

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

September 2, 2008

Certified Mail Number: 7007 0220 0001 0156 8892

PWSID# CO-0161010
Town of Otis
102 S WASHINGTON,
PO BOX 95,
OTIS, CO-80743

RE: Service of Drinking Water Enforcement Order, Number: DC-080829-2

Dear Sir or Madam:

The Town of Otis 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 the Town of Otis has violated the *Colorado Primary Drinking Water Regulations* (the "Regulations") as described in the enclosed Order.

As a recipient of an enforcement order the Town of Otis may 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.

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. Please be advised that the Department is continuing its investigation into this matter and the Department may identify supplementary violations that warrant amendments to this Order or the issuance of additional enforcement actions.

Should the Town of Otis desire to informally discuss this matter with the Department or if the Town of Otis has 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.

Sincerely,



Kristi-Raye Beaudin, Legal Assistant
Compliance Assurance and Data Management Section
WATER QUALITY CONTROL DIVISION

Enclosure

- cc: Northeast Colorado Health Department
Compliance Monitor / Drinking Water File
- ec: Bret Icenogle, Engineering Section, CDPHE
Dick Parachini, Watershed Program, CDPHE
Betsy Beaver, Facility Operators Program, CDPHE
Shawn McCaffrey, EPA Region VIII
Patricia Klocker, Assistant Division Director, Consumer Protection Division, CDPHE
Carolyn Schachterle, OPA



COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

WATER QUALITY CONTROL DIVISION

**ENFORCEMENT ORDER &
ADMINISTRATIVE PENALTY ASSESSMENT**

NUMBER: DC-080829-2

**IN THE MATTER OF: TOWN OF OTIS
PUBLIC WATER SYSTEM IDENTIFICATION NUMBER: CO-0161010
WASHINGTON 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. The Town of Otis owns and/or operates a drinking water system located at or near 102 S. Washington, in or near the Town of Otis, Washington County, Colorado (the "System").
2. The Town of Otis is a person(s) as defined by 5 CCR 1003-1, §1.5.2(92).
3. The Town of Otis 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-0161010.
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. The Town of Otis 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 and Second Violations
(Failure to Monitor and/or Report for Volatile and Synthetic Organic Chemicals)

9. 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.
10. 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. The *Official 2005 Drinking Water Monitoring Schedule* provided to the System by the Department outlines that the System was required to monitor for volatile and synthetic organic chemicals between January 1, 2005 and December 31, 2007 at Treatment Plant Church CL2 (“Sample Point 004”) and at Treatment Plant Dalton CL2 Plant (“Sample Point 005”) for the compliance period of calendar years 2005 through 2007.
11. 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. The *Official 2002 Drinking Water Monitoring Schedule* provided to the System by the Department outlines that the System was required to monitor for synthetic organic chemicals between January 1, 2002 and December 31, 2004 for the compliance period of calendar years 2002 through 2004 at Sample Point 004.
12. 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.
13. Division records establish that the System has failed to provide the Department with the results of synthetic organic chemical monitoring during the compliance period of calendar years 2002 through 2004 at Sample Point 004 and the results of volatile and synthetic organic chemical monitoring during 2005 through 2007 at Sample Point 004 and Sample Point 005.
14. The Town of Otis’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 the Town of Otis failed to perform volatile and synthetic organic chemical monitoring during the identified periods, 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).

Third Violation
(Failure to Monitor and/or Report for Nitrate)

15. Pursuant to 5 CCR 1003-1, §6.1.5(e), all public water systems shall monitor to determine compliance with the maximum contaminant level for Nitrate.
16. Pursuant to 5 CCR 1003-1, §6.1.5(e)(1), the System was required to monitor for Nitrate annually.
17. Pursuant to 5 CCR 1003-1, §6.1.5(b)(1), the System was required to collect a minimum of one Nitrate sample at every entry point to the distribution system which is representative of each groundwater source after treatment.
18. The *Official 2007 Drinking Water Monitoring Schedule* provided to the System by the Department outlines that the System was required to monitor for *Nitrate* at each entry point to the distribution system (after treatment) during calendar year 2007 at Sample Point 004 and Sample Point 005.
19. The *Official 2006 Drinking Water Monitoring Schedule* provided to the System by the Department outlines that the System was required to monitor for *Nitrate* at each entry point to the distribution system (after treatment) during calendar year 2006 at Sample Point 004 and Sample Point 005.
20. Pursuant to 5 CCR 1003-1, §1.6.4(a), the System was required to report to the Department the results of the System's annual Nitrate analysis within (1) the first ten calendar days following the month in which the result is received, or (2) the first ten calendar days following the end of the required monitoring period, as stipulated by the Department, whichever of these is shorter.
21. Department records establish that the System failed to submit results of its annual Nitrate monitoring to the Department for calendar years 2006 and 2007 at Sample Point 004 and Sample Point 005.
22. The Town of Otis's failure to submit the results of its 2006 and 2007 annual Nitrate analysis to the Department constitutes violation(s) of 5 CCR 1003-1, §1.6.4(a). Additionally, if the Town of Otis failed to perform its annual Nitrate analysis during the identified period, such failure to perform the monitoring constitutes violations of 5 CCR 1003-1, §§6.1.5(e), 6.1.5(e)(1) and 6.1.5(b)(1).

