COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

WATER QUALITY CONTROL DIVISION

ENFORCEMENT ORDER **NUMBER: DC-080529-1**

IN THE MATTER OF: PARK WATER COMPANY
PUBLIC WATER SYSTEM IDENTIFICATION NUMBER: CO-0130115
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:

GENERAL FINDINGS

1. Park Water Company owns and/or operates a drinking water system located in or near the Town of Evergreen, Jefferson County, Colorado (the "System").

2. Park Water Company is a person as defined by 5 CCR 1003-1, §1.5.2(92).

3. Park Water Company is a supplier of water within the meaning of §25-1.5-201(2), C.R.S. and its implementing regulation, 5 CCR 1003-1, §1.5.2(122).

4. The System is a public water system as defined by §25-1.5-201(1), C.R.S. and its implementing regulation, 5 CCR 1003-1, §1.5.2(101).

5. The Public Water System Identification Number ("PWSID"), assigned to the System by the Division is PWSID # CO-0130115.

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. Park Water Company provides piped water for human consumption from the System to at least fifteen (15) service connections used by year-round residents of the area served by the System and/or regularly serves at least twenty-five (25) year-round residents. The System is therefore classified as a "community water system" as defined by 5 CCR 1003-1, §1.5.2(13).

8. The System's source of water is groundwater as defined by 5 CCR 1003-1, §1.5.2(60).

First Violation

(Failure to Comply with the Maximum Contaminant Level for Gross Alpha Particle Activity)

9. Pursuant to 5 CCR 1003-1, §2.6, Table 2-7(2), the maximum contaminant level for gross alpha particle activity is 15 pCi/L.

10. Pursuant to 5 CCR 1003-1, §6.3.5, compliance with the maximum contaminant level is determined by a running annual average at each sampling point. If the average of any sampling point is greater than the maximum contaminant level, then the system is out of compliance with the maximum contaminant level.

11. In a letter dated July 5, 2000 the Division advised the System that due to a gross alpha particle activity result of 18 pCi/L from a sample taken on March 27, 2000, it would be required to conduct quarterly sampling.

12. A review of the radiological monitoring data, provided to the Department by the System, shows that the running annual average of the following samples obtained by the System exceed the maximum contaminant level for gross alpha particle activity:

Gross Alpha Particle Activity (in picocuries per liter (pCi/L)) – Sampling Point 005				
1st Sample	**2nd Sample**	**3rd Sample**	**4th Sample**	**Running Annual Average**
March 28, 2004 25.8 pCi/L	2nd quarter, 2004 Not Sampled	August 23, 2004 6.27 pCi/L	4th quarter, 2004 Not Sampled	16 pCi/L
2nd quarter, 2004 Not Sampled	August 23, 2004 6.27 pCi/L	4th quarter, 2004 Not Sampled	March 3, 2005 40.6 pCi/L	23 pCi/L
August 23, 2004 6.27 pCi/L	4th quarter, 2004 Not Sampled	March 3, 2005 40.6 pCi/L	March 31, 2005 25.9 pCi/L	24 pCi/L
4th quarter, 2004 Not Sampled	March 3, 2005 40.6 pCi/L	March 31, 2005 25.9 pCi/L	July 13, 2005 20 pCi/L	29 pCi/L
March 3, 2005 40.6 pCi/L	March 31, 2005 25.9 pCi/L	July 13, 2005 20 pCi/L	4th quarter, 2005 Not Sampled	29 pCi/L
March 31, 2005 25.9 pCi/L	July 13, 2005 20 pCi/L	4th quarter, 2005 Not Sampled	January 12, 2006 31.6 pCi/L	26 pCi/L
July 13, 2005 20 pCi/L	4th quarter, 2005 Not Sampled	January 12, 2006 31.6 pCi/L	April 28, 2006 28.2 pCi/L	27 pCi/L
4th quarter, 2005 Not Sampled	January 12, 2006 31.6 pCi/L	April 28, 2006 28.2 pCi/L	July 28, 2006 17.9 pCi/L	26 pCi/L
January 12, 2006 31.6 pCi/L	April 28, 2006 28.2 pCi/L	July 28, 2006 17.9 pCi/L	October 12, 2006 34.9 pCi/L	28 pCi/L
April 28, 2006 28.2 pCi/L	July 28, 2006 17.9 pCi/L	October 12, 2006 34.9 pCi/L	March 13, 2007 22.6 pCi/L	26 pCi/L
July 28, 2006 17.9 pCi/L	October 12, 2006 34.9 pCi/L	March 13, 2007 22.6 pCi/L	May 15, 2007 18.9 pCi/L	24 pCi/L
October 12, 2006 34.9 pCi/L	March 13, 2007 22.6 pCi/L	May 15, 2007 18.9 pCi/L	July 23, 2007 31.5 pCi/L	27 pCi/L
March 13, 2007 22.6 pCi/L	May 15, 2007 18.9 pCi/L	July 23, 2007 31.5 pCi/L	October 11, 2007 12.9 pCi/L	22 pCi/L

