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 5, 2007

Certified Mail Number: 7001 1140 0003 9650 7956

PWSID# CO-0121200
Tina and Kim Oliver
Elephant Rock Mobile Home Park
720 Westward Lane
Palmer Lake, CO 80133

RE: Service of Drinking Water Enforcement Order, Number: DC-070831-7

Dear Tina and Kim Oliver:

You are 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 you have violated the *Colorado Primary Drinking Water Regulations* (the "Regulations") as described in the enclosed Order.

As a recipient of an enforcement order you 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.

EXHIBIT 3

Should you desire to informally discuss this matter with the Department or if you 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.

Sincerely,

Karen Tidwell, Legal Assistant
Compliance Assurance and Data Management Section
WATER QUALITY CONTROL DIVISION

Enclosure

cc: El Paso County Department of Health and Environment
Compliance Monitor / Drinking Water File

ec: Tim Vrudny, Engineering Section, CDPHE
Dave Knope, 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

ENFORCEMENT ORDER &
ADMINISTRATIVE PENALTY ASSESSMENT

NUMBER: DC-070831-7

IN THE MATTER OF: TINA AND KIM OLIVER
d/b/a ELEPHANT ROCK MOBILE HOME PARK
PUBLIC WATER SYSTEM IDENTIFICATION NUMBER: CO-0121200
EL PASO COUNTY 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. Tina and Kim Oliver own and/or operate a drinking water system, known as Elephant Rock Mobile Home Park, located at or near 720 Westward Lane #1, in or near the Town of Palmer Lake, El Paso County, Colorado (the "System").

2. Tina and Kim Oliver are suppliers of water within the meaning of §25-1.5-201(2), C.R.S.

3. The System is a public water system as defined by §25-1.5-201(1), C.R.S. and its implementing regulation, 5 CCR 1003-1, §1.5.2(87).

4. The Public Water System Identification Number ("PWSID"), assigned to the System by the Division is PWSID # CO-0121200.

5. Pursuant to 5 CCR 1003-1, §1.2, the System is subject to the *Colorado Primary Drinking Water Regulations* (the "Regulations"), which were adopted pursuant to §25-1.5-203, C.R.S.

6. Tina and Kim Oliver provide 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 serve at least twenty-five (25) year-round residents. The System is therefore classified as a "community water system" as defined by 5 CCR 1003-1, §1.5.2(10).

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

7. Pursuant to 5 CCR 1003-1, §7.5.1(b)(1), all community water systems and non-transient, non-community water systems, unless otherwise noted, must comply with the total trihalomethanes ("TTHM") and haloacetic acids (five) ("HAA5") monitoring requirements of 5 CCR 1003-1, §7.5.

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

Type of System	Minimum Monitoring Frequency	Sample Location in the Distribution System
System using only groundwater not under direct influence of surface water using chemical disinfectant and serving fewer than 10,000 persons.	One sample per year per treatment plant during month of warmest water temperature.	Locations representing maximum residence time. If the sample (or average of annual samples, if more than one sample is taken) exceeds the MCL, the system must increase monitoring to one sample per treatment plant per quarter, taken at a point reflecting the maximum residence time in the distribution system, until the system meets criteria in paragraph (b)(1)(iv) of this section.

9. The *Official 2006 Drinking Water Monitoring Schedule* provided to the System by the Department outlines that the System was required to monitor for TTHM and HAA5 during the third quarter (July - September) of calendar year 2006.

10. Pursuant to 5 CCR 1003-1, §7.5.5(a), 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.

11. Department records to date establish that the System failed to submit results to the Department of its annual TTHM and HAA5 monitoring for calendar year 2006.

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

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

13. 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.

14. Pursuant to 5 CCR 1003-1, §6.1.5(e)(4), the System is required to monitor for Nitrate annually.

15. Pursuant to 5 CCR 1003-1, §6.1.5(b)(1), the System is 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.

16. 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.

17. Pursuant to 5 CCR 1003-1, §1.6.4(a), the System shall 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.

18. Department records establish that the System failed to submit results of its annual Nitrate monitoring to the Department for calendar year 2006.

