

# STATE OF COLORADO

Bill Ritter, Jr., Governor  
James B. Martin, Executive Director

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

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August 29, 2008



Colorado Department  
of Public Health  
and Environment

Certified Mail Number: 7005 1820 0000 32106531

PWSID# CO-0113500  
Honorable Betty Mitchell  
Town of Olney Springs, Mayor  
PO BOX 156  
OLNEY SPRINGS, CO 81062

**RE: Service of Drinking Water Enforcement Order, Number: DC-080829-3**

Dear Mayor Mitchell:

The Town of Olney Springs 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 the Town of Olney Springs has violated the *Colorado Primary Drinking Water Regulations* (the "Regulations") as described in the enclosed Order.

As a recipient of an enforcement order the Town of Olney Springs 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.

Should the Town of Olney Springs desire to informally discuss this matter with the Department or if the Town of Olney Springs has 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](mailto:catherine.heald@state.co.us).

Sincerely,

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

Enclosure

- cc: Crowley County Public Health Nursing Service  
Compliance Monitor / Drinking Water File
- ec: Dave Knope, Engineering Section, CDPHE  
Dick Parachini, Watershed Program, CDPHE  
Betsy Beaver, Facility Operators Program, CDPHE  
Shawn McCaffrey, EPA Region VIII



**COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT**  
**WATER QUALITY CONTROL DIVISION**

**ENFORCEMENT ORDER &  
ADMINISTRATIVE PENALTY ASSESSMENT**

**NUMBER: DC-080829-3**

**IN THE MATTER OF: TOWN OF OLNEY SPRINGS**  
**PUBLIC WATER SYSTEM IDENTIFICATION NUMBER: CO-0113500**  
**CROWLEY 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. The Town of Olney Springs owns and/or operates a drinking water system located at or near 401 Warner Street, in or near the Town of Olney Springs Road, Crowley County, Colorado (the "System").
2. The Town of Olney Springs is a person as defined by 5 CCR 1003-1, §1.5.2(92).
3. The Town of Olney Springs 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-0113500.
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. The Town of Olney Springs 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 groundwater as defined by 5 CCR 1003-1, §1.5.2(60).

**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.
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- 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 third quarter (July 1 through September 30) of calendar year 2007 at two maximum residence locations (MAXRES1 and MAXRES 2) in the distribution system.
- 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. The Town of Olney Springs 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 the Town of Olney Springs 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).

**Second Violation**  
**(Failure to Monitor and/or Report for Synthetic Organic Chemicals)**

15. Pursuant to 5 CCR 1003-1, §§6.2.5(a) and 6.2.6(a), the System must take a minimum of one synthetic organic chemicals sample at every entry point to the distribution system after any application of treatment or in the distribution system at a point which is representative of each source after treatment.
16. Pursuant to 5 CCR 1003-1, §6.2.3(e), the System must monitor for synthetic organic chemicals at the time designated by the Department during each compliance period.
17. “Compliance Period” means a three-calendar year period as defined by 5 CCR 1003-1, §1.5.2(13).
18. The *Official 2007 Drinking Water Monitoring Schedule* provided to the System by the Department outlines that the System was required to monitor for synthetic organic chemicals between January 1, 2007 and December 31, 2007 for the compliance period of calendar years 2005 through 2007.
19. Pursuant to 5 CCR 1003-1, §1.6.4(a), the supplier of water shall report to the Department the results of their synthetic organic chemical monitoring within (a) the first ten (10) days following the month in which the result is received, or (b) the first ten (10) days following the end of the required monitoring period as stipulated by the Department, whichever of these is soonest.
20. Division records establish that the System has failed to provide the Department with the results of synthetic organic chemical monitoring during the compliance period of calendar years 2005 through 2007.
21. The Town of Olney Springs failure to submit the results of the System’s synthetic organic chemical monitoring to the Department constitutes violation(s) of 5 CCR 1003-1, §1.6.4(a). Additionally, if the Town of Olney Springs failed to perform synthetic organic chemical monitoring during the identified period, such failure to perform the monitoring constitutes violation(s) of 5 CCR 1003-1, §§6.2.5(a), 6.2.6(a), and 6.2.3(e).