Gross Alpha Particle Activity (in picocuries per liter (pCi/L)) – Sampling Point 005				
May 15, 2007 18.9 pCi/L	July 23, 2007 31.5 pCi/L	October 11, 2007 12.9 pCi/L	October 16, 2007 27 pCi/L	23 pCi/L
July 23, 2007 31.5 pCi/L	October 11, 2007 12.9 pCi/L	October 16, 2007 27 pCi/L	February 12, 2008 33 pCi/L	26 pCi/L
October 11, 2007 12.9 pCi/L	October 16, 2007 27 pCi/L	February 12, 2008 33 pCi/L	March 10, 2008 11.6 pCi/L	21 pCi/L

13. Park Water Company's failure to comply with the maximum contaminant level for gross alpha particle activity constitutes violation(s) of 5 CCR 1003-1, §2.6, Table 2-7(2).

COMPLIANCE ORDER

Based upon the foregoing factual and legal determinations and pursuant to 5 CCR 1003-1, §1.6.7, Park Water Company 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 Park Water Company to comply with the following specific terms and conditions of this Order.

15. In order to ensure long-term compliance with the maximum contaminant level for gross alpha particle activity, Park Water Company shall evaluate and upgrade, as needed, the System's water sources and/or treatment process(es) in accordance with the following schedule:
    a. By June 30, 2008, retain a qualified Professional Engineer (experienced in drinking water systems) to evaluate and recommend radiological treatment technologies or alternate water sources to Park Water Company to ensure compliance with the maximum contaminant level for gross alpha particle activity.
    b. By July 1, 2009, submit for Department review and comment a finalized Preliminary Design Report for system improvements to comply with the maximum contaminant level for gross alpha particle activity. If an alternate water source is proposed, submit for Department review and comment a detailed description of the alternate water source along with a copy of the laboratory analyses supporting that the alternate water source is suitable.
        i. The Preliminary Design Report (if applicable) must clearly identify the specific treatment technology Park Water Company will use to ensure compliance with the maximum contaminant level for gross alpha particle activity.
        ii. The Preliminary Design Report (if applicable) must include a process flow schematic of the distribution system from wellheads to points of use, including all service connections supplied by the wells. Alternative treatment locations for the selected treatment process or processes must be evaluated with a recommended location selection. The process flow

schematic information and evaluation must be included to ensure all water from the System is treated.

iii. The Preliminary Design Report must include a proposal for management of residuals (if applicable) from the treatment technology selected.

iv. The Preliminary Design Report submittal package must include design calculations showing the proposed treatment system is properly sized and chlorine contact times can be met for expected flow rates.

v. The Preliminary Design Report submittal package must include specifications for treatment equipment and/or chemical additives that come in contact with the water that indicate ANSI standards 60 and 61 are met (NSF certification).

{Please note that, prior to construction, the Department must give final approval to any modifications to the System's water source or treatment process. The Department will not perform a detailed review and final approval of any proposed modifications until the final design plans and specifications have been received pursuant to paragraph 15(d) below.}

c. By November 1, 2009, submit for Department review and comment the final Design Report for the Park Water Company System improvements to comply with the maximum contaminant level for gross alpha particle activity.

d. By May 1, 2010, submit Final Design Plans and Specifications for the System improvements for Department review and approval.

e. By July 15, 2011, complete construction/implementation of the Department approved System improvements to ensure long-term compliance with the radiological maximum contaminant levels, specifically including the maximum contaminant level for gross alpha particle activity.

16. Within sixty (60) calendar days after receipt of this Enforcement Order, Park Water Company shall complete an evaluation to determine appropriate interim measures to ensure that the System is providing the best possible quality of water available until the System implements improvements to ensure long-term compliance with the radiological maximum contaminant levels. Park Water Company shall submit a written report of the results of this evaluation to the Division for review and comment. Implementation of the interim measures identified by Park Water Company shall become a condition of this Enforcement Order unless notified by the Division, in writing, that alternate or additional interim measures are appropriate. If the Division imposes alternate or additional interim measures, they shall also become a condition of this Enforcement Order.