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

23. 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.

24. 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.
25. The *Official 2006 Drinking Water Monitoring Schedule* provided to the System by the Department outlines that the System was required to monitor for *Inorganic Chemicals* including *Fluoride* at each entry point to the distribution system (after treatment) between January 1, 2005 through December 31, 2007 at Sample Point 004 and Sample Point 005.
26. 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. Town of Otis's compliance period was January 1, 2005 through December 31, 2007.
27. 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.
28. 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 at Sample Point 004.
29. 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.
30. 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. Town of Otis's compliance period was January 1, 2005 through December 31, 2007.
31. 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.
32. 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 at Sample Point 004 and Sample Point 005.
33. Town of Otis'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 Town of Otis 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).

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

34. 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.
35. Division records establish that the System was subject to the “Reduced Tap Water Monitoring” requirement beginning in the three year month’s period of 2002-2004.
36. The *Official 2005 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 January 1, 2005 and December 31, 2007 for the compliance period of calendar years 2005 through 2007.
37. 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 specified in §8.7 and for all water quality parameter samples specified in §8.8 within the first ten (10) days following the end of each applicable monitoring period specified in §8.7 and §8.8.
38. Division records establish that the Town of Otis failed to provide the Department with the results of the required lead and copper monitoring for January 1, 2005 and December 31, 2007
39. Town of Otis’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 the Town of Otis 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).

Sixth Violation
(Failure to Monitor and/or Report for Combined Radium-226 + 228)

40. Pursuant to 5 CCR 1003-1, §6.3.2(a)(2), all new community water systems that use a new source of water must begin to conduct initial monitoring for the new source within the first quarter after initiating use of the source. Initial monitoring for combined radium- 226+228 must be conducted in conformance with 5 CCR 1003-1 §6.3.2(b).
41. The *Official 2007 Drinking Water Monitoring Schedule* provided to the System by the Department outlines that the System was required to monitor for combined radium- 226+228 parameters during each quarter of calendar year 2007 at Sample Point 004 and Sample Point 005.
42. Pursuant to 5 CCR 1003-1, §1.6.4(a), the supplier of water shall report to the Department the results of their radiological 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.

43. Division records show that the System has failed to provide the Department with the results of the combined radium- 226+228 monitoring for first quarter (January – March), second quarter (April – June), third quarter (July – September) and fourth quarter (October – December) of calendar year 2007 and first quarter (January – March) and second quarter (April – June) of calendar year 2008.
44. Town of Otis's failure to submit the results of the System's combined radium- 226+228 monitoring to the Department constitutes violation(s) of 5 CCR 1003-1, §1.6.4(a). Additionally, if the Town of Otis failed to perform radiological monitoring during the identified periods, such failures to perform the monitoring constitutes violation(s) of 5 CCR 1003-1, §6.3.2(a)(2).

Seventh Violation
(Failure to Measure/Report Residual Disinfection Concentration)

45. Pursuant to 5 CCR 1003-1, §7.9.1(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.
46. Division records establish that the System utilizes chlorination methods to achieve disinfection.
47. Pursuant to 5 CCR 1003-1, §§7.6.3(c)(1) and 7.9.1(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.
48. The *Official 2007 Drinking Water Monitoring Schedule* provided to the System by the Department outlines that the System was required to monitor for chlorine in the distribution system in the 1st and 2nd quarters of calendar year 2008.
49. Pursuant to 5 CCR 1003-1, §7.6.2, analyses conducted to determine compliance with this §7.6 shall be made by methods as specified in 5 CCR 1003-1, §10.7.
50. Pursuant to 5 CCR 1003-1, §7.6.5(d)(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 §7.6.4(c)(1), the MRDL was violated.

51. 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.
52. 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 and 2nd quarters of calendar year 2008.
53. Town of Otis's failure to report residual disinfectant concentrations in the distribution system constitutes violations of §7.6.5. Further, if the Town of Otis failed to measure the residual disinfectant concentration in the distribution system, such failure constitutes violations of 5 CCR 1003-1, §§ 7.6.3(c)(1) and 7.9.1(c)(2).

