



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

Wasco County Fairgrounds water
system, PWS OR4195018

BILATERAL COMPLIANCE
AGREEMENT

Wasco County is a water supplier as defined in Oregon Revised Statute (ORS) 448.115(12) and Oregon Administrative Rule (OAR) 333-061-0020(194). Wasco County owns and operates the public water system at the Wasco County Fairgrounds.

Wasco County, as a water supplier, has specific responsibilities that are identified in OAR 333-061-0025.

Wasco County has at all times mentioned herein operated and continues to operate a transient non-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 at the Wasco County Fairgrounds.

This agreement is entered into between the Agency and Wasco County for the purpose of acknowledging that sample results for water provided by the Wasco County Fairgrounds water system exceeded the maximum contaminant level (MCL) for coliform bacteria as specified in OAR 333-061-0030(4). The purpose of this agreement is also to establish a commitment by Wasco County to replace the previous source water well for the water system at the Wasco County Fairgrounds with a new water source.

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FINDINGS OF FACT

- Water samples collected on July 15, 2009 at the Wasco County Fairgrounds water system showed the presence of total coliform bacteria. Subsequent samples collected on August 5 and 6, 2009 showed the presence of total coliform bacteria as well as fecal coliforms or *E. coli*.
- On August 7, 2009, Wasco County posted a public notice notifying users that water provided by the water system must be boiled before being used for drinking or cooking.
- Wasco County shock chlorinated and flushed the source water well serving the water system in an attempt to remediate the contamination of the well.
- A video survey of the interior of the source water well used by the Wasco County Fairgrounds water system was conducted on August 26, 2009 and found extensive organic material within the well. This video was reviewed by an Agency Geologist on September 24, 2009, and the construction of the well was determined to not meet current construction standards.
- Wasco County disconnected the existing source water well from the Wasco County Fairgrounds water system, and formally abandoned the well on December 29, 2009.
- Wasco County contracted with Tenneson Engineering Corporation to provide design and engineering services for a new source water well intended for use by the Wasco County Fairgrounds water system. This well has been drilled and construction is currently being completed.

AGREEMENT

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

- Agreement Activity No. 1: Wasco County will complete construction of the new source water well specified in plan review #218-2009. The well will meet all the applicable construction requirements in OAR 333-061-0050(2)(a), and construction will be completed such that final plan review approval may be granted no later than April 30, 2010.

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- Agreement Activity No. 2: Wasco County will collect untreated source water coliform samples from the new source water well specified in Agreement Activity No. 1. The samples will be collected every month after the well is constructed until December 31, 2010 (OAR 333-061-0036(1)(g)). The samples will be collected at the wellhead sample tap, identified as source water samples, and reported to the Agency at: DHS – Drinking Water Program, PO Box 14350, Portland, OR 97293-0350.

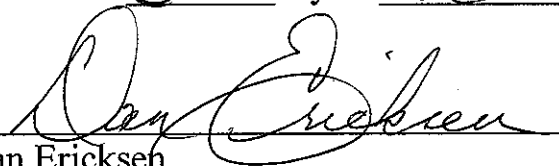
GENERAL PROVISIONS

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 Wasco County of any responsibilities or liabilities established pursuant to any applicable federal, state, or local law or regulation.

The Agency has determined that additional enforcement action is not warranted at this time, and so long as Wasco County meets all of the requirements and deadlines specified in this Agreement, the Agency 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 March, 2010.



Dan Ericksen

Commission Chair

Wasco County Board of County Commissioners

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Dated this 3rd day of March, 2010.

Sherry Holliday

Sherry Holliday
Commissioner

Wasco County Board of County Commissioners

Dated this 3rd day of March, 2010.

Bill Lennox

Bill Lennox
Commissioner

Wasco County Board of County Commissioners

Dated this 11 day of March, 2010.

David Leland

David Leland
Program Manager

Oregon Department of Human Services, Drinking Water Program

cc: Michelle Byrd, DHS-DWP
Bill Goss, DHS-DWP
Sid Moss, Wasco County
Harold Rogers, USEPA
Tyler Stone, Wasco County
John Zalaznik, North Central Public Health District