

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

In the Matter of

Watseco-Barview Water District, PWS
OR4101173

BILATERAL COMPLIANCE AGREEMENT

Watseco-Barview Water District (the District) is a water supplier as defined in Oregon Revised Statute (ORS) 448.115(12) and Oregon Administrative Rule (OAR) 333-061-0020(211), and as a water supplier, has specific responsibilities that are identified in OAR 333-061-0025.

The District has at all times mentioned herein owned and operated, and continues to own and operate, the public water system serving residents north of the City of Garibaldi in Tillamook County, Oregon. The Watseco-Barview Water District (WBWD) water system is a community water system serving approximately 200 people 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 Health Authority, Public Health Division, Center for Health Protection, Drinking Water Services (DWS) has reviewed the operation of the WBWD water system.

This agreement is entered into between DWS and the District for the purpose of acknowledging that levels of total trihalomethanes (TTHM) in drinking water produced by the WBWD water system exceed the maximum contaminant level (MCL) as specified in OAR 333-061-0030(2). The further purpose of this agreement is to establish a commitment by the District to reduce levels of TTHM in drinking water produced by the WBWD water system to below the MCL.

FINDINGS OF FACT

- The MCL for TTHM is 0.080 mg/L as specified in OAR 333-061-0030(2).
- Sampling results for TTHM in drinking water, submitted to DWS by the District, first exceeded the MCL in a sample collected on September 17, 2008. Since that date, inclusive, the TTHM concentration in drinking water produced by the WBWD water system has averaged 0.0853 mg/L.
- The District has issued public notice for exceeding the MCL for TTHM as required by OAR 333-061-0042.
- The District has reviewed the available options for water treatment to reduce the concentration of TTHM in drinking water.
- The District has determined that a long term agreement with the City of Garibaldi to receive potable drinking water is the best long-term option to reduce the concentration of TTHM in drinking water.
- The City of Garibaldi has entered into a short-term contract to operate and maintain the WBWD water system. The city of Garibaldi's operation of the WBWD water system includes rigorous flushing of distribution system water to reduce the concentration of TTHM in drinking water.
- The City of Garibaldi has proposed a compliance schedule to reduce the concentration of TTHM in drinking water that includes the construction of an intertie between the City's water system and the WBWD water system.

AGREEMENT

Upon completion of the activities described below, by the deadlines specified herein, The District 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 District will submit construction plans to DWS identifying how the District will ensure compliance with the MCL for TTHM at the WBWD water system no later than May 31, 2014.

- The construction plans will meet all the applicable requirements of OAR 333-061-0060 and have sufficient detail to completely and clearly illustrate what will be constructed.
- Agreement Activity No. 2: The District will complete construction of the project at the WBWD water system within six months of conditional approval being granted by DWS.
 - Construction will be completed in accordance with the plans approved by DWS and submitted as specified in Agreement Activity No. 1.
 - Construction of any improvements at the WBWD water system will proceed in accordance with the construction standards specified in OAR 333-061-0050.
- Agreement Activity No. 3: The District will demonstrate that the intertie between the WBWD water system and the City of Garibaldi water system is fully operational and available for use within one month of completing construction and no later than December 31, 2014, whichever comes first.
- Agreement Activity No. 4: The District will continue to publish public notice for exceeding the MCL for TTHM. 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 TTHM in drinking water at the WBWD water system. The District will continue to publish the notice 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 District 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).
 - Submit copies of the public notice to: Brad Daniels, OHA Drinking Water Services, PO Box 14450, Portland, OR 97293-0450.

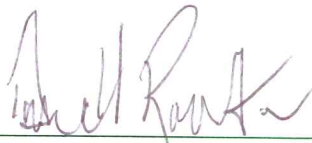
GENERAL PROVISIONS

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 District of any responsibilities or liabilities established pursuant to any applicable federal, state, or local law or regulation.

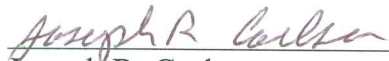
DWS has determined that additional enforcement action is not warranted at this time, and so long as The District meets all of the requirements and deadlines specified in this Agreement, DWS will forgo additional enforcement action which could include the assessment of civil penalties as prescribed by OAR 333-061-0090.

Dated this 17 day of July, 2013.



Dave Robertson, Chairman of the Board
Watseco-Barview Water District

Dated this 31 day of July, 2013.



Joseph R. Carlson
Interim Program Manager, Drinking Water Services
Oregon Health authority

cc: Fred Kalish, OHA-DWS
Blake Lettenmaier, City of Garibaldi