COMPLIANCE ORDER

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

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

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

55. Immediately initiate efforts to comply with the Volatile and Synthetic Organic Chemicals monitoring/reporting obligations as required by 5 CCR 1003-1, §6.2.
56. Within fourteen (14) calendar days after receipt of this Order, the Town of Otis shall submit the results of any Volatile and Synthetic Organic Chemicals monitoring performed during the compliance period of calendar years 2005 through 2007.
57. If the System has not performed the Volatile and Synthetic Organic Chemicals monitoring for the compliance period of January 1, 2005 to December 31, 2007, or during this calendar year to-date, the Town of Otis 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. The Town of Otis 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.
58. Immediately initiate efforts to comply with the Nitrate monitoring/reporting obligations as required by 5 CCR 1003-1, §6.1.
59. Within fourteen (14) calendar days after receipt of this Order, the Town of Otis shall submit the results of any Nitrate monitoring performed for calendar years 2006 and 2007.

60. If the system has not performed the Nitrate monitoring for calendar year 2008, the Town of Otis shall perform Nitrate 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 sample(s) must be collected properly and analyzed by a Department certified laboratory in accordance with approved methods and cited detection limits. The Town of Otis shall provide the Department with the results of the Nitrate analyses within ten (10) calendar days of receipt of the results from the laboratory.
61. Immediately initiate efforts to comply with the Inorganic Chemicals, including fluoride, monitoring and reporting obligations as required by 5 CCR 1003-1, §6.1.
62. Within fourteen (14) calendar days after receipt of this Order, the Town of Otis 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.
63. If the System has not performed the Inorganic Chemicals monitoring, including fluoride, for the compliance period of January 1, 2005 to December 31, 2007, or during this calendar year to-date, the Town of Otis 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. The Town of Otis shall provide the Department with the results of the Inorganic Chemicals analysis within ten (10) calendar days of receipt of the results from the laboratory.
64. Immediately initiate efforts to comply with the Lead and Copper monitoring/reporting obligations as required by 5 CCR 1003-1, Article 8.
65. Within fourteen (14) calendar days after receipt of this Order, Town of Otis shall submit the results of any Lead and Copper monitoring performed for the following monitoring period:

January 1, 2005 and December 31, 2007
66. If the System has not performed Lead and Copper monitoring during the monitoring periods identified in the paragraph above, Town of Otis shall collect and analyze Lead and Copper samples from the appropriate number of locations in accordance with 5 CCR 1003-1, §8.7(d)(1) by October 31, 2008. Within ten (10) calendar days of receipt of the analytical results from a Department certified laboratory, Town of Otis shall report the results of the monitoring in accordance with 5 CCR 1003-1, §8.10(a)(1) to the Department. *(See attached Lead and Copper sampling information/procedures.)*
67. If the System has not completed its two consecutive rounds of Lead and Copper monitoring, Town of Otis shall properly collect and analyze its first round of Lead and Copper samples in accordance with 5 CCR 1003-1, §8.7(b)(1). The System must collect five (5) lead and copper samples from the locations utilized in previous sampling events and report the results of the

monitoring, in accordance with 5 CCR 1003-1, §8.10(a)(1), to the Division within ten (10) calendar days of receipt of the analytical results from a Department certified laboratory.

- 68. Immediately initiate efforts to comply with the Radiological monitoring/Reporting obligations as required by 5 CCR 1003-1, §6.3.2.
- 69. Within thirty (30) calendar days after receipt of this Order, the Town of Otis shall submit the results of any Radiological monitoring performed on the system's distributed water during first quarter (January – March), second quarter (April – June), third quarter (July – September) and fourth quarter (October – December) of calendar year 2007 and first quarter (January-March) and second quarter (April – June) of calendar year 2008.
- 70. If the System has not performed four consecutive quarters of Radiological monitoring, the Town of Otis shall conduct Radiological analyses 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. (*See Radiological Monitoring Requirements Table below.*) The Radiological sample(s) must be properly collected and analyzed by a Department certified laboratory in accordance with approved methods and cited detection limits. The Town of Otis shall provide the Department with the results of the Radiological analyses within ten (10) calendar days of receipt of the results from the laboratory.

1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter
Radium-226	Radium-226	Radium-226	Radium-226
Radium-228	Radium-228	Radium-228	Radium-228

Note: Compliance with the maximum contaminant level will be based on the arithmetic mean of four samples obtained at quarterly intervals. If a system does not collect all required samples, compliance will be based on the running average of the samples collected.

