STATE OF COLORADO

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Dedicated to protecting and improving the health and environment of the people of Colorado

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Colorado Department
of Public Health
and Environment

August 27, 2008

Certified Mail Number: 7007 0220 0001 0159 9193

PWSID# CO-0207504
Barry D. Mauerman, Registered Agent
Meadow Mountain Water Supply Co.
P.O. Box 162
Allenspark, CO 80510

RE: Service of Drinking Water Enforcement Order, Number: DC-080827-2

Dear Mr. Mauerman:

Meadow Mountain Water Supply Co. is hereby issued the enclosed Enforcement Order (the "Order"). This Order is issued by the Colorado Department of Public Health and Environment, Water Quality Control Division (the "Department") pursuant to the authority given to the Department by §25-1.5-203 of the Colorado Revised Statutes ("C.R.S."). The Department bases this Order upon findings that Meadow Mountain Water Supply Co. has violated the *Colorado Primary Drinking Water Regulations* (the "Regulations") as described in the enclosed Order.

As a recipient of an enforcement order you may request a formal hearing to contest the Order in accordance with the Regulations, 5 CCR 1003-1, §1.6.7(g). Requests for such a hearing must be filed in writing with the Department within thirty (30) calendar days after service of the Order. Hearings on enforcement orders shall be held in accordance with applicable provisions of the State Administrative Procedure Act, §§24-4-101 through 24-4-108, C.R.S.

This action could result in the imposition of administrative or civil penalties. The Department or a State District Court is authorized pursuant to §25-1-114.1, C.R.S. to impose a penalty of up to $1,000 per violation per day. Please be advised that the Department is continuing its investigation into this matter and the Department may identify supplementary violations that warrant amendments to this Order or the issuance of additional enforcement actions.

Should you desire to informally discuss this matter with the Department or if you have any questions regarding the Order, please don't hesitate to contact Cathy Heald at (303) 692-3254 or by electronic mail at catherine.heald@state.co.us.

Sincerely,

Kristi-Raye Beaudin

Kristi-Raye Beaudin, Legal Assistant
Compliance Assurance and Data Management Section
WATER QUALITY CONTROL DIVISION

Enclosure

cc: Boulder County Health Department
Compliance Monitor / Drinking Water File

ec: Dennis Pontius, Engineering Section, CDPHE
Dick Parachini, Watershed Program, CDPHE
Betsy Beaver, Facility Operators Program, CDPHE
Shawn McCaffrey, EPA Region VIII
Patricia Klocker, Assistant Division Director, Consumer Protection Division, CDPHE
Carolyn Schachterle, OPA

COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

WATER QUALITY CONTROL DIVISION

ENFORCEMENT ORDER &
ADMINISTRATIVE PENALTY ASSESSMENT

NUMBER: DC-080827-2

IN THE MATTER OF: MEADOW MOUNTAIN WATER SUPPLY CO.
MEADOW MOUNTAIN WATER SYSTEM
PUBLIC WATER SYSTEM IDENTIFICATION NUMBER: CO-0207504
BOULDER COUNTY, COLORADO

Pursuant to the authority vested in the Colorado Department of Public Health and Environment (the "Department") by §25-1-109 and §25-1.5-203 of the Colorado Revised Statutes ("C.R.S."), which authority has been delegated to the Department's Water Quality Control Division (the "Division"), the Division hereby makes the following findings and issues the following Enforcement Order and Administrative Penalty Assessment:

GENERAL FINDINGS

1. Meadow Mountain Water Supply Co. ("Meadow Mountain") owns and/or operates a drinking water system known as the Meadow Mountain Water System, located in the vicinity of North Skinner Road, West of the Town of Allenspark, Boulder County, Colorado (the "System").

2. Meadow Mountain is a person as defined by 5 CCR 1003-1, §1.5.2(92).

3. Meadow Mountain is a supplier of water within the meaning of §25-1.5-201(2), C.R.S. and its implementing regulation, 5 CCR 1003-1, §1.5.2(122).

4. The System is a public water system as defined by §25-1.5-201(1), C.R.S. and its implementing regulation, 5 CCR 1003-1, §1.5.2(101).

5. The Public Water System Identification Number ("PWSID"), assigned to the System by the Division is PWSID # CO-0207504.

6. Pursuant to 5 CCR 1003-1, §1.2, the System is subject to the *Colorado Primary Drinking Water Regulations* (the "Regulations"), which were adopted pursuant to §25-1.5-203, C.R.S.

