

# 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

June 26, 2008

Certified Mail Number: 7005 1820 0000 3208 1845

Mr. Herchel Deputy, Mayor  
Town of Hot Sulphur Springs  
PO Box 116  
513 Aspen Street  
Hot Sulphur Springs, CO 80451

**RE: Service of Drinking Water Enforcement Order, Number: DC-080626-1**

Dear Mr. Deputy:

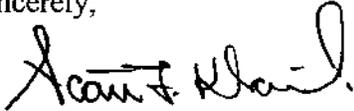
The Town of Hot Sulphur Springs ("Hot Sulphur Springs") is hereby issued the enclosed Enforcement Order (the "Order"). This Order is issued by the Colorado Department of Public Health and Environment, Water Quality Control Division (the "Department") pursuant to the authority given to the Department by §25-1.5-203 of the Colorado Revised Statutes ("C.R.S."). The Department bases this Order upon findings that Hot Sulphur Springs has violated the Colorado Primary Drinking Water Regulations (the "Regulations") as described in the enclosed Order.

As a recipient of an enforcement order, Hot Sulphur Springs can request a formal hearing to contest the Order in accordance with the Regulations, 5 CCR 1003-1, §1.6.7(g). Requests for such a hearing must be filed in writing with the Department within thirty (30) calendar days after service of the Order. Hearings on enforcement orders shall be held in accordance with applicable provisions of the State Administrative Procedure Act, §§24-4-101 through 24-4-108, C.R.S.

Please note that Hot Sulphur Springs' failure to comply with this action could result in the imposition of administrative or civil penalties. The Department or a State District Court is authorized pursuant to §25-1-114.1, C.R.S. to impose a penalty of up to \$1,000 per violation per day.

Should you or representatives of Hot Sulphur Springs desire to informally discuss this matter with the Department or if you or others have any questions regarding the Order, please don't hesitate to contact Cathy Heald at (303) 692-3254 or by electronic mail at [catherine.heald@state.co.us](mailto:catherine.heald@state.co.us).

Sincerely,



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

Enclosure

- cc: Scott Penson, Grand County PH Nursing Service  
Compliance Monitor / Drinking Water File
- ec: Tom Schaffer, Engineering Section, CDPHE  
Heather Drissel, Engineering Section, CDPHE  
Dick Parachini, Outreach and Assistance Unit, CDPHE  
Betsy Beaver, Facility Operators Program, CDPHE  
Melanie Wasco, EPA Region VIII  
Patricia Klocker, Assistant Division Director, Consumer Protection Division, CDPHE



COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT  
WATER QUALITY CONTROL DIVISION

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**ENFORCEMENT ORDER**

**NUMBER: DC-080626-1**

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**IN THE MATTER OF: TOWN OF HOT SULPHUR SPRINGS**  
**PUBLIC WATER SYSTEM IDENTIFICATION NUMBER: CO-0125352**  
**GRAND 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. The Town of Hot Sulphur Springs ("Hot Sulphur Springs") owns and/or operates a drinking water system, located at or near 200 Maple Street, within the Town of Hot Sulphur Springs, Grand County, Colorado (the "System").
2. Hot Sulphur Springs is a person as defined by 5 CCR 1003-1, §1.5.2(92).
3. Hot Sulphur Springs 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-0125352.
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. Hot Sulphur Springs 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 has approximately 302 service connections and serves approximately 534 full time residents, therefore the System is 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 surface water as defined by 5 CCR 1003-1, §1.5.2(123).

