



Oregon

Theodore R. Kulongoski, Governor

Department of Human Services

Public Health Division

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

In the Matter of

Oregon Parks and Recreation
Department, Frenchglen Hotel, PWS
OR4191028

BILATERAL COMPLIANCE
AGREEMENT

Oregon Parks and Recreation Department (OPRD) is a water supplier as defined in Oregon Revised Statute (ORS) 448.115(12) and Oregon Administrative Rule (OAR) 333-061-0020(211) because it owns and operates the public water system at the Frenchglen Hotel State Heritage Site (Frenchglen Hotel).

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

The public water system at Frenchglen Hotel is a transient non-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 Department of Human Services, Public Health Division, Office of Environmental Public Health, Drinking Water Program (Agency) has reviewed the operation of the water system at Frenchglen Hotel.



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This agreement is entered into between the Agency and OPRD for the purpose of acknowledging that sampling results indicate water at Frenchglen Hotel exceeds the maximum contaminant level (MCL) for nitrate as specified in OAR 333-061-0030(1) and has exceeded the MCL for coliform bacteria. Additionally, the purpose of this agreement is to establish a commitment by OPRD to reconstruct or replace the existing groundwater wells that supply the Frenchglen Hotel public water system.

FINDINGS OF FACT

- Each of the drinking water samples submitted for the Frenchglen Hotel between June 4, 2007 and October 23, 2008 exceeded the MCL for nitrate of 10.00 mg/L.
- In June 2008 Frenchglen Hotel installed an ion exchange treatment unit to reduce the Nitrate in their drinking water to below the MCL.
- Four of the seven drinking water samples submitted for the Frenchglen Hotel between March 23, 2009 and August 30, 2010 have been in compliance with the MCL for nitrate, and the remaining three samples have exceeded the MCL, including samples submitted on August 20 and August 30, 2010 which had nitrate concentrations of 19.2 and 19.6 respectively.
- Drinking water samples submitted for Frenchglen Hotel exceeded the MCL for coliform bacteria in each of the following monitoring periods:
 - September 2008
 - October 2008
 - August 2009
 - October 2009
- The Agency completed an evaluation of the groundwater well, identified by the Agency as Well #2 (SRC-AB), with well tag #L78777 and serving as the primary water source for the Frenchglen Hotel on September 1, 2010. This evaluation included a site visit at the Frenchglen Hotel on August 26, 2010.
- The aquifer which supplies water to Well #2 is shallow, unconfined, and highly sensitive to contamination. The most likely source of nitrate contamination at Frenchglen Hotel was determined to be from septic tanks and drain fields located upgradient from the well.

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AGREEMENT

The Agency has determined, due to the influence of the septic fields upon the source water well and the resulting contamination by nitrate and coliform bacteria, that Well #2 with well tag #L78777 must be reconstructed or replaced pursuant to OAR 333-061-0050(1)(d), which requires that facilities at public water systems be designed and constructed to effectively exclude contamination.

Upon completion of the activities described below, and if taken within the time specified in this Agreement, OPRD will have fully satisfied the terms of this agreement.

- Agreement Activity No. 1: OPRD will either replace or reconstruct Well #2 with well tag #L78777 serving as the water source for the Frenchglen Hotel. The new or reconstructed water source for Frenchglen Hotel will be constructed and put into service no later than June 30, 2011.

If Well #2 with well tag #L78777 is reconstructed, the resulting groundwater well will be constructed so that it draws water upgradient of the septic fields and/or from a deeper confined aquifer.

If a new water source is utilized to replace Well #2, it shall be designed and constructed to effectively exclude contamination from the septic fields identified in The Findings of Fact above.

- Please submit any additional plan review materials to: Marsha Fox, DHS – Drinking Water Program, PO Box 14450, Portland, OR 97293-0450.

- Agreement Activity No. 2: Frenchglen Hotel will collect samples for nitrate and coliform bacteria, and submit those sample results to the Agency no more than one month after completing construction or reconstruction of the water source specified in Agreement Activity No. 1.
- Agreement Activity No. 3: Frenchglen Hotel will collect samples for coliform bacteria every month that the water system is in operation, and submit the sample results to the Agency as prescribed by OAR 333-061-0040(1)(b) for the first twelve months of operation after completing construction or reconstruction of the water source specified in Agreement Activity No. 1.

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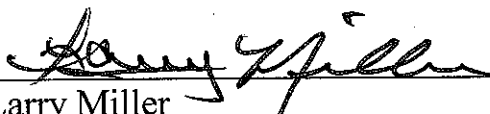
GENERAL PROVISIONS

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

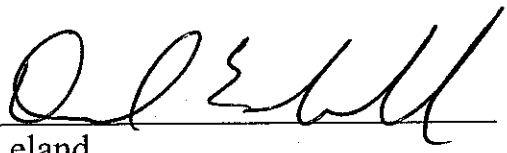
The Agency has determined that formal enforcement action is not warranted at this time, and so long as OPRD complies with the actions and deadlines hereto agreed upon, the Agency will forgo any additional enforcement action.

Dated this 18th day of October, 2010.



Larry Miller
Region Manager, Eastern Region Office
Oregon Parks and Recreation Department

Dated this 29 day of October, 2010.



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

cc: Bill Goss, DHS-DWP
Ray Huff, Grant/Harney County Environmental Health
Chris Hughes, DHS-DWP
Henry Mackenroth, OPRD