

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

In the Matter of

George Fox University/Tilikum Center
for Retreats and Outdoor Ministries,
PWS OR4191967

BILATERAL COMPLIANCE AGREEMENT

George Fox University is a water supplier as defined in Oregon Revised Statute (ORS) 448.115(12) and Oregon Administrative Rule (OAR) 333-061-0020(211), and as a water supplier, has specific responsibilities that are identified in OAR 333-061-0025.

George Fox University has at all times mentioned herein owned and operated, and continues to own and operate, the public water system at the Tilikum Center for Retreats and Outdoor Ministries (Tilikum Center) which is located at 15321 NE North Valley Rd. outside of Newberg, Oregon. The Tilikum Center water system is a transient non-community water system serving between 301 and 1,500 people and 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 (Program) has reviewed the operation of the Tilikum Center water system.

This agreement is entered into between the Program and George Fox University, for the purpose of acknowledging that the surface water treatment plant infrastructure at the Tilikum Center water system does not meet requirements specified by the Program. Specifically, the Tilikum Center water system cannot monitor its membrane filtration system to ensure effective filtration, and the ultraviolet light (UV) disinfection system and cartridge filtration system at the Tilikum Center water system do not meet current requirements for use at public water systems within Oregon. The further purpose of this agreement is to establish a commitment by George Fox University to either install approved surface water treatment facilities at the Tilikum Center water system or to replace the existing surface water source with an approved groundwater source.

FINDINGS OF FACT

- OAR 333-061-0036(5)(d)(B)(vi) requires direct integrity testing of every membrane filtration unit utilized by a public water system for surface water treatment at least once per day. Carl Anderson stated in a letter received by the Program on November 9, 2010 that the Tilikum Center water system does not have the capacity to meet this requirement.
- OAR 333-061-0036(5)(d)(C) requires continuous indirect integrity monitoring of every membrane filtration unit utilized by a public water system for surface water treatment. Carl Anderson stated in a letter received by the Program on November 9, 2010 that the Tilikum Center water system does not have the capacity to meet this requirement
- Carl Anderson identified the cartridge filter being utilized at the Tilikum Center water system as a Harmsco 1 micron absolute model in an email on March 21, 2011. In the same email Mr. Anderson identified the UV disinfection units as PURA UVBB-1 models capable of disinfecting up to 15 gallons per minute of water. Neither the cartridge filter nor the UV disinfection unit identified by Carl Anderson is credited with the levels of removal or inactivation of *Cryptosporidium* necessary for use at public water systems within Oregon.
- A sanitary survey of the Tilikum Center water system was conducted on September 23, 2010 and identified that a tracer study or an adequate alternative has not been conducted to determine disinfection contact time as required by OAR 333-061-0050(6)(a)(R).

- Yamhill County Environmental Health mailed a letter to Carl Anderson on April 12, 2011 identifying the treatment deficiencies specified in this agreement and requested a corrective action plan be submitted within sixty days of the letter's date.

AGREEMENT

Upon completion of the activities described below, by the deadlines specified herein, George Fox University 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: George Fox University will submit a corrective action plan to the Program no later than July 31, 2011. The plan will:
 - Indicate how the surface water treatment system utilized at the Tilikum Center water system will be improved so that it meets all the applicable requirements of OAR 333-061-0032 and OAR 333-061-0036, or indicate how George Fox University will replace the existing water source serving the Tilikum Center water system with a new water source; and
 - Indicate when the project identified in the corrective action plan is expected to be complete.
- Agreement Activity No. 2: George Fox University will submit construction plans to the Program no later than October 31, 2011 that clearly indicate how the water source or water treatment system at the Tilikum Center water system will be made to comply with all of the applicable water system and water treatment requirements. The plans must also meet all of the applicable requirements of OAR 333-061-0060, and must clearly show that the changes to the water system will meet all the applicable construction standards specified in OAR 333-061-0050.
- Agreement Activity No. 3: George Fox University will complete the installation of new equipment and any alterations, upgrades, or other improvements to the water treatment system at Tilikum Center, in accordance with the plans submitted as prescribed by Agreement Activity No. 2, no later than December 31, 2011. All physical or infrastructure changes at the Tilikum Center water system are subject to inspection by Program staff to verify that the water system meets the applicable construction standards specified in OAR 333-061-0050.

- Agreement Activity No. 4: George Fox University will demonstrate, no later than January 31, 2012, that the treatment system at Tilikum Center achieves the surface water treatment requirements specified in OAR 333-061-0032, that the Tilikum Center water system is able to comply with all of the applicable requirements of OAR 333-061-0036, and that water being provided to all system users meets all the applicable state and federal drinking water laws and rules.

- Agreement Activity No. 5: George Fox University will publish public notice for failing to maintain minimum surface water treatment requirements. The notice will meet all of the applicable requirements of OAR 333-061-0042(4), be distributed to every customer served by the Tilikum Center water system every three months, 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)). A copy of the notice and certification of the method of distribution must be submitted to the Agency no later than 10 days after completing the public notification per OAR 333-061-0040(1)(j).
 - Submit copies of the public notice to: Brad Daniels, OHA - Drinking Water Program, PO Box 14450, Portland, OR 97293-0450.

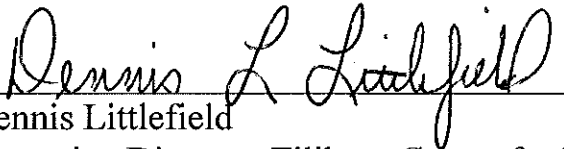
GENERAL PROVISIONS

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 Agreement does not relieve the George Fox University of any responsibilities or liabilities established pursuant to any applicable federal, state, or local law or regulation.

The Program has determined that additional enforcement action is not warranted at this time, and so long as George Fox University meets all of the requirements and deadlines specified in this Agreement, the Program will forgo additional enforcement action which could include the assessment of civil penalties as prescribed by OAR 333-061-0090.

Dated this 3rd day of July, 2011.



Dennis Littlefield
Executive Director, Tilikum Center for Retreats and Outdoor Ministries
George Fox University

Dated this 11th day of July, 2011.



Dave Leland, PE
Program Manager
State of Oregon, Drinking Water Program

cc: Fred Kalish, OHA-DWP
Gary Van der Veen, Yamhill County Environmental Health