PUBLIC HEALTH DIVISION
Center for Health Protection, Drinking Water Services
Kate Brown, Governor

Oregon Health Authority

800 NE Oregon St.
Portland, Oregon 97232-2162
Voice (971) 673-0405
FAX (971) 673-0694
TTY (971) 673-0372

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

In the Matter of The City of Monmouth	BILATERAL COMPLIANCE AGREEMENT

The City of Monmouth (the City) is a water supplier as defined in Oregon Revised Statute (ORS) 448.115(12) and Oregon Administrative Rule (OAR) 333-061-0020(207), and as a water supplier, has specific responsibilities that are identified in OAR 333-061-0025.

The City has at all times mentioned herein owned and operated, and continues to own and operate, the City of Monmouth public water system serving the population of Monmouth, Oregon and identified by public water system ID# 41-00537. The Monmouth public water system is a community water system serving approximately 9,700 people and is subject to regulation according to ORS 448.115 to 448.290 and OAR 333-061-0005 to 333-061-0272.

Pursuant to its authority under ORS 448.150, the Oregon Health Authority, Public Health Division, Center for Health Protection, Drinking Water Services (Authority) has reviewed the operation of the Monmouth water system. This review has found that the Monmouth water system does not utilize the necessary water treatment for a water source determined to be under the direct influence of surface water.

This agreement is entered into between the Authority and the City for the purpose of acknowledging that the one of the wells serving the Monmouth water system has been classified as groundwater under the direct influence of surface water. The further purpose of this agreement is to establish a commitment by the City to construct and

install an approved treatment system, including filtration if necessary, that meets all applicable compliance and construction standards.

FINDINGS OF FACT

- OAR 333-061-0032(8) requires groundwater sources to be evaluated for direct influence from surface water bodies when the groundwater source meets hydrogeological criteria and is in proximity to the surface water body.

- Well #1, identified by well log MARI 13286, serving the Monmouth water system was determined to be under the direct influence of surface water based upon water samples collected on February 18, 2014 and March 12, 2014 and analyzed by microscopic particulate analysis.

- OAR 333-061-0032(1)(c) requires water systems with water sources determined to be under the direct influence of surface water to meet the applicable treatment requirements within eighteen months of that determination.

- The Authority notified the City in a letter dated May 1, 2014 that its well #1 was determined to be under the direct influence of surface water and identified several methods to achieve compliance with the applicable water treatment requirements. The letter also stipulated that compliance with surface water treatment requirements is required within eighteen months of the date of the letter.

- November 1, 2015 was eighteen months after the City was notified that well #1 is under the direct influence of surface water but the appropriate water treatment was not being utilized as of that date.

AGREEMENT

Upon completion of the activities described below, by the deadlines specified herein, the City 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: The City agrees to submit, according to OAR 333-061-0060, complete construction plans to the Authority identifying the water treatment to be installed at the Monmouth water system. The water treatment will ensure that water from well #1 meets the requirements for the treatment of groundwater under the direct influence of surface water specified in OAR 333-061-0032.

- The plans will be submitted to the Authority no later than January 1, 2017.
- The plans will have sufficient detail to completely and clearly illustrate what will be constructed.

- Agreement Activity No. 2: The City agrees to complete construction and installation of water treatment at the Monmouth water system according to the construction plans submitted according to Agreement Activity No. 1 and within eighteen months of conditional approval of the plans being granted by the Authority.
  - Construction of filtration treatment, including any other necessary improvements, will comply with all applicable construction standards specified in OAR 333-061-0050.

- Agreement Activity No. 3: The City agrees to submit to the Authority a 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: The City agrees to allow for an inspection of the water treatment at the Monmouth water system within thirty (30) days of completing construction.

- Agreement Activity No. 5: The City agrees to comply with the interim standards specified OAR 333-061-0032(1)(c) until regular operation of the water treatment specified in Agreement Activity No. 2 is commenced.

- Agreement Activity No. 6: The City agrees to publish public notice for failing to utilize water treatment for a well determined to be under the direct influence of surface water. The notice will meet all of the applicable requirements of OAR 333-061-0042(4) and be distributed so that every person served by the Monmouth water system receives the notice. The notice will be reissued every three months, 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)). A copy of the notice and certification of the method of distribution must be submitted to the Authority no later than 10 days after completing the public notification per OAR 333-061-0040(1)(j).

- Submit copies of the public notice to: The Oregon Health Authority, Drinking Water Services, PO Box 14450, Portland, OR 97293.

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 333-061-0272, which remain in full force and effect.

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

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

Dated this 7th day of March, 2016.

John E. D. Oberst

John Oberst
Mayor
City of Monmouth

Dated this 15th day of MARCH, 2016.

Dave Leland

Dave Leland, PE
Program Manager
Oregon Health Authority, Drinking Water Services

cc: Carrie Gentry, Oregon Health Authority, Drinking Water Services