19. Tina and Kim Oliver's failure to submit the results of their annual Nitrate analysis to the Department constitutes violation(s) of 5 CCR 1003-1, §1.6.4(a). Additionally, if Tina and Kim Oliver failed to perform their annual Nitrate analysis during the identified period, such failure to perform the monitoring constitutes violation(s) of 5 CCR 1003-1, §§6.1.5(e), 6.1.5(e)(4) and 6.1.5(b)(1).

Third Violation
(Failure to Report Residual Disinfection Concentration)

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

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

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

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

24. Pursuant to 5 CCR 1003-1, §7.5.5(c)(1), the System is required to report the following:

    i. The number of samples taken during each month of the last quarter;
    ii. The monthly arithmetic average of all samples taken in each month for the last 12 months;
    iii. The arithmetic average of the monthly averages for the last 12 months; and
    iv. Whether, based on §7.5.4(c)(1), the MRD was violated.

25. Pursuant to 5 CCR 1003-1, §7.5.5(a), systems required to sample quarterly or more frequently must report to the Department within ten (10) days after the end of each quarter in which samples were collected, notwithstanding the provisions of 5 CCR 1003-1, §1.6.4. Systems required to sample less frequently than quarterly must report to the Department within ten (10) days after the end of each monitoring period in which samples were collected.

26. Division records establish that Tina and Kim Oliver failed to report their residual disinfection concentrations for the second quarter of calendar year 2007.

27. Tina and Kim Oliver's failure to report for residual disinfectant concentrations in the distribution system constitutes violation(s) of 5 CCR 1003-1, §7.5.5(c)(1).

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

28. 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.

29. Division records establish that the System completed its initial lead and copper tap water monitoring and attained the lead and copper action levels during each of two consecutive six-month monitoring periods. The System was therefore subject to "Reduced Tap Water Monitoring" (annual monitoring).

30. The *Official 2004 Drinking Water Monitoring Schedule* provided to the System by the Department outlines that the System was required to conduct lead and copper tap water monitoring between June 1 and September 30 of calendar year 2004.

31. 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 June 1 and September 30 of calendar year 2005.

32. The *Official 2006 Drinking Water Monitoring Schedule* provided to the System by the Department outlines that the System was required to conduct lead and copper tap water monitoring between June 1 and September 30 of calendar year 2006.

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

34. Division records establish that the System failed to provide the Department with the results of its reduced (annual) lead and copper tap water monitoring and analyses for calendar years 2004 through 2006.

35. Tina and Kim Oliver'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 Tina and Kim Oliver 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).

COMPLIANCE ORDER

Based upon the foregoing factual and legal determinations and pursuant to 5 CCR 1003-1, §1.6.7, Tina and Kim Oliver are hereby ordered to:

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

Further, the Division hereby orders Tina and Kim Oliver to comply with the following specific terms and conditions of this Order.

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

38. Within fourteen (14) calendar days after receipt of this Order, Tina and Kim Oliver shall submit the results of any TTHM and HAA5 monitoring performed for calendar year 2006. If the monitoring was not performed, Tina and Kim Oliver shall provide a written explanation indicating the reason(s) why the System did not perform the required monitoring.

39. If the calendar year 2007 TTHM and HAA5 monitoring has not been conducted by the System, Tina and Kim Oliver shall perform TTHM and HAA5 monitoring by no later than September 30, 2007. The TTHM and HAA5 samples must be collected properly and analyzed by a Department certified laboratory in accordance with approved methods. Tina and Kim Oliver shall provide the Department with the results of the TTHM and HAA5 monitoring within ten (10) calendar days of receipt of the results from the laboratory.

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

41. Within fourteen (14) calendar days after receipt of this Order, Tina and Kim Oliver shall submit the results of any Nitrate monitoring performed for calendar year 2006. If the monitoring was not performed, Tina and Kim Oliver shall provide a written explanation indicating the reason(s) why the System did not perform the required monitoring.

