

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

In the Matter of

Midland Water Association, Inc., PWS
OR4101139

BILATERAL COMPLIANCE
AGREEMENT

Midland Water Association, Inc. (Midland) 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.

Midland has at all times mentioned herein owned and operated and continues to own and operate a community public water system west of Clatskanie, Oregon near the intersection of Colvin Road and Maple Lane, and which serves between 101 and 300 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, Office of Environmental Public Health, Drinking Water Program (Program) has conducted an investigation of the operation of the Midland water system.

This agreement is entered into between the Program and Midland for the purpose of acknowledging that Midland does not currently employ or utilize a certified operator to be responsible for the water treatment process and distribution system at the Midland water system, and that the treatment plant recently failed to meet treatment requirements.

The further purpose of this agreement is to establish a commitment by Midland to make improvements at the water treatment plant it operates, and to hire or contract with a certified operator to be in direct responsible charge of the water system.

FINDINGS OF FACT

- Midland exceeded the maximum contaminant level (MCL) for turbidity as specified in OAR 333-061-0030(3)(b)(A)(i) in December 2010 and March 2011.
- Midland was not able to accurately measure and record turbidity as required by OAR 333-061-0036(5)(b) and (d) in the months of February and March 2011 due to a failure of turbidity monitoring equipment.
- Midland did not meet the disinfection requirements specified in OAR 333-061-0032(5) during December 2010, and in January through March 2011.
- Midland did not calculate disinfection effectiveness every day as required by OAR 333-061-0036(5)(b)(B) in the month of February 2011.
- Midland currently does not employ or contract with a person, certified at the appropriate level, to serve as water treatment plant operator, which is required by OAR 333-061-0225(1).
- Midland has published public notice appropriate to the situation.

AGREEMENT

Upon completion of the activities described below, if taken within the time specified in this Agreement, Midland will have satisfied the terms of this agreement and will be considered to be in compliance with the rule(s) mentioned herein.

- Agreement Activity No. 1: Midland will demonstrate that its water treatment plant meets all of the applicable treatment requirements specified in OAR 333-061-0032 and that turbidity is in compliance with the MCL as specified in OAR 333-061-0030(3) no later than July 31, 2011.

- Agreement Activity No. 2: Midland will ensure that turbidity, chlorine residual, and water quality parameters are measured and recorded accurately, as specified in OAR 333-061-0036(5), every day that its water treatment plant is in operation beginning on May 1, 2011. The specific location that monitoring takes place and the accuracy of measurements will be subject to verification by the Program.
- Agreement Activity No. 3: Midland will calculate CT, as defined in OAR 333-061-0020(48), in accordance with OAR 333-061-0036(5)(b)(B) every day that its water treatment plant is in operation beginning on May 1, 2011. The accuracy of these calculations will be subject to verification by the Program.
- Agreement Activity No. 4: Midland will ensure that a tracer study is completed as prescribed by OAR 333-061-0050(6)(a)(R) is completed no later than June 30, 2011.
- Agreement Activity No. 5: Midland will change the location for monitoring turbidity to occur prior to any water storage as required by OAR 333-061-0036(5)(b)(A) no later than May 1, 2011.
- Agreement Activity No. 6: Midland will conduct turbidity profiles on the filter within their water treatment plant at least every calendar quarter beginning May 1, 2011 (OAR 333-061-0076(4)(a)(E)).
- Agreement Activity No. 7: Midland will designate an operator, certified at the appropriate level, to be in direct responsible charge of its water treatment plant no later than October 31, 2011 (OAR 333-061-0225(1)).

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 Agreement does not relieve the Midland of any responsibilities or liabilities established pursuant to any applicable federal, state, or local law or regulation.

The Program has determined that additional enforcement action is not warranted at this time, and so long as Midland meets all of the requirements and deadlines specified in this agreement, the Program will forgo additional enforcement action which could include the assessment of civil penalties as prescribed by OAR 333-061-0090.

Dated this 20 day of April, 2011.

Rick D. Brown
Rick D. Brown
President
Midland Water Association

Dated this 25th day of April, 2011.

Dave Leland
Dave Leland, PE
Program Manager
State of Oregon, Drinking Water Program

cc: James Nusrala, OHA-DWP