- 71. The Town of Otis 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. The running annual average must be recalculated each quarter using the most recent twelve (12) months of data.
- 72. Immediately take steps to comply with the microbiological contaminant monitoring/reporting obligations as required by 5 CCR 1003-1, Article 5.
- 73. Within thirty (30) calendar days after receipt of this Order, if it has not already done so, the Town of Otis 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 the required public

notification, the Town of Otis 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

74. 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.
75. 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 Eight Thousand Two Hundred And Sixty Dollars and Seventy Five Cents (\$8,260.75) for the specific violations identified in this action. The reasoning behind this penalty amount is detailed in the administrative penalty methodology/calculation worksheet, which is incorporated herein by reference and enclosed as Exhibit A.

Terms of Administrative Penalty Payment

76. If the Town of Otis 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 or appeal of the administrative penalty in this manner does not relieve the Town of Otis of its 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, the Town of Otis 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: Catherine Heald
4300 Cherry Creek Drive South
Denver, Colorado 80246-1530

(For any facsimile transmittals, please include a cover sheet addressed to Ms. Heald.)

NOTICE OF COMPLETION

The Town of Otis 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 the Town of Otis wishes to dispute the Division's rejection of its Notice of Completion, it shall, within fifteen (15) 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 the Town of Otis 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 Water Quality Control Commission. Requests for such an appeal should be filed in writing with the Water Quality Control Commission 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 29th day of August, 2008.

FOR THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT


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

Exhibit A

Town of Otis

**PUBLIC WATER SYSTEM IDENTIFICATION NUMBER: CO-0161010
WASHINGTON COUNTY, COLORADO
ADMINISTRATIVE PENALTY COMPUTATION WORKSHEET
(August 29, 2008)**

Penalty Summary

Penalty Calculation -Violation Number 1 (Count 1 Sample Point 004) **\$315.00**
(Count 2 Sample Point 005)..... **\$315.00**

Violation: Failure to Monitor for Volatile Organic Chemicals
Regulation Violated: 5 CCR 1003-1, §6.2.5

Penalty Calculation -Violation Number 2
(2002-2004)Count 1..... **\$1,365.00**
(2005-2007 Count 2 Sample Point 004)..... **\$1,325.00**
(2005-2007)Count 3 Sample Point 005)..... **\$1,356.25**

Violation: Failure to Monitor for Synthetic Organic Chemicals
Regulation Violated: 5 CCR 1003-1, §6.2.6

Penalty Calculation -Violation Number 3 (2006 Count 1 Sample Point 004) **\$320.00**
(2006 Count 2 Sample Point 005)..... **\$320.00**

(2007 Count 1 Sample Point 004) **\$382.50**
(2007 Count 2 Sample Point 005)..... **\$382.50**

Violation: Failure to Monitor for Nitrate
Regulation Violated: 5 CCR 1003-1, §6.1.5

Penalty Calculation -Violation Number 4(Count 1 Sample Point 004) **\$390.00**
(Count 2 Sample Point 005)..... **\$390.00**

Violation: Failure to Monitor for Inorganic Chemicals
Regulation Violated: 5 CCR 1003-1, §6.1.5

Penalty Calculation -Violation Number 5..... **\$203.00**

Violation: Failure to Monitor for Lead and Copper
Regulation Violated: 5 CCR 1003-1, §8.7

Penalty Calculation -Violation Number 6 (2007 Count 1 Sample Point 004) **\$203.00**
(2007 Count 2 Sample Point 005)..... **\$203.00**

(2008 Count 1 Sample Point 004) **\$356.25**
(2008 Count 2 Sample Point 005)..... **\$356.25**

Violation: Failure to Monitor for Combined Radium-226 + 228
Regulation Violated: 5 CCR 1003-1, §6.3.2

Exhibit A

Penalty Calculation -Violation Number 7.....\$78.00

Violation: Failure to Report Residual Disinfection Concentration

Regulation Violated: 5 CCR 1003-1, §7.9.1

TOTAL PENALTY.....\$8,260.75

Exhibit A

ADMINISTRATIVE PENALTY COMPUTATION WORKSHEET

VIOLATION NUMBER: 1 (Count 1 Sample Point 004)

System Name: Lowell City Water Treatment Plant, Lowell, MA

Date of Enforcement Order: August 12, 2008 Number: DCR-080829-2308

Regulation Violated: Failure to Monitor for Volatile Organic Chemicals - 500 C.R. 1.00 - 1.03
Population Served: 685

Part I – Base Penalty Calculation

	Violation Type	Population Range	Amount in Dollars
Line 1:	Failure to Monitor for Volatile Organic Chemicals – Compliance Period January 1, 2005 through December 31, 2007	>500	\$125.00