42. If the annual Nitrate analysis has not been conducted for calendar year 2007, Tina and Kim Oliver shall perform a Nitrate analysis 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. Tina and Kim Oliver shall provide the Department with

the results of the Nitrate analysis within ten (10) calendar days of receipt of the results from the laboratory.

43. Tina and Kim Oliver must immediately initiate proper residual disinfection concentration reporting in accordance with 5 CCR 1003-1, §7.5, including, but not limited to, the following specific requirements: reporting on MRDL Form 2. The running annual average must be recalculated each quarter using the most recent twelve (12) months of data.

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

45. Within fourteen (14) calendar days after receipt of this Order, Tina and Kim Oliver shall submit the results of any lead and copper annual monitoring performed for calendar years 2004, 2005 and 2006. If the monitoring has not been performed, Tina and Kim Oliver shall provide a written explanation indicating the reason why the System did not perform the monitoring.

46. If the System has not performed its required lead and copper annual monitoring for calendar year 2007, Tina and Kim Oliver shall collect and analyze lead and copper samples, from the appropriate number of locations *(5 for a system that serves between 101 and 500 people),* by September 30, 2007. Within ten (10) calendar days of receipt of the analytical results from a Department certified laboratory, Tina and Kim Oliver 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.)*

47. Within thirty (30) calendar days after receipt of this Order, if they have not already done so, Tina and Kim Oliver 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, Tina and Kim Oliver 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

48. 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.

49. 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 One Thousand One Hundred Thirty Five dollars (**$1,135.00**) for the specific violation 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

50. If Tina and Kim Oliver do 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

    Payment or appeal of the administrative penalty in this manner does not relieve the Tina and Kim Oliver of their obligation to perform the activities required by this enforcement action.

NOTICES AND SUBMITTALS

For all documents, plans, records, reports and replies required to be submitted by this order, Tina and Kim Oliver shall submit an original and one copy to the Division at the following address:

Colorado Department of Public Health and Environment
Water Quality Control Division / WQCD-WQP-B2
Compliance Assurance and Data Management Unit / Enforcement Team
Attention: Ms. Catherine Heald
4300 Cherry Creek Drive South
Denver, Colorado 80246-1530

NOTICE OF COMPLETION

Tina and Kim Oliver 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 Tina and Kim Oliver wish to dispute the Division's rejection of their Notice of Completion, they shall, within fifteen (15) days of receipt of the Division's rejection,

submit a written statement as to their 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 Tina and Kim Oliver do not achieve complete and timely compliance with all of the terms and conditions outlined herein, including full and timely payment of administrative penalties, the Department reserves, in addition to any other remedies allowed by law, its right under §25-1-114(4), C.R.S., to pursue an action for additional penalties.

REQUEST FOR HEARING OR APPEAL

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

Pursuant to §25-1-114.1(2.5)(b) C.R.S. an Administrative Penalty Assessment may be appealed to the State Board of Health. Requests for such an appeal should be filed in writing with the State Board of Health within thirty (30) calendar days after service of the penalty assessment.

Alternatively (or additionally), under section 25-1-113(1), C.R.S., you may file a request for judicial review in the State district court in the county in which you reside or in the city and county of Denver within ninety (90) calendar days of your receipt of this Enforcement Order and Administrative Penalty Assessment.

ADDITIONAL ACTION

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

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

Issued at Denver, Colorado, this 31 day of August, 2007.

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

Exhibit A

TINA AND KIM OLIVER/ ELEPHANT ROCK MHP

PUBLIC WATER SYSTEM IDENTIFICATION NUMBER: CO-0121200

EL PASO COUNTY, COLORADO

ADMINISTRATIVE PENALTY COMPUTATION WORKSHEET

(August 31, 2007)

Penalty Summary

Penalty Calculation -Violation Number 1 ..... **$420.00**

Violation: Failure to Monitor for Total Trihalomethanes and Haloacetic Acids (five)
Regulation Violated: 5 CCR 1003-1, §7.5

