



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

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IDAHO PUBLIC
UTILITIES COMMISSION

July 3, 2008

Jean D. Jewell
Commission Secretary
Idaho Public Utilities Commission
PO Box 83720
Boise, ID 83720-0074

Re: Case No. EAG-W-08-01 – Staff Exhibits

Dear Ms. Jewell:

On July 2, 2008, at the Show Cause hearing, Staff submitted Exhibit Nos. 101-104 into the record. These exhibits are attached for filing. All parties, including the Commissioners and Court Reporter, were given copies at the hearing.

Sincerely,

A handwritten signature in black ink that reads "Scott D. Woodbury".

Scott D. Woodbury
Deputy Attorney General
for the Commission Staff

L:EAG-W-08-01_sw



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UTILITIES COMMISSION

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

June 30, 2008

Via Email and Facsimile

Scott Woodbury
Deputy Attorney General, PUC
(208) 334-3762
scott.woodbury@puc.idaho.gov

Re: Floating Feather Mobile Home Park and Eagle Water Company Records
Request


Dear Scott,

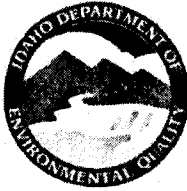
Thank you for your phone call of this afternoon. Enclosed, please find the following documents:

- February 24, 2006, Consent Order between Eagle Water Company and DEQ
- July 6, 2007, Letter from DEQ to Eagle Water Company, which is incorporated by reference into the February 24, 2006 Consent Order
- October 15, 2007, Consent Order between Floating Feather Mobile Home Park and DEQ.

The Department considers these documents as comprising the agreements between the Department and Eagle Water Company and Floating Feather Mobile Home Park. Please let me know if you need any further information.

Sincerely,


Courtney E. Beebe
Deputy Attorney General



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

1410 North Hilton • Boise, Idaho 83706-1255 • (208) 373-0502

February 24, 2006

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FEB 28 2006
IDAHO PUBLIC
UTILITIES COMMISSION

Dirk Kempthorne, Governor
Toni Hardesty, Director

**CERTIFIED MAIL:
RETURN RECEIPT REQUESTED**

Robert V. Deshazo Jr.
Eagle Water Company, Inc.
172 W. State Street
Eagle, ID 83616

RE: Executed Consent Order for Eagle Water Company, Inc., PWS # 4010049

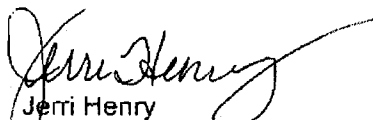
Dear Mr. Deshazo:

Enclosed is a fully executed copy of the Consent Order (CO) signed by Idaho Department of Environmental Quality's Director, Toni Hardesty. The staff at the Boise regional office will be tracking compliance with the deadlines set forth in the CO. Please send required communications to:

Tiffany Floyd, Regional Drinking Water Manager
Department of Environmental Quality
Boise Regional Office
1445 North Orchard
Boise, Idaho 83706-2239

Thank you for working with the Department to resolve these issues.

Sincerely,


Jerri Henry
Drinking Water Rule/Enforcement Lead

Enclosure

cc: Stephanie Ebright, Deputy Attorney General
Lance Nielsen, DW Program Manager
Mike McGown, Boise Regional Office
Tiffany Floyd, Boise Regional Office
Molly O'Leary, Attorney at Law, Richardson & O'Leary, 515 N. 27th St, Boise, ID 83702

File
COF

IDAHO DEPARTMENT OF ENVIRONMENTAL QUALITY

In the matter of:

CONSENT ORDER
Idaho Code § 39-108

Eagle Water Company

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)
)

1. Pursuant to the Idaho Environmental Protection and Health Act, Idaho Code §§ 39-101 through 39-130, the Idaho Department of Environmental Quality (Department) enters into this Consent Order with Eagle Water Company (Eagle), a Public Utilities Commission (PUC) regulated, community public water system serving 2550 connections and 9000 individuals in Eagle, Ada County, Idaho, PWS # ID4C10049.

