



# Oregon

Theodore R. Kulongoski, Governor

**Department of Human Services**

**Public Health Division**

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FEB 02 2010

DWP-DMCE

BEFORE THE STATE OF OREGON  
DEPARTMENT OF HUMAN SERVICES  
OFFICE OF ENVIRONMENTAL PUBLIC HEALTH

In the Matter of

Marshland Water Association, PWS  
OR4101449

BILATERAL COMPLIANCE  
AGREEMENT

Marshland Water Association is a water supplier as defined in Oregon Revised Statute (ORS) 448.115(12) and Oregon Administrative Rule (OAR) 333-061-0020(194).

Marshland Water Association, as a water supplier, has specific responsibilities that are specified in OAR 333-061-0025.

Marshland Water Association has at all times mentioned herein operated and continues to operate a community public water system, and is subject to regulation under ORS 448.115 to 448.290 and OAR 333-061-0005 to 333-061-0295.

Pursuant to its authority under ORS 448.150, the Oregon Department of Human Services, Public Health Division, Office of Environmental Public Health, Drinking Water Program (Agency) has conducted a review of the operation of the water system operated by Marshland Water Association.



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This agreement is entered into between the Agency and Marshland Water Association for the purpose of acknowledging that sample results for water provided by Marshland Water Association exceed the maximum contaminant level (MCL) for arsenic as specified in OAR 333-061-0030(1). The purpose of this agreement is also to establish a commitment to reduce the arsenic concentration in drinking water provided by Marshland Water Association below the MCL.

### FINDINGS OF FACT

- In 2006 the MCL for arsenic was reduced from 0.050 to 0.010 mg/L. Arsenic sampling results for Marshland Water Association from the year 2000 to 2005 averaged 0.0163 mg/L, which was below the MCL at the time, but above the new MCL adopted in 2006. Arsenic samples collected by Marshland Water Association since the year 2006, after the new MCL went into effect, have an average arsenic concentration of 0.014 mg/L.
- Arsenic sampling results for Marshland Water Association, since 2006, have remained consistent, and the system has conducted quarterly sampling for arsenic while investigating corrective action.
- Marshland Water Association has issued public notice as required for exceeding the MCL for arsenic.
- Marshland Water Association is in the process of developing a surface water source to replace the groundwater well which is the source of the arsenic contamination.

### AGREEMENT

Upon completion of the activities described below, if taken within the time specified in this Agreement, Marshland Water Association will be considered to be in compliance with the MCL for arsenic, and will have fully satisfied the items in this agreement.

- Agreement Activity No. 1: Marshland Water Association will continue to conduct quarterly arsenic sampling, and report sample results within 10 days of the end of the monitoring period.

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- Agreement Activity No. 2: Marshland Water Association will complete development and construction of the surface water intake and treatment system specified by plan review #176-2009 no later than December 31, 2010.
- Agreement Activity No. 3: Marshland Water Association will provide drinking water that consistently meets all applicable state and federal drinking water laws and rules no later than March 31, 2011.
- Agreement Activity No. 4: Marshland Water Association, per OAR 333-061-0042(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. Submit an additional copy of the quarterly notification to Mark Edington of Columbia County Environmental Health, PO Box 995, St. Helens, OR 97051.

### 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 333-061-0295, which remain in full force and effect.

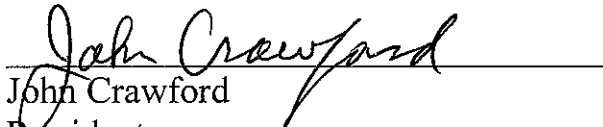
This Agreement does not relieve the Marshland Water Association of any responsibilities or liabilities established pursuant to any applicable federal, state, or local law or regulation.

The Agency has determined that formal enforcement action is not warranted at this time, and so long as Marshland Water Association complies with the actions and deadlines herein agreed upon, the Agency will forgo any additional enforcement action.

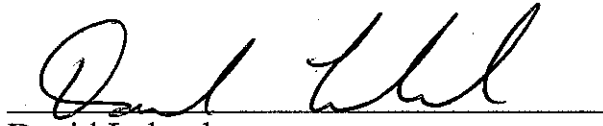
**Marshland Water Association**

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Dated this 22 day of December, 2009.

  
John Crawford  
President  
Marshland Water Association

Dated this <sup>9</sup>~~22~~ day of FEBRUARY 2010~~December~~, 2009.

  
David Leland  
Program Manager  
Oregon Department of Human Services, Drinking Water Program

cc: Mark Edington, Columbia County Environmental Health  
Evan Hofeld, DHS-DWP