Penalty Calculation -Violation Number 2 ..... **$270.00**

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

Penalty Calculation -Violation Number 3 ..... **$70.00**

Violation: Failure to Report Residual Disinfection Concentration
Regulation Violated: 5 CCR 1003-1, §7.5

Penalty Calculation -Violation Number 4 **(Count 1)** **$125.00**
(Counts 2 and 3) **$250.00**

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

TOTAL PENALTY **$1,135.00**

Exhibit A

ADMINISTRATIVE PENALTY COMPUTATION WORKSHEET
VIOLATION NUMBER: 1

System Name: Elephant Rock MHP	**PWSID Number: CO-0121200**
Date of Enforcement Order: *August 31, 2007*	**Number:** DC-070831-7
Regulation Violated: Failure to Monitor for Total Trihalomethanes and Haloacetic Acids (five), 5 CCR 1003-1, §7.5	**Population Served:** 65

Part I – Base Penalty Calculation

	Violation Type	Population Range	Amount in Dollars
Line 1:	Failure to Monitor for Total Trihalomethanes and Haloacetic Acids (five) -- 2006	< 500 Served	**$100.00**

Part II – Application of Aggravating or Mitigating Factors

	Aggravating / Mitigating Factors	% Base Penalty Increase or Decrease	Amount in Dollars
Line 2	Factor A: Threat to Public Health and Welfare		$0.00
	Justification: n/a		
Line 3	Factor B: Intentional, Reckless, or Negligent Actions		$0.00
	Justification: n/a		
Line 4	Factor C: Recalcitrance or Recidivism		$0.00
	Justification: n/a		
Line 5	Factor D: Voluntary and Complete Disclosure of Violations		$0.00
	Justification: n/a		
Line 6	Factor E: Full and Prompt Cooperation		$0.00
	Justification: n/a		
Line 7	Factor F: Environmental Compliance Program		$0.00
	Justification: n/a		
Line 8	Factor G: Other Aggravating or Mitigating Circumstances		$0.00
	Justification: n/a		
Line 9	Sum of Lines 2 through Line 8		$0.00
Line 10	**Adjusted Base Penalty** (Sum of Line 1 + Line 9)		**$100.00**

Exhibit A

Part III – Determination of Days of Violation

			Days of Violation
Line 11	Total Days of Violation		1
	Justification: The Division has chosen to consider the failure to monitor for TTHM and HAA5 in 2006 violation as a single day violation.		

Part IV – Determination of Multi-Day Penalty Amount

			Amount in Dollars
Line 12	Multi-Day Penalty Amount		**$100.00**
	Calculations: ***Day 1 ($100.00)***	***= $100.00***	

Part V – Economic Benefit Consideration

			Amount in Dollars
Line 13	Economic Benefit:		**$320.00**
	Justification: The Division believes that Tina and Kim Oliver realized an economic benefit by failing to monitor since they 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.		

Part VI – Violation Penalty Total

			Amount in Dollars
Line 14	Total Administrative Penalty: (Line 12 + Line 13)		**$420.00**

Part VII – Ability to Pay Adjustment

			Amount in Dollars
Line 15	**Ability to Pay Reduction:**		$0.00
	Justification: Not Applicable – The Division does not have any information suggesting that Tina and Kim Oliver have an inability to pay the assessed penalty amount.		

Exhibit A

Part VIII – Final Adjusted Penalty

			Amount in Dollars
Line 16	**Total Administrative Penalty: (Line 14 - Line 15)**		**$420.00**

Exhibit A

ADMINISTRATIVE PENALTY COMPUTATION WORKSHEET
VIOLATION NUMBER: 2

System Name: Elephant Rock MHP	**PWSID Number: CO-0121200**

Date of Enforcement Order: *August 31, 2007*	**Number:** DC-070831-7

Regulation Violated: Failure to Monitor for Nitrate, 5 CCR 1003-1, §6.1.5	**Population Served:** 65

Part I – Base Penalty Calculation

	Violation Type	Population Range	Amount in Dollars
Line 1	Failure to Monitor for Nitrate – calendar year 2006	< 500 Served	**$200.00**