2. By Notice of Violation (NOV) dated August 1, 2005, the Department notified Eagle of violations of the Idaho Rules for Public Drinking Water Systems, IDAPA 58.01.08. The NOV is incorporated by reference into this Consent Order. The NOV provided Eagle an opportunity for a compliance conference to discuss the violations and enter into a consent order. A compliance conference was held on August 16, 2005.

3. In order to return to compliance with applicable state and federal laws, Eagle hereby agrees to perform the following actions in the time periods set forth in order to demonstrate compliance with IDAPA 58.01.08:

a. Eagle shall continue to provide quarterly public notice concerning the system's loss of pressure and/or depressurization events, and the steps the system plans to take to return to compliance with the pressure requirements, in accordance with IDAPA 58.01.08.150, to each residence on the system by mail or hand delivery. Eagle shall continue to provide public notice to each residence on a quarterly basis (every 3 months) until such time as the Department provides written notice that quarterly public notification is no longer required.

b. Eagle shall provide the Department with proof of each quarterly notification via the Department's supplied notification form and a copy of each quarterly notification within ten (10) days of completion

March 10 2006

c. No later than ~~February 24~~, 2006, Eagle shall submit for Department approval a Preliminary Engineering Report. The Preliminary Engineering Report shall delineate the steps that will be taken to bring Eagle into full compliance with IDAPA 58.01.08 and shall include the following:

i. Recommendations for actions to be taken for Eagle to meet the requirements of IDAPA 58.01.08 including: additional sources or system modifications as needed to meet the water quality, quantity and pressure requirements for current and future dwelling units and other uses.

- ii. A funding plan to implement the recommendations selected under the provisions of Paragraph 3.c.i. This plan shall include, but not be limited to: the amount of funding needed, sources of funding, procedures and program requirements to secure funding from those sources, and a schedule with milestones to obtain all funding in a coordinated effort to implement the project.
- iii. A project implementation schedule for the recommendations selected under the provisions of Paragraph 3.c.i. This schedule shall include, but not be limited to: plans and specifications, preparation of bidding documents, supervision of bid openings and bid awards, pre-construction meetings, construction schedules, construction inspection, and record drawings.
- iv. The Department shall review, comment and/or approve the Preliminary Engineering Report as specified in Paragraph 5 of this Consent Order until the Department advises Eagle and their engineer that a Final Engineering Report may be submitted for approval.

d. The conditions and completion dates in the Department approval letter for the Final Engineering Report, including the detailed financial plans described in Paragraph 3.c.ii of this Consent Order and the work plan described in Paragraph 3.c.iii of this Consent Order, shall be incorporated into this Consent Order and shall be enforceable as provided by applicable law. The submittal review and approval process described in Paragraph 5 shall apply to all formal submittals.

e. Within 30 days of completion of the items described in the project implementation schedule of the Final Engineering Report incorporated by reference in Paragraph 3.d., Eagle shall submit as constructed plans and specifications to the Department in accordance with Idaho Code §39-118 and IDAPA 58.01.08.551.

4. Civil penalties of THIRTEEN THOUSAND FIVE HUNDRED DOLLARS (\$13,500.00) were assessed in the NOV and will be resolved as follows:

In settlement of the civil penalty for matters included in the NOV, Eagle shall pay a monetary penalty of THIRTEEN THOUSAND FIVE HUNDRED DOLLARS (\$13,500.00) to the Department in eight quarterly payments of ONE THOUSAND SIX HUNDRED EIGHTY-SEVEN DOLLARS AND FIFTY CENTS (\$1,687.50) beginning no later than ~~February 24, 2006~~ *March 10, 2006*. Payment shall be made payable to the Idaho Department of Environmental Quality and shall be submitted to:

Accounting
Financial Management
Attn: Drinking Water Penalty Payment
Idaho Department of Environmental Quality
1410 N. Hilton
Boise, Idaho 83706

