COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

WATER QUALITY CONTROL DIVISION

ENFORCEMENT ORDER &
ADMINISTRATIVE PENALTY ASSESSMENT

NUMBER: DC-080331-3

IN THE MATTER OF: BARBARA FULMER
d/b/a MOUNTAIN VIEW VILLAGE
PUBLIC WATER SYSTEM IDENTIFICATION NUMBER: CO-0130095
JEFFERSON 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. Barbara Fulmer owns and/or operates a drinking water system, known as Mountain View Village, located at or near 16100 S. Golden Road, in or near the City of Golden, Jefferson County, Colorado (the "System").

2. Barbara Fulmer is a supplier of water within the meaning of §25-1.5-201(2), C.R.S.

3. 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).

4. The Public Water System Identification Number ("PWSID"), assigned to the System by the Division is PWSID # CO-0130095.

5. 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.

6. Barbara Fulmer 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).

7. The System's source of water is groundwater as defined by 5 CCR 1003-1, §1.5.2(53).

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

8. 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.

9. 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.

10. Pursuant to 5 CCR 1003-1, §§9.1.2(d) and 9.1.5(c), each community water system must mail a copy of the System's Consumer Confidence Report to the Department and a certification that the Consumer Confidence Report has been distributed to customers and that the information is correct and consistent with the compliance monitoring data previously submitted to the Department by July 1 of each calendar year.

11. Division records show that Barbara Fulmer has failed to provide the Department with a copy of the System's Consumer Confidence Report containing compliance data from calendar year 2006, due by July 1, 2007, and has failed to provide the Department with the required certification that this report was distributed.

12. Division records further establish that Barbara Fulmer failed to comply with the Consumer Confidence Report requirements with monitoring data from calendar years 2004 and 2005 and was therefore issued an Enforcement Orders (numbers DC-060224-5 and DC-070410-2, respectively) on February 24, 2006 and April 10, 2007 for such failures.

13. Barbara Fulmer's failure to provide the Department with a copy of the System's Consumer Confidence Report containing compliance data from calendar year 2006 and required certification constitutes ongoing violations of 5 CCR 1003-1, §§9.1.2(d) and 9.1.5(c). Additionally, if Barbara Fulmer failed to provide each customer served by the System with a copy of the System's Consumer Confidence Report, such failure constitutes violation of 5 CCR 1003-1, §§9.1.2(a) and 9.1.5(a).

Second Violation
(Failure to Monitor and/or Report for Reduced Tap Water Monitoring for Lead and Copper Contaminants)

14. Pursuant to 5 CCR 1003-1, §8.7(d)(4)(i), a system serving a population of less than or equal to 50,000 that meets the lead and copper action levels during each of two consecutive six-month monitoring periods may reduce the number of samples in accordance with 5 CCR 1003-1, §8.7(c) and reduce the frequency of sampling to once per calendar year.

15. Division records establish that the System was subject to "Reduced Tap Water Monitoring" (annual monitoring).

16. The *Official 2007 Drinking Water Monitoring Schedule* provided to the System by the Department outlines that the System was required to conduct lead and copper tap water monitoring between June 1, 2007 and September 30, 2007.

17. Pursuant to 5 CCR 1003-1, §8.10(a)(1), the System is required to report the results of all lead and copper tap water samples within the first ten (10) days following the end of each applicable monitoring period.

18. Division records establish that the System failed to provide the Department with the results of its reduced (annual) lead and copper tap water monitoring and analyses for calendar year 2007.

19. Division records further establish that Barbara Fulmer failed to provide the Department with the results of the required lead and copper monitoring for June 1, 2006 and September 30, 2006 and was therefore issued an Enforcement Order (number DC-070227-1) on February 27, 2007 for such failure.

