

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

In the Matter of

Oregon Parks and Recreation
Department/HB Van Duzer State Park,
PWS OR4191959

BILATERAL COMPLIANCE AGREEMENT

Oregon Parks and Recreation Department (OPRD) 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.

OPRD has at all times mentioned herein owned and operated, and continues to own and operate, the public water system at the HB Van Duzer State Park (Van Duzer) which is located at mile marker fifteen of Oregon Highway 18. Van Duzer is a transient non-community water system serving between 301 and 1,500 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, Center for Health Protection, Drinking Water Services (DWS) has reviewed the operation of the Van Duzer water system.

This agreement is entered into between DWS and OPRD, for the purpose of acknowledging that the membrane filtration system currently installed at the Van Duzer water system does not allow daily direct integrity testing, as required by current drinking water standards for membrane filtration. The further purpose of this agreement is to

establish a commitment by OPRD to replace the existing membrane filtration system with a filtration system that DWS verifies as compliant with all applicable compliance and construction standards.

FINDINGS OF FACT

- OAR 333-061-0036(5)(d)(B)(vi) requires that water systems with membrane filtration conduct direct integrity testing on each membrane unit at least once every day that the membrane unit is in operation.
- The membrane filtration system currently in use at the Van Duzer water system was designed such that daily direct integrity testing is both prohibitively difficult and very expensive.
- Water system operators at the Van Duzer water system are not conducting daily direct integrity testing. Instead, water system operators are conducting direct integrity testing annually and regularly measuring trans-membrane pressure to determine membrane integrity.
- Water system operators at the Van Duzer water system are also conducting indirect integrity (turbidity) monitoring every fifteen minutes, and water production will be suspended if turbidity is found to be greater than 0.15 NTU in two consecutive readings.

AGREEMENT

Upon completion of the activities described below, by the deadlines specified herein, OPRD 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: OPRD will submit complete construction plans to DWS, **no later than December 31, 2014**, identifying a means of producing drinking water that meets all applicable water quality standards specified in OAR 333-061-0005 through 333-061-0095 at the Van Duzer water system.
 - The construction plans will meet all the applicable requirements of OAR 333-061-0060 and have sufficient detail to completely and clearly illustrate what will be constructed.

- Agreement Activity No. 2: OPRD will complete construction and installation of water system improvements at the Van Duzer water system **no later than June 30, 2015**.
 - Construction will be completed in accordance with the plans approved by DWS and submitted as specified in Agreement Activity No. 1.
 - Construction of all necessary improvements will proceed in accordance with the construction standards specified in OAR 333-061-0050.
- Agreement Activity No. 3: OPRD will submit to DWS a written statement by a professional engineer registered in Oregon certifying that the project has been constructed in accordance with the approved plans and specifications as required by OAR 333-061-0060(2)(b) **within thirty (30) days** of completing construction.
- Agreement Activity No. 4: OPRD will allow for inspection of the Van Duzer water system **within thirty (30) days** of satisfying Agreement Activity No. 3.
- Agreement Activity No. 5: OPRD will publish public notice if finished water turbidity is measured at 0.15 NTU or higher in two consecutive 15-minute readings. The notice will specify that the water system has failed to meet minimum surface water treatment requirements, include the adverse health effects language from OAR 333-061-0097(5)(c), and meet all the applicable requirements of OAR 333-061-0042(4). The notice shall be posted at conspicuous locations so that every person served by the Van Duzer water system has access to the notice. The notice shall remain in place until a direct integrity test has confirmed the integrity of the filtration modules at the Van Duzer water system. A copy of the notice and certification of the method of distribution must be submitted to DWS no later than 10 days after completing the public notification per OAR 333-061-0040(1)(j).
 - Submit copies of the public notice to: Brad Daniels, OHA 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 333-061-0290, which remain in full force and effect.

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

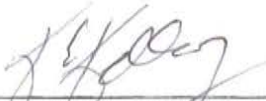
DWS has determined that additional enforcement action is not warranted at this time, and so long as OPRD meets all of the requirements and deadlines specified in this Agreement, DWS will forgo additional enforcement action which could include the assessment of civil penalties as prescribed by OAR 333-061-0090.

Dated this 5th day of April, 2013.



John Allen
Coastal Region Manager
Oregon Parks and Recreation Department

Dated this 11th day of April, 2013.



Karen Kelley, R.E.H.S.
Interim Section Manager
Oregon Health Authority, Drinking Water Services

cc: Daniel Hough, OHA-DWS