CONSENT ORDER - 2

5. Department Review and Approval Submittal Review Process. Unless otherwise set forth specifically herein, the following document submittal and review process (Submittal Review Process) shall be followed regarding submittals required by this Consent Order for which Department approval is required. This process shall be followed until the Department approves the document or the review time frame has expired.

a. Within thirty (30) calendar days of receipt of Eagle's submittal, the Department shall 1) notify Eagle in writing the document is approved; 2) notify Eagle in writing of any deficiencies in the document; or 3) notify Eagle of the Department's extension of the Department's review and comment period for up to an additional thirty (30) days. If the Department notifies Eagle of deficiencies in the document, Eagle shall submit a revised document to resolve those deficiencies within thirty (30) calendar days of receipt of the Department's notice.

b. The Submittal Review Process shall be repeated until the Department notifies Eagle the document is approved. However, the submittal must meet the Department's approval within sixty (60) days from the due date for the first submittal of the document, unless the Department provides Eagle with a written extension of the sixty (60) day time frame. Eagle's failure to obtain Department approval of a submittal within such time frames shall constitute a violation of this Consent Order.

c. If the Department extends its review and comment period beyond the initial thirty (30) day period described above, the time frames within which Eagle's documents shall meet the requirements of this Consent Order shall be extended by an equivalent number of days. Once the Department approves these documents, they shall be incorporated herein and enforceable as a part of this Consent Order.

6. All communications required of Eagle by this Consent Order shall be addressed to:

Tiffany Floyd, Regional Drinking Water Manager
Department of Environmental Quality
Boise Regional Office
1445 N. Orchard
Boise, Idaho 83706

7. All notices, reports and submittals required of the Department by this Consent Order shall be addressed to:

Robert V. Deshazo Jr.
Eagle Water Company, Inc.
172 W. State Street
Eagle, ID 83616

Molly O'Leary, Attorney at Law
515 N. 27th Street
Boise, ID 83702

8. This Consent Order shall not in any way relieve Eagle from any obligation to comply with any provision of the Idaho Rules for Public Drinking Water Systems, or any applicable local, state, or federal laws.

9. Eagle recognizes that failure to comply with the terms of this Consent Order may result in district court action seeking specific performance of this Consent Order; assessment of costs and expenses; available penalties under Idaho Code §39-108; restraining orders; injunctions; attorney fees; and other relief available by statute or rule as the court considers to be just and reasonable under the circumstances.

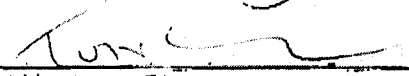
10. This Consent Order shall remain in full force and effect until the Department acknowledges in writing that the Consent Order is terminated and that Eagle has fulfilled all requirements of this Consent Order.

11. This Consent Order shall bind Eagle, its successors and assigns, until terminated in writing by the Department.

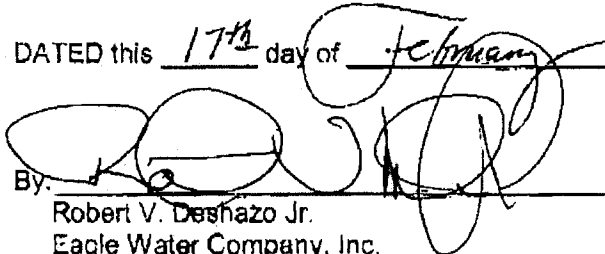
12. Each undersigned representative to this Consent Order certifies that he or she is fully authorized to enter into the terms and conditions of this Consent Order, and to execute and legally bind such party to this document.

13. The effective date of this Consent Order shall be the date of signature by the Director of the Idaho Department of Environmental Quality.

DATED this 17th day of February, 2006.

By: 
Toni Hardesty, Director
Idaho Department of Environmental Quality

DATED this 17th day of February, 2006.

By: 
Robert V. Deshazo Jr.
Eagle Water Company, Inc.