7. Meadow Mountain provides piped water for human consumption from the System to at least fifteen (15) service connections used by year-round residents of the area served by the System and/or regularly serves at least twenty-five (25) year-round residents. The System is therefore classified as a "community water system" as defined by 5 CCR 1003-1, §1.5.2(13).

8. The System's source of water is surface water as defined by 5 CCR 1003-1, §1.5.2(123).

First Violation
{Failure to Monitor for Total Trihalomethanes and Haloacetic Acids (five)}

9. Pursuant to 5 CCR 1003-1, §7.6.1(b)(1), all community water systems and non-transient, non-community water systems, unless otherwise noted, must comply with the total trihalomethanes ("TTHM") and haloacetic acids (five) ("HAA5") monitoring requirements of §7.6.

10. Pursuant to 5 CCR 1003-1, §7.6.3(b)(1), the System must monitor for TTHM and HAA5 at the following frequency and locations:

Surface water or groundwater under the direct influence of surface water system serving fewer than 500 persons.	One sample per year per treatment plant during month of warmest water temperature.	Locations representing maximum residence time. If the sample (or average of annual samples, if more than one sample is taken) exceeds the MCL, the system must increase monitoring to one sample per treatment plant per quarter, taken at a point reflecting the maximum residence time in the distribution system, until the system meets criteria in paragraph (b)(1)(iv) of this section.

11. The *Official 2007 Drinking Water Monitoring Schedule* provided to the System by the Department outlines that the System was required to monitor for TTHM and HAA5 during the month of August of calendar year 2007.

12. Pursuant to 5 CCR 1003-1, §7.6.5(a), systems required to sample quarterly or more frequently must report to the Department within ten (10) days after the end of each quarter in which samples were collected, notwithstanding the provisions of 5 CCR 1003-1, §1.6.4. Systems required to sample less frequently than quarterly must report to the Department within ten (10) days after the end of each monitoring period in which samples were collected.

13. Department records to date establish that the System failed to submit results to the Department of its annual TTHM and HAA5 monitoring for calendar year 2007.

14. Meadow Mountain's failure to submit the results of its annual TTHM and HAA5 analyses to the Department constitutes violation(s) of 5 CCR 1003-1, §7.6.5(a). Additionally, if Meadow Mountain failed to perform the annual TTHM and HAA5 analyses during the identified periods, such failure to perform the monitoring constitutes violations of 5 CCR 1003-1, §§7.6.1(b)(1) and 7.6.3(b)(1).

COMPLIANCE ORDER

Based upon the foregoing factual and legal determinations and pursuant to 5 CCR 1003-1, §1.6.7, Meadow Mountain is hereby ordered to:

15. Immediately comply with the *Colorado Primary Drinking Water Regulations*, 5 CCR 1003-1, Articles 1 through 12.

Further, the Division hereby orders Meadow Mountain to comply with the following specific terms and conditions of this Order.

16. Immediately initiate efforts to comply with the TTHM and HAA5 monitoring/reporting obligations as required by 5 CCR 1003-1, §7.6.

17. Within fourteen (14) calendar days after receipt of this Order, Meadow Mountain shall submit the results of any TTHM and HAA5 monitoring performed for calendar year 2007.

18. If the calendar year 2008 TTHM and HAA5 monitoring has not been conducted by the System, Meadow Mountain shall perform TTHM and HAA5 monitoring by no later than September 30, 2008. The TTHM and HAA5 samples must be collected properly and analyzed by a Department certified laboratory in accordance with approved methods. Meadow Mountain shall provide the Department with the results of the TTHM and HAA5 monitoring within ten (10) calendar days of receipt of the results from the laboratory.

19. Within thirty (30) calendar days after receipt of this Order, if he has not already done so, Meadow Mountain shall issue a public notice in accordance with 5 CCR 1003-1, §9.2 for each violation identified in this Order. Within ten (10) calendar days of completion of each required public notification, Meadow Mountain shall submit to the Department, along with the mandatory certification, a representative copy of each type of notice distributed, published, posted, and/or made available to the persons served by the system and/or to the media. *(See attached public notification procedures.)*

Additional guidance for proper public notification can be viewed at the following Internet location: http://www.cdphe.state.co.us/wq/drinkingwater/pdf/PublicNotice/PN_Guidance_Mar2003.pdf

ORDER FOR ADMINISTRATIVE PENALTY

20. Pursuant to §25-1-114.1(2.5)(a), C.R.S. any person who violates the *Colorado Primary Drinking Water Regulations* or any final Enforcement Order issued by the Division, shall be subject to an administrative penalty as follows:

    a. For systems that serve a population of more than ten thousand people, an amount not to exceed one thousand dollars per violation per day; or

    b. For systems that serve a population of ten thousand people or less, an amount not to exceed one thousand dollars per violation per day, but only in an amount, as determined by the division, that is necessary to ensure compliance.

