

PUBLIC HEALTH DIVISION
Center for Health Protection, Drinking Water Services
Kate Brown, Governor



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

In the Matter of

Skyview Acres Water Company

BILATERAL COMPLIANCE AGREEMENT

Skyview Acres Water Company (the Company) is a water supplier as defined in Oregon Revised Statute (ORS) 448.115(12) and Oregon Administrative Rule (OAR) 333-061-0020(207), and as a water supplier, has specific responsibilities that are identified in OAR 333-061-0025.

The Company owns and operates the Skyview Acres public water system, identified by public water system ID #OR4100786, and located in Clackamas County, Oregon. The Skyview Acres water system is a community water system serving approximately 200 people and subject to regulation under ORS 448.115 to 448.290 and OAR 333-061-0005 to 333-061-0272.

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 Skyview Acres water system. DWS has determined that water provided by the Skyview Acres water system exceeds the maximum contaminant level (MCL) as specified in OAR 333-061-0030(2)(b) for haloacetic acids (HAA5). This represents a potential public health hazard.

This agreement is entered into between DWS and the Company, for the purpose of acknowledging that drinking water produced by the Skyview Acres water system exceeds the MCL for HAA5. The further purpose of this agreement is to establish a commitment by the Company to complete corrective action such that water produced by the Skyview Acres water system has concentrations of HAA5 below the MCL.

FINDINGS OF FACT

- The MCL for HAA5 is 0.060 mg/L as specified by OAR 333-061-0030(2)(b).
- The results for the following samples reported to DWS for the Skyview Acres water system have exceeded the MCL for HAA5:
 - 0.104 mg/L on September 15, 2014
 - 0.225 mg/L on February 16, 2015
 - 0.0682 mg/L on September 1, 2015
 - 0.151 mg/L on December 7, 2015
- The locational running annual average (LRAA) at the Skyview Acres water system for HAA5 is 0.096 mg/L as of the December 7, 2015 sample.
- DWS has received a public notice from the Company for exceeding the MCL for HAA5 as required by OAR 333-061-0042.
- The Company has submitted a corrective action plan, including construction plans according to OAR 333-061-0060, to ensure drinking water from the Skyview Acres water system does not contain concentrations of HAA5 exceeding the MCL.

AGREEMENT

Upon completion of the activities described below, by the deadlines specified herein, the Company 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 Company will complete construction of the water treatment facilities according to plans approved by DWS and identified by plan review number 212-2015 no later than September 30, 2016.
 - Construction will meet all applicable construction standards specified in OAR 333-061-0050.

- Agreement Activity No. 2: The Company will complete construction of a pipeline to distribute drinking water from the water treatment facilities constructed as specified in Agreement Activity No. 1 to all water users served by the Skyview Acres water system.
 - Construction will be completed according to plans approved by DWS no later than December 31, 2017.
 - Construction will meet all applicable construction standards specified in OAR 333-061-0050.
- Agreement Activity No. 3: The Company will submit sampling results collected according to OAR 333-061-0036(4) that demonstrate concentrations of HAA5 are below the MCL specified in OAR 333-061-0030(2)(b).
 - Sampling results will be reported to DWS within thirty days of completing construction of water treatment facilities as specified in Agreement Activity No. 1 and every 90 days thereafter until a total of four consecutive rounds of samples are reported.
- Agreement Activity No. 4: The Company will review the monitoring plan for trihalomethane and HAA5 sampling at the Skyview Acres water system no later than 30 days after completing construction of the pipeline specified in Agreement Activity No. 2. The Company will revise the plan if necessary to ensure monitoring for trihalomethanes (TTHM) and HAA5 is conducted at sites expected to have high concentrations of the contaminants according to OAR 333-061-0036(4).
 - After review or revision of the monitoring plan, the Company will submit sampling results collected according to OAR 333-061-0036(4) that demonstrate concentrations of HAA5 and TTHM are below the respective MCLs specified in OAR 333-061-0030(2)(b).
 - Sampling results will be reported to DWS within thirty days of the Company completing its review or revision of the monitoring plan for the Skyview Acres water system and every 90 days thereafter until a total of four consecutive rounds of samples are reported.

- Agreement Activity No. 5: The Company will publish public notice according to OAR 333-061-0042 within ten days of the date of signing this agreement for exceeding the MCL for HAA5. The notice will meet all of the applicable requirements of OAR 333-061-0042(4), and be re-published every three months to include changes or additional information regarding HAA5 in drinking water at the Skyview Acres water system. The Company will continue to publish the notice as necessary 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 333-061-0025 and OAR 333-061-0042(3)(b)(C)). The Company will submit a copy of the notice and certification of the method of distribution to the DWS no later than 10 days after completing the public notification per OAR 333-061-0040(1)(i).

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 333-061-0272, which remain in full force and effect.

This Agreement does not relieve the Company 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 Company 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.

Skyview Acres Water Company

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Dated this 22 day of March, 2016.

Michael Persons

Michael Persons

President, Skyview Acres Water Company

Dated this 28 day of MARCH, 2016.

Dave Leland

Dave Leland, PE

Program Manager

Oregon Health Authority, Drinking Water Services

cc: Pete Farrelly, Oregon Health Authority, Drinking Water Services
Joel Ferguson, Clackamas County Environmental Health