

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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Colorado Department
of Public Health
and Environment

October 15, 2008

Certified Mail Number: 7007 0220 0001 0156 8588

PWSID# CO-0235172

Four Sons, LLC

J. William Darrough, Registered Agent

Public Water System Name: Camp Timberline

430 Canyon Ave.

Ft. Collins, CO 80521-2625

RE: Service of Drinking Water Enforcement Order, Number: DC-081003-1

Dear Mr. Darrough:

The Colorado Department of Public Health and Environment, Water Quality Control Division (the "Department") is withdrawing Enforcement Order, Number DC-080919-1 issued to J. WILLIAM DARROUGH d/b/a CAMP TIMBERLINE and reissuing the order to Four Sons, LLC. As a result, the compliance time lines included in the Compliance Order section have been adjusted. In addition, as you so noted in your letter, Four Sons, LLC will have thirty (30) days from service of the reissued order to contest the order and request a formal hearing.

This Order is issued by 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 you have violated the *Colorado Primary Drinking Water Regulations* (the "Regulations") as described in the enclosed Order.

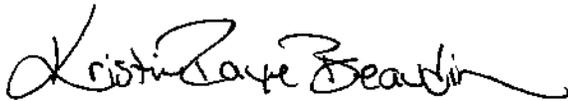
As a recipient of an enforcement order Four Sons, LLC may request a formal hearing to contest the Order in accordance with the Regulations, 5 CCR 1003-1, §1.6.7(g). Requests for such a hearing must be filed in writing with the Department within thirty (30) calendar days after service of the Order. Hearings 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 Four Sons, LLC desire to informally discuss this matter with the Department or if Four Sons, LLC 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.

Sincerely,



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

Enclosure

- cc: Larimer County Department of Health and Environment
Compliance Monitor / Drinking Water File
- ec: Tom Armitage, Engineering Section, CDPHE
Dick Parachini, Watershed Program, CDPHE
Betsy Beaver, Facility Operators Program, CDPHE
Shawn McCaffrey, EPA Region VIII
Paul Klug, Consumer Protection Division, CDPHE
Patricia Klocker, Assistant Division Director, Consumer Protection Division, CDPHE
Carolyn Schachterle, OPA
System Operator, Robert Alberts (bob@awws.org)



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

ENFORCEMENT ORDER

NUMBER: DC-081003-1

IN THE MATTER OF: FOUR SONS, LLC

PUBLIC WATER SYSTEM IDENTIFICATION NUMBER: CO-0235172

PUBLIC WATER SYSTEM NAME: CAMP TIMBERLINE

LARIMER 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:

GENERAL FINDINGS

1. Four Sons, LLC owns and/or operates a drinking water system, known as Camp Timberline, located at or near 1207 Long Peaks Road, in or near the Town of Estes Park, Larimer County, Colorado (the "System").
2. Four Sons, LLC is a person as defined by 5 CCR 1003-1, §1.5.2(98).
3. Four Sons, LLC 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(128).
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(107).
5. The Public Water System Identification Number ("PWSID"), assigned to the System by the Division is PWSID # CO-0235172.
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. Four Sons, LLC provides piped water for human consumption from the System to at least twenty-five (25) of the same persons, but the System does not serve twenty-five (25) or more of the same people, for sixty (60) or more days per year. The System is therefore classified as a transient, non-community water system" as defined by 5 CCR 1003-1, §1.5.2(137).

8. The source of the water served by the System is groundwater under the direct influence of surface water as defined by 5CCR 1003-1, §1.5.2(54). Pursuant to 5 CCR 1003-1, §1.5.2(123), ground waters found to be under the direct influence of surface water will be classified as surface water.

First Violation

(Failure to Comply with the Treatment Technique Limits for Turbidity)

