# 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

PWSID# CO-0208360
Fisher at Four Seasons LLC
Attn: Regina S. Curley, Registered Agent
4506 Curley Rd.
Alamosa, CO 81101

November 28, 2008

***Certified Mail Number: 7005 1820 0000 3209 5668***

**RE: Service of Drinking Water Enforcement Order, Number: DT-081128-1**

Dear Ms. Curley:

Fisher at Four Seasons LLC is hereby issued the enclosed Enforcement Order and Administrative Penalty Assessment (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 and §25-1-114.1 of the Colorado Revised Statutes ("C.R.S."). The Department bases this Order upon findings that Fisher at Four Seasons LLC has violated the Colorado Primary Drinking Water Regulations (the "Regulations") as described in the enclosed Order.

As a recipient of an enforcement order and administrative penalty assessment, Fisher at Four Seasons LLC may request a formal hearing to contest the action in accordance with 5 CCR 1003-1, §1.6.7(g) and/or §25-1-114.1(2.5)(b) C.R.S. Requests for such a hearing must be filed in writing with the Department and/or the Water Quality Control Commission within thirty (30) calendar days after service of the Order. Hearings on enforcement orders and penalty assessments 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 Fisher at Four Seasons LLC desire to informally discuss this matter with the Department or if Fisher at Four Seasons LLC has any questions regarding the Order, please don't hesitate to contact me at (303) 692-3564 or by electronic mail at scott.klarich@state.co.us.

Sincerely,

Scott F. Klarich, Unit Manager
Enforcement and Clean Water Compliance Assurance Unit
Compliance Assurance and Data Management Section
WATER QUALITY CONTROL DIVISION

Enclosure

cc: Chafee County Environmental Health Department
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
Jeff Lawerence, Director Consumer Protection Division, CDPHE
Carolyn Schachterle, OPA
Tom Mc Clelland, System Operator, tommcclelland2004@msn.com

**COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT**

**WATER QUALITY CONTROL DIVISION**

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**ENFORCEMENT ORDER &**
**ADMINISTRATIVE PENALTY ASSESSMENT**

**NUMBER: DT-081128-1**

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**IN THE MATTER OF: FISHER AT FOUR SEASONS LLC**
**FOUR SEASONS RV PARK**
**PUBLIC WATER SYSTEM IDENTIFICATION NUMBER: CO-0208360**
**CHAFFEE COUNTY, COLORADO**

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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. Fisher at Four Seasons LLC ('Fisher") owns and/or operates a drinking water system known as the Four Seasons RV Park located two miles East of the Town of Salida on Highway 50, 4305 East Highway 50, Chaffee County, Colorado (the "System").

2. Fisher is a person as defined by 5 CCR 1003-1, §1.5.2(98).

3. Fisher 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-0208360.

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. Fisher provides piped water for human consumption from the System to at least twenty-five (25) people, 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 ground water under the direct influence of surface water as defined by 5CCR 1003-1, §1.5.2(65). Pursuant to 5 CCR 1003-1, §1.5.2(129), groundwaters found to be under the direct influence of surface water will be classified as surface water.

**First Violation**
**(Failure to Comply with the Maximum Contaminant Level for Nitrate and Failure to Perform Confirmation Sampling)**

9. Pursuant to 5 CCR 1003-1, §§2.2 and 6.1.1(a)(2), all public water systems are subject to the Nitrate maximum contaminant level of 10 mg/L (as nitrogen).

10. Pursuant to 5 CCR 1003-1, §6.1.5(b)(2), the System is required to collect a minimum of one 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 (hereafter called a sampling point). The system shall take each sample at the same sampling point unless conditions make another sampling point more representative of each source or treatment plant.

11. Pursuant to 5 CCR 1003-1, §6.1.5(e)(4), transient non-community systems are required to monitor for Nitrate annually.

12. Pursuant to 5 CCR 1003-1, §6.1.3(a)(3), compliance with the maximum contaminant level for Nitrate is determined based on one sample if the level of this contaminant is below the maximum contaminant level. If the level of Nitrate exceeds the maximum contaminant level in the initial sample, a confirmation sample is required in accordance with 5 CCR 1003-1, §6.1.5(g)(2), and compliance shall be determined based on the average of the initial and confirmation samples.

13. Under 5 CCR 1003-1, §6.1.5(g)(2), when Nitrate sampling results indicate an exceedance of the maximum contaminant level, the System must take a confirmation sample within 24 hours of the System's receipt of notification of the analytical results of the first sample. Systems unable to comply with the 24-hour sampling requirement must immediately notify persons served by the public water system in accordance with 5 CCR 1003-1, §9.2 and meet other Tier 1 public notification requirements under 5 CCR 1003-1, Article 9. Systems exercising this option must take and analyze a confirmation sample within two weeks of notification of the analytical results of the first sample.

