

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

In the Matter of

The City of Reedsport

BILATERAL COMPLIANCE AGREEMENT

The City of Reedsport owns and operates the public water system serving the city and residents of Reedsport, Oregon. The Reedsport water system is a community public water system serving approximately 4,800 people, identified by public water system ID# OR4100699 and is subject to regulation according to Oregon Revised Statutes 448.115 to 448.290 and Oregon Administrative Rules 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). As a water supplier, the City has specific responsibilities that are identified in OAR 333-061-0025.

Pursuant to its authority established in ORS 431A.010 and ORS 448.255, the Oregon Health Authority, Public Health Division, Center for Health Protection, Drinking Water Services (Authority) reviewed the operation of the Reedsport water system. This review found that water treatment for *Cryptosporidium* was not installed at the Reedsport water system by the compliance date set forth in rule.

This agreement is entered into between the Authority and the City for the purpose of establishing a commitment by the City to install water treatment to inactivate or remove *Cryptosporidium*.

FINDINGS OF FACT

- OAR 333-061-0032(1)(a)(F)(iii) identifies dates by which *Cryptosporidium* treatment must be provided at water systems using surface water sources and specifies the Authority may allow up to an additional two years at water systems where capital improvements are being made.
- OAR 333-061-0032(1)(a)(F)(iii)(II) requires *Cryptosporidium* treatment be provided by October 1, 2014 at water systems serving fewer than 10,000 people. Due to capital improvements this deadline was extended to October 1, 2016. The City did not meet the deadline for providing treatment as required.
- The mean *Cryptosporidium* level was determined to be 0.00 oocysts/L in source water at the Reedsport water system.
- OAR 333-061-0032(3)(e)(A) requires at least 2-log *Cryptosporidium* inactivation be provided at water systems using surface water sources without filtration treatment and where monitoring indicates a mean *Cryptosporidium* level of 0.01 oocysts/L or less.
- OAR 333-061-0032(3)(f) requires that chlorine dioxide, ozone or ultraviolet light disinfection be used for *Cryptosporidium* inactivation at water systems using surface water sources without filtration treatment.
- OAR 333-061-0032(3)(g) requires, in part, that a minimum of two disinfectants be used at water systems using surface water sources without filtration treatment.
- The City has contracted for the construction of water treatment apparatuses to meet *Cryptosporidium* treatment requirements. Construction is scheduled to be completed on or before August 20, 2017.

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 ensure that construction and installation of the water treatment facilities specified in Authority plan review #162-2016 are completed no later than October 1, 2017.

- Construction of all improvements or modifications at the Reedsport water system must meet the applicable construction standards specified in OAR 333-061-0050.
- Agreement Activity No. 2: The City agrees to demonstrate that water delivered to the customers of the Reedsport water system meets the applicable treatment requirements specified in OAR 333-061-0032(1) through (3) and OAR 333-061-0036(5) no later than December 1, 2017.
- Agreement Activity No. 3: The City agrees to immediately publish public notice for failing to provide *Cryptosporidium* treatment and to submit a copy of the notice to the Authority within 30 days of signing this agreement. 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 Reedsport water system receives the notice.
 - 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 333-061-0025 and OAR 333-061-0042(3)(b)(C)). A copy of the notice and certification of the method of distribution must be submitted to the Authority no later than 10 days after completing the public notification per OAR 333-061-0040(1)(i).
 - The City shall submit a copy of each public notice to: Brad Daniels, Oregon Health Authority, Drinking Water Services, PO Box 14450, Portland, OR 97293-0450.

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.

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If, for reasons beyond the City's control, the activities or deadlines agreed to herein can't be met, the City must request an extension in writing, identifying the reasons for the delay and proposing a new deadline. The Authority will review the request and if appropriate, consider amending this agreement.

Dated this 4th day of APRIL, 2017.



Jonathan Wright, City Manager
City of Reedsport

Dated this 10th day of April, 2017.



David Emme, Manager
Oregon Health Authority, Drinking Water Services

cc: Casey Lyon, Oregon Health Authority, Drinking Water Services
John Stokes, City of Reedsport
Rebecca Templin, Oregon Health Authority, Drinking Water Services