

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

In the Matter of

Lyons-Mehama Water District,
PWS OR4100493

AMENDED BILATERAL COMPLIANCE
AGREEMENT

Lyons-Mehama Water District (The District) entered into a bilateral compliance agreement (BCA) with the Oregon Health Authority, Public Health Division, Center for Health Protection, Drinking Water Services (DWS) on July 13, 2011. The BCA set forth actions that the District would complete to ensure the correction of significant deficiencies identified at the Lyons-Mehama water system. The District satisfied some of the terms of the BCA, but was unable to meet others due to delays beyond its control.

The District is 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.

The District has at all times mentioned herein owned and operated, and continues to own and operate, a community public water system serving approximately 1,875 people in both Linn and Marion Counties, and is subject to regulation under ORS 448.115 to 448.290 and OAR 333-061-0005 to 333-061-0290.

Pursuant to its authority under ORS 448.150, the Oregon Health Authority, Public Health Division, Office of Environmental Public Health, Drinking Water Program (Program) has reviewed the operation of the Lyons-Mehama water system.

This agreement is entered into between DWS and the District for the purpose of acknowledging that significant deficiencies remain from the August 12, 2010 sanitary survey at the Lyons-Mehama water system, and that those deficiencies are required to be corrected as soon as possible. The further purpose of this agreement is to establish a commitment by the District to correct each the remaining uncorrected significant deficiencies by the schedule agreed upon.

This agreement supersedes and replaces the Bilateral Compliance Agreement that was effective between the parties on July 29, 2011 after being signed by DWS.

FINDINGS OF FACT

- DWS conducted a sanitary survey at the Lyons-Mehama water system on August 12, 2010, and twelve significant deficiencies were identified during the survey. These deficiencies were listed in a letter dated August 27, 2010 and required to be corrected as prescribed by OAR 333-061-0076(6) and (8).
- DWS conducted an inspection of the water treatment plant operated by the District on March 10, 2011, and also reviewed progress made to correct the deficiencies listed in the August 27, 2010 letter. Eight significant deficiencies were found to have been corrected, but four deficiencies remained outstanding and were identified in a letter dated March 29, 2011. Those deficiencies were:
 1. Failure to maintain a pressure of at least twenty (20) pounds per square inch (psi) at all service connections as required by OAR 333-061-0025(7);
 2. Failure to maintain a current master plan as required by OAR 333-061-0060(5);
 3. Failure to comply with cross connection control requirements as required by OAR 333-061-0070; and
 4. Failure to maintain a current operations and maintenance manual as required by OAR 333-061-0065(4).
- Due to the complexity of the deficiencies identified above and the number of deficiencies completed prior to the water treatment plant inspection on March 10, 2011, DWS agreed to extend a previously approved schedule for correcting each of the deficiencies.

- The District and DWS entered into a BCA on July 13, 2011.
- The District submitted a copy of its ordinance establishing a cross connection control program on August 16, 2011.
- The District submitted to DWS an action plan on January 24, 2012 identifying how it would ensure every connection served by the Lyons-Mehama water system consistently has water pressure of at least twenty psi.
- The District prepared and submitted to DWS, a draft copy of an operations and maintenance manual for the Lyons-Mehama water system on March 8, 2012. A final version of the manual was submitted to DWS on August 30, 2012.
- The District originally agreed to prepare a Master Plan by June 30, 2012, but did not complete this activity by the agreed upon deadline. The District has contracted with CH2M HILL to complete the Master Plan and is projecting that the final plan will be completed and approved by the board of directors by March 31, 2013.
- The District has requested that the Linn County Road Department vacate a section of county road so that a booster pump station can be constructed. The district has not begun engineering the booster pump station, but expects to complete the project by October 15, 2013.
- The District officially requested, on December 28, 2012, additional time to complete a Master Plan and to ensure 20 psi at all service connection.

AGREEMENT

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

- Agreement Activity No. 1: The District will demonstrate no later than October 31, 2013, based upon a physical inspection of infrastructure at the Lyons-Mehama water system by DWS personnel, that every connection served by the water system consistently has water pressure of at least twenty psi.
- Agreement Activity No. 2: The District will prepare a master plan as prescribed by OAR 333-061-0060(5) and submit that plan to DWS no later than April 15, 2013.

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 333-061-0290, which remain in full force and effect.

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

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


If the terms specified in this bilateral compliance agreement are not satisfied by the applicable deadlines, DWS will proceed with the issuance of an administrative order to compel compliance at the Lyons-Mehama water system.

Dated this 15 day of January, 2013.




William Grimes
Superintendent
Lyons-Mehama Water District

Dated this 30 day of JAN, 2013.


George Geddes
Chairperson
Lyons-Mehama Water District

Dated this 6 day of FEBRUARY, 2013.


Dave Leland
Section Manager
Oregon Health Authority, Drinking Water Services

cc: Karen Kelley, OHA-DWP
Jay MacPherson, OHA-DWP