Part II – Application of Aggravating or Mitigating Factors

	Aggravating / Mitigating Factors	% Base Penalty Increase or Decrease	Amount in Dollars
Line 2	Factor A: Threat to Public Health and Welfare		$0.00
	Justification: n/a		
Line 3	Factor B: Intentional, Reckless, or Negligent Actions		$0.00
	Justification: n/a		
Line 4	Factor C: Recalcitrance or Recidivism		$0.00
	Justification: n/a		
Line 5	Factor D: Voluntary and Complete Disclosure of Violations		$0.00
	Justification: n/a		
Line 6	Factor E: Full and Prompt Cooperation		$0.00
	Justification: n/a		
Line 7	Factor F: Environmental Compliance Program		$0.00
	Justification: n/a		
Line 8	Factor G: Other Aggravating or Mitigating Circumstances		$0.00
	Justification: n/a		
Line 9	Sum of Lines 2 through Line 8		$0.00
Line 10	**Adjusted Base Penalty** (Sum of Line 1 + Line 9)		**$200.00**

Exhibit A

Part III – Determination of Days of Violation

			Days of Violation
Line 11	Total Days of Violation		**1**
	Justification: The Division has chosen to consider the 2006 failure to monitor for Nitrate violation as a single day violation.		

Part IV – Determination of Multi-Day Penalty Amount

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

Part V – Economic Benefit Consideration

			Amount in Dollars
Line 13	Economic Benefit:		**$70.00**
	Justification: The Division believes that Tina and Kim Oliver realized an economic benefit by failing to monitor since they 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.		

Part VI – Violation Penalty Total

			Amount in Dollars
Line 14	Total Administrative Penalty: (Line 12 + Line 13)		**$270.00**

Exhibit A

Part VII – Ability to Pay Adjustment

			Amount in Dollars
Line 15	**Ability to Pay Reduction:**		$0.00
	Justification: Not Applicable – The Division does not have any information suggesting that Tina and Kim Oliver have an inability to pay the assessed penalty amount.		

Part VIII – Final Adjusted Penalty

			Amount in Dollars
Line 16	**Total Administrative Penalty: (Line 14 - Line 15)**		**$270.00**

Exhibit A

ADMINISTRATIVE PENALTY COMPUTATION WORKSHEET
VIOLATION NUMBER: 3

System Name: Elephant Rock MHP	**PWSID Number: CO-0121200**
Date of Enforcement Order: *August 31, 2007*	**Number:** DC-070831-7
Regulation Violated: Failure to Report for Residual Disinfection Concentration, 5 CCR 1003-1, §7.5	**Population Served:** 65

Part I – Base Penalty Calculation

	Violation Type	Population Range	Amount in Dollars
Line 1:	Failure to Report for Residual Disinfection Concentration – 2nd quarter 2007	< 500 Served	**$30.00**

Part II – Application of Aggravating or Mitigating Factors

	Aggravating / Mitigating Factors	% Base Penalty Increase or Decrease	Amount in Dollars
Line 2	Factor A: Threat to Public Health and Welfare		$0.00
	Justification: n/a		
Line 3	Factor B: Intentional, Reckless, or Negligent Actions		$0.00
	Justification: n/a		
Line 4	Factor C: Recalcitrance or Recidivism		$0.00
	Justification: n/a		
Line 5	Factor D: Voluntary and Complete Disclosure of Violations		$0.00
	Justification: n/a		
Line 6	Factor E: Full and Prompt Cooperation		$0.00
	Justification: n/a		
Line 7	Factor F: Environmental Compliance Program		$0.00
	Justification: n/a		
Line 8	Factor G: Other Aggravating or Mitigating Circumstances		$0.00
	Justification: n/a		
Line 9	Sum of Lines 2 through Line 8		$0.00
Line 10	**Adjusted Base Penalty** (Sum of Line 1 + Line 9)		**$30.00**

Exhibit A

Part III – Determination of Days of Violation

			Days of Violation
Line 11	Total Days of Violation		1
	Justification: The Division has chosen to consider the failure to report for residual disinfection concentration in the 2nd quarter 2007 violation as a single day violation.		