Part II – Application of Aggravating or Mitigating Factors

	Aggravating / Mitigating Factors	Base Penalty Increase or Decrease	Amount in Dollars
Line 2	Factor A: Threat to Public Health and Welfare <i>Justification: n/a</i>		\$0.00
Line 3	Factor B: Intentional, Reckless, or Negligent Actions <i>Justification: n/a</i>		\$0.00
Line 4	Factor C: Recalcitrance or Recidivism <i>Justification: n/a</i>		\$0.00
Line 5	Factor D: Voluntary and Complete Disclosure of Violations <i>Justification: n/a</i>		\$0.00
Line 6	Factor E: Full and Prompt Cooperation <i>Justification: n/a</i>		\$0.00
Line 7	Factor F: Environmental Compliance Program <i>Justification: n/a</i>		\$0.00
Line 8	Factor G: Other Aggravating or Mitigating Circumstances <i>Justification: n/a</i>		\$0.00
Line 9	Sum of Lines 2 through Line 8		\$0.00
Line 10	Adjusted Base Penalty (Sum of Line 1 + Line 9)		\$125.00

Exhibit A

Part III – Determination of Days of Violation

		Days of Violation
Line 11	Total Days of Violation	1
	<i>Justification: The Division has chosen to consider the failure to monitor for volatile organic chemicals violation as a single day violation.</i>	

Part IV – Determination of Multi-Day Penalty Amount

		Amount in Dollars
Line 12	Multi-Day Penalty Amount	\$125.00
	<i>Calculations: Day 1 (\$125.00) = \$125.00</i>	

Part V – Economic Benefit Consideration

		Amount in Dollars
Line 13	Economic Benefit:	\$190.00
	<i>Justification: The Division believes that the Town of Otis realized an economic benefit by failing to monitor since the town has avoided the cost for the tests as well as the cost of the labor involved in obtaining sample bottles, conducting the testing, and transporting the samples to a lab.</i>	

Part VI – Violation Penalty Total

		Amount in Dollars
Line 14	Total Administrative Penalty: (Line 12 + Line 13)	\$315.00

Part VII – Ability to Pay Adjustment

		Amount in Dollars
Line 15	Ability to Pay Reduction:	\$0.00
	<i>Justification: Not Applicable. The Division does not have any information suggesting that the Town of Otis has an inability to pay the assessed penalty amount.</i>	

Exhibit A

Part VIII – Final Adjusted Penalty

Line 16	Total Administrative Penalty: (Line 14 - Line 15)		\$315.00
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Exhibit A

ADMINISTRATIVE PENALTY COMPUTATION WORKSHEET

VIOLATION NUMBER: 1 (Count 2 Sample Point 005)

System Name: Town of Otis PWSID: 0011 © 2008

Date of Enforcement Order: August 29, 2008 Number: DC-0808207

Regulation Violated: Failure to Monitor for
Volatile Organic Chemicals 9/9 C.R. 100.01, 100.25
Population Served: 600

Part I – Base Penalty Calculation

	Violation Type	Population Range	Amount in Dollars
Line 1:	Failure to Monitor for Volatile Organic Chemicals – Compliance Period January 1, 2005 through December 31, 2007	>500	\$125.00

Part II – Application of Aggravating or Mitigating Factors

	Aggravating / Mitigating Factors	% Base Penalty Increase or Decrease	Amount in Dollars
Line 2	Factor A: Threat to Public Health and Welfare <i>Justification: n/a</i>		\$0.00
Line 3	Factor B: Intentional, Reckless, or Negligent Actions <i>Justification: n/a</i>		\$0.00
Line 4	Factor C: Recalcitrance or Recidivism <i>Justification: n/a</i>		\$0.00
Line 5	Factor D: Voluntary and Complete Disclosure of Violations <i>Justification: n/a</i>		\$0.00
Line 6	Factor E: Full and Prompt Cooperation <i>Justification: n/a</i>		\$0.00
Line 7	Factor F: Environmental Compliance Program <i>Justification: n/a</i>		\$0.00
Line 8	Factor G: Other Aggravating or Mitigating Circumstances <i>Justification: n/a</i>		\$0.00
Line 9	Sum of Lines 2 through Line 8		\$0.00
Line 10	Adjusted Base Penalty (Sum of Line 1 + Line 9)		\$125.00

Exhibit A

Part III – Determination of Days of Violation

		Amount in Dollars
Line 11	Total Days of Violation	1
	<i>Justification: The Division has chosen to consider the failure to monitor for volatile organic chemicals violation as a single day violation.</i>	

Part IV – Determination of Multi-Day Penalty Amount

		Amount in Dollars
Line 12	Multi-Day Penalty Amount	\$125.00
	<i>Calculations: Day 1 (\$125.00) = \$125.00</i>	

