

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

In the Matter of

The City of Paisley,  
PWS OR4100611

BILATERAL COMPLIANCE AGREEMENT

The City of Paisley (the City) 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.

The City has at all times mentioned herein owned and operated, and continues to own and operate, the public water system serving the City of Paisley in Lake County, Oregon. The City of Paisley is classified as a community water system serving 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 reviewed the operation of the City of Paisley water system.

This agreement is entered into between the Program and the City for the purpose of acknowledging that the concentration of arsenic in drinking water provided by the City is over the maximum contaminant level (MCL) as specified in OAR 333-061-0030(1). The purpose of this agreement is also to establish a commitment by the City to reduce the arsenic concentration in the drinking water it provides to be below the MCL.

### FINDINGS OF FACT

- The MCL for arsenic as specified in OAR 333-061-0030(1) is 0.010 mg/L.
- Sampling results for arsenic in drinking water, submitted to the Program by the City, have remained consistent throughout the water system's history. Since January 2010, the arsenic concentration in drinking water at the City of Paisley has averaged 0.0173 mg/L.
- The City has issued public notice for exceeding the MCL for arsenic as required by OAR 333-061-0042.
- The City entered into a bilateral compliance agreement (BCA) with the Program on July 2, 2010. The BCA set forth actions that the City would complete to ensure compliance with the MCL for arsenic. The City satisfied some of the terms of the BCA, but was unable to meet the final terms due to uncontrollable delays in the funding process.
- The City completed an evaluation of an alternate water source, but that source would not have allowed the City to meet the arsenic MCL without additional actions.
- The City submitted construction plans for a proposed arsenic treatment system on March 30, 2011. The Program granted preliminary plan review approval on April 5, 2011 allowing the City to proceed with construction of the proposed treatment system.
- The City has applied for financing through the Drinking Water State Revolving Fund and is in the final stages of being awarded a loan to allow construction and installation of the treatment system for which the City submitted plans.

### 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 herein.

- Agreement Activity No. 1: The City will complete, no later than September 30, 2012, construction and installation of the arsenic treatment system approved by the Program and identified by plan review #65-2011.

- Agreement Activity No. 2: The City will submit sampling results that demonstrate that all users served by the City of Paisley water system receive drinking water with concentrations of arsenic are below the MCL as specified in OAR 333-061-0030(1) within 90 days of installing the arsenic treatment system specified in Agreement Activity No. 1.
- Agreement Activity No. 3: The City will collect arsenic samples every calendar quarter, and report the sampling results to the Program within 10 days of the end of the monitoring period in accordance with OAR 333-061-0040(1)(b). The City will continue to sample every calendar quarter until four consecutive quarters of sampling results are below the MCL for arsenic as specified in OAR 333-061-0030(1).
- Agreement Activity No. 4: The City will continue to publish public notice for exceeding the MCL for arsenic. The notice will meet all of the applicable requirements of OAR 333-061-0042(4), and be re-published every three months to include changes or additional information regarding arsenic in the City of Paisley water system. The City will continue to publish the notice 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)). The City will submit a copy of the notice and certification of the method of distribution to the Program no later than 10 days after completing the public notification per OAR 333-061-0040(1)(j).
  - Please submit the quarterly public notice to: DHS – Drinking Water Program, PO Box 14350, Portland, OR 97293-0350.

### 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 City of Paisley of any responsibilities or liabilities established pursuant to any applicable federal, state, or local law or regulation.

The City of Paisley

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The Program has determined that additional enforcement action is not warranted at this time, and so long as the City of Paisley 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 6<sup>th</sup> day of March, 2012

  
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Mark Douglas

Mayor

The City of Paisley

Dated this 15<sup>th</sup> day of March, 2012

  
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Dave Leland, PE

Program Manager

State of Oregon, Drinking Water Program

cc: Scott Curry, OHA-DWP  
Betsy Parry, OHA-DWP