Part IV – Determination of Multi-Day Penalty Amount

			Amount in Dollars
Line 12	Multi-Day Penalty Amount		**$30.00**
	Calculations: ***Day 1 ($30.00) = $30.00***		

Part V – Economic Benefit Consideration

			Amount in Dollars
Line 13	Economic Benefit:		**$40.00**
	Justification: The Division believes that Tina and Kim Oliver realized an economic benefit by failing to report since they avoided the cost of the labor involved in calculating and compiling the information into the required reports.		

Part VI – Violation Penalty Total

			Amount in Dollars
Line 14	Total Administrative Penalty: (Line 12 + Line 13)		**$70.00**

Part VII – Ability to Pay Adjustment

			Amount in Dollars
Line 15	**Ability to Pay Reduction:**		$0.00
	Justification: Not Applicable – The Division does not have any information suggesting that Tina and Kim Oliver have an inability to pay the assessed penalty amount.		

Exhibit A

Part VIII – Final Adjusted Penalty

			Amount in Dollars
Line 16	**Total Administrative Penalty: (Line 14 - Line 15)**		**$70.00**

Exhibit A

ADMINISTRATIVE PENALTY COMPUTATION WORKSHEET
VIOLATION NUMBER: 4 (Count 1)

System Name: Elephant Rock MHP	**PWSID Number: CO-0121200**
Date of Enforcement Order: *August 31, 2007*	**Number:** DC-070831-7
Regulation Violated: Failure to Monitor for Lead and Copper, 5 CCR 1003-1, §8.7	**Population Served:** 65

Part I – Base Penalty Calculation

	Violation Type	Population Range	Amount in Dollars
Line 1:	Failure to Monitor for Lead and Copper – calendar year 2004	< 500 Served	**$100.00**

Part II – Application of Aggravating or Mitigating Factors

	Aggravating / Mitigating Factors	% Base Penalty Increase or Decrease	Amount in Dollars
Line 2	Factor A: Threat to Public Health and Welfare		$0.00
	Justification: n/a		
Line 3	Factor B: Intentional, Reckless, or Negligent Actions		$0.00
	Justification: n/a		
Line 4	Factor C: Recalcitrance or Recidivism		$0.00
	Justification: n/a		
Line 5	Factor D: Voluntary and Complete Disclosure of Violations		$0.00
	Justification: n/a		
Line 6	Factor E: Full and Prompt Cooperation		$0.00
	Justification: n/a		
Line 7	Factor F: Environmental Compliance Program		$0.00
	Justification: n/a		
Line 8	Factor G: Other Aggravating or Mitigating Circumstances		$0.00
	Justification: n/a		
Line 9	Sum of Lines 2 through Line 8		$0.00
Line 10	**Adjusted Base Penalty** (Sum of Line 1 + Line 9)		**$100.00**

Exhibit A

Part III – Determination of Days of Violation

			Days of Violation
Line 11	Total Days of Violation		**1**
	Justification: The Division has chosen to consider the failure to monitor for lead and copper in 2004 violation as a single day violation.		

Part IV – Determination of Multi-Day Penalty Amount

			Amount in Dollars
Line 12	Multi-Day Penalty Amount		**$100.00**
	Calculations: *Day 1 ($100.00)*	*= $100.00*	

Part V – Economic Benefit Consideration

			Amount in Dollars
Line 13	Economic Benefit:		**$0.00**
	Justification: The Division believes that the System realized an economic benefit by failing to monitor since it has delayed its cost for the tests itself as well as the cost of the labor involved in obtaining sample bottles, conducting the testing, and transporting the samples to a lab. However, the Division currently believes that this economic benefit is insignificant as this enforcement order will require the System to perform the delinquent monitoring.		

Part VI – Violation Penalty Total

			Amount in Dollars
Line 14	Total Administrative Penalty: (Line 12 + Line 13)		**$100.00**

Part VII – Ability to Pay Adjustment

			Amount in Dollars
Line 15	**Ability to Pay Reduction:**		$0.00
	Justification: Not Applicable – The Division does not have any information suggesting that Tina and Kim Oliver have an inability to pay the assessed penalty amount.		

