

PUBLIC HEALTH DIVISION  
Center for Health Protection, Drinking Water Services  
John A. Kitzhaber, MD, Governor

Oregon  
**Health**  
Authority

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

RECEIVED  
MAR 26 2013

Drinking Water Program  
Pendleton Office

In the Matter of

The City of Monument, PWS  
OR4100541

BILATERAL COMPLIANCE AGREEMENT

The City of Monument (the City) 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 City has at all times mentioned herein owned and operated, and continues to own and operate, the City of Monument public water system serving the population of Monument, Oregon. The Monument public water system is a community water system serving approximately 130 people 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, Center for Health Protection, Drinking Water Services (DWS) has reviewed the operation of the Monument water system.

This agreement is entered into between DWS and the City, for the purpose of acknowledging that the water source for the Monument water system has been classified as groundwater under the direct influence of surface water. The further purpose of this agreement is to establish a commitment by the City to construct and install an approved filtration system that meets all applicable compliance and construction standards.

### FINDINGS OF FACT

- A water sample was collected on May 18, 2011 from the well which serves the Monument water system and is identified by well log GRAN 107. A microscopic particulate analysis was completed for the water sample and the water was determined to be under the direct influence of surface water due to the abundances of surface water indicators.
- DWS mailed a letter to the City on June 10, 2011 officially notifying it of the determination regarding water produced by the well and identifying several methods to achieve compliance with water treatment requirements. The letter also stipulated that compliance with surface water treatment requirements is required within eighteen months of the date of the letter.
- On May 29, 2012 Robert Henry of HBH Consulting Engineers contacted the City to provide assistance with the development of a new groundwater source or the selection of surface water treatment. On August 2 and 3, 2012 Robert Henry provided the City cost estimates for the construction of slow sand and cartridge filtration technologies for the City's water source.
- OAR 333-061-0032(1)(c) requires water systems that have been determined to be under the direct influence of surface water to meet surface water treatment requirements within eighteen months of that determination. DWS determined the Monument water system to be using groundwater under the direct influence of surface water on June 10, 2011. December 10, 2012 was approximately eighteen months from June 10, 2011, but as of February 1, 2013 the Monument water system is not in compliance with the appropriate surface water treatment requirements.

### 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 will submit complete construction plans to DWS identifying the filtration treatment to be installed at the Monument water system no later than December 31, 2014.

- The construction plans will meet all the applicable requirements of OAR 333-061-0060 and have sufficient detail to completely and clearly illustrate what will be constructed.
- Agreement Activity No. 2: the City will complete construction and installation of filtration treatment at the Monument water system within eighteen months of conditional approval being granted by DWS.   
*or construction of a new source.* CU
- Construction will be completed in accordance with the plans approved by DWS and submitted as specified in Agreement Activity No. 1.
- Construction of filtration treatment, including any other necessary improvements, will proceed in accordance with the construction standards specified in OAR 333-061-0050.
- Agreement Activity No. 3: the City will submit to DWS a statement by a professional engineer registered in Oregon certifying that the project has been constructed in accordance with the approved plans and specifications as required by OAR 333-061-0060(2)(b) within thirty (30) days of completing construction.
- Agreement Activity No. 4: the City will allow for an inspection of the filtration treatment at the Monument water system within thirty (30) days of completing construction.
- Agreement Activity No. 5: the City will publish public notice for failing to meet minimum surface water treatment requirements. The notice will meet all of the applicable requirements of OAR 333-061-0042(4) and be distributed so that every person served by the Monument water system receives the notice. The notice will be reissued every three months, until all corrections are made, and all system users receive drinking water that meets all applicable state and federal drinking water laws and rules (OAR 333-061-025 and OAR 333-061-0042(3)(b)(C)). A copy of the notice and certification of the method of distribution must be submitted to DWS no later than 10 days after completing the public notification per OAR 333-061-0040(1)(j).
- Submit copies of the public notice to: Bill Goss, OHA Drinking Water Services, 700 SE Emigrant Ave. Suite 240, Pendleton, OR 97801.

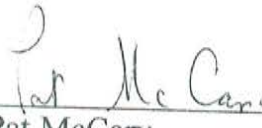
GENERAL PROVISIONS

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 City 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 City 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.

Dated this 21 day of March, 2013.

  
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Pat McCary  
City Council President  
City of Monument

Dated this 4 day of April, 2013.

  
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Karen Kelley, R.E.H.S.  
Interim Section Manager  
Oregon Health authority, Drinking Water Services

cc: Bill Goss, OHA-DWS  
City of Monument