**First Violation**  
**(Failure to Comply with the Maximum Contaminant Levels for Turbidity)**

9. Pursuant to 5 CCR 1003-1, §7.1.3, a public water system that uses a surface water source, in whole or in part, must provide treatment consisting of both disinfection and filtration treatment.
10. A public water system that uses a surface water source or a groundwater source under the direct influence of surface water and serves fewer than 10,000 people must provide filtration treatment which complies with the requirements of 5 CCR 1003-1, §7.1.3(f) or (g) or 5 CCR 1003-1, §7.3.4(a), (b) or (c).
11. Pursuant to 5 CCR 1003-1, §2.8, the maximum contaminant levels for turbidity are applicable to all public water systems using surface water sources in whole or in part.
12. Department records establish that the System performs "Direct Filtration Treatment", as defined by 5 CCR 1003-1, §1.5.2(33), as part of its treatment process of its surface water source.
13. Pursuant to 5 CCR 1003-1, §2.8 and §7.3.4, for systems serving less than 10,000 people, using conventional filtration or direct filtration, the turbidity level of representative samples of a system's filtered water must be less than or equal to 0.3 NTU in at least 95 percent of the measurements taken each month and at no time shall the combined filter effluent turbidity exceed 1 NTU during the month ("maximum turbidity limit").
14. Pursuant to 5 CCR 1003-1, §7.1.4(a)(1), the System must perform turbidity measurements every four hours (or more frequently) on samples of water collected from a location representative of the combined filtered water provided to the public. A public water system may substitute continuous turbidity monitoring for grab sample monitoring if it validates the continuous measurement for accuracy on a regular basis using a protocol approved by the Department.
15. Pursuant to 5 CCR 1003-1, §7.1.5(a)(1), a public water system that uses a surface water source must provide the Department with the results of all turbidity measurements within ten (10) days after the end of each month that the System serves water to the public.
16. A review of the turbidity monitoring data, provided to the Department by the System, identifies the following instance in which turbidity measurements were not less than or equal to 0.3 NTU in at least 95 percent of the measurements taken each month:

Monitoring Period	Number of Samples Taken	Number of Samples >0.3 NTU	% of Samples With NTU < 0.3 NTU
February 2008	44	4	90

17. A review of the turbidity monitoring data, provided to the Department by the System, identifies the following instance in which combined filter effluent turbidity measurements exceeded the 1 NTU maximum turbidity limit.

Monitoring Period	Turbidity Value (in NTUs)
April 7, 2008	3.5

18. Hot Sulphur Springs' failure to maintain compliance with the maximum contaminant levels for turbidity constitutes violations of 5 CCR 1003-1, §2.8 and §7.3.4.

**Second Violation**  
**(Failure to Monitor Turbidity and/or Report Turbidity Measurements)**

19. Pursuant to 5 CCR 1003-1, §7.1.4(a)(1), for systems using filtration treatment, turbidity measurements as required by 5 CCR 1003-1, §7.1.3 must be performed every four hours (or more frequently) on samples of water collected from a location representative of the combined filtered water provided to the public. A public water system may substitute continuous turbidity monitoring for grab sample monitoring if it validates the continuous measurement for accuracy on a regular basis using a protocol approved by the Department.
20. The *Official 2008 Drinking Water Monitoring Schedule* provided to the System by the Division outlines that the System is required to monitor combined filtered effluent turbidity every four hours (6 samples per day) at monitoring location 001.
21. Pursuant to 5 CCR 1003-1, §7.3.6(1), a public water system that uses a surface water source or a groundwater source under the direct influence of surface water and that provides filtration treatment must report, within 10 days after the end of each month that the system serves water to the public, the following information:
- a. The total number of (*combined*) filtered water turbidity measurements taken during the month.
  - b. The number and percentage of (*combined*) filtered water turbidity measurements taken during the month which are less than or equal to your system's required 95th percentile limit.
  - c. The date and value of any turbidity measurements taken during the month which exceed the maximum turbidity value for your filtration system.
22. Division records establish that the System failed to timely provide the Division with the required turbidity measurements for January, February, March, April and May of calendar year 2008.

23. Hot Sulphur Springs' failure to submit the required turbidity measurements to the Department constitutes violation(s) of 5 CCR 1003-1, §7.3.6(1). Additionally, if Hot Sulphur Springs' failed to perform the required turbidity measurements during the identified periods, such failure to perform the monitoring constitutes violation(s) of 5 CCR 1003-1, §7.1.4(a)(1).