20. Barbara Fulmer's failure to submit the results of the System's lead and copper tap water monitoring to the Department constitutes violation(s) of 5 CCR 1003-1, §8.10(a)(1). Additionally, if Barbara Fulmer failed to perform lead and copper tap water monitoring during the identified period(s), such failure to perform the monitoring constitutes violation(s) of 5 CCR 1003-1, §8.7(d)(4)(i).

Third and Fourth Violations
(Failure to Monitor and/or Report for Volatile and Synthetic Organic Chemicals)

21. Pursuant to 5 CCR 1003-1, §§6.2.5(a) and 6.2.6(a), the System must take a minimum of one volatile and 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.

22. According to 5 CCR 1003-1, §6.2.3(e), the System must monitor for volatile and synthetic organic chemicals at the time designated by the Department during each compliance period. Barbara Fulmer's compliance period was January 1, 2005 through December 31, 2007.

23. Pursuant to 5 CCR 1003-1, §1.6.4(a), the supplier of water shall report to the Department the results of their volatile and 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.

24. Division records show that the System has failed to provide the Department with the results of volatile and synthetic organic chemical monitoring during the compliance period of calendar years 2005 through 2007.

25. Barbara Fulmer's failure to submit the results of the System's volatile and synthetic organic chemical monitoring to the Department constitutes violation(s) of 5 CCR 1003-1, §1.6.4(a). Additionally, if Barbara Fulmer failed to perform volatile and 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).

Fifth Violation
(Failure Measure/Report Residual Disinfection Concentration)

26. Pursuant to 5 CCR 1003-1, §7.6.1(b), a public water system that uses only ground water sources which have been determined to not be under the direct influence of surface water shall be disinfected by means or methods which are approved by the Department and are effective in the killing or removal of pathogenic organisms. Disinfection may include physical as well as chemical treatment. When chlorination methods are employed, a sufficient amount of chlorine shall be added to the water to destroy any pathogenic organisms potentially present and to maintain a detectable residual in at least 95% of the samples taken at the extremities of the distribution system from which water may be withdrawn.

27. Division records establish that the System utilizes chlorination methods to achieve disinfection.

28. Pursuant to 5 CCR 1003-1, §§7.5.3(c)(1) and 7.6.1(c)(2), the System must measure the residual disinfectant concentration in the distribution system at least at the same points in the distribution system and at the same time as total coliforms are sampled.

29. Pursuant to 5 CCR 1003-1, §7.5.2, analyses conducted to determine compliance with this §7.5 shall be made by methods as specified in 5 CCR 1003-1, §10.7.

30. Pursuant to 5 CCR 1003-1, §7.5.5(c)(1), the System is required to report the following:
    i. The number of samples taken during each month of the last quarter;
    ii. The monthly arithmetic average of all samples taken in each month for the last 12 months;
    iii. The arithmetic average of the monthly averages for the last 12 months; and
    iv. Whether, based on §7.5.4(c)(1), the MRDL was violated.

31. Pursuant to 5 CCR 1003-1, §7.5.5(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.

32. Review of bacteriological sampling results submitted to the Division establishes that the System did not measure and/or report its residual disinfection concentrations in the 1st, 2nd, 3rd, or 4th quarters of calendar year 2007.

33. Division records further establish that Barbara Fulmer failed to provide the Department with the results of the residual disinfection concentrations monitoring during calendar year 2006 and was therefore issued an Enforcement Order (number DC-070227-1) on February 27, 2007 for such failure.

34. Barbara Fulmer's failure to report for residual disinfectant concentrations in the distribution system constitutes violations of §7.5.5. Further, if Barbara Fulmer failed to measure the residual disinfectant concentration in the distribution system, such failure constitutes violations of 5 CCR 1003-1, §§ 7.5.3(c)(1) and 7.6.1(c)(2).

Sixth Violation
(Failure to Monitor and/or Report for Microbiological Contaminants)

35. Pursuant to 5 CCR 1003-1, §5.1.1(a), the System must collect total coliform samples at sites, which are representative of water throughout the distribution system according to a written sample-siting plan.

