. 13 water systems were addressed with an open/active BCA, and
 3. Two with a civil penalty.

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Here's a Picture to Break-up the Monotony



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Formal Enforcement Might be Necessary if:

- A water system is classified as a PNC,
- A water supplier fails to comply with a different, pre-existing formal enforcement, or
- A water supplier fails to comply with an informal compliance schedule.

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Overdue Informal Compliance Actions That Could Lead to Formal Enforcement

1. Lead or copper action level exceedance (recommendation for treatment or treatment installation),
2. Confirmed source *E. coli* (correct deficiencies or submit plan),
3. Coliform investigation (installing residual maintenance or not correcting sanitary defects), and
4. MCL violation notices and warning letters.

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Formal Enforcement Basics

- Health based violations and community water systems may be prioritized over other systems.
- Formal Enforcement for PNC status is typically initiated after a water system is a PNC for four or five months.
- Formal Enforcement for overdue informal compliance is typically initiated 30 to 60 days after a deadline is missed.
- DWS typically notifies agencies/staff that formal enforcement may be necessary. It rarely happens in the other direction.
- There is no standard timeframe for compliance actions. Deadlines for monitoring are typically 30 or 60 days unless samples must be collected at a specific time.

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Formal Enforcement Basics Continued

Drinking Water Data Online

Introduction :: Data Search Options :: Water System Search :: DWS Home :: DWS Rules :: Quick Data Links

PWS ID: 05889 ---- WELLS CREEK DIST IMPROV CO OR41

Compliance and Enforcement Schedules

Showing 1 to 14 of 14 records

Type of Action	Date Issued	Due Date	Closed Date
Administrative Order	Sep 27, 2024		Open
ISSUE PUBLIC NOTICE		Oct 28, 2024	Oct 28, 2024
SUBMIT COMPLIANCE ACTION PLAN		Nov 26, 2024	Overdue
Confirmed Source E. coli - Superseded	Dec 19, 2023		Sep 27, 2024
ISSUE PUBLIC NOTICE		Jan 1, 2024	Aug 19, 2024 - Late
CORRECT ALL DEFICIENCIES/SUBMIT PLAN/CO		Apr 22, 2024	No longer required
Microscopic Particulate Analysis (MPA) Required - Superseded	Jan 18, 2023		Sep 27, 2024
REPORT MPA SAMPLE(S)		May 15, 2023	No longer required
Coliform Investigation	Oct 3, 2022		Oct 14, 2022
COMPLETE LEVEL 1 INVESTIGATION		Nov 6, 2022	Oct 14, 2022
Microscopic Particulate Analysis (MPA) Required	Feb 16, 2021		Jan 18, 2023
REPORT MPA SAMPLE(S)		Dec 31, 2021	Jan 18, 2023 - Late
Coliform Investigation	Sep 28, 2020		Nov 9, 2020
LEVEL 1 INVESTIGATION - NO REPEATS		Oct 31, 2020	Nov 9, 2020 - Late

For questions about compliance schedules, please contact Brad Daniels, DWS Compliance Specialist, at 503-735-5438 or Bradley.K.DANIELS@oha.oregon.gov.

More information for this water system:

System Info :: Report for Lenders :: Alerts :: Violations :: Compliance & Enforcement :: Contacts & Advisors :: Site Visits :: Public Notice
 Coliform Summary :: Coliform Results :: Coliform Schedules :: LT2 :: GW/GWUDI Source Details :: Plan Review :: Annual Fee
 Chemical Summary :: Chemical Results :: Chemical Schedules :: Chemical Schedule Summary :: Arsenic RAA :: Cyanotoxins :: PFAS
 Lead & Copper :: DBP Sample Sites :: FANLs :: MRDL :: GWR 4-Log :: Turbidity :: SWTR :: LRAA :: DW Source Protection

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After Formal Enforcement is Issued

- If deadlines are not met, DWS may take additional actions within 30 to 60 days.
- Failure to comply with a BCA could lead to an AO (most common) or a civil penalty.
- Failure to comply with an AO would lead to a civil penalty.
- DWS typically issues a warning letter before imposing a civil penalty.
- DWS has limited options if civil penalties don't compel return to compliance.
- Formal enforcement will be closed after required compliance actions are completed, and (hopefully) all violations are returned to compliance.

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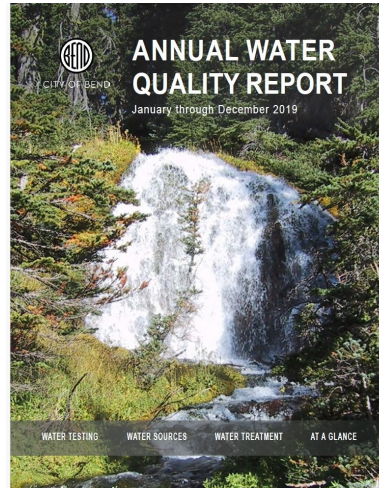
After Formal Enforcement is Issued

- If you are supposed to survey the water system, then you are supposed to track deadlines and progress.
- Good communication is vital. Do it in writing if possible and keep a record.
- Produce good documentation, both before and after formal enforcement is issued. Please.

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Case Studies



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Case Studies

- City of Bend (best possible outcome)
 - A BCA was executed to address the lack of treatment for *Cryptosporidium*.
 - The City began operation of a new water treatment plant in 2016.
 - The City completed every agreed-upon action ahead of schedule until the new treatment was operational.
 - A tracer study, the final action, was completed three weeks late.

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Case Studies



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Case Studies Continued

- Wells Creek District (worst possible outcome)
 - The District's source was confirmed to have *E. coli* present and also didn't meet construction standards.
 - DWS offered the District an opportunity to execute a BCA, which only required an action plan to resolve the situation and public notice. The District refused to sign the agreement.
 - DWS issued an AO to address the violations and resolve the situation. The AO included identical requirements to the BCA.
 - The District requested a contested case hearing (essentially appealing the AO).
 - During pre-hearing negotiations, the District's attorney stated their client wants to comply with the AO and would provide an action plan as part of a settlement.
 - More than six months after DWS issued the AO, the District has not provided an action plan or demonstrated any progress toward resolution.

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Discussion or Questions

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Public Health Division
Center for Health Protection
Drinking Water Services

<http://www.Oregon.gov/OHA>

<https://www.oregon.gov/oha/ph/HealthyEnvironments/DrinkingWater>

