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

In the Matter of

Ramasurdial & Joyce Premsingh / Fast
Break Market Public Water System

BILATERAL COMPLIANCE AGREEMENT

The Oregon Health Authority, Public Health Division, Center for Health Protection, Drinking Water Services (DWS) and Ramasurdial & Joyce Premsingh agree to the following:

1. Ramasurdial & Joyce Premsingh are a water supplier (hereinafter "Water Supplier") as defined in Oregon Revised Statute (ORS) 448.115 and Oregon Administrative Rule (OAR) 333-061-0020. The responsibilities of water suppliers are identified in OAR 333-061-0025.
2. Water Supplier owns and operates the Fast Break Market public water system (hereinafter "Water System"), identified by public water system ID # OR4195575 at 1203 Century Drive NE in Albany, Oregon. The Water System is a transient non-community water system serving approximately 200 people and subject to regulation under ORS 448.115 to 448.290 and OAR 333-061-0005 to 333-061-0272.
3. DWS has reviewed the operation of the Water System pursuant to its authority in ORS 431A.010, 448.150 and 448.255. DWS has determined that water provided by the Water System exceeds the maximum contaminant level (MCL) for *E. coli* bacteria as specified in OAR 333-061-0030(4), and also that the groundwater well supplying the

Water System is contaminated by *E. coli* bacteria. Water with *E. coli* bacteria exceeding the MCL represents a potential public health hazard.

4. *E. coli* are bacteria whose presence indicates that the water may be contaminated with human or animal wastes. Human pathogens in these wastes can cause short-term effects, such as diarrhea, cramps, nausea, headaches, or other symptoms. They may pose a greater health risk for infants, young children, the elderly, and people with severely compromised immune systems. OAR 333-061-0097.
5. This Bilateral Compliance Agreement (“Agreement”) is entered into between DWS and Water Supplier to address the contamination of the drinking water provided by the Water System. This Agreement establishes the corrective action(s) that Water Supplier must take and the deadlines for completing those actions with the purpose of reducing the contamination in the drinking water below the MCL. The corrective actions and respective deadlines are described in detail below.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Water Supplier purchased the Water System and the property where the Water System is located on May 2, 2007.
2. As of May 2, 2007, Water Supplier was and is required to meet all the responsibilities for water suppliers described in OAR 333-061-0025.
3. OAR 333-061-0030(4) specifies, in part, that the maximum contaminant level (MCL) for *E. coli* applies to all public water systems and is exceeded or violated when a total coliform-positive repeat sample follows an *E. coli*-positive routine sample.
4. Coliform monitoring reported for the Water System indicates that on June 3, 2019, a total coliform-positive repeat sample was reported following an *E. coli*-positive routine sample reported on May 29, 2019. This exceeds the MCL for *E. coli* as specified in OAR 333-061-0030(4).
5. OAR 333-061-0032(6), in part, requires that water suppliers complete corrective action when sample results indicate the presence of *E. coli* bacteria in a groundwater source. Corrective action must be completed within 120 days or according to a schedule approved by DWS.

6. *E. coli* bacteria were present in water samples collected on June 7 and June 18, 2019 from the groundwater well that supplies the Water System.
7. DWS notified Water Supplier by letter on June 19, 2019 that corrective action was required due to the confirmation of *E. coli* bacteria in the groundwater well supplying the Water System. The letter required corrective action to be completed no later than October 22, 2019 or that Water Supplier be in compliance with a written corrective action plan approved by the Oregon Department of Agriculture. Water Supplier did not complete corrective action or propose a written corrective action plan by October 22, 2019. Water Supplier is not in compliance with OAR 333-061-0032(6).