**Third Violation**  
**(Failure to Monitor and/or Report for Inorganic Chemicals)**

22. Pursuant to 5 CCR 1003-1, §6.1.5(a), community water systems shall conduct monitoring to determine compliance with the inorganic chemical maximum contaminant levels specified in 5 CCR 1003-1, §2.2.
23. Pursuant to 5 CCR 1003-1, §6.1.5(b)(1), the System must take a minimum of one inorganic chemicals sample, including fluoride, at every entry point to the distribution system, which is representative of each groundwater source after treatment.
24. Pursuant to 5 CCR 1003-1, §6.1.5(d)(1), the System must take one inorganic chemicals sample, including fluoride, at each sampling point during each compliance period.

25. "Compliance Period" means a three-calendar year period as defined by 5 CCR 1003-1, §1.5.2(13).
26. The *Official 2007 Drinking Water Monitoring Schedule* provided to the System by the Department outlines that the System was required to monitor for inorganic chemicals, including fluoride, at each entry point to the distribution system (after treatment) between January 1, 2007 and December 31, 2007 for the compliance period of calendar years 2005 through 2007.
27. Pursuant to 5 CCR 1003-1, §1.6.4(a), the System shall report to the Department the results of the System's inorganic chemical monitoring within (1) the first ten calendar days following the month in which the result is received, or (2) the first ten calendar days following the end of the required monitoring period, as stipulated by Department, whichever of these is shorter.
28. Division records show that the System has failed to provide the Department with the results of inorganic chemicals monitoring during the compliance period of calendar years 2005 through 2007.
29. The Town of Olney Springs failure to submit the results of the System's routine inorganic chemical monitoring to the Department constitutes violation(s) of 5 CCR 1003-1, §1.6.4(a). Additionally, if the Town of Olney Springs failed to perform the routine inorganic monitoring during the identified period, such failure to perform the monitoring constitutes violation(s) of 5 CCR 1003-1, §6.1.5(a), §6.1.5(b)(1), §6.1.5(d)(1) and §6.1.5(j).

### **COMPLIANCE ORDER**

Based upon the foregoing factual and legal determinations and pursuant to 5 CCR 1003-1, §1.6.7, the Town of Olney Springs is hereby ordered to:

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

Further, the Division hereby orders the Town of Olney Springs to comply with the following specific terms and conditions of this Order.

31. Immediately initiate efforts to comply with the TTHM and HAA5 monitoring/reporting obligations as required by 5 CCR 1003-1, §7.6.
32. Within fourteen (14) calendar days after receipt of this Order, the Town of Olney Springs shall submit the results of any TTHM and HAA5 monitoring performed for calendar years 2007 or 2008.
33. If the calendar year 2008 TTHM and HAA5 monitoring has not been conducted by the System, the Town of Olney Springs 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. The Town of Olney Springs 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.

34. Immediately initiate efforts to comply with the synthetic organic chemicals monitoring/reporting obligations as required by 5 CCR 1003-1, §6.2.
35. Within fourteen (14) calendar days after receipt of this Order, the Town of Olney Springs shall submit the results of any synthetic organic chemicals monitoring performed during the compliance period of calendar years 2005 through 2007.
36. If the System has not performed the synthetic organic chemicals monitoring for the compliance period of January 1, 2005 to December 31, 2007, or during this calendar year to-date, the Town of Olney Springs shall conduct synthetic organic chemicals analyses on a representative water sample within thirty (30) calendar days of receipt of this Order. The synthetic organic chemicals samples must be properly collected and analyzed by a Department certified laboratory in accordance with approved methods. The Town of Olney Springs shall provide the Department with the results of the synthetic organic chemicals analyses within ten (10) calendar days of receipt of the results from the laboratory.
37. Immediately initiate efforts to comply with the inorganic chemical monitoring and reporting obligations as required by 5 CCR 1003-1, §6.1.
38. Within thirty (30) calendar days after receipt of this Order, the Town of Olney Springs shall submit the results of any inorganic chemicals monitoring, including fluoride, performed on the system's distributed water for the compliance period of January 1, 2005 to December 31, 2007.
39. If the System has not performed the inorganic chemicals monitoring, including fluoride, for the compliance period of January 1, 2005 to December 31, 2007, or during this calendar year to-date, the Town of Olney Springs shall conduct an inorganic chemicals analysis, including fluoride, on a representative water sample(s), taken from each entry point to the distribution system and that is representative of each groundwater source after treatment, within thirty (30) calendar days of receipt of this Order. The inorganic chemical sample(s) must be properly collected and analyzed by a Department certified laboratory in accordance with approved methods and cited detection limits. The Town of Olney Springs shall provide the Department with the results of the inorganic chemical analysis, including fluoride, within ten (10) calendar days of receipt of the results from the laboratory.
40. Within thirty (30) calendar days after receipt of this Order, if he has not already done so, the Town of Olney Springs 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, the Town of Olney Springs 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.cdph.state.co.us/wq/drinkingwater/pdf/PublicNotice/PN\\_Guidance\\_Mar2003.pdf](http://www.cdph.state.co.us/wq/drinkingwater/pdf/PublicNotice/PN_Guidance_Mar2003.pdf)*

