



Oregon

Theodore R. Kulongoski, Governor

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BEFORE THE STATE OF OREGON
DEPARTMENT OF HUMAN SERVICES
OFFICE OF ENVIRONMENTAL PUBLIC HEALTH

RECEIVED
MAR 26 2009

FIELD SERVICES
DRINKING WATER PROGRAM

In the Matter of

Colton Water District, PWS
OR4100202

BILATERAL COMPLIANCE
AGREEMENT

Colton Water District is a water supplier as defined in Oregon Revised Statute (ORS) 448.115(12) and Oregon Administrative Rule (OAR) 333-061-0020(175).

Colton Water District, as a water supplier, has specific responsibilities that are specified in OAR 333-061-0025.

Colton Water District has at all times mentioned herein operated and continues to operate a transient non-community public water system, which serves between 301 and 1,500 people, and is subject to regulation under ORS 448.115 to 448.290 and OAR 333-061-0005 to 333-061-0295.

Pursuant to its authority under ORS 448.150, the Oregon Department of Human Services, Public Health Division, Office of Environmental Public Health, Drinking Water Program (Agency) has conducted an investigation into the operation of the water system operated by Colton Water District.

This agreement is entered into between the Agency and Colton Water District, for the purpose of acknowledging that the treatment plant operated by the Colton Water District does not currently meet the treatment requirements specified by OAR 333-061-0032. Additionally, the purpose of this agreement is to establish a commitment by Colton Water to meet the actions specified herein to improve the existing treatment plant and associated operations.

"Assisting People to Become Independent, Healthy and Safe"
An Equal Opportunity Employer



FINDINGS OF FACT

- Colton Water District's water treatment plant was evaluated on February 22, 2008 and determined to not meet standard water treatment plant design and operation. Specifically, filtration in the treatment plant is assessed to provide only 1.5 log removal of *Giardia lamblia*, but surface water treatment regulations require filtration processes to provide at least 2.0 log removal.
- A sanitary survey conducted on February 22, 2008 identified that Colton Water District does not have a procedure for accurately determining disinfection effectiveness. Specifically, there is no means to adequately determine the water flow rate through the contact chamber effluent line.
- The treatment plant operated by Colton Water District has not consistently met the requirement that at least 95% of samples collected every month have turbidity of 0.3 NTU or less as specified by OAR 333-061-0030(3)(b)(A).
- Colton Water District has appointed a certified engineer to oversee the upgrade of its water treatment plant and associated processes.
- Colton Water District has repaired the bearings on the flocculation paddles in its water treatment plant.

AGREEMENT

Upon completion of the activities described below, if taken within the time specified in this Agreement, Colton Water District will be considered to be in compliance with Nitrate sampling and MCL requirements, and will have fully satisfied the items in this agreement.

- Agreement Activity No. 1: Colton Water District will install a flowmeter on the effluent line from the water storage facility used for disinfection contact time no later than June 30, 2009. Colton Water District will notify the Agency within 7 days of completing this action.
 - Beginning immediately after the installation of the flowmeter as specified in this agreement activity, Colton Water District will calculate and record "CT" daily when its water treatment plant is in operation.

- Agreement Activity No. 2: Colton Water District will complete a tracer study to show that its disinfection process is meeting water treatment requirements. The tracer study will be completed no later than September 30, 2009.
- Agreement Activity No. 3: Colton Water District will ensure that the MCL for turbidity is met every day no later than October 31, 2009.
- Agreement Activity No. 4: Colton Water District will complete a Water System Operations Manual as described in OAR 333-061-0064(2) no later than December 31, 2009.
- Agreement Activity No. 5: Colton Water District will continue to issue public notice for failure to meet surface water treatment requirements. Colton Water District will continue to issue the public notice quarterly until all system users receive drinking water that meets all applicable state and federal drinking water laws and rules. A copy will be submitted to the Agency no later than 10 days after completing the public notification. The notice will be delivered to each customer receiving water from the Colton Water District. Please submit the public notice to: DHS – Drinking Water Program, PO Box 14350, Portland, OR 97293-0350.

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 333-061-0050 to 333-061-0295, which remain in full force and effect.

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

The Agency has determined that formal enforcement action is not warranted at this time, and so long as Colton Water District complies with the actions and deadlines herein agreed upon, the Agency will forgo any additional enforcement action.

Colton Water District


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Dated this 17th day of March, 2009.



Jason Carroll
President, Board of Directors
Colton Water District

Dated this 14th day of APRIL, 2009.



David Leland
Program Manager
Oregon Department of Human Services, Drinking Water Program

cc: Peter Farrelly, DHS-DWP
Chris Hughes, DHS-DWP