

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

In the Matter of

Young Life's Washington Family
Ranch, PWS OR4101246

BILATERAL COMPLIANCE AGREEMENT

Young Life 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.

Young Life has at all times mentioned herein owned and operated, and continues to own and operate, the Young Life's Washington Family Ranch public water system (YLWFR) located at One Muddy Rd. in Antelope, Oregon. YLWFR is a 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 YLWFR water system.

This agreement is entered into between DWS and Young Life, for the purpose of acknowledging that the water source for the YLWFR 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 Young Life to construct and install an approved filtration system that meets all applicable compliance and construction standards.

FINDINGS OF FACT

- A water sample was collected on March 7, 2011 from well #25, which serves the YLWFR water system and is identified by well log WASC 4011. A microscopic particulate analysis was completed for the water sample and the water was determined to be under the direct influence of surface water due to the abundances of surface water indicators.
- DWS mailed a letter to the certified operator responsible for the YLWFR water system, Bill Palmaymesa, on March 24, 2011. The letter officially notified him of the determination regarding water produced by well #25 and identified several methods to achieve compliance with surface 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.
- On November 15, 2011 Bill Palmaymesa submitted a form to DWS stating that the maximum possible treatment would be installed instead of conducting source water monitoring to determine the presence and abundance of *Cryptosporidium*. In the letter it was stated that surface water treatment was expected to be installed and operating by September 2012.
- Young Life requested to be exempted from the requirement to provide filtration for sources under the direct influence of surface water, but could not meet the watershed control requirements necessary for the filtration exemption. DWS notified Bill Palmaymesa of this finding in a letter dated April 30, 2012.
- Bill Palmaymesa sent an email message to DWS on October 25, 2012 stating that Young Life has contracted with Century West Engineering to design a filtration plant for the YLWFR water system.
- Young Life published public notice for delivering inadequately treated water on October 30, 2012.

- OAR 333-061-0032(1)(c) requires water systems that have been determined to be under the direct influence of surface water to meet surface water treatment requirements within eighteen months of that determination. DWS determined the YLWFR water system to be using groundwater under the direct influence of surface water on March 24, 2011. November 24, 2012 was approximately eighteen months from March 24, 2011, but as of December 15, 2012 the YLWFR water system is not in compliance with the appropriate surface water treatment requirements.

AGREEMENT

Upon completion of the activities described below, by the deadlines specified herein, Young Life 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: Young Life will submit complete construction plans to DWS identifying the filtration treatment to be installed at the YLWFR water system **no later than February 28, 2013**.
 - 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: Young Life will complete construction and installation of filtration treatment at the YLWFR water system **within nine months** of conditional approval being granted by DWS.
 - Construction will be completed in accordance with the plans approved by DWS and submitted as specified in Agreement Activity No. 1.
 - Construction of filtration treatment, including any other necessary improvements, will proceed in accordance with the construction standards specified in OAR 333-061-0050.
- Agreement Activity No. 3: Young Life will submit to DWS 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)** of completing construction.

- Agreement Activity No. 4: Young Life will allow for an inspection of the filtration treatment at the YLWFR water system **within thirty (30) days** of completing construction.
- Agreement Activity No. 5: Young Life will publish public notice for failing to meet minimum surface water treatment requirements. 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 YLWFR 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 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 Young Life 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 Young Life 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 1st day of February, 2013.



Paul Sherrill
Vice President of Administrative Services
Young Life

Dated this 17th day of February, 2013.



Anthony J. Fields, R.E.H.S.
Interim Section Manager
Oregon Health authority, Drinking Water Services

cc: Michelle Byrd, OHA-DWS
Bill Palmaymesa, Young Life