

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

In the Matter of

The City of Amity

BILATERAL COMPLIANCE AGREEMENT

The City of Amity (City) owns and operates the public water system serving the inhabitants of Amity, Oregon, identified by public water system ID# OR4100041 and located in Yamhill County, Oregon. The Amity water system is a community water system serving approximately 1,600 people and subject to regulation according to ORS 448.115 to 448.290 and OAR 333-061-0005 to 333-061-0272.

The City is therefore a water supplier as defined in Oregon Revised Statute (ORS) 448.115(12) and Oregon Administrative Rule (OAR) 333-061-0020(211), and as a water supplier, has specific responsibilities that are identified in OAR 333-061-0025.

Pursuant to its authority under ORS 448.150, the Oregon Health Authority, Public Health Division, Center for Health Protection, Drinking Water Services (Authority) has reviewed sampling results reported for the Amity water system and determined that the amount of copper in tap water samples exceeds the action level (AL). This represents a potential public health hazard.

This agreement is entered into between the Authority and the City for the purpose of establishing a commitment by the City to install and operate optimized corrosion control treatment approved by the Authority and to demonstrate compliance with the AL for copper at the Amity water system.

FINDINGS OF FACT

- The AL for copper is 1.3 mg/L as specified by OAR 333-061-0030(1).
- Copper is an essential nutrient, but some people who drink water containing copper in excess of the AL over a relatively short amount of time could experience gastrointestinal distress. Some people who drink water containing copper in excess of the AL over many years could suffer liver or kidney damage. People with Wilson's Disease should consult their personal doctor [OAR 333-061-0097(2)(b)].
- Sampling results reported for the Amity water system exceeded the AL for copper as identified below in each of the following monitoring periods:
 - 1.410 mg/L in the period from January 1, 2008 to December 31, 2010;
 - 1.800 mg/L in the period from July 1, 2011 to December 31, 2011;
 - 1.470 mg/L in the period from July 1, 2013 to December 31, 2013; and
 - 1.412 mg/L in the period from July 1, 2015 to December 31, 2015.
- OAR 333-061-0034(2) and (3) require optimized corrosion control treatment to be installed at water systems when concentrations of lead or copper exceed the AL.
- The Authority directed the City to monitor copper in tap water samples every six months at the Amity water system in a letter dated February 20, 2009. The letter also directed the City to monitor water quality parameters and to evaluate corrosion control options.
- The Authority requested the City submit a plan for corrosion control treatment in a letter dated January 31, 2012.
- The Authority received the City's plan for corrosion control treatment on May 30, 2012. The plan called for the City to raise the pH to 7.8 and perhaps as high as 8.5 using soda ash. The Authority approved the City's corrosion control plan on June 6, 2012 and granted conditional approval for the project assigned plan review #87-2012.
- OAR 333-061-0034(2)(b)(E) requires optimal corrosion control treatment to be installed within 24 months after the Authority designates such treatment, but the City did not demonstrate optimal corrosion control treatment was installed by June 6, 2014 (24 months after the Authority conditionally approved the corrosion control plan).

- Water quality parameter monitoring reported by the City indicates the pH of treated water entering the distribution system was 7.8 or higher in only 7 daily readings since January 1, 2012. This demonstrates the City is not operating its corrosion control treatment according to the plan submitted to the Authority.
- Samples collected in November 2015 and reported for the Amity water system exceeded the AL for copper.

AGREEMENT

Upon completion of the activities described below, by the deadlines specified herein, the City will have satisfied the terms of this agreement and will be considered to be in compliance with the rule(s) mentioned hereto.

- Agreement Activity No. 1: The City agrees to submit updated plans for optimal corrosion control treatment at the Amity water system.
 - The plans will be submitted to the Authority no later than July 31, 2016.
 - The plans will include complete construction plans according to OAR 333-061-0060 if applicable for the construction or modification of any water system facilities at the Amity water system.
- Agreement Activity No. 2: The Authority agrees to conditionally approve the City's updated corrosion control plans submitted according to Agreement Activity No. 1 within two weeks of receipt.
- Agreement Activity No. 3: The City agrees to complete any necessary construction or modification of optimal corrosion control treatment at the Amity water system no later than October 31, 2016.
 - Any construction will meet all applicable construction standards specified in OAR 333-061-0050.
- Agreement Activity No. 4: The City agrees to report the results from two rounds of monitoring for lead and copper in tap water at the Amity water system.
 - The City will certify that monitoring was conducted according to the criteria specified in OAR 333-061-0036(2)(c)(A) and (B) at a minimum of 20 sample sites.

- The first round of monitoring will be conducted after the installation of treatment is completed and no later than December 31, 2016 with the results of the monitoring reported to the Authority no later than January 10, 2017.
- The second round of monitoring will be conducted between January 1 and June 30, 2017 with the results of the monitoring reported to the Authority no later than July 10, 2017.
- Agreement Activity No. 5: The City agrees to report the results of water quality parameter monitoring designated by the Authority and dependent upon the corrosion control treatment installed according to Agreement Activity No. 3. Monitoring will be conducted according to OAR 333-061-0036(2)(c)(F)(i), (ii) and (iv) and as specified below.
 - Water quality parameters will be collected at two sites in the distribution system at the same time as each of the two rounds of lead and copper tap water monitoring specified in Agreement Activity No. 4.
 - Water quality parameters will be collected at the entry point to the distribution system, after corrosion control treatment, every two weeks beginning when construction is complete and continuing until optimal water quality parameters are specified by the Authority according to Agreement Activity No. 6.
- Agreement Activity No. 6: The Authority agrees to review the City's installation of corrosion control treatment at the Amity water system and specify optimized water quality control parameters within 90 days of receiving the second round of monitoring results from lead and copper in tap water and the Authority-designated water quality parameter monitoring results according to Agreement Activities No. 4 and 5.
- Agreement Activity No. 7: After the Authority specifies optimal water quality control parameters, the City agrees to report the results of water quality parameter monitoring designated by the Authority according to OAR 333-061-0036(2)(c)(F)(v) and as specified below.
 - Water quality parameters will be collected at two sites in the distribution system within two weeks of the Authority specifying optimal water quality control parameters according to Agreement Activity No. 6.

- Water quality parameters will be collected at the entry point to the distribution system, after corrosion control treatment, every two weeks beginning when the Authority specifies optimal water quality control parameters according to Agreement Activity No. 6.

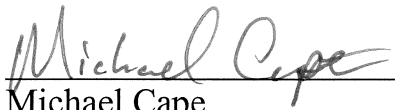
GENERAL PROVISIONS

This Agreement does not constitute a waiver, suspension or modification of the requirements of the Oregon Drinking Water Quality Act; ORS 448.115 to 448.285 and administrative rules OAR 333-061-0005 to 333-061-0272, which remain in full force and effect.

This Agreement does not relieve the City of any responsibilities or liabilities established pursuant to any applicable federal, state, or local law or regulation.

The Authority has determined that additional enforcement action is not warranted at this time, and so long as the City meets all of the requirements and deadlines specified in this Agreement, the Authority will forgo additional enforcement action which could include the assessment of civil penalties as prescribed by OAR 333-061-0090.

Dated this 27th day of June, 2016.



Michael Cape
Mayor
The City of Amity

Dated this 1 day of JULY, 2016.



Dave Leland, PE
Program Manager
Oregon Health Authority, Drinking Water Services

cc: Evan Hofeld, Oregon Health Authority, Drinking Water Services
Matt Johnson, City of Amity
Shannon O'Fallon, Oregon Department of Justice
Kari Salis, Oregon Health Authority, Drinking Water Services