Part V – Economic Benefit Consideration

		Amount in Dollars
Line 13	Economic Benefit:	\$190.00
	<i>Justification: The Division believes that the Town of Otis realized an economic benefit by failing to monitor since the town has avoided the cost for the tests as well as the cost of the labor involved in obtaining sample bottles, conducting the testing, and transporting the samples to a lab.</i>	

Part VI – Violation Penalty Total

		Amount in Dollars
Line 14	Total Administrative Penalty: (Line 12 + Line 13)	\$315.00

Part VII – Ability to Pay Adjustment

		Amount in Dollars
Line 15	Ability to Pay Reduction:	\$0.00
	<i>Justification: Not Applicable. The Division does not have any information suggesting that the Town of Otis has an inability to pay the assessed penalty amount.</i>	

Exhibit A

Part VIII – Final Adjusted Penalty

Line 16	Total Administrative Penalty: (Line 14 - Line 15)		 \$315.00
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Exhibit A

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

System Name: Town of Otis JWSPD Number: CE-1161110

Date of Enforcement Order: August 29, 2008 Number: DC-08-29-22

Regulation Violated: Failure to Monitor for Synthetic Organic Chemicals - 5 CCR 1003.1.36.236 Population Served: 68

Part I – Base Penalty Calculation

	Violation Type	Population Range	Amount in Dollars
Line 1:	Failure to Monitor for Synthetic Organic Chemicals - Compliance Period January 1, 2002 through December 31, 2005	>500	\$125.00

Part II – Application of Aggravating or Mitigating Factors

	Aggravating/Mitigating Factor	% of Base Penalty Increase or Decrease	Amount in Dollars
Line 2	Factor A: Threat to Public Health and Welfare <i>Justification: n/a</i>		\$0.00
Line 3	Factor B: Intentional, Reckless, or Negligent Actions <i>Justification: n/a</i>		\$0.00
Line 4	Factor C: Recalcitrance or Recidivism <i>Justification: n/a</i>		\$0.00
Line 5	Factor D: Voluntary and Complete Disclosure of Violations <i>Justification: n/a</i>		\$0.00
Line 6	Factor E: Full and Prompt Cooperation <i>Justification: n/a</i>		\$0.00
Line 7	Factor F: Environmental Compliance Program <i>Justification: n/a</i>		\$0.00
Line 8	Factor G: Other Aggravating or Mitigating Circumstances <i>Justification: n/a</i>		\$0.00
Line 9	Sum of Lines 2 through Line 8		\$0.00
Line 10	Adjusted Base Penalty (Sum of Line 1 + Line 9)		\$125.00

Exhibit A

Part III – Determination of Days of Violation

		Amount in Dollars
Line 11	Total Days of Violation	1
	<i>Justification: The Division has chosen to consider the failure to monitor for synthetic organic chemicals violation as a single day violation.</i>	

Part IV – Determination of Multi-Day Penalty Amount

		Amount in Dollars
Line 12	Multi-Day Penalty Amount	\$125.00
	<i>Calculations: Day 1 (\$125.00) = \$125.00</i>	

Part V – Economic Benefit Consideration

		Amount in Dollars
Line 13	Economic Benefit:	\$1,240.00
	<i>Justification: The Division believes that the Town of Otis realized an economic benefit by failing to monitor since the town has avoided the cost for the tests as well as the cost of the labor involved in obtaining sample bottles, conducting the testing, and transporting the samples to a lab.</i>	

Part VI – Violation Penalty Total

		Amount in Dollars
Line 14	Total Administrative Penalty: (Line 12 + Line 13)	\$1,365.00

Part VII – Ability to Pay Adjustment

		Amount in Dollars
Line 15	Ability to Pay Reduction:	\$0.00
	<i>Justification: Not Applicable. The Division does not have any information suggesting that the Town of Otis has an inability to pay the assessed penalty amount.</i>	

Exhibit A

Part VIII – Final Adjusted Penalty

Line 16	Total Administrative Penalty: (Line 14 - Line 15)		\$1,365.00
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Exhibit A

ADMINISTRATIVE PENALTY COMPUTATION WORKSHEET

VIOLATION NUMBER: 2 (Count 2 Sample Point 004)

System Name: Town of Otis - Drinking Water PWSID Number: 00-026419

Date of Enforcement Order: August 28, 2008 Number: DCS 080329-2

Regulation Violated: Failure to Monitor for Synthetic Organic Chemicals - Compliance Period January 1, 2005 through December 31, 2007 Population Served: 685
 Synthetic Organic Chemicals - SICOR 1003-1-36.2.6

Part I – Base Penalty Calculation

	Violation Type	Population Range	Amount in Dollars
Line 1:	Failure to Monitor for Synthetic Organic Chemicals - Compliance Period January 1, 2005 through December 31, 2007	>500	\$125.00