14. Pursuant to 5 CCR 1003-1, §§1.6.4(a) and 6.1.2, the System is required to report to the Department the results of the System's Nitrate analyses within (1) the first ten calendar days following the month in which a 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.

15. Division records establish that the System has reported the following Nitrate monitoring data in exceedance of the maximum contaminant level to the Department:

| Sample Date (Monitoring Point) | Nitrate Sampling Results in mg/L (as nitrogen) |
|---|---|
| 5/12/08 (002)* | 17.84 |
| 4/23/08 (002)* | 14.21 |

** Confirmation Sample Not Taken*

16. Division records establish that the System did not perform confirmation sampling as required by 5 CCR 1003-1, §6.1.5(g)(2). Therefore, the Division has determined that the provided Nitrate sample results demonstrate an exceedance of the 10 mg/L (as nitrogen) Nitrate maximum contaminant level.

17. On May 9, 2008, the Department issued a Bottled Water Order to the System as a measure to protect public health and as a result of the exceedance of the maximum contaminate level for Nitrate and the lack of approved treatment for the System's source water (ground water under the direct influence of surface water).

18. Fisher's failure to perform the required confirmation sampling constitutes violation(s) of 5 CCR 1003-1, §6.1.5(g)(2).

19. Fisher's failure to maintain compliance with the Nitrate maximum contaminant level constitutes violation(s) of 5 CCR 1003-1, §2.2.

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

20. 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.

21. In a letter dated May 27, 2008, the Division formally advised the System of the Division's expectations regarding the plans review requirements for the system improvements that were constructed without Division approval.

22. On November 14, 2008, a Division representative conducted a compliance inspection of the System, pursuant to the Department's authority under §25-1.5-204, C.R.S. and 5 CCR 1003-1, §1.7, to determine the System's compliance with the Regulations. During the inspection the Division representative confirmed that the constructed chlorination system, filtration system and an ion-exchange treatment system were in place and operational.

23. Division records to-date and findings of the Division's inspection establish that the System has not provided the Department with the outstanding items needed for the final review/approval process for the System's constructed improvements. Furthermore, Division records establish that the System has not received a final approval letter from the Department for the constructed System improvements.

24. Fisher'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, Fisher 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 Fisher to comply with the following specific terms and conditions of this Order.

26. In order to ensure compliance with 5 CCR 1003-1 §1.11.2(b), the surface water treatment requirements of 5 CCR 1003-1, Article 7 and long-term compliance with the maximum contaminant level for Nitrate (5 CCR 1003-1 §2.2), Fisher shall immediately initiate measures to obtain Department approval of the ion exchange and surface water treatment components that were installed at the System and began operating in or about May 2008. Fisher shall complete and provide the expected or outstanding design submittal requirements to the Division in accordance with the following time schedule:

    a. By December 15, 2008, retain a qualified person (experienced in drinking water treatment systems) to evaluate, confirm and/or recommend alternatives or improvements to the System's water source or treatment processes to ensure ongoing compliance with Nitrate maximum contaminant level and the surface water treatment requirements.

    b. By January 15, 2009, submit final plans and specifications (complete) for Division review and approval for the constructed or proposed treatment system improvements to ensure ongoing compliance with Nitrate maximum contaminant level. The submittal at a minimum should include the following:

*(i)* Summary of the existing water system and any proposed treatment improvements.

*(ii)* Details regarding the proposed process equipment to be used for nitrate removal.

*(iii)* Details regarding the proposed filtration equipment and any ancillary coagulation or chemical treatment processes.

*(iv)* Details regarding the type of disinfection (gas chlorine, sodium or calcium hypochlorite.

*(v)* Manufacturer's information and technical specifications (cut sheets) for the chlorinator, chlorine solution tank and storage tank(s).

*(vi)* NSF Standard 61 and 60 certification information for <u>any</u> materials or chemicals that will be in contact with the water.

*(vii)* Part 3.9 of the Design Criteria requires that sample taps be provided so that water samples can be obtained from each water source and from appropriate locations in each unit operation of treatment. Indicate the location of the raw and finished water sample taps on the final design drawings.

*(viii)* Chlorine contact time calculations should be included and calculated based on providing adequate contact time before the first service tap. The system peak flow rate, storage tank volume and appropriate baffling factor should be accounted for in the contact time calculations.

*(ix)* If a storage tank is specified to achieve adequate chlorine contact time, the applicable design items in Appendix 1, Part 1 of the Design Criteria should be addressed.