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

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2008 JUL -3 PM 1:15

IDAHO PUBLIC
UTILITIES COMMISSION

1410 North Hillon • Boise, Idaho 83706 • (208) 373-0502

C.L. "Butch" Otter, Governor
Toni Hardesty, Director

TSP&S-150/2007

July 6, 2007

Mr. Robert V. DeShazo, Jr.
Eagle Water Company, Inc.
172 W. State Street
Eagle, Idaho 83616

Subject: Eagle Water Company (*City of Eagle, Ada County*)
Approval of Final Engineering Report

Dear Mr. DeShazo:

The Idaho Department of Environmental Quality (DEQ) hereby approves the Final Engineering Report dated June 2007 for the Eagle Water Company (EWC) water system in accordance with the procedures set forth in the DEQ/EWC Consent Order signed by both parties on February 17, 2006.

A. Action Items:

As part of this approval, the following plans, schedules or related activities (Action Items) set forth below and in the Final Engineering Report shall be incorporated by reference into the Consent Order and be enforceable as provided by applicable law. Restrictions and conditions pertaining to these Action Items are presented in Section B.

1. EWC shall monitor system water usage during the summer of 2007 to determine the peak hour flow and maximum day demand during that period. EWC shall compare that information with the values used to prepare the Final Engineering Report and present the findings to DEQ in a brief report by no later than October 31, 2007.
2. EWC shall submit an application for financing the proposed system modifications to the Idaho Public Utility Commission (IPUC) by July 15, 2007.
3. EWC shall proceed as expeditiously as possible to make the following system modifications listed as "mandatory" in the Final Engineering Report for correcting deficiencies in the existing system:
 - a. Interconnect with an adjacent public water system to ensure a sufficient supply of supplemental water so that the EWC water system satisfies all applicable Idaho Rules for Public Drinking Water System pressure and flow requirements with the largest (most critical) EWC water source out of service. EWC shall provide the Preliminary Engineering Report for this interconnection to DEQ for approval by no later than July 31, 2007. EWC shall have the interconnection installed and operational by no later than December 31, 2007. EWC shall operate and maintain this connection until such time as an alternative source or sources of water are provided such that EWC can continue to satisfy Idaho Rules for Public Drinking Water System pressure and flow requirements with the largest (most critical) EWC water source out of service.

- b. Install an automatic pressure reducing/sustaining valve (PS/RV) in the water system at Floating Feather Road. EWC shall provide the Preliminary Engineering Report for this PS/RV to DEQ for approval by no later than July 31, 2007. EWC shall have the PS/RV installed and operational by no later than December 31, 2007.
4. EWC shall proceed in a timely manner to make the following system modifications required to satisfy system demand requirements forecast for the year 2010:
 - a. Develop a 2,365 gallon-per-minute (gpm) alternative source or sources of water supply such that Idaho Rules for Public Drinking Water System pressure and flow requirements are satisfied system-wide with the largest (most critical) EWC water source out of service. This supplemental water may come from new wells, modifications to existing wells, interconnections with other public drinking water systems or combinations thereof. EWC shall provide the Preliminary Engineering Report for this alternative source or sources to DEQ for approval by no later than September 30, 2007. The Preliminary Engineering Report shall provide a more detailed implementation schedule that will then be incorporated by reference into the Consent Order. EWC shall have the new source or sources, as approved by DEQ, installed and operational by no later than December 31, 2008.
 - b. Modify the Well #2 booster pump station so that the new station can produce a combined flow of 640 gpm at 148-foot total dynamic head while satisfying Idaho Rules for Public Drinking Water Systems redundancy requirements (largest pump out of service). EWC shall provide the Preliminary Engineering Report for the booster station modifications to DEQ for approval by no later than March 31, 2008. EWC shall have the modifications to the booster station, as approved by DEQ, installed and operational by no later than November 30, 2008.
5. EWC shall proceed in a timely manner to make the following system modification required to satisfy system demand requirements forecast for the year 2014: Install a more direct pipeline connection between the service area around Well #6 and the pipeline along Floating Feather Road as set forth in the Final Engineering Report in order to improve fire flows at the west end of the EWC service area whenever Well #6 is out of service. EWC shall provide the Preliminary Engineering Report for this pipe connection to DEQ for approval by no later than March 31, 2012. EWC shall have the loop installed and operational by no later than December 31, 2012.

