

PUBLIC HEALTH DIVISION  
Center for Health Protection, Drinking Water Services

John A. Kitzhaber, MD, Governor

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**Health**  
Authority

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

RECEIVED  
JAN 30 2015  
Drinking Water Program  
Pendleton Office

In the Matter of

Hat Rock Water Company, PWS | BILATERAL COMPLIANCE AGREEMENT  
OR4101309

Hat Rock Water Company (the Company) is a water supplier as defined in Oregon Revised Statute (ORS) 448.115(12) and Oregon Administrative Rule (OAR) 333-0610020(207), and as a water supplier, has specific responsibilities that are identified in OAR 333-061-0025.

The Company has at all times mentioned herein owned and operated, and continues to own and operate, the public water system serving homes northeast of Hermiston, Oregon between Beach Shore Drive on the south and River View Drive on the north. The Hat Rock water system is a community public water system serving approximately 100 people and is subject to regulation under ORS 448.115 to 448.290 and OAR 333-0610005 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 Hat Rock water system.

This agreement is entered into between DWS and the Company, for the purpose of acknowledging that water provided by the Hat Rock water system exceeds the maximum contaminant level (MCL) for nitrate. The further purpose of this agreement is to establish a commitment by the Company to ensure water provided by the Hat Rock water system has levels of nitrate reliably and consistently below the MCL specified in OAR 333-061-0030(1).

### FINDINGS OF FACT

- The MCL for nitrate is 10 mg/L as specified by OAR 333-061-0030(1).
- Sampling results reported by the Company first exceeded the MCL for nitrate in a sample collected on March 6, 2014. The average nitrate concentration in drinking water samples reported by the Hat Rock water system in 2014 is 10.2 mg/L.
- The Company has issued public notice for exceeding the MCL for nitrate as required by OAR 333-061-0042.
- The Company applied to the Oregon Water Resources Department for water rights and authorization to develop a groundwater well expected to draw water from an aquifer free from nitrate contamination.

### AGREEMENT

Upon completion of the activities described below, by the deadlines specified herein, the Company 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 Company will submit an action plan to DWS identifying how it will ensure compliance with MCL for nitrate at the Hat Rock water system. The action plan will be submitted no later than March 31, 2015.

- Agreement Activity No. 2: The Company will verify completion of corrective action no later than September 30, 2016.
- Construction of any improvements at the Hat Rock water system will proceed in accordance with the construction standards specified in OAR 333-061-0050.
- Agreement Activity No. 3: The Company will submit sampling results that demonstrate drinking water provided to water users at the Hat Rock has concentrations of nitrate below the MCL as specified in OAR 333-061-0030(1) within thirty (30) days of completing corrective action as specified in Agreement Activity No. 2.
- Agreement Activity No. 4: The Company will publish public notice according to OAR 333-061-0042 for exceeding the MCL for nitrate. 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 nitrate in drinking water at the Hat Rock water system. The Company 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 333-061-025 and OAR 333-061-0042(3)(b)(C)). The Company 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

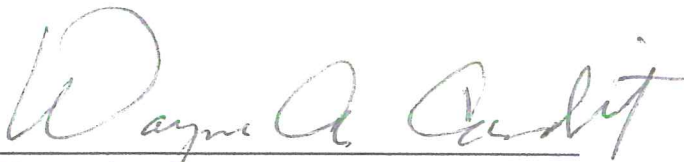
This Agreement does not constitute a waiver, suspension or modification of the requirements of the Oregon Drinking Water Quality Act; ORS 448.115 to 448.285 and administrative rules OAR 333-061-0005 to 333-061-0272, which remain in full force and effect.

This Agreement does not relieve the Company 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 Company 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 30<sup>th</sup> day of January, 2015.

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Wayne Condit  
President  
Hat Rock Water Company

Dated this 3 day of FEBRUARY, 2015.



Dave Leland, PE Section  
Manager

Oregon Health authority, Drinking Water Services

cc: Bill Goss, Oregon Health Authority, Drinking Water Services  
Amy Word, Oregon Health Authority, Drinking Water Services