

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

November 12, 2008

PWSID# CO-0121800

Stratmoor Hills Water and Sanitation District
1811 B Street
Colorado Springs, CO 80906

Certified Mail Number: 7007 0220 0001 0156 8656

RE: Service of Amendment to Enforcement Order Number: DC-071130-2

Dear Sir or Madam:

Stratmoor Hills Water and Sanitation District is hereby issued the enclosed amendment to the Enforcement Order (Number: DC-071130-2) that was issued to Stratmoor Hills Water and Sanitation District on November 30, 2007. This order amendment is issued by the Colorado Department of Public Health and Environment's Water Quality Control Division (the "Division") pursuant to the authority given to the Division by §25-1.5-203 of the Colorado Revised Statutes.

Should you desire to discuss this matter with the Division or if you have any questions regarding the order amendment(s), please don't hesitate to contact Ms. Cathy Heald of this office 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

cc: El Paso County Department of Health and Environment
Compliance Monitor / Drinking Water File

ec: Tim Vrudny, Engineering Section, CDPHE
Dick Parachini, Watershed Program, CDPHE
Betsy Beaver, Facility Operators Program, CDPHE
Shawn McCaffrey, EPA Region VIII
Carolyn Schachterle, OPA



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

AMENDMENT NUMBER ONE TO ENFORCEMENT ORDER NUMBER: DC-071130-2

**IN THE MATTER OF: STRATMOOR HILLS WATER AND SANITATION DISTRICT
PUBLIC WATER SYSTEM IDENTIFICATION NUMBER: CO-0121800
EL PASO 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 amends Enforcement Order Number: DC-071130-2 issued to Stratmoor Hills Water and Sanitation District.

GENERAL FINDINGS

1. On November 30, 2007, the Division issued an Enforcement Order: No. DC-071130-2 to Stratmoor Hills Water and Sanitation District citing violations of the Colorado Primary Drinking Water Regulations for failure to prepare, certify and/or deliver a consumer confidence report. The Enforcement Order is attached hereto as Exhibit A and is incorporated herein by reference.
2. In response to the Enforcement Order DC-071130-2, the Stratmoor Hills Water and Sanitation District provided copies of the calendar year 2005 Consumer Confidence Report (CCR) and the associated certificate of delivery.
3. After re-evaluating the facts associated with the issuance of the Enforcement Order Number DC-071130-2 the Division has determined that the following amendments to the enforcement order and the associated administrative penalty assessment are appropriate.

AMENDMENT NUMBER ONE

4. Effective as of the issued date of this Amendment, Enforcement Order Number: DC-071130-2 is therefore amended to revise the Enforcement Order as follows:
 - a. Since Stratmoor Hills Water and Sanitation District provided the Department with a copy of the System's Consumer Confidence Report for calendar year 2005 with the required certification that the report was distributed, paragraph 11 has been withdrawn and removed.

- b. The Order for Administrative Penalty Section, paragraphs 17-19, are superseded and replaced with the following new paragraphs:
17. 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.
18. 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 Seventy-Five dollars (\$375.00)*** 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 B.

Terms of Administrative Penalty Payment

19. If Stratmoor Hills Water and Sanitation District 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

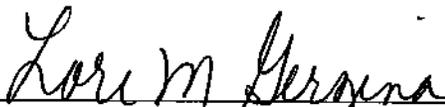
Payment or appeal of the administrative penalty in this manner does not relieve Stratmoor Hills Water and Sanitation District of its obligation to perform the activities required by this enforcement action.

SCOPE OF AMENDMENT NUMBER ONE

The scope of this Amendment Number One to Enforcement Order Number DC-071130-2 is limited to the revisions outlined above. All other terms and conditions of the Enforcement Order shall remain unchanged and in effect.