B. Restrictions and Conditions:

With regards to the above Action Items, DEQ imposes the following restrictions and conditions:

1. The Consent Order Final Engineering Report is the functional equivalent of a Facility Plan as defined in Section 003.34 of the Idaho Rules for Public Drinking Water Systems (IDAPA 58.01.08). To conform to requirements set forth in Section 503 of the Idaho Rules for Public Drinking Water Systems, EWC shall submit a Preliminary Engineering Report (see definition in Section 003.72 in the Idaho Rules for Public Drinking Water Systems) for any material modification to the water system. After DEQ approves that Preliminary Engineering Report, EWC shall then submit the plans and specifications for that modification to DEQ for approval. The Action Items involving system modifications reflect this requirement. DEQ

recognizes that the Final Engineering Report provided sufficient technical details for some of the proposed modifications (namely Action Items A.3.b and A.4.b) such that their Preliminary Engineering Reports could be fairly simple documents, perhaps even letter-style, referencing the Final Engineering Report.

2. The Consent Order Preliminary Engineering Report implementation schedules for individual system modifications do not address the requirement for providing Preliminary Engineering Reports. Rather than delaying the project by requiring such information to be provided in the Final Engineering Report, DEQ elected to work with EWC's engineer, MTC Engineers, Inc., to establish the dates indicated in this letter. In all cases, the plans and specifications will be submitted within 30 days after DEQ approves the Preliminary Engineering Report. By agreement, these dates will become part of the overall implementation schedule for the Consent Order. For both the Preliminary Engineering Report and related plans and specifications, the review and approval process shall be as described in Paragraph 5 of the Consent Order.
3. With this approval of the Final Engineering Report, projects involving only water mains (sewer mains are handled separately by the Eagle Sewer District) may be approved for construction, only, by either DEQ or a Qualified Licensed Professional Engineer working on behalf of EWC. However, Sanitary Restrictions may not be lifted by either DEQ or a Qualified Licensed Professional Engineer until written authorization is provided by DEQ. DEQ will provide this authorization after 1) Action Items A.1 and A.2 are completed and 2) the system modifications listed in Action Item A.3 are operational (or close enough that DEQ is satisfied that completion is assured).
4. For system modifications involving interconnections (Action Items A.3.a and possibly A.4.a), the Preliminary Engineering Reports shall include calculations or modeling results from the supplemental water suppliers' demonstrating that they can satisfy the needs of the EWC system while continuing to meet Idaho Rules for Public Drinking Water Systems requirements in their own systems. This demonstration shall be based on the EWC and supplemental water supplier simultaneously experiencing similar demand situations (i.e., maximum daily demand with fire flow and peak hour demand) with all of the supplemental water supplier's sources and booster pumps operational.
5. EWC shall not make any new service connections in the system's high pressure zone until all Idaho Rules for Public Drinking Water Systems redundancy requirements for the main booster station have been met. If redundancy is achieved by an interconnection covered under another Action Item, then EWC shall provide a Preliminary Engineering Report for DEQ's approval that demonstrates that Idaho Rules for Public Drinking Water pressure and flow requirements in the high pressure zone are met with the booster pump out of service. If redundancy is achieved through a system modification not covered under another Action Item, EWC shall follow standard Idaho Rules for Public Drinking Water Systems procedures by first submitting a Preliminary Engineering Report for DEQ's approval followed by plans and specifications.
6. Assuming redundancy requirements at the main booster station have been satisfied, the number of total service connections in the system's high pressure zone shall not exceed 125% of the total number of existing connections until EWC has demonstrated to DEQ's satisfaction that all Idaho Rules for Public Drinking Water Systems standby power requirements have been satisfied.


C. Recommendations:

DEQ feels that the following Final Engineering Report Suggested Actions are particularly important and encourages EWC to take the appropriate action:

1. Notify all customers in the system's high pressure zone that the main booster station currently does not have pumping redundancy or standby power.
2. Keep the City of Eagle's plumbing inspectors and developers informed as to what parts of the service area have service pressures greater than 80 pounds per square inch (psi).

