

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

In the Matter of

Mayfair Moorage, PWS OR4101258 | BILATERAL COMPLIANCE AGREEMENT

Mayfair Moorage is a water supplier as defined in Oregon Revised Statute (ORS) 448.115(12) and Oregon Administrative Rule (OAR) 333-061-0020(211).

Mayfair Moorage, as a water supplier, has specific responsibilities that are specified in OAR 333-061-0025.

Mayfair Moorage has at all times mentioned herein operated and continues to operate a community public water system, which serves between 25 and 100 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, Office of Environmental Public Health, Drinking Water Program (Agency) has conducted an investigation into the operation of the water system operated by Mayfair Moorage.

This agreement is entered into between the Agency and Mayfair Moorage for the purpose of acknowledging that sample results for water provided by Mayfair Moorage exceed the maximum contaminant level (MCL) for arsenic

as specified in OAR 333-061-0030(1). The purpose of this agreement is to establish a commitment to reduce the arsenic concentration in drinking water provided by Mayfair Moorage so that it is in compliance with the MCL for arsenic.

FINDINGS OF FACT

- Mayfair Moorage exceeded the MCL for arsenic in May 2009. There were no samples submitted for compliance from November 2005 through April 2009.
- Mayfair Moorage exceeded the running annual average (RAA) for arsenic in the first quarter of 2010 and has exceeded the RAA in subsequent quarters up to and including the first quarter 2011.

AGREEMENT

Upon completion of the activities described below, if taken within the time specified in this Agreement, Mayfair Moorage will be considered to be in compliance with the rule(s) mentioned hereto.

- Agreement Activity No. 1: Mayfair Moorage will continue to collect arsenic samples every calendar quarter and report the sample results to the Agency within 10 days of the end of the monitoring period.
- Agreement Activity No. 2: Mayfair Moorage will submit plans that clearly indicate which of the following three options will be selected to meet the MCL for arsenic. The construction plans will be submitted no later than May 31, 2011. These three options are:
 - Option No. 1: Install an approved treatment system that meets the construction standards listed in OAR 333-061-0050(4) to achieve compliance with the MCL for arsenic;
 - Option No. 2: Develop a new water source that meets all applicable requirements in OAR 333-061-0050; or
 - Option No. 3: Connect to, and receive water from another public water system to replace the existing water source for

Mayfair Moorage, or to blend with water from Mayfair Moorage's existing source water well.

- Agreement Activity No. 3: Mayfair Moorage will complete construction of the project approved pursuant to Agreement Activity No. 2 within nine months of the plan review conditional approval letter issued by the Agency.
- Agreement Activity No. 4: Mayfair Moorage will submit sample results demonstrating that the arsenic concentration in water provided by the system is below the MCL within twelve months of the date of the plan review conditional approval letter issued by the Agency.
- Agreement Activity No. 5: Mayfair Moorage, per OAR 333-061-042(2)(b), will continue to issue a public notice every calendar quarter for exceeding the MCL for arsenic 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)).

Please submit the quarterly public notice to: DHS-Drinking Water Program, PO Box 14350, Portland OR 97293-0350.

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 Order does not relieve Mayfair Moorage of any responsibilities or liabilities established pursuant to any applicable federal, state, or local law or regulation.

The Agency has determined that formal enforcement action is not warranted at this time, and so long as Mayfair Moorage complies with the actions and deadlines hereto agreed upon, the Agency will forgo any additional

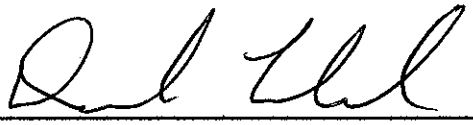
enforcement action which could include the assessment of civil penalties as prescribed by OAR 333-061-0090.

Dated this 15 day of April, 2011.



Alice Schillerberg
Mayfair Moorage

Dated this 25th day of APRIL, 2011.



David Leland
Program Manager
Oregon Health Authority, Drinking Water Program

cc: James Nusrata, OHA-DWP
Gerald Barnes, Multnomah County Environmental Health