36. Pursuant to 5 CCR 1003-1, §5.1.1(d), the System must monitor for total coliform at a frequency based on the population served by the System. The System, which serves less than 1,000 persons, is therefore required to collect one total coliform sample per month.

37. Pursuant to 5 CCR 1003-1, §5.1.1(b), the System is required to submit the results of all routine total coliform sampling and analyses to the Department for review.

38. Division records establish that the System has failed to provide the Department with the results of the routine total coliform analyses for the following monitoring periods:

Month	Year	Number of Samples Required	Number of Samples Received
July	2007	2	0
August	2007	2	0
September	2007	2	0
October	2007	2	0
November	2007	2	0
December	2007	2	0
January	2008	2	0
February	2008	2	0

39. Division records further establish that Barbara Fulmer failed to provide the Department with the results of the required microbiological contaminant monitoring for the month of December 2006 and was therefore issued an Enforcement Order (number DC-070227-1) on February 27, 2007 for such failure.

40. Barbara Fulmer's failure to submit the results of the System's routine total coliform analyses to the Department constitutes violation(s) of 5 CCR 1003-1, §5.1.1(b). Additionally, if Barbara Fulmer failed to perform routine total coliform monitoring during the identified periods, such failure to perform the monitoring further constitutes violation(s) of 5 CCR 1003-1, §5.1.1(d).

Seventh Violation
(Failure to Monitor for Total Trihalomethanes and Haloacetic Acids (five))

41. Pursuant to 5 CCR 1003-1, §7.5.1(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 §7.5.

42. Pursuant to 5 CCR 1003-1, §7.5.3(b)(1), the System must monitor for TTHM and HAA5 at the following frequency and locations:

Type of System	Minimum Monitoring Frequency	Sample Location in the Distribution System
System using only groundwater not under direct influence of surface water using chemical disinfectant and serving fewer than 10,000 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.

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

44. Pursuant to 5 CCR 1003-1, §7.5.5(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.

45. 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.

46. Division records further establish that Barbara Fulmer failed to provide the Department with the results of the required TTHM and HAA5 monitoring for calendar year 2006 and was therefore issued an Enforcement Order (number DC-070227-1) on February 27, 2007 for such failure.

47. Barbara Fulmer's failure to submit the results of the annual TTHM and HAA5 analysis to the Department constitutes violation(s) of 5 CCR 1003-1, §7.5.5(a). Additionally, if the System failed to perform its annual TTHM and HAA5 analyses during the identified period, such failure to perform the monitoring constitutes violations of 5 CCR 1003-1, §§7.5.1(b)(1) and 7.5.3(b)(1).

Eighth and Ninth Violations
(Failure to Monitor and/or Report for Nitrate and Nitrite)

48. Pursuant to 5 CCR 1003-1, §6.1.5(e) and (f), all public water systems shall monitor to determine compliance with the maximum contaminant levels for Nitrate and Nitrite.

49. Pursuant to 5 CCR 1003-1, §6.1.5(e)(1), systems served by groundwater, shall monitor for Nitrate annually.

50. Pursuant to 5 CCR 1003-1. §6.1.5(f)(1), the System shall monitor for Nitrite at least once during each monitoring cycle (i.e., once every nine years).

51. Pursuant to 5 CCR 1003-1, §6.1.5(b)(1), the System is required to collect a minimum of one Nitrate and Nitrite sample at every entry point to the distribution system which is representative of each groundwater source after treatment.

52. Pursuant to 5 CCR 1003-1, §6.1.5(j), the System must monitor for Nitrite at the time designated by the Department during each compliance period.

53. The *Official 2007 Drinking Water Monitoring Schedule* provided to the System by the Department outlines that the System was required to monitor separately for Nitrate and Nitrite at each entry point to the distribution system (after treatment) during calendar year 2007.

54. Pursuant to 5 CCR 1003-1, §1.6.4(a), the System shall report to the Department the results of the System's Nitrate and Nitrite analyses within (a) the first ten (10) days following the month in which the results are 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.

