

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

In the Matter of

Lyons-Mehama Water District, PWS
OR4100493

BILATERAL COMPLIANCE AGREEMENT

Lyons-Mehama Water District (Lyons-Mehama) 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.

Lyons-Mehama has at all times mentioned herein owned and operated, and continues to own and operate, a community public water system serving approximately 1,875 people in both Linn and Marion Counties, 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 Lyons-Mehama water system.

This agreement is entered into between the Program and Lyons-Mehama for the purpose of acknowledging that significant deficiencies were identified during inspections of the Lyons-Mehama water system, and that those deficiencies are required to be corrected as soon as practical. The further purpose of this agreement is to establish a commitment by Lyons-Mehama to correct each of the significant deficiencies identified herein by the schedule agreed upon.

FINDINGS OF FACT

- The Program conducted a sanitary survey at the Lyons-Mehama water system on August 12, 2010, and twelve significant deficiencies were identified during the survey. These deficiencies were listed in a letter dated August 27, 2010 and required to be corrected as prescribed by OAR 333-061-0076(6) and (8).
- The Program conducted an inspection of the water treatment plant operated by Lyons-Mehama on March 10, 2011, and also reviewed progress made to correct the deficiencies listed in the August 27, 2010 letter. Eight significant deficiencies were found to have been corrected, but four deficiencies that remain outstanding were identified in a letter dated March 29, 2011. These deficiencies are:
 1. Failure to maintain a pressure of at least twenty (20) pounds per square inch (psi) at all service connections as required by OAR 333-061-0025(7);
 2. Failure to maintain a current master plan as required by OAR 333-061-0060(5);
 3. Failure to comply with cross connection control requirements as required by OAR 333-061-0070; and
 4. Failure to maintain a current operations and maintenance manual as required by OAR 333-061-0065(4).
- Due to the complexity of the remaining deficiencies and the number of deficiencies completed prior to the water treatment plant inspection on March 10, 2011, the Program agrees to extend the previously approved schedule for completing each of the deficiencies identified above.

AGREEMENT

Upon completion of the activities described below, by the deadlines specified herein, Lyons-Mehama will have fulfilled the terms of this agreement and will be considered to be in compliance with the rule(s) mentioned hereto.

- Agreement Activity No. 1: Lyons-Mehama will ensure that every connection served by the water system consistently has water pressure of at least twenty pounds per square inch (psi).

- Agreement Activity No. 1.1: Lyons-Mehama will submit an action plan to the Program no later than December 31, 2011 that identifies how it will achieve twenty psi at every service connection.
- Agreement Activity No. 1.2: Lyons-Mehama will demonstrate to the Program, based upon a physical inspection of district infrastructure, that every service connection at Lyons-Mehama is consistently provided a water pressure of twenty psi. The inspection will take place no later than September 30, 2012.
- Agreement Activity No. 2: Lyons-Mehama will prepare a master plan as prescribed by OAR 333-061-0060(5) and submit that plan to the Program no later than June 30, 2012.
- Agreement Activity No. 3: Lyons-Mehama will prepare an operations and maintenance manual as prescribed by OAR 333-061-0065(4) and provide certification to the Program that it is complete and available for inspection no later than February 28, 2012.
- Agreement Activity No. 4: Lyons-Mehama will adopt and finalize a written cross connection control program as prescribed by OAR 333-061-0070(9)(b), and submit a copy of the plan to the Program no later than August 31, 2011.

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 Lyons-Mehama of any responsibilities or liabilities established pursuant to any applicable federal, state, or local law or regulation.

The Program has determined that additional enforcement action is not warranted at this time, and so long as Lyons-Mehama 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 13th day of July, 2011.

William A. Grimes

William Grimes
Superintendent
Lyons Mehama Water District

Dated this 13 day of July, 2011.

George L. Geddes

George Geddes
Chairperson
Lyons Mehama Water District

Dated this 29th day of JULY, 2011.

Dave Leland

Dave Leland
Program Manager
Oregon Health Authority, Drinking Water Program

cc: Amy Parmenter, OHA-DWP