**Third Violation**  
**(Failure to Measure/Report Residual Disinfection Concentration)**

24. Pursuant to 5 CCR 1003-1, §7.1.2(a), a system that uses a surface water source or a groundwater source under the direct influence of surface water must provide the disinfection treatment specified in 5 CCR 1003-1, §7.1.2(c).
25. Division records establish that the System utilizes gas chlorination methods to achieve disinfection.
26. Pursuant to 5 CCR 1003-1, §§7.1.4(a)(3)(i) and 7.6.3(c)(1)(i), 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.
27. Pursuant to 5 CCR 1003-1, §7.6.2, analyses conducted to determine compliance with 5 CCR 1003-1, §7.6 shall be made by methods as specified in 5 CCR 1003-1, §10.7.
28. Pursuant to 5 CCR 1003-1, §7.6.5(d)(1), the System is required to report the following:
- a. The number of samples taken during each month of the last quarter;
  - b. The month arithmetic average of all samples taken in each month for the last 12 months;
  - c. The arithmetic average of the monthly averages for the last 12 months; and
  - d. Whether, based on §7.6.4(c)(1), the maximum residual disinfection level ("MRDL") was violated.
29. Pursuant to 5 CCR 1003-1, §7.6.5(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.
30. Division records establish that for the reporting quarter of January 1, 2008 through March 31, 2008, Hot Sulphur Springs reported residual disinfectant concentration monitoring results along with its January total coliform sample result, but no residual disinfectant concentration monitoring results were reported for February or March 2008.
31. Hot Sulphur Springs' failure to report residual disinfectant concentrations in the distribution system for the first calendar quarter of 2008 constitutes violations of 5 CCR 1003-1, §7.6.5(d)(1). Further, if Hot Sulphur Springs failed to measure the residual disinfectant concentration in the distribution system, such failure constitutes violations of 5 CCR 1003-1, §§7.1.4(a)(3)(i) and 7.6.3(c)(1)(i).

**Fourth Violation**  
**(Failure to Perform Proper Reduced Tap Water Monitoring**  
**for Lead and Copper Contaminants)**

32. Pursuant to 5 CCR 1003-1, Article 8, all community water systems and nontransient, non-community water systems are required to perform lead and copper tap water monitoring.
33. Pursuant to 5 CCR 1003-1, §8.7(d)(4)(iii), a system serving a population of less than or equal to ( $\leq$ ) 50,000 that meets the lead and copper action levels during three consecutive years of monitoring may reduce the frequency of monitoring for lead and copper from annually to once every three years.
34. The System has met the lead and copper action levels during previous consecutive years of lead and copper tap water monitoring; therefore the Division has approved the System for triennial reduced lead and copper monitoring for the monitoring periods 2002, 2003, 2004, and 2005, 2006, 2007.
35. Pursuant to 5 CCR 1003-1, §8.7(c), a system conducting reduced monitoring under 5 CCR 1003-1, §8.7(d)(4) shall collect at least one sample from the number of sites specified in the second column ("reduced monitoring") of 5 CCR 1003-1, Table 8-1. (*10 samples for a system that serves a population between 501 and 3,300.*) Such reduced monitoring sites shall be representative of the sites required for standard monitoring. The Department may specify sampling locations when a system is conducting reduced monitoring.
36. Pursuant to 5 CCR 1003-1, §8.7(d)(4)(iv), a water system that reduces the number and frequency of sampling shall collect these samples from representative sites included in the pool of targeted sampling sites identified in 5 CCR 1003-1, §8.7(a). Systems sampling annually or less frequently shall conduct the lead and copper tap sampling during the months of June, July, August, or September unless the Department has approved a different sampling period in accordance with 5 CCR 1003-1, §8.7(d)(4)(iv)(A).
37. The 2004 and 2005 *Official Drinking Water Monitoring Schedules* provided to the System by the Department, and the Regulations, outline that the System was required to conduct reduced lead and copper tap water monitoring between June 1st and September 30th, at least once, within each respective monitoring period.
38. Pursuant to 5 CCR 1003-1, §8.10(a)(1), the System is required to report to the Department the results of all lead and copper tap water samples within the first ten (10) days following the end of each applicable monitoring period.
39. Division records establish that the System failed to collect the required number of lead and copper tap water monitoring samples (*5 collected, 10 required*) during the three year monitoring period of calendar years 2002, 2003 and 2004.
40. Division records further establish that the System failed to perform the required lead and copper tap water monitoring during the three year monitoring period of calendar years 2005, 2006 and 2007.

