

October 14, 2011

Jeff Rose, Superintendent
Canby School District
1130 S Ivy Street
Canby, OR 97013

RE: Violation of the Bilateral Compliance Agreement signed May 22, 2011 and Notice of Non-Compliance regarding the Ninety-One School Public Water System, PWS OR4193718

Dear Mr. Rose,

You signed a Bilateral Compliance Agreement (Agreement) on May 22, 2011 regarding the public water system at Ninety-One School in which you agreed that Canby School District would publish public notice for exceeding the maximum contaminant level (MCL) for arsenic every three months as prescribed by Oregon Administrative Rule (OAR) 333-061-0042(3)(b)(C)). The Agreement also specified that the notice would meet all of the applicable requirements of OAR 333-061-0042(4), would be distributed to every person served by the Ninety-One School water system in accordance with OAR 333-061-0042(3)(b)(E), and that a copy of the notice and certification that the notice was distributed according to OAR 333-061-0042(3)(b)(E) would be submitted to the Program no later than 10 days after completing each public notification per OAR 333-061-0040(1)(j).

The Program has not received a copy of any public notice since signing the Agreement. Furthermore, I physically inspected Ninety-One School on September 29, 2011 and was unable to find a public notice posted in a conspicuous location as required by OAR 333-061-0042(3)(b)(E). During that inspection, I was notified by Wayne Layman that he mailed copies of a public notice to parents and staff but he was unable to provide a copy of the notice. This constitutes a violation of OAR 333-061-0025(4) and OAR 333-061-0042, and is a violation of the terms of the Agreement you signed on May 22, 2011. The Agreement therefore is hereby terminated.

ACTIONS REQUIRED TO ACHIEVE COMPLIANCE

- Compliance Action No. 1: Canby School District must immediately publish public notice for exceeding the MCL for arsenic (OAR 333-061-0025 and OAR 333-061-0042(3)(b)(C)). The notice must meet all of the applicable requirements of OAR 333-061-0042(4) and be distributed to every person served by the Ninety-One School water system in accordance with OAR 333-061-0042(3)(b)(E). The notice must also be distributed to every parent or legal guardian of a child enrolled at Ninety-One School and be posted in a conspicuous location on school property such that school staff members and visitors to the school will see the notice. A copy of the notice and certification that the notice was distributed according to OAR 333-061-0042(3)(b)(E) must be submitted to the Program no later than October 31, 2011.
 - The copy of the notice and certification must be submitted to: Brad Daniels, OHA – Drinking Water Program, PO Box 14450, Portland, OR 97293-0450.
- Compliance Action No. 2: Canby School District must submit sample results demonstrating that the treatment system installed at the Ninety-One School water system is effectively removing arsenic from drinking water delivered to water users. The sample results must be submitted to the program no later than January 10, 2012 and show that treated water at the Ninety-One School water system has levels of arsenic below the MCL as specified in OAR 333-061-0030(1).

If you do not comply with the deadlines specified in this letter, the continued non-compliance may result in additional enforcement action including the assessment of civil penalties as prescribed by OAR 333-061-0090. Please contact Brad Daniels at (971) 673-0405 to discuss the compliance actions specified in this letter.

Respectfully,



Brad K. Daniels
Enforcement Coordinator
OHA - Drinking Water Program

cc: Pete Farrelly, OHA DWP
Joel Ferguson, Clackamas County Environmental Health