



# 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

The Oregon Youth Authority's  
MacLaren Youth Correctional Facility,  
Public Water System (PWS)  
OR4100960

BILATERAL COMPLIANCE  
AGREEMENT (BCA)

MacLaren Youth Correctional Facility (MacLaren YCF) is a water supplier as defined in Oregon Revised Statute (ORS) 448.115(12) and Oregon Administrative Rule (OAR) 333-061-0020(194).

MacLaren YCF, as a water supplier, has specific responsibilities that are specified in OAR 333-061-0025.

MacLaren YCF 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 reviewed the operation of the water system operated by MacLaren YCF.



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This BCA is entered into between the Agency and MacLaren YCF, for the purpose of acknowledging that current sample results for water provided by MacLaren YCF exceed the Maximum Contaminant Level (MCL) for arsenic per OAR 333-061-0030(1). The purpose of this BCA is also to establish an agreement between MacLaren YCF and the Agency to reduce the arsenic level in drinking water provided by MacLaren YCF below the MCL.

### FINDINGS OF FACT

- In 2006 the MCL for arsenic was reduced from 0.050 to 0.010 mg/L. Arsenic sampling results for MacLaren YCF from 1996 to 2005 averaged 0.01861 mg/L, which was below the MCL at the time, but above the new MCL adopted in 2006. Samples collected by MacLaren YCF on April 12, 2006 had arsenic levels of 0.0163 and 0.0189 mg/L.
- Arsenic sampling results for MacLaren YCF, since 2006 have averaged 0.0168 mg/L and the system has conducted quarterly sampling for arsenic while corrective options were implemented.
- MacLaren YCF has issued public notice as required for exceeding the MCL for arsenic.
- MacLaren YCF contracted with Westech Engineering, Inc to provide design options for reducing arsenic levels in its drinking water below the MCL.
- MacLaren YCF submitted engineering plans for a treatment system to reduce arsenic levels in its drinking water below the MCL. A trial was conducted and the test system successfully reduced the level of arsenic below the MCL. The treatment system has been ordered and is expected to arrive in six to eight weeks.

### AGREEMENT

Upon completion of the activities described below, MacLaren YCF will be in compliance with arsenic sampling and MCL requirements, and will have fully satisfied the terms of this agreement.

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- Agreement Activity No. 1: MacLaren YCF will continue to conduct quarterly arsenic sampling, and report sample results within 10 days of the end of the monitoring period.
- Agreement Activity No. 2: MacLaren YCF will complete construction and installation of the treatment system specified by plan review #90-2009 no later than November 30, 2009.
- Agreement Activity No. 3: MacLaren YCF will provide drinking water that consistently meets all applicable state and federal drinking water laws and rules no later than December 31, 2009.
- Agreement Activity No. 4: MacLaren YCF, per OAR 333-061-0042(2)(b), will continue to issue a public notice for exceeding the MCL for arsenic. MacLaren YCF will issue the public notice approved by the Agency and Marion County on September 16, 2008, 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)). MacLaren YCF will notify the Agency quarterly, in writing, that it has confirmed that the public notice postings are still in place.
  - Please submit the quarterly notifications to: DHS – Drinking Water Program, PO Box 14350, Portland, OR 97293-0350. Submit an additional copy of the quarterly notification to Carolyn Stegall of Marion County Environmental Health, 3180 Center Street NE #2274, Salem, OR 97301-4592.

If, for reasons beyond MacLaren YCF's control, the deadlines listed above cannot be met, MacLaren YCF must submit a request for an extension to the Agency, with an explanation for why the deadline cannot be met, and proposing a new deadline. The Agency shall review the request for extension, and if appropriate, adjust the deadlines as necessary.

### 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.

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This Agreement does not relieve the MacLaren YCF 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 because MacLaren YCF has made good faith efforts to resolve this issue, including but not limited to: working to secure funding for the improvements, providing bottled water until the improvements are made, and contracting with an engineering firm to resolve the issue. So long as MacLaren YCF complies with the actions and deadlines hereto agreed upon, the Agency will forgo any enforcement action.

Dated this 27 day of July, 2009.

  
\_\_\_\_\_  
Jean Straight  
Business Services Manager  
Oregon Youth Authority

Dated this 12<sup>th</sup> day of August, 2009.

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

cc: Gregg Baird, DHS-DWP  
Rex Emery, Oregon Youth Authority  
Chris Hughes, DHS-DWP  
Susan Kanclier, Oregon Department of Justice  
Shannon O'Fallon, Oregon Department of Justice  
Harold Rogers, USEPA  
Carolyn Stegall, Marion County Environmental Health