9. Pursuant to 5 CCR 1003-1, §7.1.3, a public water system that uses a surface water source, in whole or in part, must provide treatment consisting of both disinfection and filtration treatment.
10. A public water system that uses a surface water source or a groundwater source under the direct influence of surface water and serves fewer than 10,000 people must provide filtration treatment which complies with the requirements of 5 CCR 1003-1, §7.1.3(f) or (g) or 5 CCR 1003-1, §7.3.4(a), (b) or (c).
11. Pursuant to 5 CCR 1003-1, §2.8, the treatment technique requirements for turbidity are applicable to all public water systems using surface water sources in whole or in part.
12. Department records establish that the System performed “Bag Filtration Treatment”, as defined by 5 CCR 1003-1, §1.5.2(4), utilizing Strainrite bags until July 1, 2008, as part of its treatment process of its surface water source.
13. Pursuant to 5 CCR 1003-1, §2.8 and §7.3.4, for systems serving less than 10,000 people, using bag filtration, the turbidity treatment technique limit of representative samples of a system's filtered water must be less than or equal to 1 nephelometric turbidity unit (NTU) in at least 95 percent of the measurements taken each month and at no time shall the combined filter effluent turbidity exceed 5 NTU during the month (“maximum turbidity limit”).
14. Pursuant to 5 CCR 1003-1, §7.1.4(a)(1), the System must perform turbidity measurements every four hours (or more frequently) on samples of water collected from a location representative of the combined filtered water provided to the public. A public water system may substitute continuous turbidity monitoring for grab sample monitoring if it validates the continuous measurement for accuracy on a regular basis using a protocol approved by the Department.
15. Pursuant to 5 CCR 1003-1, §7.1.5(a)(1), a public water system that uses a surface water source must provide the Department with the results of all turbidity measurements within ten (10) days after the end of each month that the System serves water to the public.
16. A review of the turbidity monitoring data, provided to the Department by the System, identifies the following instances in which turbidity measurements were not less than or equal to 1 NTU in at least 95 percent of the measurements taken each month:

Monitoring Period	Number of Samples Taken	Number of Samples >1 NTU	% of Samples With NTU < 1 NTU
June 2007	30	30	0%
July 2007	31	22	29%
September 2007	16	16	0%
June 2008	30	5	83%

17. Four Sons, LLC's failure to maintain compliance with the treatment technique limits for turbidity constitutes violations of 5 CCR 1003-1, §2.8 and §7.3.4.

Second Violation
(Failure to Obtain Plans and Specifications Approval Prior to Construction, Improvements or Modifications)

18. Pursuant to 5 CCR 1003-1, §1.11.2(b), no person shall commence construction of any new waterworks, or make improvements to or modify the treatment process of an existing waterworks, or initiate use of a new source, until plans and specifications for such construction, improvements, modifications or use have been submitted to, and approved by the Department. The Department shall grant such approval when it finds that the proposed facilities are capable of complying, on a continuous basis, with design criteria as stated above, and with all applicable laws, standards, rules and regulations.
19. On April 8, 2008, the Department received a design review submittal dated March 17, 2008 from Alberts Water & Wastewater Services, Inc. for a water filtration upgrade at the System. On April 18, 2008, the Department received a modified design review submittal dated April 15, 2008 from Alberts Water & Wastewater Services, Inc. Upon review of the submitted design documentation for the water filtration upgrade, the Department determined that the treatment design was deficient. The Department mailed a letter dated May 14, 2008 to Alberts Water & Wastewater Services, Inc. informing the System of these findings, which included a list of the deficient items.
20. On June 24, 2008, the Department received a response letter to the Department's May 14, 2008 letter from Alberts Water & Wastewater Services, Inc. On June 30, 2008, the Department responded to the letter via email to Alberts Water & Wastewater Services, Inc. that outlined four items that the Department required to complete its review for the approval process of the water filtration upgrade. On July 25, 2008, the Department received a letter dated July 21, 2008 from Alberts Water & Wastewater Services, Inc. that responded to the Department's June 30, 2008 email. At this point, representatives from the Department, Alberts Water & Wastewater Services, Inc. and the System agreed to conduct a teleconference on August 4, 2008 to discuss the outstanding items that are required for the final approval review process of the water filtration upgrade.

21. During the August 4, 2008 teleconference, Four Sons, LLC advised the Department that he decided to install the filtration upgrades and commenced operation of the units on July 1, 2008.
22. During the August 4, 2008 teleconference, the System's representatives indicated that they would submit the outstanding items that are required for the final approval review process of the water filtration upgrade by the end of the week, Friday, August 8, 2008.
23. Department records to-date establish that the System has not provided the Division with the outstanding items needed for the final approval review process for the water filtration upgrade. Furthermore, Department records establish that the System has not received a final approval letter from the Department for the water filtration upgrade.
24. Four Sons, LLC's failure to submit and/or obtain Department approval of the System's plans and specifications prior to construction, improvements or modifications to the System constitutes violation(s) of 5 CCR 1003-1, §1.11.2(b).