Please call me with any questions at 373-0514, or contact me via e-mail at peter.bair@deg.idaho.gov.

Sincerely,



Peter S. Bair, P.E.
Technical II Engineer

PSB:slt

Attachment: Approved copy of Final Engineering Report

- C: Tiffany Floyd, Drinking Water Manager, Boise Regional Office
Mark Mason, P.E. Engineering Manager, Boise Regional Office
Stephanie Ebright, Attorney General's Office, DEQ State Office
Monty Marchus, P.E., Boise Regional Office
James M. Rees, P.E., MTC, Inc., 707 N. 27th St., Boise, Idaho 83702 (*w/ approved copy of Final Engineering Report*)
Molly O'Leary, Richardson & O'Leary PLLC, P.O. Box 7218, Boise, Idaho 83707
Randy Lobb, Idaho Public Utilities Commission
BRO Source File – Eagle Water Company (*w/ approved copy of Final Engineering Report*)
TSP&S Reading File

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IDAHO DEPARTMENT OF ENVIRONMENTAL QUALITY

IDAHO PUBLIC UTILITIES COMMISSION

In the matter of:)	CONSENT ORDER
)	Idaho Code § 39-108
Floating Feather Mobile Home Park)	
)	

1. Pursuant to the Idaho Environmental Protection and Health Act, Idaho Code §§ 39-101 through 39-130, the Idaho Department of Environmental Quality (Department) enters into this Consent Order with Floating Feather Mobile Home Park (Floating Feather). Floating Feather owns and/or operates a community public water system (System), PWS 4010061, which serves 74 connections and approximately 225 persons on a daily basis in Boise, Ada County, Idaho.

2. Quarterly samples taken from Floating Feather's System in 2006 and 2007 consistently exceeded the uranium maximum contaminant level (MCL) of 30 µg/L, specified in 40 CFR 141.66, incorporated by reference in the Idaho Rules for Public Drinking Water Systems, IDAPA 58.01.08.050.

3. By letter dated July 18, 2007, the Department of Environmental Quality, Boise Regional Office notified Floating Feather that the System was disapproved due to exceedances of the uranium Maximum Contaminant Level (MCL).

4. The Department requested that Floating Feather meet with the Department in a compliance conference to enter into a Consent Order. A compliance conference was held on September 18, 2007.

5. Floating Feather hereby agrees to perform the following actions in the time periods set forth in order to achieve compliance with Idaho Rules for Public Drinking Water Systems, IDAPA 58.01.08:

a. Public Notice. Effective immediately, Floating Feather shall provide quarterly public notices concerning Department disapproval of the System due to exceedances of the MCL for uranium and the health effects related to these exceedances, in accordance with IDAPA 58.01.08.150, to each residence on the System by mail or hand delivery.

i. Floating Feather shall continue to provide quarterly public notices until such time as the Department notifies Floating Feather in writing that quarterly notices are no longer required.

ii. Floating Feather shall provide the Department with proof of each quarterly notification via the Department's supplied notification form and a copy of each quarterly notification within ten (10) days of completion in accordance with IDAPA 58.01.08.150.

Floating Feather
Consent Order
Page 1 of 6

b. Sampling. Beginning the quarter of October 1, 2007 through December 31, 2007, Floating Feather shall submit water samples from the System for uranium analysis by a certified laboratory. All sample analysis results shall be submitted to the Department. Floating Feather shall continue quarterly sampling until such time as the Department notifies Floating Feather in writing that quarterly sampling is no longer required.

c. Selection of Uranium Mitigation Option. No later than June 1, 2008, Floating Feather shall complete one of the following mitigation options:

i. Enter into a contract with a professional engineer, licensed in the state of Idaho, to evaluate various treatment options to mitigate uranium, and provide written documentation of the contract to the Department; or

ii. Submit page one (1) of the Department's Point Of Use (POU) treatment application form indicating selection of the POU treatment option as well as a completion date, subject to Department approval, for implementing the POU treatment option, in accordance with IDAPA 58.01.08.450.02; or

iii. Enter into an agreement with an existing public water system for interconnection and service, with a signed letter of agreement between Floating Feather and an existing public water system for interconnection and service in accordance with IDAPA 58.01.08. The letter must also indicate a completion date which is subject to Department approval.

