



# Oregon

Theodore R. Kulongoski, Governor

**Department of Human Services**  
**Public Health Division**  
800 NE Oregon Street  
Portland, OR 97232-2162  
(971) 673-0405  
(971) 673-0694 - FAX  
(971) 673-0372 - TTY-Nonvoice

BEFORE THE STATE OF OREGON  
DEPARTMENT OF HUMAN SERVICES  
OFFICE OF ENVIRONMENTAL PUBLIC HEALTH

In the Matter of

The City of Paisley, PWS OR4100611

BILATERAL COMPLIANCE  
AGREEMENT

The City of Paisley is a water supplier as defined in Oregon Revised Statute (ORS) 448.115(12) and Oregon Administrative Rule (OAR) 333-061-0020(211).

The City of Paisley, as a water supplier, has specific responsibilities that are identified in OAR 333-061-0025.

The City of Paisley has at all times mentioned herein operated and continues to operate a community public water system, 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 Department of Human Services, Public Health Division, Office of Environmental Public Health, Drinking Water Program (Agency) has conducted a review of the of the water system operated by the City of Paisley.

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

RECEIVED  
JUN 17 2010

FINDINGS OF FACT

- In 2006 the MCL for arsenic was reduced from 0.050 to 0.010 mg/L. Water samples collected by the City of Paisley, since the year 2006 when the new MCL went into effect, show that the concentration of arsenic in drinking water entering the distribution system has averaged 0.0179 mg/L.
- Arsenic sampling results for the City of Paisley, since 2006, have remained consistent, and the system has conducted quarterly sampling for arsenic while investigating corrective action.
- The City of Paisley has issued public notice as required for exceeding the MCL for arsenic.
- The City of Paisley is in the process of determining the most effective manner by which to comply with the MCL for arsenic, and is also in the process of obtaining a source of funding for the expected project.
- The City of Paisley 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 of Paisley is therefore now evaluating which treatment option will be most efficient and effective in allowing the City to comply with the arsenic MCL.

AGREEMENT

Upon completion of the activities described below, if taken within the time specified in this Agreement, the City of Paisley will be considered to be in compliance with the MCL for arsenic, and will have fully satisfied the items in this agreement.

- Agreement Activity No. 1: The City of Paisley will continue to collect arsenic samples every calendar quarter, and report the sample results within 10 days of the end of the monitoring period.
- Agreement Activity No. 2: The City of Paisley will submit construction plans that clearly indicate which of the following three options will be selected to meet the MCL for arsenic. The construction plans will be submitted no later than September 30, 2010. These three options are:

## The City of Paisley

Page 3

- Option No. 1: Install an approved treatment system that meets the construction standards listed in OAR 333-061-0050(4);
- Option No. 2: Develop a new water source that meets all applicable requirements in OAR 333-061-0050; or
- Option No. 3: Connect to, and receive water from, another public water system.
- Agreement Activity No. 3: The City of Paisley will complete construction of the approved project no later than September 30, 2011.
- Agreement Activity No. 4: The City of Paisley will provide drinking water that consistently meets all applicable state and federal drinking water laws and rules no later than March 31, 2011.<sup>2</sup> *OK*
- Agreement Activity No. 5: The City of Paisley, per OAR 333-061-0042(2)(b), will continue to issue a public notice every calendar quarter for exceeding the MCL for arsenic 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)).
  - Please submit the quarterly public notice to: DHS – Drinking Water Program, PO Box 14350, Portland, OR 97293-0350. Submit an additional copy of the quarterly notification to Russ Kazmierczak, DHS – Drinking Water Program, 444 A St., Springfield, OR 97477.

### 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.

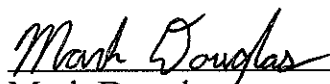
This Agreement does not relieve the City of Paisley of any responsibilities or liabilities established pursuant to any applicable federal, state, or local law or regulation.

**The City of Paisley**

Page 4

The Agency 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 Agency will forgo additional enforcement action which could include the assessment of civil penalties as prescribed by OAR 333-061-0090.

Dated this 9<sup>th</sup> day of June, 2010.

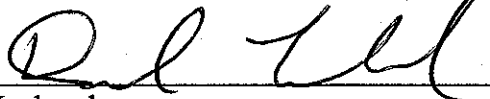


Mark Douglas

Mayor

The City of Paisley

Dated this 2 day of July, 2010.



David Leland

Program Manager

Oregon Department of Human Services, Drinking Water Program

cc: Russ Kazmierczak, DHS-DWP  
Harold Rogers, USEPA  
Theresa Vickerman, City of Paisley  
Duane Young, City of Paisley