55. Department records establish that the System failed to submit results of its Nitrate and Nitrite monitoring for calendar year 2007.

56. Barbara Fulmer's failure to submit the results of the System's Nitrate and Nitrite analyses to the Department constitutes violation(s) of 5 CCR 1003-1, §1.6.4(a). Additionally, if Barbara Fulmer failed to perform the Nitrate and Nitrite analyses during the identified period, such failure to perform the monitoring constitutes violations of 5 CCR 1003-1, §§6.1.5(f), 6.1.5(f)(1), 6.1.5(b)(1) and 6.1.5(j).

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

57. 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.

58. Pursuant to 5 CCR 1003-1, §6.1.5(b)(1), the System must take a minimum of one inorganic chemical sample at every entry point to the distribution system, which is representative of each groundwater source after treatment.

59. Pursuant to 5 CCR 1003-1, §6.1.5(d)(1), the System must take one inorganic chemical sample at each sampling point during each compliance period. Barbara Fulmer's compliance period was January 1, 2005 through December 31, 2007.

60. Pursuant to 5 CCR 1003-1, §6.1.5(j), the System must monitor for inorganic chemicals at the time designated by the Department during each compliance period.

61. Division records show that the System has failed to provide the Department with the results of inorganic chemical monitoring during the compliance period of calendar years 2005 through 2007.

62. Barbara Fulmer's 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 Barbara Fulmer 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).

Eleventh Violation
(Failure to Monitor and/or Report for Fluoride)

63. Pursuant to 5 CCR 1003-1, §6.1.5(a), community water systems shall conduct monitoring to determine compliance with the maximum contaminant levels specified in Table 2-3 of 5 CCR 1003-1, §2.2, *MCLs and MCLGs for Inorganic Chemicals* that includes fluoride.

64. Pursuant to 5 CCR 1003-1, §6.1.5(d)(1), the System must take one fluoride sample at each sampling point during each compliance period. Barbara Fulmer's compliance period was January 1, 2005 through December 31, 2007.

65. Pursuant to 5 CCR 1003-1, §6.1.5(j), the System must monitor for fluoride at the time designated by the Department during each compliance period.

66. Division records show that the System has failed to provide the Department with the results of fluoride monitoring during the compliance period of calendar years 2005 through 2007.

67. Barbara Fulmer's failure to submit the results of the System's fluoride monitoring to the Department constitutes violation(s) of 5 CCR 1003-1, §1.6.4(a). Additionally, if Barbara Fulmer failed to perform fluoride 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(d)(1) and §6.1.5(j).

Twelfth Violation
(Failure to Comply with Formal Enforcement Order)

68. Pursuant to 5 CCR 1003-1, §1.6.7(a), where a public water system has violated any provision of any article of the *Colorado Primary Drinking Water Regulations*, the Department may issue an enforcement order requiring the public water system to take actions necessary to correct the violation(s). Such orders may require the public water system to design, redesign, install, modify, construct or reconstruct facilities or to take other such corrective action or to demonstrate adequacy of control measures and employ such operational techniques and practices as will eliminate any violations.

69. On February 24, 2006, the Division issued Enforcement Order Number DC-060224-5 to Barbara Fulmer citing the System's failure to prepare, deliver, and/or certify a Consumer Confidence Report. On February 27, 2007, the Division issued Enforcement Order Number DC-070227-1 to Barbara Fulmer citing failure to monitor/report violations for residual disinfection concentrations, failure to monitor/report for microbiological contaminants, failure to monitor/report violations for lead and copper, and failure to monitor/report violations for total trihalomethanes and haloacetic acids (five). Further, on April 10, 2007 the Division issued Enforcement Order Number DC-070410-2, again citing the System's failure to prepare, deliver, and/or certify a Consumer Confidence Report.