*(x)* Specifications for all piping and appurtenances.

*(xi)* Final design drawings.

*(xii)* A completed "Application for Construction Approval" form with the signature of the local health department or the count commissioner and the signature of the facility owner.

*(xiii)* A "100 Year Floodplain" Certificate.

*(xiv)* An updated SDWIS inventory form.

*(xv)* One copy of a current analysis from a certified laboratory of nitrate, nitrite and total coliform bacteria.

*(xvi)* Drawing(s) of the wells that shows positive drainage slope away from the wells, details of the pitless adapter, details on the sanitary seal, and that shows that the wellheads evaluation are at least 12 inches above the ground.

*(xvii)* A statement of any surface influences or sources of contamination within a 100 foot radius of the wells.

*(xviii)* Copies of the Well Permit and the Well Construction and Test Report.

c. Within thirty (30) calendar days of the Department's plans and specifications approval letter, complete construction and/or implementation of the Department approved system improvements to ensure long-term compliance with the Nitrate maximum contaminant level and the surface water treatment requirements.

d. Within forty five (45) calendar days of the Department's plans and specifications approval letter, submit a written certification that the System improvements were constructed/installed as approved by the Department.

27. Immediately following final installation of the Department approved system improvements, Fisher shall take a Nitrate sample and begin performing monthly Nitrate monitoring. The Nitrate sample(s) must be collected properly and analyzed by a Department certified laboratory in accordance with approved methods and cited detection limits. Fisher shall provide the Division with the results of the Nitrate analyses within ten (10) calendar days of receipt of the results from the laboratory. Fisher shall remain on monthly monitoring until the Division feels that the System has demonstrated consistent and reliable compliance with the Nitrate maximum contaminate level for four (4) consecutive monitoring periods (monthly). If Fisher has demonstrated such performance then the System may request that their Nitrate monitoring be reduced to quarterly.

28. Fisher shall immediately ensure that in the event that the System experiences an exceedance of the nitrate maximum contaminant level that confirmation sampling be performed in accordance with the 5 CCR 1003-1, §6.1.5(g)(2). Fisher should ensure that in the event that the System experiences an exceedance of any of the regulated drinking water contaminants, it shall perform all confirmation/repeat/follow-up sampling and public notice that is required by the Regulations.

29. Installation of ion exchange treatment will increase the System's operator requirements to a level C. Upon completion of construction/implementation of the Department approved System improvements, Fisher shall immediately retain and have in place a level C certified operator. Fisher shall submit an Operator in Responsible Charge form to the Division immediately after the operator has been retained.

30. Consistent with the terms of the May 9, 2008 Bottled Water Order, Fisher shall reissue its public notice *(bottled water advisory)* in accordance with 5 CCR 1003-1, §9.2 every two (2) weeks until the Division has acknowledged in writing that the System is consistently distributing safe water. Within ten (10) calendar days of completion of each required public notification, the Fisher 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.

## ORDER FOR ADMINISTRATIVE PENALTY

31. 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.

32. 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 five hundred dollars ($500.00) 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

33. If Fisher 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:

    Mr. Scott Klarich, Unit Manager
    Enforcement and Clean Water Compliance Assurance Unit
    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 Mr. Klarich's name is on the outside of the envelope.)*

    Payment or appeal of the administrative penalty in this manner does not relieve Fisher 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, Fisher 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-CADM-B2
Compliance Assurance and Data Management Section / Enforcement Team
Attention: Scott Klarich
4300 Cherry Creek Drive South
Denver, Colorado 80246-1530
Email: scott.klarich@state.co.us

*(For any facsimile transmittals, please include a cover sheet addressed to Mr. Klarich)*

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

Fisher 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 Fisher 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 Fisher 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.

## 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 28th day of November, 2008.

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

Scott J. Hamil FOR

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

*EXHIBIT A*

**FISHER AT FOUR SEASONS LLC**
**PUBLIC WATER SYSTEM IDENTIFICATION NUMBER: CO-0208360**
**CHAFFEE COUNTY, COLORADO**
**ADMINISTRATIVE PENALTY COMPUTATION WORKSHEET**
**(November 28, 2008)**

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**Penalty Summary**

**Penalty Calculation -Violation Number 1(a)** ..... (N/A, Rights Reserved) **$0.00**

**Violation:** Failure to Comply with the Maximum Contaminant Level for Nitrate
**Regulation Violated:** 5 CCR 1003-1, §2.2