41. Hot Sulphur Springs' failure to perform proper reduced lead and copper tap water monitoring for the three year monitoring period of January 1, 2002 through December 31, 2004 constitutes violation(s) of 5 CCR 1003-1, §§8.7(c) and 8.7(d)(4)(iv).
42. Hot Sulphur Springs' failure to perform reduced lead and copper tap water monitoring for the three year monitoring period of January 1, 2005 through December 31, 2007 constitutes violation(s) of 5 CCR 1003-1, §§8.7(c) and 8.7(d)(4)(iv).

**Fifth Violation**  
**(Failure to Conduct a Microscopic Particulate Analysis)**

43. Pursuant to 5 CCR 1003-1, §1.6.2, to establish compliance with the Regulations, the Department may require public water systems to conduct performance tests and monitoring, as the Department deems necessary to protect the public health.
44. The *Official 2007 Drinking Water Monitoring Schedule* provided to the System by the Department outlines that the System was required to perform a Microscopic Particulate Analysis ("MPA") on the System's raw and finished water for each drinking water treatment plant in order to determine that the total treatment processes are achieving proper inactivation and/or removal of Giardia lamblia cysts and viruses.
45. Pursuant to 5 CCR 1003-1, §1.6.4(a), the supplier of water shall report to the Department the results of their microscopic particulate analysis 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.
46. Department records to date establish that the System has failed to provide the Department with the results of the required Microscopic Particulate Analyses for calendar year 2007.
47. Hot Sulphur Springs' failure to report the results of the required Microscopic Particulate Analyses to the Department constitutes violation(s) of 5 CCR 1003-1, §1.6.4(a). Further, if Hot Sulphur Springs failed to perform the required Microscopic Particulate Analyses, such failure constitutes violation of 5 CCR 1003-1, §1.6.2.

**COMPLIANCE ORDER**

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

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

Further, the Division hereby orders Hot Sulphur Springs to comply with the following specific terms and conditions of this Order.

49. Immediately and in accordance with 5 CCR 1003-1, §7.1.4(a)(1) and §7.3.6(1), Hot Sulphur Springs shall initiate efforts and activities to perform the required turbidity monitoring (every four hours - minimum) and reporting on samples of water collected from a location representative of the combined filtered water provided to the public. Hot Sulphur Springs shall report the required turbidity monitoring information within ten (10) calendar days after the end of each month that the system serves water to the public
50. Within sixty (60) calendar days after receipt of this Order, Hot Sulphur Springs shall complete its evaluation and rehabilitation of its filtration treatment equipment in order to ensure compliance with the surface water treatment requirements of 5 CCR 1003-1, Article 7. At a minimum, this activity shall include the following:
  - a. Complete control system work.
  - b. Replace filter media in filter #1.
  - c. Replace media and air scour nozzles in adsorption clarifiers.
  - d. Replace surface wash arm nozzles for filter #1.
  - e. Install modulating valves on filter influent piping.
  - f. Install modulating actuators on the filter to waste lines.
51. Within ninety (90) calendar days after receipt of this Order, Hot Sulphur Springs shall undertake and complete a study of its drinking water distribution system to determine its physical condition and to identify any leaks, hazardous cross connections or low pressure areas that may exist. Within one hundred (100) calendar days after receipt of this Order, Hot Sulphur Springs shall submit a report to the Division outlining the findings of the distribution system study and proposed actions and time schedules developed to address identified deficiencies. The actions and time schedule submitted shall become a condition of this Order, and Hot Sulphur Springs shall comply with the actions and time schedule as submitted unless notified by the Department, in writing, that alternate actions and/or time schedules are appropriate. If the Department imposes alternate actions and/or time schedules, they shall also become a condition of this Order.
52. Within sixty (60) calendar days after receipt of this Order, Hot Sulphur Springs shall provide a written detailed description of how the System's Cross-Connection Control Program required by 5 CCR 1003-1, Article 12 is being implemented.
53. In order to ensure proper disinfection treatment for the System's treated surface water source, Hot Sulphur Springs shall evaluate and upgrade, as needed, the System's current disinfection treatment in accordance with the following schedule:
  - a. By August 1, 2008, retain a qualified Professional Engineer (experienced in disinfection treatment of drinking water supplies) to evaluate and recommend improvements to ensure compliance and conformance with the surface water disinfection requirements of 5 CCR 1003-1, Article 7 and the *Colorado Design Criteria for Potable Water Systems*, specifically including the provisions for disinfection contact time.