70. Enforcement Order Numbers DC-060224-5 and DC-070410-2 required Barbara Fulmer to prepare and deliver a Consumer Confidence Report to its consumers and then provide a copy of the Consumer Confidence Report and a certification that the report was distributed to the Division. Enforcement Order Number DC-070227-1 required Barbara Fulmer to monitor and/or report for residual disinfection concentrations, microbiological contaminants, lead and copper, and total trihalomethanes and haloacetic acids (five). Division records establish that Barbara Fulmer did not monitor or report as required by the aforementioned Enforcement Orders.

71. Division records further establish that the System has again violated the same *Colorado Primary Drinking Water Regulations* that triggered the aforementioned Enforcement Orders and such violations are included in this Enforcement Order and Administrative Penalty Assessment.

72. Barbara Fulmer's continued failure to comply with the *Colorado Primary Drinking Water Regulations* and Enforcement Order Numbers DC-060224-5, DC-070227-1, and DC-070410-2 constitutes violations of 5 CCR 1003-1, §1.6.7(a).

COMPLIANCE ORDER

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

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

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

74. Within fourteen (14) calendar days after receipt of this Order, Barbara Fulmer shall provide the Division with a copy of the System's Consumer Confidence Report containing compliance data from calendar years 2006 and 2007 and the required delivery certification. If Barbara Fulmer has not prepared these Consumer Confidence Reports, Barbara Fulmer shall prepare, mail or otherwise directly deliver one copy of the reports to each customer served by the System and provide the Division with a copy of the reports 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).*

75. Immediately initiate efforts to comply with the lead and copper monitoring/reporting obligations as required by 5 CCR 1003-1, Article 8.

76. Within fourteen (14) calendar days after receipt of this Order, Barbara Fulmer shall submit the results of any lead and copper annual monitoring performed for calendar year 2007.

77. If the System has not performed its required lead and copper annual monitoring for calendar year 2007, Barbara Fulmer shall collect and analyze lead and copper samples, from the appropriate number of locations *(5 for a system that serves less than 100 people),* between June 1, 2008 and September 30, 2008. Within ten (10) calendar days of receipt of the analytical results from a Department certified laboratory, Barbara Fulmer shall report the results of the monitoring to the Department in accordance with 5 CCR 1003-1, §8.10(a)(1). *(See attached lead and copper sampling information/procedures.)*

78. Within fourteen (14) calendar days after receipt of this Order, Barbara Fulmer shall submit the results of any volatile and synthetic organic chemicals monitoring performed during the compliance period of calendar years 2005 through 2007.

79. If the System has not performed the volatile and synthetic organic chemicals monitoring for the compliance period of calendar years 2005 through 2007, Barbara Fulmer shall conduct volatile and synthetic organic chemicals analyses on a representative water sample within thirty (30) calendar days of receipt of this Order. The volatile and synthetic organic chemicals samples must be properly collected and analyzed by a Department certified laboratory in accordance with approved methods. Barbara Fulmer shall provide the Department with the results of the volatile and synthetic organic chemicals analyses within ten (10) calendar days of receipt of the results from the laboratory.

80. Barbara Fulmer must monitor/report residual disinfection concentration in accordance with 5 CCR 1003-1, §7.5, including, but not limited to, reporting on a MRDL Form 2. (*See attached*) The running annual average must be recalculated each quarter using the most recent twelve (12) months of data.

81. Immediately take steps to comply with the microbiological contaminant monitoring/reporting obligations as required by 5 CCR 1003-1, Article 5.

82. Within thirty (30) calendar days after receipt of this Order, Barbara Fulmer shall submit the results of any microbiological contaminant (total coliform) monitoring performed for the following monitoring period:

Month	Year	Number of Samples Required	Number of Samples Received
July	2007	2	0
August	2007	2	0
September	2007	2	0
October	2007	2	0
November	2007	2	0
December	2007	2	0
January	2008	2	0
February	2008	2	0

83. Immediately initiate efforts to comply with the TTHM and HAA5 monitoring/reporting obligations as required by 5 CCR 1003-1, §7.5.