Issued at Denver, Colorado, this 12th day of November, 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 B

**STRATMOOR HILLS WATER AND SANITATION DISTRICT
PUBLIC WATER SYSTEM IDENTIFICATION NUMBER: CO-0121800
EL PASO COUNTY, COLORADO**

**ADMINISTRATIVE PENALTY COMPUTATION WORKSHEET
(October 30, 2008)**

Penalty Summary

<u>Penalty Calculation - Violation Number 1</u> (Count 1 - Deleted).....	<u>\$0.00</u>
(Count 2).....	<u>\$375.00</u>

Violation: Failure to Prepare Consumer Confidence Report
Regulation Violated: 5 CCR 1003-1, §9.1.2

TOTAL PENALTY.....\$375.00

Exhibit B

ADMINISTRATIVE PENALTY COMPUTATION WORKSHEET VIOLATION NUMBER: 1 (Count 2)

System Name: Stratmoor Hills Water and Sanitation District	PWSID Number: CO-0021800
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Date of Enforcement Order: November 30, 2007	Number: DC-071450-2
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Regulation Violated: Failure to Prepare Consumer Confidence Report, 5 CCR 1003-1.89.12	Population Served: 6,500
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Part I – Base Penalty Calculation

	Violation Type	Population Range	Amount in Dollars
Line 1	Failure to Prepare Consumer Confidence Report – 2006	3,301 – 10,000 Served	\$375.00

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	Adjusted Base Penalty (Sum of Line 1 + Line 9)		\$375.00

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 this Consumer Confidence Reporting violation to be a single day violation.</i>	

Part IV – Determination of Multi-Day Penalty Amount

		Amount in Dollars
Line 12	Multi-Day Penalty Amount	\$375.00
	Calculations:	
	Day 1 (\$375.00)	= \$375.00

Part V – Economic Benefit Consideration

		Amount in Dollars
Line 13	Economic Benefit:	\$0.00
	<i>Justification: The Division does not believe that the System will realize a significant economic benefit from the delayed cost of preparing and distributing its Consumer Confidence Report since this Enforcement Order requires the System to prepare and distribute a calendar year 2007 CCR with the 2006 data.</i>	

Part VI – Violation Penalty Total

		Amount in Dollars
Line 14	Total Administrative Penalty: (Line 12 + Line 13)	\$375.00

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 Stratmoor Hills WSD 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)	\$375.00

Exhibit A



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

**ENFORCEMENT ORDER &
ADMINISTRATIVE PENALTY ASSESSMENT**

NUMBER: DC-071130-2

**IN THE MATTER OF: STRATMOOR HILLS WATER AND SANITATION DISTRICT
PUBLIC WATER SYSTEM IDENTIFICATION NUMBER: CO-0121800
EL PASO 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. Stratmoor Hills Water and Sanitation District ("Stratmoor Hills WSD") owns and/or operates a drinking water system located in or near the City of Colorado Springs, El Paso County, Colorado (the "System").
2. Stratmoor Hills WSD is a person as defined by 5 CCR 1003-1, §1.5.2(80).
3. Stratmoor Hills WSD 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(108).
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(87).
5. The Public Water System Identification Number ("PWSID"), assigned to the System by the Division is PWSID # CO-0121800.
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. Stratmoor Hills WSD 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(10).
8. The System's source of water is surface water as defined by 5 CCR 1003-1, §1.5.2(110).

First Violation

(Failure to Prepare, Certify and/or Deliver a Consumer Confidence Report)