- b. By September 30, 2008, submit for Department review and comment a finalized Preliminary Design Report for system improvements to comply with the disinfection requirements of 5 CCR 1003-1, Article 7.

*{Please note that, prior to any 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 53(c) below.}*

- c. By November 28, 2008, submit Final Design Plans and Specifications for the System improvements for Department review and approval.
- d. By February 27, 2009, complete construction/implementation of the Department approved system improvements to ensure compliance with the disinfection requirements of 5 CCR 1003-1, Article 7.

54. Hot Sulphur Springs shall immediately begin monitoring and reporting residual disinfection concentrations in accordance with 5 CCR 1003-1, Article 7 by reporting residual disinfection concentrations along with each total coliform sample result. If results are not able to be reported along with each total coliform result or if supplemental monitoring is performed, Hot Sulphur Springs shall report the results to the Division on a MRDL Form 2. *(See attached)*
55. Hot Sulphur Springs shall immediately initiate efforts to comply with the lead and copper monitoring/reporting obligations as required by 5 CCR 1003-1, Article 8.
56. Within fourteen (14) calendar days after receipt of this Order, Hot Sulphur Springs shall submit the results of any lead and copper monitoring performed during the three year monitoring periods of calendar years 2002-2004 and 2005-2007. If the monitoring has not been performed, Hot Sulphur Springs shall provide a written explanation indicating the reason why the System did not perform the required monitoring.
57. Hot Sulphur Springs shall collect and analyze its three year monitoring period (2008-2010) lead and copper samples, from the appropriate number of locations *(10 for a system that serves between 501 and 3,300 people)*, by July 31, 2008. Within ten (10) calendar days of receipt of the analytical results from a Department certified laboratory, Hot Sulphur Springs 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.)*
58. Within thirty (30) calendar days after receipt of this Order, Hot Sulphur Springs shall submit the results of any Microscopic Particulate Analysis performed for the monitoring period of calendar year 2007. If the Microscopic Particulate Analysis monitoring has not been performed, Hot Sulphur Springs shall provide a written explanation indicating the reason why the System did not perform the required monitoring.

