



Minnesota Department of Health
 Section of Drinking Water Protection
 625 Robert Street North
 St. Paul, MN 55155-2531
 General Information 651/201-4700
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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 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 | Completed. |
| B. Funding <ul style="list-style-type: none"> • Request Drinking Water Revolving Fund (DWRP) Placement on Project Priority List • Submit Small Cities Development Grant • Apply for US Department of Agriculture Rural Development Funding • Resubmit request for DWRP Placement on Intended Use Plan | Completed Completed Decided to wait to use other available resources June 2, 2017 |
| C. Obtain Funding Approval and Begin Design | September 1, 2017 |

Corrective Actions (continued):

| | |
|--|----------------|
| D. Prepare Plans and Specifications and Submit to MDH for Approval Minnesota Department of Health Drinking Water Protection Unit, Community Plan Review P.O. Box 64975 St. Paul, MN 55164-0975 | March 31, 2018 |
| E. Advertise for Bids | May 1, 2018 |
| F. Receive Bids | June 15, 2018 |
| G. Commence Construction | July 15, 2018 |
| H. Complete Construction and Request MDH Inspection of Treatment Facility (email chad.kolstad@state.mn.us) | August 1, 2019 |
| I. In Compliance with the Safe Drinking Water Act, Combined Radium 226 and 228 Level Less than 5 pCi/L | June 30, 2020 |

- 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


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

City of Houston, MINNESOTA


Connie Edwards, Mayor
City of Houston

Date DEC. 6, 2016

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