9. Section 9.1, 5 CCR 1003-1 establishes the minimum requirements for the content of the Consumer Confidence Report, annual reports that community water systems must deliver to their customers. These reports must contain information on the quality of the water delivered by the systems and characterize the risks (if any) from exposure to contaminants detected in the drinking water in an accurate and understandable manner.
10. Pursuant to 5 CCR 1003-1, §§9.1.2(a) and 9.1.5(a), each community water system must mail or otherwise directly deliver one copy of the System's Consumer Confidence Report to each customer served by the System by July 1 of each calendar year. Each Consumer Confidence Report must contain system information, sampling results, and violation data collected during, or prior to, the previous calendar year.
11. Division records show that Stratmoor Hills WSD has failed to provide the Department with a copy of the System's Consumer Confidence Report, due by July 1, 2006, containing monitoring data from calendar year 2005 and has failed to provide the Department with the required certification that this report was distributed.
12. Further, Division records show that Stratmoor Hills WSD has failed to provide the Department with a copy of the System's Consumer Confidence Report, due by July 1, 2007, containing monitoring data from calendar year 2006 and has failed to provide the Department with the required certification that this report was distributed.
13. Stratmoor Hills WSD's failure to provide the Department with copies of the System's Consumer Confidence Reports and required certifications constitutes violations of 5 CCR 1003-1, §§9.1.2(d) and 9.1.5(c). Additionally, if Stratmoor Hills WSD failed to provide each customer served by the System with a copy of the System's Consumer Confidence Reports, such failures constitutes violations of 5 CCR 1003-1, §§9.1.2(a) and 9.1.5(a).

COMPLIANCE ORDER

Based upon the foregoing factual and legal determinations and pursuant to 5 CCR 1003-1, §1.6.7, Stratmoor Hills Water and Sanitation District is hereby ordered to:

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

Further, the Division hereby orders Stratmoor Hills WSD to comply with the following specific terms and conditions of this Order.

15. Within fourteen (14) calendar days after receipt of this Order, Stratmoor Hills WSD shall provide the Division with a copy of the System's Consumer Confidence Reports prepared with data for calendar years 2005 and 2006 and required delivery certifications. If Stratmoor Hills WSD has not prepared the Consumer Confidence Report containing monitoring data from calendar year 2006, Stratmoor Hills WSD shall prepare, mail or otherwise directly deliver one copy of the report to each customer served by the System and provide the Division with a copy of the report along with the required delivery certification within thirty (30) calendar days of receipt of this Order. At a minimum, the report shall contain the information specified in 5 CCR 1003-1, §9.1. (*Consumer Confidence Report templates are available in an electronic format at the following Internet location: http://www.cdphe.state.co.us/wq/Drinking_Water/Regulatory_Guidance.htm*).
16. Within thirty (30) calendar days after receipt of this Order, if it has not already done so, Stratmoor Hills WSD 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, Stratmoor Hills WSD 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.*)

ORDER FOR ADMINISTRATIVE PENALTY

17. 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.
18. 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 ***One Thousand Four Hundred Sixty-Eight dollars and Seventy-Five cents (\$1,468.75)*** 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

19. If Stratmoor Hills WSD 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

Payment or appeal of the administrative penalty in this manner does not relieve Stratmoor Hills WSD 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, Stratmoor Hills WSD shall submit an original and one (1) copy 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

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

Stratmoor Hills WSD 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 Stratmoor Hills WSD 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.

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 Stratmoor Hills WSD 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 State Board of Health. Requests for such an appeal should be filed in writing with the State Board of Health within thirty (30) calendar days after service of the penalty assessment.

Alternatively (or additionally), under §25-1-113(1), C.R.S., you may file a request for judicial review in the State district court in the county in which you reside or in the city and county of Denver within ninety (90) calendar days of your receipt of this Enforcement Order and Administrative Penalty Assessment.

ADDITIONAL ACTION

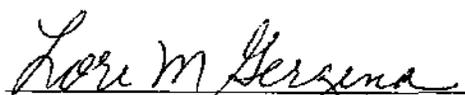
You are further advised that under §25-1-114.1(1), C.R.S., the Department may institute a civil action against any person who violates a final Enforcement Order of the Department issued for violation of any minimum general sanitary standard or regulation adopted pursuant to §25-1.5-203, C.R.S.

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 20th day of November, 2007.

