



Oregon

Theodore R. Kulongoski, Governor

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

In the Matter of

Arch Cape Water District, PWS
OR4100802

BILATERAL COMPLIANCE
AGREEMENT

Arch Cape Water District is a water supplier as defined in Oregon Revised Statute (ORS) 448.115(12) and Oregon Administrative Rule (OAR) 333-061-0020(194).

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

Arch Cape Water District has at all times mentioned herein operated and continues to operate a community public water system, 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 investigated the operation of the water system operated by Arch Cape Water District.



This agreement is entered into between the Agency and Arch Cape Water District for the purpose of acknowledging that sample results for water provided by Arch Cape Water District exceed the maximum contaminant level (MCL) for turbidity and for haloacetic acids(5) (HAA5). The purpose of this agreement is also to establish a commitment to reduce both filtered water turbidity and the concentration of HAA5 in water at Arch Cape Water District.

FINDINGS OF FACT

- The running annual average for HAA5 at Arch Cape Water District, including the sample received December 11, 2008, was 0.0669 mg/L. This exceeds the MCL for HAA5 of 0.060 mg/L as specified in OAR 333-061-0030(2)(b).
- The treatment plant operated by Arch Cape 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).
- Arch Cape Water District has issued public notice as required for exceeding the MCL for HAA5.
- Arch Cape Water District has been awarded a low-interest loan from the State Revolving Loan Fund to construct a new water treatment plant.

AGREEMENT

Upon completion of the activities described below, on or before the deadlines specified in this agreement, Arch Cape Water District will be considered to be in compliance with the MCL for turbidity and for HAA5, and will have fully satisfied the items in this agreement.

- Agreement Activity No. 1: Arch Cape Water District will submit construction plans for a new water treatment plant no later than January 31, 2010.
- Agreement Activity No. 2: Arch Cape Water District will complete construction of a new water treatment plant no later than February 28, 2012.

- Agreement Activity No. 3: Arch Cape Water District will submit quarterly sampling results showing that the running annual average for HAA5 samples is below the MCL no later than June 30, 2012.
- Agreement Activity No. 4: Arch Cape Water District will demonstrate that all system users receive drinking water that consistently meets all applicable state and federal drinking water laws and rules no later than June 30, 2012.
- Agreement Activity No. 5: Arch Cape Water District will continue to issue public notice for exceeding the MCL for turbidity and for HAA5. The notice will be distributed quarterly 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)).

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 Arch Cape 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 Arch Cape Water District complies with the actions and deadlines herein agreed upon, the Agency will forgo any additional enforcement action.

Arch Cape Water District
Page 4

Dated this 15th day of September, 2009.



Steve Hill
President
Arch Cape Water District

Dated this 22nd day of SEPTEMBER, 2009.



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

cc: Evan Hofeld, DHS-DWP