Part II – Application of Aggravating or Mitigating Factors

	Aggravating / Mitigating Factor	% Base Penalty Increase/Decrease	Amount in Dollars
Line 2	Factor A: Threat to Public Health and Welfare <i>Justification: n/a</i>		\$0.00
Line 3	Factor B: Intentional, Reckless, or Negligent Actions <i>Justification: n/a</i>		\$0.00
Line 4	Factor C: Recalcitrance or Recidivism <i>Justification: n/a</i>		\$0.00
Line 5	Factor D: Voluntary and Complete Disclosure of Violations <i>Justification: n/a</i>		\$0.00
Line 6	Factor E: Full and Prompt Cooperation <i>Justification: n/a</i>		\$0.00
Line 7	Factor F: Environmental Compliance Program <i>Justification: n/a</i>		\$0.00
Line 8	Factor G: Other Aggravating or Mitigating Circumstances <i>Justification: n/a</i>		\$0.00
Line 9	Sum of Lines 2 through Line 8		\$0.00
Line 10	Adjusted Base Penalty (Sum of Line 1 + Line 9)		\$125.00

Exhibit A

Part III – Determination of Days of Violation

		Amount in Dollars
Line 11	Total Days of Violation	1
	<i>Justification: The Division has chosen to consider the failure to monitor for synthetic organic chemicals violation as a single day violation.</i>	

Part IV – Determination of Multi-Day Penalty Amount

		Amount in Dollars
Line 12	Multi-Day Penalty Amount	\$125.00
	<i>Calculations: Day 1 (\$125.00) = \$125.00</i>	

Part V – Economic Benefit Consideration

		Amount in Dollars
Line 13	Economic Benefit:	\$1,200.00
	<i>Justification: The Division believes that the Town of Otis realized an economic benefit by failing to monitor since the town has avoided the cost for the tests as well as the cost of the labor involved in obtaining sample bottles, conducting the testing, and transporting the samples to a lab.</i>	

Part VI – Violation Penalty Total

		Amount in Dollars
Line 14	Total Administrative Penalty: (Line 12 + Line 13)	\$1,325.00

Part VII – Ability to Pay Adjustment

		Amount in Dollars
Line 15	Ability to Pay Reduction:	\$0.00
	<i>Justification: Not Applicable. The Division does not have any information suggesting that the Town of Otis has an inability to pay the assessed penalty amount.</i>	

Exhibit A

Part VIII – Final Adjusted Penalty

Line 16	Total Administrative Penalty: (Line 14 - Line 15)		\$1,325.00
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Exhibit A

ADMINISTRATIVE PENALTY COMPUTATION WORKSHEET
VIOLATION NUMBER: 2 (Count 3 Sample Point 005)

System Name: Town of Otis | PWSD Number: COP01610100

Date of Enforcement Order: August 29, 2008 | Number: DO-080829-2

Regulation Violated: Failure to Monitor for Synthetic Organic Chemicals, 5 C.F.R. 1003-15.86.2.6 | Population Served: 685

Part I – Base Penalty Calculation

	Violation Type	Population Range	Amount in Dollars
Line 1:	Failure to Monitor for Synthetic Organic Chemicals - Compliance Period January 1, 2005 through December 31, 2007	>500	\$125.00

Part II – Application of Aggravating or Mitigating Factors

	Aggravating / Mitigating Factor	% Base Penalty Increase or Decrease	Amount in Dollars
Line 2	Factor A: Threat to Public Health and Welfare <i>Justification: n/a</i>		\$0.00
Line 3	Factor B: Intentional, Reckless, or Negligent Actions <i>Justification: n/a</i>		\$0.00
Line 4	Factor C: Recalcitrance or Recidivism <i>Justification: Town of Otis failed to monitor for Synthetic Organic Chemicals - Compliance Period January 1, 2005 through December 31, 2007. Therefore, the Town of Otis has demonstrated a history/pattern of not obeying or complying with their regulatory obligations, thereby revealing a level of disregard for regulatory programs. The Town of Otis's continued noncompliance with the same violation supports an upward adjustment of 25%.</i>	+25%	\$31.25
Line 5	Factor D: Voluntary and Complete Disclosure of Violations <i>Justification: n/a</i>		\$0.00
Line 6	Factor E: Full and Prompt Cooperation <i>Justification: n/a</i>		\$0.00
Line 7	Factor F: Environmental Compliance Program <i>Justification: n/a</i>		\$0.00
Line 8	Factor G: Other Aggravating or Mitigating Circumstances		\$0.00

Exhibit A

	Days of Violation	Base Penalty	Amount in Dollars
	<i>Justification: n/a</i>		
Line 9	Sum of Lines 2 through Line 8		\$31.25
Line 10	Adjusted Base Penalty (Sum of Line 1 + Line 9)		\$156.25

