



# Oregon

Theodore R. Kulongoski, Governor

**Department of Human Services**  
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BEFORE THE STATE OF OREGON  
DEPARTMENT OF HUMAN SERVICES  
OFFICE OF ENVIRONMENTAL PUBLIC HEALTH

In the Matter of

Jewell School District #8, PWS  
OR4190531

BILATERAL COMPLIANCE  
AGREEMENT

Jewell School District #8 is a water supplier as defined in Oregon Revised Statute (ORS) 448.115(12) and Oregon Administrative Rule (OAR) 333-061-0020(175).

Jewell School District #8, as a water supplier, has specific responsibilities that are specified in OAR 333-061-0025.

Jewell School District #8 has at all times mentioned herein operated and continues to operate a non-transient non-community public water system, which serves between 101 and 300 people, and is subject to regulation under ORS 448.115 to 448.290 and OAR 333-061-0005 to 333-061-0295.

Pursuant to its authority under ORS 448.150, the Oregon Department of Human Services, Public Health Division, Office of Environmental Public Health, Drinking Water Program (Agency) has conducted an investigation into the operation of the water system operated by Jewell School District #8.



## Jewell School District #8

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This agreement is entered into between the Agency and Jewell School District #8, for the purpose of acknowledging that the water source utilized by Jewell School District #8 is considered to be groundwater under the direct influence of surface water (GWUDI), and that as a GWUDI source, the water treatment currently provided by Jewell School District #8 does not meet the treatment requirements specified in OAR 333-061-0032. Additionally, the purpose of this agreement is to establish a commitment by Jewell School District #8 to complete the actions specified herein including the construction of a water treatment plant.

### FINDINGS OF FACT

- A source water assessment was conducted for Jewell School District #8 and the corresponding report dated July, 2004 states that the water source for the system is highly sensitive to contamination due to the likelihood that source water is drawn from Beneke Creek and the Nehalem River through shallow, unconfined alluvium.
- A sanitary survey of the water system at Jewell School District #8 was conducted on June 14, 2005, and the follow-up letter to that survey stated that the analysis for GWUDI was required due to the findings of the 2004 source water assessment.
- On August 3, 2006, Jewell School District #8 submitted plans for the installation of bag filters to comply with surface water treatment requirements.
- A sample collected by Jewell School District #8 on October 26, 2006 for GWUDI analysis was found to be *E. coli* positive. The water system chose to forego microscopic particulate analysis and indicated that it would move directly to the installation of a filtration system.
- On November 8, 2006, Jewell School District #8 submitted plans for the installation of a slow sand filter to comply with surface water treatment requirements.
- The Agency gave conditional approval for the installation of the slow sand filter on January 2, 2007.
- On March 3, 2008, Jewell School District #8 submitted updated plans for the installation of a slow sand filter to comply with surface water treatment requirements.

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- The Agency gave conditional approval for the installation of the slow sand filter on March 14, 2008.
- As of May 1, 2009 installation of a filtration system has not been completed.

### AGREEMENT

Upon completion of the activities described below, if taken within the time specified in this Agreement, Jewell School District #8 will be considered to be in compliance with the treatment requirements for groundwater under the direct influence of surface water, and will have fully satisfied the items in this agreement.

- Agreement Activity No. 1: Jewell School District #8 will submit documentation showing that it has contracted with an engineer to complete construction of an approved filtration system. The documentation will include a construction schedule, and construction plans if different than those specified in plan review #31-2008, to the Agency no later than June 30, 2009.
- Agreement Activity No. 2: Jewell School District #8 will complete construction of the approved filtration system no later than July 31, 2009.
- Agreement Activity No. 3: An agency representative will conduct a water treatment plant inspection no later than August 15, 2009.
- Agreement Activity No. 4: Jewell School District #8 shall demonstrate that all system users receive drinking water that consistently meets all applicable state and federal drinking water laws and rules no later than August 31, 2009.

### 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 333-061-0050 to 333-061-0295, which remain in full force and effect.

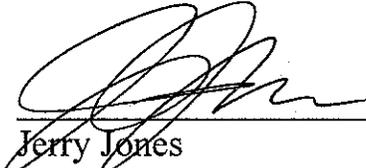
This Agreement does not relieve the Jewell School District #8 of any responsibilities or liabilities established pursuant to any applicable federal, state, or local law or regulation.

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The Agency has determined that formal enforcement action is not warranted at this time, and so long as Jewell School District #8 complies with the actions and deadlines herein agreed upon, the Agency will forgo any additional enforcement action.

Dated this 11<sup>th</sup> day of MAY, 2009.

  
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Jerry Jones  
Superintendent  
Jewell School District #8

Dated this 13<sup>th</sup> day of MAY, 2009.

  
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David Leland  
Program Manager  
Oregon Department of Human Services, Drinking Water Program

cc: Evan Hofeld, DHS-DWP  
Hal Nauman, Clatsop County Environmental Health