

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

In the Matter of

Michael Brown/Saginaw Park, PWS
OR4100996

SETTLEMENT AGREEMENT

The Oregon Health Authority, Public Health Division, Office of Environmental Public Health, Drinking Water Program (Program) issued a Notice of Intent to Impose Civil Penalty on December 28, 2010 assessing a \$1,000 civil penalty against Michael Brown for violations of the Oregon Drinking Water Quality Act (ORS 448.115 to ORS 448.285) and Oregon Administrative Rules. On January 14, 2011, Michael Brown requested a hearing.

The Program and Michael Brown agree to resolve the matter of the \$1,000 civil penalty by stipulating as follows:

- Agreement Article No. 1: Michael Brown will pay the \$250 civil penalty imposed in the Final Order Imposing Civil Penalty issued on November 3, 2010, and will submit the payment to the Program within ten (10) days of signing this agreement.
- Agreement Article No. 2: Michael Brown will pay a civil penalty of \$100 from the Notice of Intent to Impose Civil Penalty issued on December 28, 2010, and will submit the payment to the Program within ten (10) days of signing this agreement.

- Agreement Article No. 3: The Program will hold in abeyance \$900 of the civil penalty from the Notice of Intent to Impose Civil Penalty issued on December 28, 2010 as long as Michael Brown complies with the terms of this agreement.
- Agreement Article No. 4: If Michael Brown chooses to obtain funding for the installation of an arsenic treatment system through the Safe Drinking Water Revolving Loan Fund, he will complete the following actions:
 - Agreement Article No. 4.1: Michael Brown will submit a complete Project Notification Intake Form to the Oregon Business Development Department and provide a copy to the Program no later than June 30, 2011.
 - Agreement Article No. 4.2: Michael Brown will, if invited, submit a completed General Application and Application Supplement for Safe Drinking Water Revolving Loan Fund, Drinking Water Project to the Oregon Business Development Department (OBDD) and to the Agency, no later than December 31, 2011. The application and supplement must clearly indicate that the intended project is remediation of arsenic contamination and any related system improvements at the Saginaw Park water system in Cottage Grove, Oregon.
 - Agreement Article No. 4.3: Michael Brown will, if he previously submitted a General Application and Application Supplement, ensure as soon as possible, but no later than March 31, 2012, that he has provided all the information to OBDD necessary for OBDD to make a funding decision for the project identified in the application and supplement as specified in Agreement Article No. 4.2.
- Agreement Article No. 5: Michael Brown will collect samples for lead and copper at the Saginaw Park water system in accordance with OAR 333-061-0036(2)(c) no later than June 30, 2011.
 - Lead and copper sampling results produced by the samples collected as prescribed by this agreement article will be submitted to the Program no later than July 10, 2011.
- Agreement Article No. 6: As an alternative to the terms specified in Agreement Article No. 4, if Michael Brown chooses to obtain funding for the installation of an arsenic treatment system through another source, he will complete the following actions:

- Agreement Article No. 6.1: Michael Brown will provide the Program with documents that clearly demonstrate that funding has been requested and that the request is being considered by a lender, no later than December 31, 2011.
- Agreement Article No. 6.2: Michael Brown will provide the Program with documents that clearly demonstrate that funding has been approved and is available for disbursement by the lender, no later than March 31, 2012.
- Agreement Article No. 7: Michael Brown will ensure that a water system operator, certified at least at the small water system level is designated as the DRC for the Saginaw Park water system no later than December 31, 2011.
- Agreement Article No. 8: Michael Brown will collect samples for lead and copper at the Saginaw Park water system in accordance with OAR 333-061-0036(2)(c) no later than December 31, 2011.
 - Lead and copper sampling results produced by the samples collected as prescribed by this agreement article will be submitted to the Program no later than January 10, 2012.
- Agreement Article No. 9: Michael Brown will, regardless of whether private or public funding was available and was granted, submit complete construction plans to the Program indicating how the Saginaw Park water system will comply with the MCL for arsenic no later than June 30, 2012. The plans must meet all of the applicable requirements of OAR 333-061-0060, and must clearly show how the changes to the water system will meet all the applicable construction standards specified in OAR 333-061-0050.
- Agreement Article No. 10: Michael Brown will, regardless of whether private or public funding was available and was granted, ensure that construction of an arsenic treatment system and any related and necessary water system improvements are completed at the Saginaw Park water system no later than September 30, 2012, and that any related physical or infrastructure changes at the Saginaw Park water system meet the applicable construction standards as specified in OAR 333-061-0050.

- Agreement Article No. 11: Michael Brown will submit water sampling results, in accordance with OAR 333-061-0036(2)(a), from the Saginaw Park water system that clearly demonstrate that water being provided to all system users is below the MCL for arsenic and meets all the applicable state and federal drinking water laws and rules no later than December 31, 2012.
- Agreement Article No. 12: Michael Brown will continue to issue public notice for exceeding the MCL for arsenic every three months, 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)). The notice will meet all of the applicable requirements of OAR 333-061-0042(4) and will be distributed to every customer served by the Saginaw Park water system in accordance with OAR 333-061-0042(3)(b)(E). A copy of the notice will be submitted to the Agency no later than 10 days after completing the public notification per OAR 333-061-0040(1)(j).
- Agreement Article No. 13: Michael Brown waives all rights to a contested case hearing or any judicial review regarding the civil penalties specified in this agreement.
- Agreement Article No. 14: Michael Brown agrees to pay the remaining civil penalty of \$900 should he fail to meet any of the agreement articles specified herein. Payment of the civil penalty will be due and payable within 10 days of being notified that he has violated the Settlement Agreement.
- Agreement Article No. 15: The Program will permanently waive the remaining civil penalty of \$900 upon completion of all of the actions and articles specified herein, if completed by the dates agreed upon.

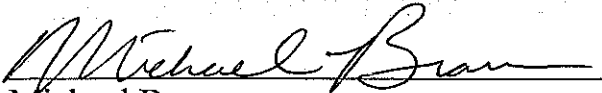
GENERAL PROVISIONS

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 333-061-0050 to 333-061-0290, which remain in full force and effect.

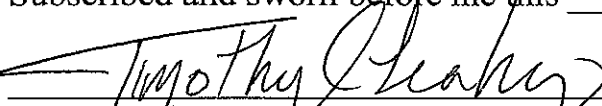
This Agreement does not relieve the Michael Brown of any responsibilities or liabilities established pursuant to any applicable federal, state, or local law or regulation.

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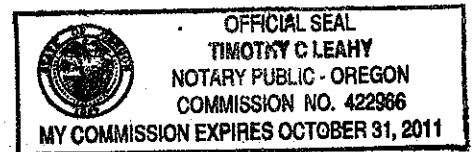
Dated this 4 day of MARCH, 2011.


Michael Brown
Owner
Saginaw Park


Subscribed and sworn before me this 4 day of March, 2011


Notary Public for Oregon

My commission expires 10/31/2011



Dated this 4 day of APRIL, 2011.


David Leland
Program Manager
Oregon Health Authority, Drinking Water Program

cc: Katrinka Danielson, Lane County Environmental Health
Casey Lyon, DHS DWP