Part III – Determination of Days of Violation

	Days of Violation
Line 11	Total Days of Violation
	<i>Justification: The Division has chosen to consider the failure to monitor for synthetic organic chemicals violation as a single day violation.</i>
	1

Part IV – Determination of Multi-Day Penalty Amount

	Amount in Dollars
Line 12	Multi-Day Penalty Amount
	<i>Calculations:</i>
	<i>Day 1 (\$156.25) = \$156.25</i>
	\$156.25

Part V – Economic Benefit Consideration

	Amount in Dollars
Line 13	Economic Benefit:
	<i>Justification: The Division believes that the Town of Otis realized an economic benefit by failing to monitor since the town has avoided the cost for the tests as well as the cost of the labor involved in obtaining sample bottles, conducting the testing, and transporting the samples to a lab.</i>
	\$1,200.00

Part VI – Violation Penalty Total

	Amount in Dollars
Line 14	Total Administrative Penalty: (Line 12 + Line 13)
	\$1,356.25

Exhibit A

Part VII – Ability to Pay Adjustment

		Amount in Dollars
Line 15	Ability to Pay Reduction:	\$0.00
	<i>Justification: Not Applicable. The Division does not have any information suggesting that the Town of Otis has an inability to pay the assessed penalty amount.</i>	

Part VIII – Final Adjusted Penalty

		Amount in Dollars
Line 16	Total Administrative Penalty: (Line 14 - Line 15)	\$1356.25

Exhibit A

ADMINISTRATIVE PENALTY COMPUTATION WORKSHEET
VIOLATION NUMBER: 3 (Count 1 Sample Point 004)

System Name: Town of Otis PWSID Number: C020161010

Date of Enforcement Order: August 29, 2008 Number: D000808072

Regulation Violated: Failure to Monitor for Nitrate, 5 CFR 1003.31, §6.1.5 Population Served: 685

Part I – Base Penalty Calculation

	Violation Type	Population Range	Amount in Dollars
Line 1	Failure to Monitor for Nitrate – Calendar Year 2006	>500	\$250.00

Part II – Application of Aggravating or Mitigating Factors

	Aggravating / Mitigating Factor	% Base Penalty Increase or Decrease	Amount in Dollars
Line 2	Factor A: Threat to Public Health and Welfare <i>Justification: n/a</i>		\$0.00
Line 3	Factor B: Intentional, Reckless, or Negligent Actions <i>Justification: n/a</i>		\$0.00
Line 4	Factor C: Recalcitrance or Recidivism <i>Justification: n/a</i>		\$0.00
Line 5	Factor D: Voluntary and Complete Disclosure of Violations <i>Justification: n/a</i>		\$0.00
Line 6	Factor E: Full and Prompt Cooperation <i>Justification: n/a</i>		\$0.00
Line 7	Factor F: Environmental Compliance Program <i>Justification: n/a</i>		\$0.00
Line 8	Factor G: Other Aggravating or Mitigating Circumstances <i>Justification: n/a</i>		\$0.00
Line 9	Sum of Lines 2 through Line 8		\$0.00
Line 10	Adjusted Base Penalty (Sum of Line 1 + Line 9)		\$250.00

Exhibit A

Part III – Determination of Days of Violation

		Days of Violation
Line 11	Total Days of Violation	1
	<i>Justification: The Division has chosen to consider the 2007 failure to monitor for Nitrate violation as a single day violation.</i>	

Part IV – Determination of Multi-Day Penalty Amount

		Amount in Dollars
Line 12	Multi-Day Penalty Amount	\$250.00
	<i>Calculations: Day 1 (\$250.00) = \$250.00</i>	

Part V – Economic Benefit Consideration

		Amount in Dollars
Line 13	Economic Benefit:	\$70.00
	<i>Justification: The Division believes that the Town of Otis realized an economic benefit by failing to monitor since the Town avoided the cost of the test itself as well as the cost of the labor involved in obtaining sample bottles, conducting the testing, and transporting the samples to a lab.</i>	

Part VI – Violation Penalty Total

		Amount in Dollars
Line 14	Total Administrative Penalty: (Line 12 + Line 13)	\$320.00

Exhibit A

Part VII – Ability to Pay Adjustment

			Amount in Dollars
Line 15	Ability to Pay Reduction:		\$0.00
	<i>Justification: Not Applicable. The Division does not have any information suggesting that the Town of Otis has an inability to pay the assessed penalty amount.</i>		

Part VIII – Final Adjusted Penalty

			Amount in Dollars
Line 16	Total Administrative Penalty: (Line 14 - Line 15)		\$320.00