

PUBLIC HEALTH DIVISION
Center for Health Protection, Drinking Water Services
John A. Kitzhaber, MD, Governor

Oregon
Health
Authority

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

In the Matter of

The Annex School District, Annex
Charter School, PWS OR4190889

BILATERAL COMPLIANCE AGREEMENT

The Annex School 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(207), 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 Annex Charter School located at 402 Annex Road near Ontario in Malheur County, Oregon. The Annex Charter School includes a non-transient non-community public water system serving approximately 60 people and is subject to regulation under ORS 448.115 to 448.290 and OAR 333-061-0005 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 Annex Charter School water system.

This agreement is entered into between DWS and the District for the purpose of acknowledging that the concentration of arsenic in drinking water produced by the Annex Charter School water system exceeds the maximum contaminant level (MCL) as specified in OAR 333-061-0030(1). The further purpose of this agreement is to establish a commitment by the District to reduce levels of arsenic in drinking water produced by the Annex Charter School water system to below the MCL.

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FINDINGS OF FACT

- The MCL for arsenic is 0.010 mg/L and is identified in OAR 333-061-0030(1).
- Sampling results submitted to DWS by the District first exceeded the MCL for arsenic in a sample collected on November 17, 2010. The arsenic concentration in drinking water produced by Annex Charter School water system is currently 0.014 mg/L calculated as a running annual average.
- The District has issued public notice for exceeding the MCL for arsenic as required by OAR 333-061-0042.

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 in relation to the Annex Charter School water system.

- Agreement Activity No. 1: The District will submit an action plan to DWS identifying how it will ensure compliance with the MCL for arsenic at the Annex Charter School water system. The action plan will be submitted no later than December 31, 2014.
- Agreement Activity No. 2: The District will verify corrective action has been completed no later than March 31, 2016.
 - Construction of any improvements at the Annex Charter School water system will proceed in accordance with the construction standards specified in OAR 333-061-0050.
- Agreement Activity No. 3: The District will submit sampling results that demonstrate drinking water provided to water users at the Annex Charter School has concentrations of arsenic 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.

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- Agreement Activity No. 4: The District will publish public notice according to OAR 333-061-0042 for exceeding the MCL for arsenic. The notice will meet all of the applicable requirements of OAR 333-061-0042(4). The public notice will be re-published every three months as necessary to include changes or additional information regarding arsenic in drinking water at the Annex Charter School water system, 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).

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 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.

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Dated this 19th day of DECEMBER, 2014.

Steve Bishop

Steve Bishop
Superintendent
Annex School District

Dated this 23 day of DECEMBER, 2014.

Dave Leland

Dave Leland, P.E.
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