

BEFORE THE STATE OF OREGON
OREGON HEALTH AUTHORITY
OFFICE OF ENVIRONMENTAL PUBLIC HEALTH

In the Matter of

Clackamas River Water - Clairmont,
PWS OR4100594

BILATERAL COMPLIANCE AGREEMENT

Clackamas River Water (CRW) is a water supplier as defined in Oregon Revised Statute (ORS) 448.115(12) and Oregon Administrative Rule (OAR) 333-061-0020(211), and owns and operates Clackamas River Water - Clairmont, which is a community public water system serving over 10,000 people and 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 CRW - Clairmont water system.

This agreement is entered into between the Program and CRW for the purpose of acknowledging that sampling results indicate that water provided by CRW- Clairmont exceeds the action level (AL) for lead as specified in OAR 333-061-0030(1). Additionally, the purpose of this agreement is to establish a commitment by CRW to install optimal corrosion control for CRW- Clairmont and to demonstrate compliance with the AL for lead.

FINDINGS OF FACT

- In 2007 CRW brought a new groundwater source online to provide additional water supply, but the new water source resulted in unintended changes to water chemistry which may have contributed to lead levels exceeding the AL.
- Twenty-eight water samples collected from sites within CRW- Clairmont on August 27, 2008 indicated a lead concentration of 0.0360 mg/L when calculated as prescribed by OAR 333-061-0030(1)(c). This exceeds the AL for lead of 0.015 mg/L.
- Seventy-six water samples collected from sites within CRW- Clairmont on September 10, 2009 indicated a lead concentration of 0.0230 mg/L when calculated as prescribed by OAR 333-061-0030(1)(c). This exceeds the AL for lead of 0.015 mg/L.

AGREEMENT

The Program has determined that CRW must install optimal corrosion control to effectively prevent lead from exceeding the AL within CRW - Clairmont.

Upon completion of the activities described below, if taken within the time specified in this Agreement, CRW will have fully satisfied the terms of this agreement.

- Agreement Activity No. 1: CRW will submit a written recommendation to the Program, with any applicable supporting data and documentation no later than August 1, 2011. The recommendation will identify what specific infrastructure or operational changes are necessary related to the water treatment and distribution systems of CRW- Clairmont, and when CRW will complete the necessary changes in order to comply with the AL for lead.
- Agreement Activity No. 2: CRW will submit plans to the Program no later than April 30, 2012 for making the necessary infrastructure or operational changes related to the water treatment and distribution systems in order to comply with the AL for lead. The plans shall meet all the applicable requirements of OAR 333-061-0060, and have sufficient detail to completely and clearly illustrate what is to be constructed.
 - Plan review materials will be submitted to: Marsha Fox, DHS – Drinking Water Program, PO Box 14450, Portland, OR 97293-0450.

- Agreement Activity No. 3: CRW will complete construction and installation of the project approved in accordance with Agreement Activity No. 2 no later than September 30, 2012. Any related physical or infrastructure changes at CRW-Clairmont will meet the applicable construction standards specified in OAR 333-061-0050.
- Agreement Activity No. 4: CRW will collect samples for lead and copper at CRW-Clairmont no later than December 31, 2012. Specifically:
 - CRW will collect samples for lead and copper in tap water from at least sixty (60) sites in accordance with OAR 333-061-0036(2)(c); and
 - CRW will collect samples for water quality parameters in accordance with OAR 333-061-0036(2)(c)(F)(iv).
- Agreement Activity No. 5: All sampling results collected as prescribed by Agreement Activity No. 4 will be submitted to the Program no later than January 10, 2013, and must show that lead concentrations are below the action level as specified in OAR 333-061-0030(1).
- Agreement Activity No. 6: CRW will collect samples for lead and copper at CRW-Clairmont between January 1, 2013 and June 30, 2013. Specifically:
 - CRW will collect samples for lead and copper in tap water from at least sixty (60) sites in accordance with OAR 333-061-0036(2)(c); and
 - CRW will collect samples for water quality parameters in accordance with OAR 333-061-0036(2)(c)(F)(iv).
- Agreement Activity No. 7: All sampling results collected as prescribed by Agreement Activity No. 6 will be submitted to the Program no later than July 10, 2013, and must show that lead concentrations are below the action level as specified in OAR 333-061-0030(1).
- Agreement Activity No. 8: CRW will continue to regularly publish public education materials in accordance with OAR 333-061-0034(5)(c)(C) until the completion of all other activities specified in this agreement.

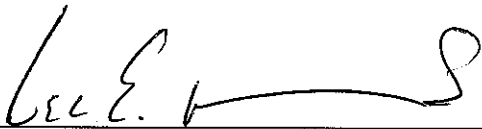
GENERAL PROVISIONS

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

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

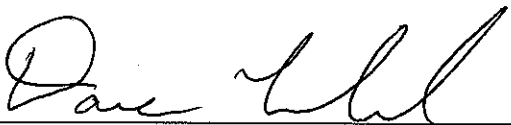
The Program has determined that formal enforcement action is not warranted at this time, and so long as CRW complies with the actions and deadlines hereto agreed upon, the Program will forgo any additional enforcement action which could include the assessment of civil penalties as prescribed by OAR 333-061-0090.

Dated this 17TH day of FEBRUARY, 2011.



Lee E. Moore, Sr.
General Manager
Clackamas River Water

Dated this 18th day of FEBRUARY, 2011.



Dave Leland
Manager
Oregon Health Authority, Drinking Water Program

cc: Pete Farrelly, DHS-DWP
Chris Hughes, DHS-DWP
Gordon McGhee, Clackamas River Water