d. If Floating Feather elects to hire an engineer as per Paragraph 5.c.i, Floating Feather shall complete the following actions within the specified timeframes:

i. No later than July 1, 2008, Floating Feather and the engineer shall schedule and attend a uranium treatment pre-design meeting with the Department.

ii. No later than January 1, 2009, Floating Feather shall submit to the Department a Preliminary Engineering Report, per IDAPA 58.01.08.503, explaining how the System will be brought into compliance with IDAPA 58.01.08. The Preliminary Engineering Report shall delineate the steps that Floating Feather will take to obtain full compliance with IDAPA 58.01.08, including, but not limited to, the following:

a. Recommendations for actions to be taken to enable Floating Feather to meet the requirements of IDAPA 58.01.08 including: identifying available alternatives to meet the uranium

MCL, and treatment, if necessary to meet all requirements of IDAPA 58.01.08.

b. A funding plan to implement the recommendation selected under the provisions of Paragraph 5.d.ii. This plan shall include, but may not be limited to, the amount of funding needed, sources of funding, procedures and program requirements to secure funding from those sources, and a schedule with milestones to obtain all funding in a coordinated effort to implement the project.

c. A proposed project implementation schedule for the recommendation(s) selected under the provisions of Paragraph 5.d.ii. The schedule shall include: plans and specifications, preparation of bidding documents, supervision of bid openings and bid awards, pre-construction meetings, construction schedules, construction inspection, and record drawings.

iii. The Department shall review, comment and/or approve the Preliminary Engineering Report as specified in Paragraph 6 of this Consent Order. The approved Preliminary Engineering Report shall then be considered the Draft Engineering Report Approved for Community Comment.

iv. No later than fourteen (14) days after the Department approves the Draft Engineering Report Approved for Community Comment, Floating Feather shall serve notification to each consumer on the water system. The notification shall specify where the Draft Engineering Report Approved for Community Comment can be reviewed, invite written comments, and schedule a community meeting no later than sixty (60) calendar days after the Department's approval of the Draft Engineering Report Approved for Community Comment. Floating Feather shall provide the Department with copies of the above notification within ten (10) days of completion.

v. Within sixty (60) calendar days of the Department's approval of the Draft Engineering Report Approved for Community Comment, Floating Feather shall hold a community meeting and record all comments. Floating Feather shall ensure that the engineer, a Department representative, and the Floating Feather Mobile Home Park and System owners are present to answer questions.

vi. Within twenty-one (21) calendar days of the community meeting, Floating Feather shall ensure that the engineer submits to the Department a summary of the pertinent verbal and written comments, how they were addressed, and a Revised Draft Engineering Report that incorporates pertinent comments. The Department shall review, comment on, and/or

approve the Revised Draft Engineering Report as specified in Paragraph 6 of this Consent Order until the Department advises Floating Feather and the engineer that a Final Engineering Report may be submitted for approval.

vii. The conditions and completion dates in the Department approved Final Engineering Report, including the detailed financial plans and the work plan described in Paragraph 5.d.ii of this Consent Order shall be incorporated by reference into this Consent Order and shall be enforceable as provided by applicable law.

viii. Within 30 days of completion of the items described in the project implementation schedule of the Final Engineering Report incorporated by reference in Paragraph 5.d.vii, Floating Feather shall submit record drawings to the Department in accordance with Idaho Code §39-118 and IDAPA 58.01.08.504.

e. If Floating Feather selects the POU treatment option as per Paragraph 5.c.ii, Floating Feather shall complete the following actions within the specified timeframes:

i. No later than July 1, 2008, Floating Feather shall schedule and attend a uranium treatment pre-design meeting with the Department.