COMPLIANCE ORDER

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

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

Further, the Division hereby orders Four Sons, LLC to comply with the following specific terms and conditions of this Order.

26. Immediately initiate necessary measures to comply with the maximum contaminant level for turbidity as required by 5 CCR 1003-1, §§2.8 and 7.1.3(f).
27. In order to ensure compliance with 5 CCR 1003-1 Article 1.11.2(b) and long-term compliance with the maximum contaminant level for turbidity for public water supplies, Four Sons, LLC shall obtain Department approval of the water filtration upgrade that was installed at the System and began operating on July 1, 2008. Four Sons, LLC shall provide the outstanding design submittal requirements to the Department in accordance with the following schedule:
 - a. By October 24, 2008, submit documentation, including color photographs, demonstrating that the spring box cover has been improved to meet the design criteria requirements of the *State of Colorado Design Criteria for Potable Water Systems*. (Part 2 – Groundwater Sources, Section 2.2)
If the spring box cover improvements have not been made, Four Sons, LLC shall submit a drawing of the planned improvements, including details that specifically address and ensure that the spring box cover meets the design criteria requirements of the *State of Colorado Design Criteria for Potable Water Systems*. (Part 2 – Groundwater Sources, Section 2.2)

Within thirty (30) calendar days of the Department's approval of the proposed spring box cover improvements (*if applicable*), Four Sons, LLC shall submit a written certification stating that the spring box cover improvements were completed as approved by the Department.

- b. By October 24, 2008, submit for Department review and approval the specifications on the flow limiting valves for the membrane filtration units. The valves' specifications must define the operating limits and, at the full open valve position, must not allow flow to the individual filter units in excess of 11 GPM per filter unit, as required by the State of Colorado Alternative Filtration Technology Acceptance letter to GE/ZENON dated March 16, 2007. (*Note : Operation of the filtration unit(s) in excess of the maximum flow rate may lead to membrane failure and non-compliance with the maximum contaminant level for turbidity for public water supplies.*)
 - c. By October 30, 2008, submit the filter backwash/clean in place waste management plan that clearly outlines the disposal option that Four Sons, LLC intends to implement and demonstrate compliance with any associated permitting requirements. Demonstration of compliance could include, but is not limited to, submittal of receipts for collect and haul waste disposal, copy of a USEPA Class V Injection Well Rule Authorization Letter, copies of a Division CDPS Discharge Permit Application and proof of payment, or proof of compliance with the Department's Hazardous Materials and Solid Waste Division regulations.
28. Within thirty (30) calendar days after receipt of this Order, if it has not already done so, Four Sons, LLC 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, Four Sons, LLC 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.

NOTICES AND SUBMITTALS

For all documents, plans, records, reports and replies required to be submitted by this order, Four Sons, LLC 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
Email: 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

Four Sons, LLC 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 Four Sons, LLC wishes to dispute the Division's rejection of its Notice of Completion, it shall, within fifteen (15) calendar days of receipt of the Division's rejection, submit a written statement as to its belief of full compliance, addressing in detail all concerns the Division raised in the rejection letter to the System's Notice of Completion.

PRIOR APPROVAL REQUIRED

Pursuant to 5 CCR 1003-1, §1.11.2, no person shall commence construction of any new waterworks, or make improvements to or modify the treatment process of an existing waterworks, or initiate use of a new source, until plans and specifications for such construction, improvements, modifications or use have been submitted to, and approved by the Department. The Department shall grant such approval when it finds that the proposed facilities are capable of complying, on a continuous basis, with all applicable laws, standards, rules and regulations.

POTENTIAL ADMINISTRATIVE/CIVIL AND CRIMINAL PENALTIES

You are also advised, pursuant to §25-1-114.1, C.R.S., that violators of the Regulations or final Enforcement Orders issued by the Department are subject to civil or administrative penalties of up to one thousand dollars (\$1,000) per violation per day, to be imposed by the Department or a State District Court. Further, 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. By virtue of issuing this Enforcement Order, the Department has not waived its right to bring an action for administrative, civil or criminal penalties and may bring such action in the future.

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.

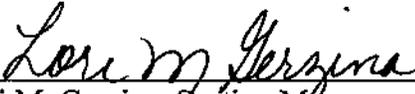
ADDITIONAL ACTION

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 15th day of October, 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