

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

In the Matter of

Youngs River Lewis & Clark Water
District, PWS OR4100062

BILATERAL COMPLIANCE AGREEMENT

Youngs River Lewis & Clark Water District (the District) 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 District has at all times mentioned herein owned and operated, and continues to own and operate, the public water system serving residents and businesses south of the City of Astoria, along Lewis and Clark Road to the west and Youngs River road to the east, in Clatsop County, Oregon. The Youngs River Lewis & Clark Water District (Youngs River) water system is a community water system serving approximately 2,700 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, Center for Health Protection, Drinking Water Services (DWS) has reviewed the operation of the Youngs River water system.

This agreement is entered into between DWS and the District, for the purpose of acknowledging that an uncovered finished water storage facility continues to serve a portion of the Youngs River water system. The further purpose of this agreement is to establish a commitment by the District to complete improvements within the Youngs River water system so that the uncovered finished water storage facility can be completely removed from service.

FINDINGS OF FACT

- OAR 333-061-0032(12) requires water systems with uncovered finished water storage facilities to cover those facilities or install surface water treatment for the discharge from the facility.
- The District proposed a deadline for removing the uncovered finished water storage facility by November 30, 2012.
- The District constructed a new finished water storage facility to replace the existing uncovered finished water storage facility.
- The District began operating a new finished water storage facility to replace the existing uncovered finished water storage facility, but was not able to fully remove the uncovered facility from service due to breaks in water lines caused by high water pressure within the distribution system likely resulting from elevation differences between the old uncovered and new covered water storage facilities.

AGREEMENT

Upon completion of the activities described below, by the deadlines specified herein, the District 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 District will fully remove the uncovered finished water storage facility from service no later than July 31, 2013.


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 District 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 the District 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 6 day of June, 2013.



Fred Mestrich, Chairman
Youngs River Lewis & Clark Water District

Dated this 10th day of June, 2013.



Kari Salis, PE
Interim Program Manager, Drinking Water Services
Oregon Health authority

cc: Evan Hofeld, OHA-DWS
Bill Mitchell, Youngs River Lewis & Clark Water District
Melanie Olson, Oregon Infrastructure Finance Authority