21. Based upon the facts described in this action the Department has determined that an administrative penalty is appropriate in this matter and therefore assesses an administrative penalty of Three Hundred Ninety Dollars ($390.00) for the specific violations identified in this action. The reasoning behind this penalty amount is detailed in the administrative penalty methodology/calculation worksheet, which is incorporated herein by reference and enclosed as Exhibit A.

Terms of Administrative Penalty Payment

22. If Meadow Mountain does not contest the findings and penalty assessment set out above, payment of the administrative penalty for the violations shall be forwarded to the Colorado Department of Public Health and Environment within sixty (60) calendar days of the date of issue of this action. Method of payment shall be by certified or cashier's check drawn to the order of the "Colorado Department of Public Health and Environment," and delivered to:

Ms. Catherine Heald, Drinking Water Enforcement Specialist
Colorado Department of Public Health and Environment
Water Quality Control Division
Mail Code: WQCD-CADM-B2
4300 Cherry Creek Drive South
Denver, Colorado 80246-1530

(To facilitate payment processing, please ensure that Ms. Heald's name is on the outside of the envelope.)

Payment or appeal of the administrative penalty in this manner does not relieve Meadow Mountain of his obligation to perform the activities required by this enforcement action.

NOTICES AND SUBMITTALS

For all documents, plans, records, reports and replies required to be submitted by this order, Meadow Mountain shall submit an original and one copy (electronic is preferred) to the Division at the following address:

Colorado Department of Public Health and Environment
Water Quality Control Division / WQCD-WQP-B2
Compliance Assurance and Data Management Section / Enforcement Team
Attention: Catherine Heald
4300 Cherry Creek Drive South
Denver, Colorado 80246-1530
catherine.heald@state.co.us
(For any facsimile transmittals, please include a cover sheet addressed to Ms. Heald)

Pursuant to 5 CCR 1003-1, §1.6.4(e), all reports, notices, summaries, and certifications required to be submitted to the Department by the public water system must bear the original signature of the owner or the owner's authorized representative.

NOTICE OF COMPLETION

Meadow Mountain shall submit a Notice of Completion to the Division upon satisfactory completion of all requirements of this Enforcement Order. The Division shall either accept or reject the Notice of Completion in writing. If the Division rejects the Notice of Completion, it shall include in its notice a statement identifying the requirements that the Division considers incomplete or not satisfactorily performed and a schedule for completion. If Meadow Mountain wishes to dispute the Division's rejection of his Notice of Completion, he shall, within fifteen (15) calendar days of receipt of the Division's rejection, submit a written statement as to his belief of full compliance, addressing in detail all concerns the Division raised in the rejection letter to the System's Notice of Completion.

POTENTIAL ADMINISTRATIVE/CIVIL AND CRIMINAL PENALTIES

You are also advised, pursuant to §25-1-114(4), C.R.S., any person, association, or corporation, or the officers thereof, who violates, disobeys, or disregards any provision of the Regulations or an Enforcement Order is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than one thousand dollars ($1,000), or by imprisonment in the county jail for not more than one (1) year, or by both such fine and imprisonment and, in addition to such fine and imprisonment, shall be liable for any expense incurred by health authorities in removing any nuisance, source of filth, or cause of sickness. In the event that Meadow Mountain does not achieve complete and timely compliance with all of the terms and conditions outlined herein, including full and timely payment of administrative penalties, the Department reserves, in addition to any other remedies allowed by law, its right under §25-1-114(4), C.R.S., to pursue an action for additional penalties.

REQUEST FOR HEARING OR APPEAL

You are further advised, pursuant to 5 CCR 1003-1, §1.6.7(g), that a recipient of an Enforcement Order may request a hearing contesting such order. Requests for such a hearing shall be filed in writing with the Department within thirty (30) calendar days after service of the order. Such requests shall state the grounds upon which the order is contested and state the amount of time the recipient estimates will be required for the hearing. Hearings on Enforcement Orders shall be held in accordance with applicable provisions of the State Administrative Procedure Act, Article 4 of Title 24, C.R.S.

Pursuant to §25-1-114.1(2.5)(b) C.R.S. an Administrative Penalty Assessment may be appealed to the Water Quality Control Commission. Requests for such an appeal should be filed in writing with the Water Quality Control Commission within thirty (30) calendar days after service of the penalty assessment.