## ORDER FOR ADMINISTRATIVE PENALTY

41. 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.
42. 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 **Two Thousand Three Hundred and Twenty Dollars (\$2320.00)** 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

43. If the Town of Olney Springs 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 the Town of Olney Springs of its 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, the Town of Olney Springs 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**

The Town of Olney Springs 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 the Town of Olney Springs 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 the Town of Olney Springs 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 29<sup>th</sup> day of August, 2008.

**FOR THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT**



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

Exhibit A

**TOWN OF OLNEY SPRINGS  
PUBLIC WATER SYSTEM IDENTIFICATION NUMBER: CO-0113500  
CROWLEY COUNTY, COLORADO**

**ADMINISTRATIVE PENALTY COMPUTATION WORKSHEET**  
**(August 29, 2008)**

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**Penalty Summary**

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

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

**Penalty Calculation -Violation Number 2.....\$1340.00**

**Violation:** Failure to Monitor and/or Report for Synthetic Organic Chemicals  
**Regulation Violated:** 5 CCR 1003-1, §6.2

**Penalty Calculation -Violations Number 3 ..... \$590.00**

**Violation:** Failure to Monitor and/or Report for Inorganic Chemicals  
**Regulation Violated:** 5 CCR 1003-1, §6.1

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**TOTAL PENALTY.....\$2320.00**

Exhibit A

**ADMINISTRATIVE PENALTY COMPUTATION WORKSHEET**  
**VIOLATION NUMBER: 1**

System Name: Town of Olney Springs      PWSID Number: CO-0112500

Date of Enforcement Order: August 29, 2008      Number: DC-080829-3

Regulation Violated: Failure to Monitor for TTHM and HAA5 - 5 CCR 1003.1.076      Population Served: 399

**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 <i>Justification: n/a</i>		\$0.00
Line 3	Factor B: Intentional, Reckless, or Negligent Actions <i>Justification: n/a</i>		\$0.00
Line 4	Factor C: Recalcitrance or Recidivism <i>Justification: n/a</i>		\$0.00
Line 5	Factor D: Voluntary and Complete Disclosure of Violations <i>Justification: n/a</i>		\$0.00
Line 6	Factor E: Full and Prompt Cooperation <i>Justification: n/a</i>		\$0.00
Line 7	Factor F: Environmental Compliance Program <i>Justification: n/a</i>		\$0.00
Line 8	Factor G: Other Aggravating or Mitigating Circumstances <i>Justification: n/a</i>		\$0.00
Line 9	Sum of Lines 2 through Line 8		\$0.00
Line 10	<b>Adjusted Base Penalty (Sum of Line 1 + Line 9)</b>		<b>\$100.00</b>

Exhibit A

**Part III – Determination of Days of Violation**

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

**Part IV – Determination of Multi-Day Penalty Amount**

		Amount in Dollars
Line 12	Multi-Day Penalty Amount	\$100.00
<i>Calculations:</i>		
	<i>Day 1</i> (\$100.00)                      = \$100.00	

**Part V – Economic Benefit Consideration**

		Amount in Dollars
Line 13	Economic Benefit:	\$290.00
<i>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.</i>		

**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
<i>Justification: Not Applicable. The Division does not have any information suggesting that the Town of Olney Springs has an inability to pay the assessed penalty amount.</i>		

**Part VIII – Final Adjusted Penalty**

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

Exhibit A

**ADMINISTRATIVE PENALTY COMPUTATION WORKSHEET**  
**VIOLATION NUMBER: 2**

System Name: Town of Olney Springs PWSID Number: CG-0113596

Date of Enforcement Order: August 29, 2008 Number: DC-180-29-21

Regulation Violated: Failure to Monitor for Synthetic Organic Chemicals - 5-CCR-0003-1, §6.2.6 Population Served: 300