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

85. If the calendar year 2007 TTHM and HAA5 monitoring has not been conducted by the System, Barbara Fulmer shall perform TTHM and HAA5 monitoring this calendar year during the month of July. The TTHM and HAA5 sample(s) must be collected properly and analyzed by a Department certified laboratory in accordance with approved methods. Barbara Fulmer 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.

86. Immediately initiate efforts to comply with the Nitrate and Nitrite monitoring/reporting obligations as required by 5 CCR 1003-1, Article 6.

87. Within fourteen (14) calendar days after receipt of this Order, Barbara Fulmer shall submit the results of any Nitrate and Nitrite monitoring performed for calendar year 2007.

88. If the system has not performed the Nitrate and Nitrite monitoring for calendar year 2007, Barbara Fulmer shall perform Nitrate and Nitrite analyses on a representative water sample, taken from each entry point to the distribution system, within thirty (30) calendar days of receipt of this Order. The Nitrate and Nitrite sample(s) must be collected properly and analyzed by a Department certified laboratory in accordance with approved methods and cited detection limits. Barbara Fulmer shall provide the Department with the results of the Nitrate and Nitrite analyses within ten (10) calendar days of receipt of the results from the laboratory.

89. Immediately initiate efforts to comply with the inorganic chemical monitoring and reporting obligations as required by 5 CCR 1003-1, §6.1.

90. Within thirty (30) calendar days after receipt of this Order, Barbara Fulmer shall submit the results of any inorganic chemicals monitoring performed on the system's distributed water for the compliance period of January 1, 2005 to December 31, 2007.

91. If the System has not performed the inorganic chemicals monitoring for the compliance period of January 1, 2005 to December 31, 2007, Barbara Fulmer shall conduct an inorganic chemicals analysis 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. Barbara Fulmer shall provide the Department with the results of the inorganic chemical analysis within ten (10) calendar days of receipt of the results from the laboratory.

92. Immediately initiate efforts to comply with the fluoride monitoring and reporting obligations as required by 5 CCR 1003-1, §6.1.

93. Within thirty (30) calendar days after receipt of this Order, Barbara Fulmer shall submit the results of any fluoride monitoring performed on the system's distributed water for the compliance period of January 1, 2005 to December 31, 2007.

94. If the System has not performed the fluoride monitoring for the compliance period of January 1, 2005 to December 31, 2007, Barbara Fulmer shall conduct a fluoride analysis 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 fluoride sample(s) must be properly collected and analyzed by a Department certified laboratory in accordance with approved methods and cited detection limits. Barbara Fulmer shall provide the Department with the results of the fluoride analysis within ten (10) calendar days of receipt of the results from the laboratory.

95. Within thirty (30) calendar days after receipt of this Order, if she has not already done so, Barbara Fulmer 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, Barbara Fulmer 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

96. 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.

97. 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 ***Six Thousand Nine Hundred Five*** dollars (***$6,905.00***) for the specific violation identified in this action. The reasoning behind this penalty number 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

98. If Barbara Fulmer 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 of the civil penalty in this manner does not relieve Barbara Fulmer of her obligation to perform the activities required by this action.

NOTICES AND SUBMITTALS

For all documents, plans, records, reports and replies required to be submitted by this order, Barbara Fulmer shall submit an original and one 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 Unit / Enforcement Team
Attention: Ms. Catherine Heald
4300 Cherry Creek Drive South
Denver, Colorado 80246-1530
Telephone: (303) 692-3254
Email: catherine.heald@state.co.us

NOTICE OF COMPLETION

Barbara Fulmer 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 Barbara Fulmer wishes to dispute the Division's rejection of her Notice of Completion, she shall, within fifteen (15) days of receipt of the Division's rejection, submit a written statement as to her 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 Barbara Fulmer 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 section 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 31st day of March, 2008.

FOR THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Lori M. Gerzina

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