ADDITIONAL ACTION

You are further advised that under §25-1-114.1(1), C.R.S., the Department may institute a civil action against any person who violates a final Enforcement Order of the Department issued for violation of any minimum general sanitary standard or regulation adopted pursuant to §25-1.5-203, C.R.S.

Additionally, the Department may request the Attorney General to seek a temporary restraining order or permanent injunction to prevent or abate any violation of a minimum general sanitary standard or regulation adopted pursuant to §25-1.5-203, C.R.S. Further information concerning the aforementioned action is contained in §25-1-114.1(3), C.R.S.

Issued at Denver, Colorado, this 27th day of August, 2008.

FOR THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Lori M. Gerzina

Lori M. Gerzina, Section Manager
Compliance Assurance and Data Management Section
Water Quality Control Division

Exhibit A

MEADOW MOUNTAIN WATER SUPPLY CO.
PUBLIC WATER SYSTEM IDENTIFICATION NUMBER: CO-0207504
BOULDER COUNTY, COLORADO

ADMINISTRATIVE PENALTY COMPUTATION WORKSHEET
(August 27, 2008)

Penalty Summary

Penalty Calculation -Violation Number 1 (Count 1) **$390.00**

Violation Failure to Monitor for Total Trihalomethanes and Haloacetic Acids (five)
Regulation Violated: 5 CCR 1003-1, §7.6

TOTAL PENALTY.....**$390.00**

Exhibit A

ADMINISTRATIVE PENALTY COMPUTATION WORKSHEET
VIOLATION NUMBER: 1 (Count 1)

System Name: Meadow Mountain Water System	**PWSID Number: CO-0207504**

Date of Enforcement Order: August 27, 2008	**Number:** DC-080827-2

Regulation Violated: Failure to Monitor for TTHM and HAA5, 5 CCR 1003-1, §7.6	**Population Served:** 80

Part I – Base Penalty Calculation

	Violation Type	Population Range	Amount in Dollars
Line 1	Failure to Monitor for TTHM and HAA5 – Calendar Year 2007	< 500 Served	**$100.00**

Part II – Application of Aggravating or Mitigating Factors

	Aggravating / Mitigating Factors	% Base Penalty Increase or Decrease	Amount in Dollars
Line 2	Factor A: Threat to Public Health and Welfare		$0.00
	Justification: n/a		
Line 3	Factor B: Intentional, Reckless, or Negligent Actions		$0.00
	Justification: n/a		
Line 4	Factor C: Recalcitrance or Recidivism		$0.00
	Justification: n/a		
Line 5	Factor D: Voluntary and Complete Disclosure of Violations		$0.00
	Justification: n/a		
Line 6	Factor E: Full and Prompt Cooperation		$0.00
	Justification: n/a		
Line 7	Factor F: Environmental Compliance Program		$0.00
	Justification: n/a		
Line 8	Factor G: Other Aggravating or Mitigating Circumstances		$0.00
	Justification: n/a		
Line 9	Sum of Lines 2 through Line 8		$0.00
Line 10	**Adjusted Base Penalty** (Sum of Line 1 + Line 9)		**$100.00**

Exhibit A

Part III – Determination of Days of Violation

			Days of Violation
Line 11	Total Days of Violation		**1**
	Justification: The Division has chosen to consider the 2007 failure to monitor for TTHM and HAA5 violation as a single day violation.		

Part IV – Determination of Multi-Day Penalty Amount

			Amount in Dollars
Line 12	Multi-Day Penalty Amount		**$100.00**
	Calculations: ***Day 1 ($100.00) = $100.00***		

Part V – Economic Benefit Consideration

			Amount in Dollars
Line 13	Economic Benefit:		**$290.00**
	Justification: The Division believes that the System realized an economic benefit by failing to monitor since it has delayed its cost for the tests itself as well as the cost of the labor involved in obtaining sample bottles, conducting the testing, and transporting the samples to a lab.		

Part VI – Violation Penalty Total

			Amount in Dollars
Line 14	Total Administrative Penalty: (Line 12 + Line 13)		**$390.00**

Part VII – Ability to Pay Adjustment

			Amount in Dollars
Line 15	**Ability to Pay Reduction:**		$0.00
	Justification: Not Applicable – The Division does not have any information suggesting that Meadow Mountain Water System has an inability to pay the assessed penalty amount.		

Part VIII – Final Adjusted Penalty

			Amount in Dollars
Line 16	**Total Administrative Penalty:** **(Line 14 - Line 15)**		**$390.00**