**Part I – Base Penalty Calculation**

Line	Violation Type	Population Range	Amount in Dollars
Line 1:	Failure to Monitor for Synthetic Organic Chemicals - Compliance Period January 1, 2005 through December 31, 2007	< 500 Served	\$100.00

**Part II – Application of Aggravating or Mitigating Factors**

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

**Part III – Determination of Days of Violation**

**Exhibit A**

		Violation
Line 11	Total Days of Violation	1
	<i>Justification: The Division has chosen to consider the failure to monitor for synthetic organic chemicals violation as a single day violation.</i>	

**Part IV – Determination of Multi-Day Penalty Amount**

		Amount in Dollars
Line 12	Multi-Day Penalty Amount	<b>\$100.00</b>
	<i>Calculations:</i>	
	<i>Day 1 (\$100.00)</i>	<i>= \$100.00</i>

**Part V – Economic Benefit Consideration**

		Amount in Dollars
Line 13	Economic Benefit:	<b>\$1,240.00</b>
	<i>Justification: The Division believes that the Town of Olney Springs realized an economic benefit by failing to monitor since the town has avoided the cost for the tests as well as the cost of the labor involved in obtaining sample bottles, conducting the testing, and transporting the samples to a lab.</i>	

**Part VI – Violation Penalty Total**

		Amount in Dollars
Line 14	Total Administrative Penalty: (Line 12 + Line 13)	<b>\$1,340.00</b>

**Part VII – Ability to Pay Adjustment**

		Amount in Dollars
Line 15	Ability to Pay Reduction:	<b>\$0.00</b>
	<i>Justification: Not Applicable. The Division does not have any information suggesting that the Town of Olney Springs has an inability to pay the assessed penalty amount.</i>	

Exhibit A

**Part VIII – Final Adjusted Penalty**

		Amount in Dollars
<b>Line 16</b>	<b>Total Administrative Penalty: (Line 14 - Line 15)</b>	<b>\$1,340.00</b>

Exhibit A

**ADMINISTRATIVE PENALTY COMPUTATION WORKSHEET**

**VIOLATION NUMBER: 3**

**System Name:** Town of Olney Springs      **PWSID Number:** CO-046500

**Date of Enforcement Order:** August 29, 2008      **Number:** DC-080829

**Regulation Violated:** Failure to Monitor for Synthetic Organic Chemicals: 56 G.S. 1893-1, §6.2.6      **Population Served:** 399

**Part I – Base Penalty Calculation**

	Violation Type	Population Range	Amount in Dollars
Line 1	Failure to Monitor for Inorganic Chemicals – 2005 through 2007	< 500 Served	<b>\$100.00</b>

**Part II – Application of Aggravating or Mitigating Factors**

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

Exhibit A

**Part III – Determination of Days of Violation**

			Days of Violation
Line 11	Total Days of Violation		1
	<i>Justification: The Division has chosen to consider the failure to monitor for inorganic chemicals violation as a single day violation.</i>		

**Part IV – Determination of Multi-Day Penalty Amount**

			Amount in Dollars
Line 12	Multi-Day Penalty Amount		\$100.00
	<i>Calculations: Day 1 (\$100.00) = \$100.00</i>		

**Part V – Economic Benefit Consideration**

			Amount in Dollars
Line 13	Economic Benefit:		\$490.00
	<i>Justification: The Division believes that the Town of Olney Springs realized an economic benefit by failing to monitor since it avoided the cost of taking two inorganic chemical samples as well as the cost of the labor involved in obtaining sample bottles, conducting the testing, and transporting the two required samples (sample points 001 and 002) to a lab.</i>		

**Part VI – Violation Penalty Total**

			Amount in Dollars
Line 14	Total Administrative Penalty: (Line 12 + Line 13)		\$590.00

**Part VII – Ability to Pay Adjustment**

			Amount in Dollars
Line 15	Ability to Pay Reduction:		\$0.00
	<i>Justification: Not Applicable. The Division does not have any information suggesting that the Town of Olney Springs has an inability to pay the assessed penalty amount.</i>		

Exhibit A

Part VIII – Final Adjusted Penalty

			Amount in Dollars
Line 16	Total Administrative Penalty: (Line 14 - Line 15)		\$590.00