

# STATE OF COLORADO

Bill Ritter, Jr., Governor  
Ned Calonge, M.D., Interim 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

November 24, 2009

*Certified Mail Number: 7099 3220 0003 0282 7424*

PWSID# CO107702

Mr. Kevin Ehrlick  
San Souci Mobile Home Park  
410 Centennial Drive  
Louisville, CO 80027

## **SERVICE OF DRINKING WATER ENFORCEMENT ORDER NUMBER: DC-091124-1**

Dear Mr. Ehrlick:

San Souci Mobile Home Park is hereby issued the enclosed Enforcement Order and Administrative Penalty Assessment (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 and §25-1-114.1 of the Colorado Revised Statutes ("C.R.S.").

The Department bases this Order upon findings that San Souci Mobile Home Park violated the Colorado Primary Drinking Water Regulations (the "Regulations") as described in the enclosed Order.

As a recipient of an enforcement order and administrative penalty assessment San Souci Mobile Home Park may request a formal hearing to contest the action in accordance with 5 CCR 1003-1, §1.6.7(g) and/or §25-1-114.1(2.5)(b) C.R.S. Requests for such a hearing must be filed in writing with the Department and/or the Water Quality Control Commission within thirty (30) calendar days after service of the Order.

Hearings on enforcement orders and penalty assessments shall be held in accordance with applicable provisions of the State Administrative Procedure Act, §§24-4-101 through 24-4-108, C.R.S.

Should San Souci Mobile Home Park desire to informally discuss this matter with the Department or if you have any questions regarding the Order, please don't hesitate to contact Scott Klarich at (303) 692-3564 or by electronic mail at [scott.klarich@state.co.us](mailto:scott.klarich@state.co.us).

Sincerely,



Jacalyn Whelan, EPS II  
Enforcement Unit  
Compliance Assurance Section  
WATER QUALITY CONTROL DIVISION

Enclosure

- cc: Boulder County Health Department  
Drinking Water Enforcement File
- ec: Jorge Delgado, Engineering Section, WQCD, CDPHE  
Dick Parachini, Watershed Program, WQCD, CDPHE  
Betsy Beaver, Facility Operators Program, WQCD, CDPHE  
Carolyn Schachterle, FSU, WQCD, CDPHE  
Shawn McCaffrey, EPA Region VIII  
Jeff Lawrence, Director Consumer Protection Division, CDPHE



**COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT**  
**WATER QUALITY CONTROL DIVISION**

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**ENFORCEMENT ORDER &  
ADMINISTRATIVE PENALTY ASSESSMENT**

**NUMBER: DC-091124-1**

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**IN THE MATTER OF: KEVIN EHRICK**  
**d/b/a SAN SOUCI MOBILE HOME PARK**  
**PUBLIC WATER SYSTEM IDENTIFICATION NUMBER: CO-0107702**  
**BOULDER COUNTY, COLORADO**

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Pursuant to the authority vested in the Colorado Department of Public Health and Environment (the “Department”) by §25-1-109 and §25-1.5-203 of the Colorado Revised Statutes (“C.R.S.”), which authority has been delegated to the Department’s Water Quality Control Division (the “Division”), the Division hereby makes the following findings and issues the following Enforcement Order:

**GENERAL FINDINGS**

1. Kevin Ehrlick owns and/or operates a drinking water system, known as San Souci Mobile Home Park, located at or near 410 Centennial, in or near the Town of Louisville, Boulder County, Colorado (the “System”).
2. Kevin Ehrlick is a supplier of water within the meaning of §25-1.5-201(2), C.R.S.
3. The System is a public water system as defined by §25-1.5-201(1), C.R.S. and its implementing regulation, 5 CCR 1003-1, §1.5.2(87).
4. The Public Water System Identification Number (“PWSID”), assigned to the System by the Division is PWSID # CO-0107702.
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. Kevin Ehrlick provides piped water for human consumption from the System to at least fifteen (15) service connections used by year-round residents of the area served by the System and/or regularly serves at least twenty-five (25) year-round residents. The System is therefore classified as a “community water system” as defined by 5 CCR 1003-1, §1.5.2(10).