CORRECTIVE ACTIONS

Water Supplier agrees to take the following corrective actions and meet the deadlines set out below:

- Corrective Action No. 1: Water Supplier shall submit an action plan to DWS no later than January 31, 2020 identifying how it will ensure compliance with the MCL for *E. coli* bacteria at the Water System. The action plan shall:
 - Identify all tasks Water Supplier intends to perform to ensure drinking water produced by the Water System does not violate the MCL for *E. coli* bacteria and set reasonable deadlines, not to exceed ninety (90) days, for completing all other identified tasks.
 - Include complete construction or installation plans that meet the requirements in OAR 333-061-0060 for the construction or modification of any facilities at the Water System. Construction plans must be approved by DWS prior to any construction or installation taking place.
- Corrective Action No. 2: Water Supplier shall perform and complete all tasks in the action plan described in Corrective Action No. 1 by the deadlines in the action plan and shall notify DWS in writing within 5 calendar days of completing all the tasks. For this corrective action to be met, any construction or installation that was performed must meet the applicable construction standards in OAR 333-061-0050, as approved by DWS.
- Corrective Action No. 3: Water Supplier shall collect water samples according to OAR 333-061-0036(6)(b) and submit testing results to DWS within thirty (30)

calendar days of notifying DWS that all the tasks of the action plan have been completed that show the drinking water produced by the Water System is not above the MCL in OAR 333-061-0030(4) for *E. coli* bacteria.

- Corrective Action No. 4: Water Supplier shall publish a public notice within thirty (30) days of signing this agreement that informs customers that Water Supplier failed to correct source water contamination according to OAR 333-061-0032(6) and that drinking water at the Water System exceeds the MCL for *E. coli* bacteria. The notice must meet the requirements in OAR 333-061-0042.
 - Within 10 calendar days of distributing the public notice to customers, Water Supplier shall send a copy of the notice to DWS along with a written statement that it has fully complied with the distribution and public notification requirements in OAR 333-061-0040(1)(i).
- Corrective Action No. 5: Water Supplier shall provide public notice to customers in the same manner as is described in Correction Action No. 4 every three months that includes any changes or additional information regarding *E. coli* bacteria in the drinking water at the Water System. Water Supplier must comply with this action until DWS notifies it that its drinking water is below the MCL for *E. coli* bacteria, and that the drinking water otherwise meets all applicable state and federal drinking water laws and rules.

DWS RESPONSIBILITIES

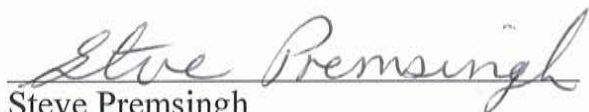
- DWS shall review and approve any corrective action plan or construction plans submitted by Water Supplier within thirty (30) days of receipt. DWS shall approve or require changes to the submitted plans immediately upon completing the review.

GENERAL PROVISIONS

1. Water Supplier satisfies the terms of this Agreement by completing the corrective actions listed above according to the deadlines specified herein.
2. 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 333-061-0272, which remain in full force and effect.

3. This Agreement does not relieve Water Supplier of any responsibilities or liabilities established by any applicable federal, state, or local law or regulation.
4. If Water Supplier fails to complete any of the corrective actions listed above or fails to meet any of the listed deadlines, DWS may pursue any enforcement action, which may include assessment of civil penalties or other legal remedies pursuant to ORS 431A.010, 431.155, 448.255 and 448.280. If DWS proceeds with such an enforcement action, Water Supplier will have the right to a hearing.
5. DWS may consider the findings of fact and violations cited in the conclusions of law of this Agreement for purposes of any future enforcement action or sanction involving Water Supplier.
6. Water Supplier is aware of its rights to contest the violations listed in this Agreement in a contested case hearing under the Administrative Procedure Act (Oregon Revised Statutes, Chapter 183) and its rights to judicial review of a final order issued in the contested case. Water Supplier freely and voluntarily waives all rights to a contested case hearing and to all judicial review of the findings of fact or conclusions of law contained in this Agreement in a proceeding brought by DWS to enforce this Agreement.
7. This Agreement may be executed in one or more multiple counterparts, including facsimile, scanned, and electronically transmitted counterparts, each of which shall constitute an original and all of which together shall constitute one and the same agreement.

Dated this 27th day of December, 2019.



Steve Premsingh

Manager

Fast Break Market

Dated this 27th day of January, 2019²⁰.



David Emme, Manager
Drinking Water Services
Oregon Health Authority

cc: Zach Golik, Oregon Health Authority, Drinking Water Services
Brian Hawkins, Oregon Department of Agriculture
Sarah Schwab, Oregon Department of Agriculture