ii. No later than September 1, 2008, Floating Feather shall submit signed access agreements for all service connections, in accordance with IDAPA 58.01.08.450.

iii. No later than January 1, 2009, Floating Feather shall submit to the Department a complete POU Application Form which includes all information required by IDAPA 58.01.08.450 and as itemized on page two (2) of the POU treatment application form that shall delineate the steps required to bring Floating Feather into full compliance with IDAPA 58.01.08. The Department shall review, comment and/or approve the POU treatment application as specified in Paragraph 6 of this Consent Order.

iv. Floating Feather shall implement the POU treatment option in accordance with IDAPA 58.01.08.450.02 and the Department-approved completion date.

f. If Floating Feather selects the option for interconnection with an existing public water system as per Paragraph 5.c.iii, Floating Feather shall submit to the Department for approval, no later than July 1, 2008, a letter from that public water system stating that they will be able to provide services to Floating Feather and the proposed date of interconnection. Floating Feather shall ensure

interconnection and service is completed in accordance with the signed letter of agreement and the Department-approved completion date.

6. Department Submittal Review Process. Unless otherwise set forth specifically herein, the following document submittal and review process (Submittal Review Process) shall be followed regarding submittals required by this Consent Order. This process shall be followed until the Department approves the document or the document review time frame has expired.

a. Within thirty (30) calendar days of receipt of Floating Feather's submittal, the Department shall 1) notify Floating Feather in writing the document is approved; 2) notify Floating Feather in writing of any deficiencies in the document; or, 3) notify Floating Feather of the Department's extension of the Department's review and comment period. If the Department notifies Floating Feather of deficiencies in the document, Floating Feather shall submit a revised document to resolve those deficiencies within thirty (30) calendar days of receipt of the Department's notice.

b. The Submittal Review Process shall be repeated until the Department notifies Floating Feather the document is approved. However, the submittal must meet the Department's approval within sixty (60) days from the due date for the first submittal of the document, unless the Department provides Floating Feather with a written extension of the sixty (60) day time frame. Floating Feather's failure to obtain Department approval of a submittal within such time frames shall constitute a violation of this Consent Order.

c. Once the Department approves documents, they shall be incorporated herein and enforceable as a part of this Consent Order.

7. All communications required of Floating Feather by this Consent Order shall be addressed to:

Tiffany Floyd, Regional Drinking Water Manager
Department of Environmental Quality
Boise Regional Office
1445 N. Orchard
Boise, Idaho 83706

8. All notices, reports and submittals required of the Department by this Consent Order shall be addressed to:

Leon Scott
Floating Feather Mobile Home Park
10601 Horseshoe Bend Road
Boise, Idaho, 83703

Floating Feather
Consent Order
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Staff Exhibit No. 104
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9. This Consent Order shall not in any way relieve Floating Feather from any obligation to comply with any provision of the Idaho Rules for Public Drinking Water Systems, or any applicable local, state, or federal laws.
10. Floating Feather recognizes that failure to comply with the terms in this Consent Order may result in district court action seeking specific performance of this Consent Order; assessment of costs and expenses; available penalties under Idaho Code §39-108; restraining orders; injunctions; attorney fees; and other relief available by statute or rule as the court considers to be just and reasonable under the circumstances.
11. This Consent Order shall retain in full force and effect until the Department acknowledges in writing that the Consent Order is terminated and that Floating Feather has fulfilled all requirements of this Consent Order.
12. This Consent Order shall bind Floating Feather, its successors and assigns, until terminated in writing by the Department.
13. Each undersigned representative to this Consent Order certifies that he or she is fully authorized to enter into the terms and conditions of this Consent Order, and to execute and legally bind such party to this document.
14. The effective date of this Consent Order shall be the date of signature by the Director of the Idaho Department of Environmental Quality.

DATED this 14th day of October, 2007.

By: Leon Scott
Leon Scott
Floating Feather Mobile Home Park

DATED this 15th day of October, 2007

By: Toni Hardesty
Toni Hardesty, Director
Department of Environmental Quality