17. Beginning June 1, 2008, Park Water Company is authorized to cease performing quarterly radiological monitoring. In the alternative, Park Water Company shall perform annual radiological monitoring consisting of collection of a single sample from each entry point to the distribution system one time per calendar year. Such monitoring shall include sampling for gross alpha, radium-226, radium-228, and uranium. The radiological sample(s) must be properly collected and analyzed by a Department certified laboratory in accordance with approved methods. Park Water Company shall provide the Department with the results of the radiological analyses within ten (10) calendar days of the end of the monitoring period. (Is this correct or should the other rad parameters be different)

18. Within thirty (30) calendar days after receipt of this Enforcement Order and every ninety (90) calendar days thereafter, Park Water Company shall issue a public notice in accordance with 5 CCR 1003-1, Article 9.2 for each radiological maximum contaminant level violation identified in this Enforcement Order until Park Water Company has effectively addressed and returned to compliance with the radiological maximum contaminant levels outlined in 5 CCR 1003-1, §2.6, Table 2-7. Within ten (10) calendar days of completion of each required public notification, Park Water Company shall submit to the Department, along with the mandatory Public Notification Certification of Delivery, a representative copy of notices distributed, published, posted, and/or made available to the persons served by the system and/or to the media. *(Attached are copies of procedures and forms to assist you with the public notification requirements.)*

19. Park Water Company shall submit "System Improvement Project - Progress Reports" to the Division every ninety (90) calendar days. The first report shall be submitted to the Division by June 30, 2008. At a minimum, each report shall clearly indicate the status of the system improvement project at the time the report is filed and outline activities to be undertaken within the next ninety (90) calendar days. Each report shall also detail any public notification provided during that period. These reports shall be required until the System has effectively addressed and returned to compliance with the radiological maximum contaminant levels outlined in 5 CCR 1003-1, §2.6, Table 2-7.

NOTICES AND SUBMITTALS

For all documents, plans, records, reports and replies required to be submitted by this order, Park Water Company shall submit an original and one copy (electronic is preferred) to the Division at the following address:

Colorado Department of Public Health and Environment
Water Quality Control Division / WQCD-WQP-B2
Compliance Assurance and Data Management Section / Enforcement Team
Attention: Catherine Heald
4300 Cherry Creek Drive South
Denver, Colorado 80246-1530
Email: catherine.heald@state.co.us

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

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

PRIOR APPROVAL REQUIRED

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

POTENTIAL ADMINISTRATIVE/CIVIL AND CRIMINAL PENALTIES

You are also advised, pursuant to §25-1-114.1, C.R.S., that violators of the Regulations or final Enforcement Orders issued by the Department are subject to civil or administrative penalties of up to one thousand dollars ($1,000) per violation per day, to be imposed by the Department or a State District Court. Further, pursuant to §25-1-114(4), C.R.S., any person, association, or corporation, or the officers thereof, who violates, disobeys, or disregards any provision of the Regulations or an Enforcement Order is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than one thousand dollars ($1,000), or by imprisonment in the county jail for not more than one (1) year, or by both such fine and imprisonment and, in addition to such fine and imprisonment, shall be liable for any expense incurred by health authorities in removing any nuisance, source of filth, or cause of sickness. By virtue of issuing this Enforcement Order, the Department has not waived its right to bring an action for administrative, civil or criminal penalties and may bring such action in the future.

REQUEST FOR HEARING OR APPEAL

You are further advised, pursuant to 5 CCR 1003-1, §1.6.7(g), that a recipient of an Enforcement Order may request a hearing contesting such order. Requests for such a hearing shall be filed in writing with the Department within thirty (30) calendar days after service of the order. Such requests shall state the grounds upon which the order is contested and state the amount of time the recipient estimates will be required for the hearing. Hearings on Enforcement Orders shall be held in accordance with applicable provisions of the State Administrative Procedure Act, Article 4 of Title 24, C.R.S.

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.

ADDITIONAL ACTION

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

Additionally, the Department may request the Attorney General to seek a temporary restraining order or permanent injunction to prevent or abate any violation of a minimum general sanitary standard or regulation adopted pursuant to §25-1.5-203, C.R.S. Further information concerning the aforementioned action is contained in §25-1-114.1(3), C.R.S.

Issued at Denver, Colorado, this 29 day of May, 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