



Protecting, maintaining and improving the health of all Minnesotans

September 19, 2014

Houston City Council
c/o Ms. Connie Edwards
Houston City Hall
105 West Maple
Houston, Minnesota 55943

Dear Council Members:

**Subject: Compliance Agreement – Final, Houston Public Water Supply, Houston County,
PWSID 1280005**

Enclosed is a fully executed copy of your Compliance Agreement (CA). This agreement is between the City of Houston Public Water Supply System and the Minnesota Department of Health (MDH). Please keep this document for your records.

As long as your water system meets the obligations found under Section II (Corrective Actions), Items 1 thru 3 of this agreement, further enforcement action will be held in abeyance. Failure to comply with the requirements of your CA may result in additional enforcement action by the MDH or by the Office of the Attorney General on behalf of the MDH. This enforcement could include fines of up to \$10,000.

If you have any questions about this agreement, please contact Cindy Swanson at 651/201-4656 (or email cindy.swanson@state.mn.us), of the MDH Community Public Water Supply Unit. Any written documentation regarding the agreement can be sent to Cindy at the address below.

Sincerely,

A handwritten signature in black ink that reads "Randy Ellingboe". The signature is written in a cursive style with a small arrow pointing to the top of the letter 'e'.

Randy Ellingboe, P.E., Manager
Drinking Water Protection Section
Environmental Health Division
625 North Robert Street
P.O. Box 64975
St. Paul, Minnesota 55164-0975

RE:CLS

Enclosure

cc: Cindy Swanson, MDH Compliance Officer, St. Paul
Paul Halvorson, MDH District Engineer, Rochester
Anita Smith, MDH Enforcement Officer, St. Paul
Steve Robertson, MDH – SWP, St. Paul

General Information: 651-201-5000 • Toll-free: 888-345-0823 • TTY: 651-201-5797 • www.health.state.mn.us

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Minnesota Department of Health
 Section of Drinking Water Protection
 625 Robert Street North
 St. Paul, MN 55155-2531
 General Information 651/201-4700
 FAX 651/201-4701

City of Houston
 1280005

COMPLIANCE AGREEMENT
 Contaminant: Radium 226 and 228
 Houston Public Water System

This Agreement, by and between the City of Houston, 1280005 (hereinafter "System"), and the Minnesota Department of Health (hereinafter "MDH") becomes effective on the date signed on behalf of the MDH.

I. Authorities and Findings

A. Pursuant to the Safe Drinking Water Act, Minnesota Statutes 2011, sections 144.381 to 144.387, and Minnesota Rules, chapter 4720, the MDH enforces the National Primary Drinking Water Regulations. In Minnesota Rules, part 4720.0350, the MDH has adopted the federal National Primary Drinking Water Regulations, 40 CFR, part 141, by reference. 40 CFR, section 141.66(b), establishes the maximum contaminant level (MCL) for Radium 226 and 228.

B. The System is in violation of the National Primary Drinking Water Regulations because the System's water supply exceeds the MCL of 5.4 PicoCuries per liter (pCi/L) for Radium 226 and 228. Through this Agreement, the parties seek to bring the System into compliance with the National Primary Drinking Water Regulations.

II. Corrective Actions

It is agreed between the System and MDH that until the corrective actions set forth below have been implemented and compliance with the MCL for Radium 226 and 228 has been accomplished, the System shall meet the following conditions:

1. The System shall continue notifying the consuming public quarterly (as directed in the Notice of Violation letter – copy enclosed) of the Radium 226 and 228 MCL exceedance. The System shall provide documentation to MDH that the notice has been distributed – within 10 days of distributing each notice. In addition, the System shall report the Radium 226 and 228 MCL exceedance in the Consumer Confidence Report annually.
2. The System shall take corrective action according to the project schedule for the completion of a water treatment facility for the reduction of Radium 226 and 228 below the MCL as follows:

Actions Required:	Complete no later than:
A. Preliminary Engineering Report Completed	May 1, 2015
B. Funding	
• Request Drinking Water Revolving Fund (DWRF) Placement on Project Priority List	February 1, 2015
• Submit Small Cities Development Grant	November 1, 2015
• Apply for US Department of Agriculture Rural Development Funding	May 1, 2016
• Request DWRF Placement on Intended Use Plan	May 1, 2016
C. Obtain Funding Approval and Begin Design	September 1, 2016

Corrective Actions (continued):

D. Prepare Plans and Specifications and Submit to MDH for Approval	March 1, 2017
E. Advertise for Bids	April 1, 2017
F. Receive Bids	May 1, 2017
G. Commence Construction	June 1, 2017
H. Complete Construction and Request MDH Inspection of Treatment Facility	August 1, 2018
I. In Compliance with the Safe Drinking Water Act, Radium 226 and 228 Levels Less than 5 pCi/L	January 1, 2019

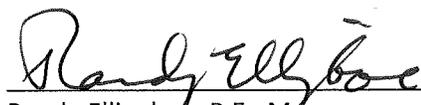
- The System shall provide documentation (via US mail, email, phone or fax) to MDH that the actions required in Conditions 1 and 2 are being accomplished. Information must be provided to MDH within 15 days after each completion date deadline listed in Condition 2.

III. Further Agreements

- If the System fails to comply with any term or condition of this Compliance Agreement, MDH may take enforcement actions authorized in Minnesota Statutes, sections 144.99 and 144.991, or any other applicable law, including, where appropriate, the assessment of monetary penalties. By entering into this Compliance Agreement, the System waives its opportunity to contest the violation of the Federal National Primary Drinking Water Regulations set forth in Part I above and shall not contest such violation in any proceeding to enforce this agreement.
- This Compliance Agreement terminates when the System is in compliance with National Primary Drinking Water Regulations. MDH will send written notification to the System when compliance is met.
- This Compliance Agreement may not be modified or amended except in writing and any modifications or amendments must be signed by all the parties.

MINNESOTA DEPARTMENT OF HEALTH
 DIVISION OF ENVIRONMENTAL HEALTH

City of Houston, MINNESOTA


 Randy Ellingboe, P.E., Manager
 Section of Drinking Water Protection


 Connie Edwards, Mayor
 City of Houston

Date SEP. 19, 2014

This agreement becomes effective on the date signed by the representative of the MDH.