59. Hot Sulphur Springs shall conduct Microscopic Particulate Analyses on properly collected samples of the System's raw and finished water between October 1, 2008 and December 31, 2008. The Microscopic Particulate Analysis samples shall be collected properly and analyzed by a Department approved laboratory in accordance with approved methods. Hot Sulphur Springs shall provide the Department with the results of the Microscopic Particulate Analyses within ten (10) calendar days of receipt of the results from the laboratory.
60. Within one hundred and twenty (120) calendar days after receipt of this Order, Hot Sulphur Springs shall develop an Operations and Maintenance Manual that outlines the practices to be followed to minimize System failures and to improve both the response and repair time as a result of upsets to the System. At a minimum the Operations and Maintenance Manual shall include the following:
- a. A written description of the personnel requirements and qualifications for the operation and management of the System, including a description of each individual's role, duties and responsibility in ensuring the proper operation and maintenance of the System.
  - b. A copy of the System's records retention policy and/or procedures, which should specifically reference the following types of records: maintenance records, equipment inventory records, daily operation logs and both process and regulatory monitoring (sampling/analysis) records.
  - c. A description of the water source, including raw water characteristics, and a description of the intake facilities for the System.
  - d. A detailed description of the treatment processes utilized by the System, including, but not limited to, a description of each treatment process (filtration, disinfection, ...etc.), operations, controls and process flow schematics and as built design drawings.
  - e. A detailed description of the storage capabilities of the System, including as built design drawings.
  - f. A detailed description of the distribution system, including process flow schematics, materials of construction, identification of pumps, major valves, sampling ports and any booster stations.
  - g. A detailed description of the utility systems supporting the System, including backup systems.
  - h. For each element of the manual that describes equipment, the manual should include copies of equipment operation manuals, user guides, maintenance/trouble shooting procedures and list of onsite replacement parts and the part storage location.
  - i. A detailed description of the System's process testing and sampling/analysis procedures. (5 CCR 1003-1, Article 10)
  - j. A copy of the System's developed and implemented monitoring plan, specifically including a written microbiological contaminants sample-siting plan. (5 CCR 1003-1, §1.12)

- k. A written description of the System's cross-connection control program. (5 CCR 1003-1, Article 12)
  - l. System upset or emergency operation procedures, which include the following:
    - i. An outline of the roles and responsibilities of System operators during emergency operations, including specifically the role/responsibility of the System's certified Operator in Responsible Charge.
    - ii. Criteria for implementing emergency operations.
    - iii. Internal and external notification procedures, including notification of the System's certified Operator in Responsible Charge, notification to the Division and notification to users of the System's distributed water (Consumer Notification / 5 CCR 1003-1, Article 9).
  - m. Operator health and safety information and procedures.
61. Within one hundred and thirty (130) calendar days after receipt of this Order, Hot Sulphur Springs shall submit to the Division, for review and comment, a copy of the Operations and Maintenance Manual developed under paragraph 60 above.
62. Within thirty (30) calendar days after receipt of this Order, Hot Sulphur Springs shall develop and submit to the Division a written Operator in Responsible Charge transition plan and schedule to ensure that the new, permanent, Operator in Responsible Charge (to be hired by Hot Sulphur Springs) understands the recent improvements and developed knowledge of the System in order for him/her to effectively and efficiently perform the Operator in Responsible Charge duties and responsibilities as the relate to the current configuration and operation of the System.
63. Hot Sulphur Springs shall submit "Plant Rehabilitation/Improvement - Progress Reports" to the Division each calendar month. The first report shall be submitted to the Division by no later than July 31, 2008. At a minimum, each report shall clearly indicate the status of the System's rehabilitation or improvement activities performed during the reporting period and outline activities to be undertaken within the next calendar month. These reports shall be required until the System has demonstrated reliable and consistent compliance with the Colorado Primary Drinking Water Regulations, specifically including the Surface Water Treatment Rules found in Article 7.
64. Within thirty (30) calendar days after receipt of this Order, if it has not already done so, Hot Sulphur Springs 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, Hot Sulphur Springs 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.*)

## **NOTICES AND SUBMITTALS**

For all documents, plans, records, reports and replies required to be submitted by this order, Hot Sulphur Springs 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**

Hot Sulphur Springs 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 Hot Sulphur Springs 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.

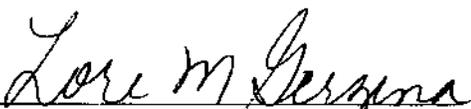
**ADDITIONAL ACTION**

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 26<sup>th</sup> day of June, 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