FOR THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT



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

**STRATMOOR HILLS WATER AND SANITATION DISTRICT
PUBLIC WATER SYSTEM IDENTIFICATION NUMBER: CO-0121800
EL PASO COUNTY, COLORADO**

**ADMINISTRATIVE PENALTY COMPUTATION WORKSHEET
(November 30, 2007)**

Penalty Summary

<u>Penalty Calculation -Violation Number 1</u>	(Count 1).....	<u>\$1,000.00</u>
	(Count 2).....	<u>\$468.75</u>

Violation: Failure to Prepare Consumer Confidence Report
Regulation Violated: 5 CCR 1003-1, §9.1.2

TOTAL PENALTY.....\$1,468.75

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

System Name: Stratmoor Hills Water and Sanitation District	PWSID Number: CO-0121800
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Date of Enforcement Order: November 30, 2007	Number: DC-071130-2
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Regulation Violated: Failure to Prepare Consumer Confidence Report, 5 CCR 1003-1, §9.1.2	Population Served: 6,500
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Part I – Base Penalty Calculation

	Violation Type	Population Range	Amount in Dollars
Line 1	Failure to Prepare Consumer Confidence Report - 2005	3,301 – 10,000 Served	\$375.00

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	Adjusted Base Penalty (Sum of Line 1 + Line 9)		\$375.00

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 this Consumer Confidence Reporting violation to be a single day violation.</i>	

Part IV – Determination of Multi-Day Penalty Amount

		Amount in Dollars
Line 12	Multi-Day Penalty Amount	\$375.00
	<i>Calculations:</i> Day 1 (\$375.00) = \$375.00	

Part V – Economic Benefit Consideration

		Amount in Dollars
Line 13	Economic Benefit:	\$1,215.25
	<i>Justification: The Division believes that the System will realize a significant economic benefit from the avoided cost of preparing and distributing its Consumer Confidence Report with the 2005 data. Such avoided costs include time for an administrative person to review and otherwise prepare the report for dissemination, as well as the cost of publishing.</i>	

Part VI – Violation Penalty Total

		Amount in Dollars
Line 14	Total Administrative Penalty: (Line 12 + Line 13)	\$1,000.00
	<i>Justification: Colorado Revised Statutes 25-1-114.1(2.5)(a)(II) authorizes the Department to impose a penalty not to exceed \$1,000 per day per violation. Since the Division has deemed this violation as a single day violation, the penalty amount must be reduced from \$1,590.25 to \$1,000.00.</i>	

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 Stratmoor Hills WSD 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)	\$1,000.00

ADMINISTRATIVE PENALTY COMPUTATION WORKSHEET
VIOLATION NUMBER: 1 (Count 2)

System Name: Stratmoor Hills Water and Sanitation District	PWSID Number: CO-0121800
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Date of Enforcement Order: November 30, 2007	Number: DC-071130-2
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Regulation Violated: Failure to Prepare Consumer Confidence Report, 5 CCR 1003-1, §9.1.2	Population Served: 6,500
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Part I – Base Penalty Calculation

	Violation Type	Population Range	Amount in Dollars
Line 1	Failure to Prepare Consumer Confidence Report - 2006	3,301 – 10,000 Served	\$375.00

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: Stratmoor Hills WSD failed to prepare the Consumer Confidence Report even after the Division provided specific notice of its requirements. In addition, the Division provided specific information on the Division's ongoing expectations on multiple occasions which the system disregarded.</i>	+25%	\$93.75
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		\$93.75
Line 10	Adjusted Base Penalty (Sum of Line 1 + Line 9)		\$468.75

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 this Consumer Confidence Reporting violation to be a single day violation.</i>	

Part IV – Determination of Multi-Day Penalty Amount

		Amount in Dollars
Line 12	Multi-Day Penalty Amount	\$468.75
	<i>Calculations:</i>	
	Day 1 (\$468.75) – \$468.75	

Part V – Economic Benefit Consideration

		Amount in Dollars
Line 13	Economic Benefit:	\$0.00
	<i>Justification: The Division does not believe that the System will realize a significant economic benefit from the delayed cost of preparing and distributing its Consumer Confidence Report since this Enforcement Order requires the System to prepare and distribute a CCR with the 2006 data.</i>	

Part VI – Violation Penalty Total

		Amount in Dollars
Line 14	Total Administrative Penalty: (Line 12 + Line 13)	\$468.75

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 Stratmoor Hills WSD 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)		\$468.75