**Penalty Calculation -Violation Number 1(b)** ..... **$200.00**

**Violation:** Failure to Perform Confirmation Sampling for Nitrate
**Regulation Violated:** 5 CCR 1003-1, §6.1.5(g)(2)

**Penalty Calculation -Violation Number 2** ..... **$300.00**

**Violation:** Failure to Obtain Plans and Specifications Approval Prior to Construction, Improvements or Modifications
**Regulation Violated:** 5 CCR 1003-1, §1.11.2(b)

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**TOTAL PENALTY** ..... **$500.00**

*EXHIBIT A*

## ADMINISTRATIVE PENALTY COMPUTATION WORKSHEET
*VIOLATION NUMBER: 1(b)*

| | |
|---|---|
| **System Name: Four Seasons RV Park** | **PWSID Number: CO-0208360** |

| | |
|---|---|
| **Date of Enforcement Order:** November 28, 2008 | **Number:** DT-081128-1 |

| | |
|---|---|
| **Regulation Violated:** Failure to Perform Confirmation Sampling for Nitrate, 5 CCR 1003-1, §6.1.5(g)(2) | **Population Served:** 120 |

### Part I – Base Penalty Calculation

| | Violation Type | Population Range | Amount in Dollars |
|---|---|---|---|
| Line 1 | Failure to Perform Confirmation Sampling for Nitrate (Acute) | <500 | **$200.00** |

### 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) | | **$200.00** |

## *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 Failure to Perform Confirmation Sampling for Nitrate violation as a single day violation.* | | |

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

| | | | Amount in Dollars |
|---|---|---|---|
| Line 12 | Multi-Day Penalty Amount | | **$200.00** |
| | *Calculations:*<br>*Day 1 ($200.00) = $200.00* | | |

## Part V – Economic Benefit Consideration

| | | | Amount in Dollars |
|---|---|---|---|
| Line 13 | Economic Benefit: | | **$0.00** |
| | *Justification: Since the System performed Nitrate monitoring during the following month (May 2008), the Division believes that the System did not realize a significant economic benefit by failing to perform required confirmation monitor.* | | |

## Part VI – Violation Penalty Total

| | | | Amount in Dollars |
|---|---|---|---|
| Line 14 | Total Administrative Penalty:<br>(Line 12 + Line 13) | | **$200.00** |

## 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 Fisher at Four Seasons LLC has an inability to pay the assessed penalty amount.* | | |

*EXHIBIT A*

## Part VIII – Final Adjusted Penalty

| | | | Amount in Dollars |
|---|---|---|---|
| **Line 16** | **Total Administrative Penalty: (Line 14 - Line 15)** | | **$200.00** |

*EXHIBIT A*

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

| | |
|---|---|
| **System Name: Four Seasons RV Park** | **PWSID Number: CO-0208360** |

| | |
|---|---|
| **Date of Enforcement Order:** November 28, 2008 | **Number:** DT-081128-1 |

| | |
|---|---|
| **Regulation Violated:** Failure to Obtain Plans and Specifications Approval Prior to Construction, Improvements or Modifications, 5 CCR 1003-1, §1.11.2(b) | **Population Served:** 120 |

### Part I – Base Penalty Calculation

| | Violation Type | Population Range | Amount in Dollars |
|---|---|---|---|
| Line 1 | Failure to Obtain Plans and Specifications Approval Prior to Construction, Improvements or Modifications | <500 | **$300.00** |

### 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 |
| | | | |

*EXHIBIT A*

| | Aggravating / Mitigating Factors | % Base Penalty Increase or Decrease | Amount in Dollars |
|---|---|---|---|
| **Line 10** | **Adjusted Base Penalty** (Sum of Line 1 + Line 9) | | **$300.00** |

## 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 System's failure to Obtain Plans and Specifications Approval Prior to Construction, Improvements or Modifications violation as a single day violation.*<br><br>*Note: The Division specifically reserves its right to amend this penalty calculation and utilize additional days of violation if the System does not promptly comply with this enforcement order and return to compliance.* | | |

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

| | | | Amount in Dollars |
|---|---|---|---|
| Line 12 | Multi-Day Penalty Amount | | **$300.00** |
| | *Calculations:*<br>*Day 1 ($300.00) = $300.00* | | |

## Part V – Economic Benefit Consideration

| | | | Amount in Dollars |
|---|---|---|---|
| Line 13 | Economic Benefit: | | **$0.00** |
| | | | |

## Part VI – Violation Penalty Total

| | | | Amount in Dollars |
|---|---|---|---|
| Line 14 | Total Administrative Penalty:<br>(Line 12 + Line 13) | | **$300.00** |

*EXHIBIT A*

## 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 Fisher at Four Seasons LLC 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)** | | **$300.00** |