Exhibit A

Part VIII – Final Adjusted Penalty

			Amount in Dollars
Line 16	Total Administrative Penalty: (Line 14 - Line 15)		$100.00

Exhibit A

ADMINISTRATIVE PENALTY COMPUTATION WORKSHEET
VIOLATION NUMBER: 4 (Counts 2 and 3)

System Name: Elephant Rock MHP	**PWSID Number: CO-0121200**
Date of Enforcement Order: *August 31, 2007*	**Number:** DC-070831-7
Regulation Violated: Failure to Monitor for Lead and Copper, 5 CCR 1003-1, §8.7	**Population Served:** 65

Part I – Base Penalty Calculation

	Violation Type	Population Range	Amount in Dollars
Line 1:	Failure to Monitor for Lead and Copper – 2005 and 2006	< 500 Served	**$100.00**

Part II – Application of Aggravating or Mitigating Factors

	Aggravating / Mitigating Factors	% Base Penalty Increase or Decrease	Amount in Dollars
Line 2	Factor A: Threat to Public Health and Welfare		$0.00
	Justification: n/a		
Line 3	Factor B: Intentional, Reckless, or Negligent Actions		$0.00
	Justification: n/a		
Line 4	Factor C: Recalcitrance or Recidivism	+25%	$25.00
	Justification: Tina and Kim Oliver failed to monitor for lead and copper in 2005 and 2006 even after the Division provided specific notice of its 2004 failure to monitor violation. In addition, the Division provided specific information on the Division's ongoing expectations on multiple occasions which the system disregarded.		
Line 5	Factor D: Voluntary and Complete Disclosure of Violations		$0.00
	Justification: n/a		
Line 6	Factor E: Full and Prompt Cooperation		$0.00
	Justification: n/a		
Line 7	Factor F: Environmental Compliance Program		$0.00
	Justification: n/a		
Line 8	Factor G: Other Aggravating or Mitigating Circumstances		$0.00
	Justification: n/a		
Line 9	Sum of Lines 2 through Line 8		$25.00

Exhibit A

	Aggravating / Mitigating Factors	% Base Penalty Increase or Decrease	Amount in Dollars
Line 10	**Adjusted Base Penalty** (Sum of Line 1 + Line 9)		**$125.00**

Part III – Determination of Days of Violation

			Days of Violation
Line 11	Total Days of Violation		**2**
	Justification: The Division has chosen to consider the failure to monitor for lead and copper as a single day violation for each count of the violation.		

Part IV – Determination of Multi-Day Penalty Amount

			Amount in Dollars
Line 12	Multi-Day Penalty Amount		**$250.00**
	Calculations: *Day 1(calendar year 2005) ($125.00)* = *$125.00* *Day 2(calendar year 2006) ($125.00)* = *$125.00*		

Part V – Economic Benefit Consideration

			Amount in Dollars
Line 13	Economic Benefit:		**$0.00**
	Justification: The Division believes that the System realized an economic benefit by failing to monitor since it has delayed its cost for the tests itself as well as the cost of the labor involved in obtaining sample bottles, conducting the testing, and transporting the samples to a lab. However, the Division currently believes that this economic benefit is insignificant as this enforcement order will require the System to perform the delinquent monitoring.		

Part VI – Violation Penalty Total

			Amount in Dollars
Line 14	Total Administrative Penalty: (Line 12 + Line 13)		**$250.00**

Exhibit A

Part VII – Ability to Pay Adjustment

			Amount in Dollars
Line 15	**Ability to Pay Reduction:**		$0.00
	Justification: Not Applicable – The Division does not have any information suggesting that Tina and Kim Oliver have an inability to pay the assessed penalty amount.		

Part VIII – Final Adjusted Penalty

			Amount in Dollars
Line 16	**Total Administrative Penalty: (Line 14 - Line 15)**		**$250.00**