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

In the Matter of

The City of Sandy  
PWS OR4100789

BILATERAL COMPLIANCE AGREEMENT

The City of Sandy (the City) 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 City owns and operates the public water system serving the City of Sandy, identified by public water system ID # OR4100789, and located in Clackamas County, Oregon. The City of Sandy (Sandy) water system is a community water system serving approximately 7,010 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 Sandy water system. DWS has determined that water provided by the City 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 City, for the purpose of acknowledging that purchased drinking water provided by the Sandy water system exceeds the MCL for HAA5. The further purpose of this agreement is to establish a commitment by the City to complete corrective action such that water provided by the Sandy public water system has concentrations of HAA5 below the applicable MCL.

### FINDINGS OF FACT

- The MCL for HAA5 is 0.060 mg/L as specified by OAR 333-061-0030(2)(b).
- Sampling results reported to DWS for the Sandy water system have consistently exceeded the MCL for HAA5 beginning with the December 19, 2014 reported sample. The locational running annual average (LRAA) for HAA5 is 0.065 mg/L at 14665 Bluff Rd., and 0.067 mg/L at 39250 Pioneer Blvd. as of, and including, the December 8, 2015 sample.
- The City has issued public notice for exceeding the MCL for HAA5 as required by OAR 333-061-0042.

### AGREEMENT

Upon completion of the activities described below, by the deadlines specified herein, the City 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 City will submit an action plan to DWS identifying how it will ensure compliance with the MCL for HAA5 at the Sandy water system.
  - The action plan will be submitted no later than June 30, 2016.
  - The City must submit a pilot study protocol to DWS no later than August 30, 2016 if the action plan proposes a method of treatment not identified as a Best Available Technology in OAR 333-061-0050(4)(b).
- Agreement Activity No. 2: The City agrees to submit, according to OAR 333-061-0060, complete construction plans to the Authority identifying the water treatment to be installed at the Sandy water system.
  - Construction plans will be submitted to DWS no later than June 30, 2017.
- Agreement Activity No. 3: The City will verify that corrective action, including any construction, is completed no later than 18 months following approval by DWS of the construction plans submitted according to Agreement Activity No. 2.
  - Construction will meet all applicable construction standards specified in OAR 333-061-0050.

- Agreement Activity No. 4: The City will report sampling results that demonstrate drinking water provided by the Sandy water system has concentrations of HAA5 below the MCL specified in OAR 333-061-0030(2)(b).
  - Samples will be collected for at least four consecutive calendar quarters according to OAR 333-061-0036(4). The first round of samples will be collected within 60 days following completion of construction as specified in Agreement Activity No. 3.
  - Sampling results will be reported to DWS according to OAR 333-061-0040 and within 10 days of the end of the calendar quarter in which the samples are collected.
- Agreement Activity No. 5: The City will publish public notice according to OAR 333-061-0042 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 Sandy water system. The City 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 City 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).

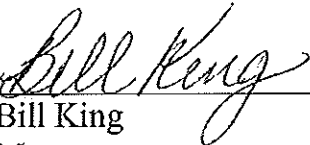
#### GENERAL PROVISIONS

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.

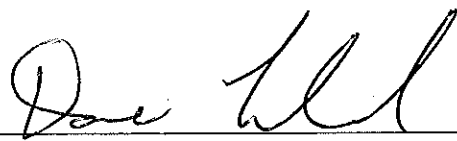
This Agreement does not relieve the City of any responsibilities or liabilities established pursuant to any applicable federal, state, or local law or regulation.

DWS has determined that additional enforcement action is not warranted at this time, and so long as The City 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 6TH day of APRIL, 2016.

  
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Bill King  
Mayor  
City of Sandy

Dated this 7 day of APRIL, 2016.

  
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Dave Leland, PE  
Program Manager  
Oregon Health Authority, Drinking Water Services

cc: Pete Farrelly, Oregon Health Authority, Drinking Water Services  
Kari Salis, Oregon Health Authority, Drinking Water Services