

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

In the Matter of

RAKOG, LTD/McKee Bridge Mobile
Home Park, PWS OR4101165

SETTLEMENT AGREEMENT

The Oregon Health Authority, Public Health Division, Office of Environmental Public Health, Drinking Water Program (Program) issued a Notice of Violation and Administrative Order (Order) on September 8, 2011 to RAKOG, LTD (RAKOG) for violations of the Oregon Drinking Water Quality Act (ORS 448.115 to ORS 448.290) and Oregon Administrative Rules at the McKee Bridge Mobile Home Park (McKee Bridge) water system. The Order required remedial action to comply with the violations, and on September 19, 2011, RAKOG requested a hearing.

The Program and RAKOG agree to resolve the matter of the violations and remedial actions identified in the Order by stipulating as follows:

- Agreement Article No. 1: RAKOG acknowledges that levels of arsenic in finished water produced by the McKee Bridge water system exceed the maximum contaminant level (MCL) as specified in OAR 333-061-0030(1), and that the arsenic treatment system installed in 2010 has not been effective in consistently removing arsenic from the water provided to water users.
- Agreement Article No. 2: RAKOG acknowledges that it must take all reasonable precautions in accordance with OAR 333-061-0025 to ensure that arsenic does not exceed the MCL.

- Agreement Article No. 3: RAKOG will sample for arsenic every month in treated water at the McKee Bridge water system per OAR 333-061-0036(1)(g), and submit the sample results to the Program within ten days of the end of the month as prescribed by OAR 333-061-0040(1)(b)(A).
 - RAKOG will continue monthly sampling until results indicate that the level of arsenic is below the MCL as specified in OAR 333-061-0030(1) in treated water at the McKee Bridge water system for six consecutive months.
- Agreement Article No. 4: RAKOG will demonstrate that arsenic does not exceed the MCL in drinking water provided to customers at the McKee Bridge water system by submitting finished water sampling results no later than December 31, 2011.
 - RAKOG will submit complete construction plans for any intended additions or alterations to the McKee Bridge water system no later than October 31, 2011. All plans must be approved by the Program in advance, and must meet all of the applicable requirements of OAR 333-061-0060.
 - Plans must have sufficient detail to completely and clearly illustrate what will be constructed and must show that the changes to the water system will meet all the applicable construction standards specified in OAR 333-061-0050 (OAR 333-0061-0060(1)).
- Agreement Article No. 5: RAKOG will publish 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 333-061-0025 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 person served by the McKee Bridge water system in accordance with OAR 333-061-0042(3)(b)(E). A copy of the notice and certification that the notice was distributed according to OAR 333-061-0042(3)(b)(E) will be submitted to the Program no later than 10 days after completing each public notification per OAR 333-061-0040(1)(j).
 - The copy of the notice and certification shall be submitted to: Brad Daniels, OHA – Drinking Water Program, PO Box 14450, Portland, OR 97293-0450.

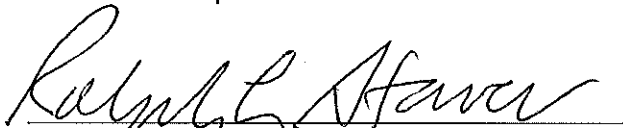
- Agreement Article No. 6: RAKOG waives all rights to a contested case hearing or any judicial review in the matter of the Order issued on September 8, 2011.
- Agreement Article No. 7: The provisions in this Settlement Agreement supercede the provisions in the Order issued on September 8, 2011.

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

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

Dated this 17 day of October, 2011.



Ralph L. Staver
RAKOG, LTD/McKee Bridge Mobile Home Park

Dated this 20 day of October, 2011.



David Leland
Program Manager
Oregon Health Authority, Drinking Water Program

cc: Daniel Hough, OHA DWP
Mike Obereigner, Jackson County Environmental Health
Scott Curry, OHA DWP