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

7. Section 9.1, 5 CCR 1003-1 establishes the minimum requirements for the content of the Consumer Confidence Report, annual reports that community water systems must deliver to their customers. These reports must contain information on the quality of the water delivered by the systems and characterize the risks (if any) from exposure to contaminants detected in the drinking water in an accurate and understandable manner.
8. Pursuant to 5 CCR 1003-1, §§9.1.2(a) and 9.1.5(a), each community water system must mail or otherwise directly deliver one copy of the System's Consumer Confidence Report to each customer served by the System by July 1 of each calendar year. Each Consumer Confidence Report must contain system information, sampling results, and violation data collected during, or prior to, the previous calendar year.
9. Pursuant to 5 CCR 1003-1, §§9.1.2(d) and 9.1.5(c), each community water system must mail a copy of the System's Consumer Confidence Report to the Department and a certification that the Consumer Confidence Report has been distributed to customers and that the information is correct and consistent with the compliance monitoring data previously submitted to the Department by July 1 of each calendar year.
10. Division records show that Kevin Ehrlick has failed to provide the Department with a copy of the System's Consumer Confidence Report containing compliance data from calendar years 2007 and 2008, due by July 1, 2008, and July 1, 2009, respectively, and has failed to provide the Department with the required certifications that each report was distributed.
11. Kevin Ehrlick's failure to provide the Department with copies of the System's Consumer Confidence Reports containing compliance data from calendar years 2006 and 2007 and required certification of delivery for the System's 2005 Consumer Confidence Report constitutes violations of 5 CCR 1003-1, §§9.1.2(d) and 9.1.5(c). Additionally, if Kevin Ehrlick failed to provide each customer served by the System with a copy of the System's 2005 Consumer Confidence Report, such failure constitutes a violation of 5 CCR 1003-1, §§9.1.2(a) and 9.1.5(a).

**COMPLIANCE ORDER**

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

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

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

13. Within fourteen (14) calendar days after receipt of this Order, Kevin Ehrlick shall provide the Division with a copy of the System's Consumer Confidence Report containing compliance data from calendar years 2007 and 2008 and the required delivery certification. If Kevin Ehrlick has not delivered the 2007 and 2008 Consumer Confidence Report, Kevin Ehrlick shall mail or otherwise directly deliver one copy of the reports to each

customer served by the System and provide the Division with a copy of the reports along with the required delivery certifications within thirty (30) calendar days of receipt of this Order.

14. Within thirty (30) calendar days after receipt of this Order, Kevin Ehrlick shall provide a written statement describing those actions that have been or will be taken to ensure that future Consumer Confidence Reports are prepared, certified and distributed as required by 5 CCR 1003-1, §9.1.

### **ORDER FOR ADMINISTRATIVE PENALTY**

15. 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.
16. 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 ***Seven Hundred Fifty*** dollars (***\$750.00***) for the specific violation identified in this action. The reasoning behind this penalty number is detailed in the administrative penalty methodology/calculation worksheet, which is incorporated herein by reference and enclosed as Exhibit A.

### **Terms of Administrative Penalty Payment**

17. If Kevin Ehrlick 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:

Colorado Department of Public Health and Environment  
Water Quality Control Division / WQCD-WQP-B2  
Compliance Assurance Section / Enforcement Team  
Attention: Jackie Whelan  
4300 Cherry Creek Drive South  
Denver, Colorado 80246-1530  
Email: [jackie.whelan@state.co.us](mailto:jackie.whelan@state.co.us)

*(To facilitate payment processing, please ensure that Ms. Whelan's name is on the outside of the envelope.)*

Payment of the civil penalty in this manner does not relieve Kevin Ehrlick of his 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, Kevin Ehrlick shall submit an original and one copy (electronic is preferred) to the Division at the following address:

Colorado Department of Public Health and Environment  
Water Quality Control Division / WQCD-WQP-B2  
Compliance Assurance Section / Enforcement Team  
Attention: Jacalyn Whelan  
4300 Cherry Creek Drive South  
Denver, Colorado 80246-1530

Email: [jackie.whelan@state.co.us](mailto:jackie.whelan@state.co.us)

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

Pursuant to 5 CCR 1003-1, §1.6.4(e), all reports, notices, summaries, and certifications required to be submitted to the Department by the public water system must bear the original signature of the owner or the owner's authorized representative.

### **NOTICE OF COMPLETION**

Kevin Ehrlick 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 Kevin Ehrlick 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 §25-1-114.1, C.R.S., that violators of the Regulations or final enforcement orders issued by the Department are subject to civil or administrative penalties of up to one thousand dollars (\$1,000) per violation per day, to be imposed by the Department or a State District Court. Further, pursuant to §25-1-114(4), C.R.S., any person, association, or corporation, or the officers thereof, who violates, disobeys, or disregards any provision of the Regulations or an enforcement order is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than one thousand dollars (\$1,000), or by imprisonment in the county jail for not more than one (1) year, or by both such fine and imprisonment and, in addition to such fine and imprisonment, shall be liable for any expense incurred by health authorities in removing any nuisance, source of filth, or cause of

sickness. By virtue of issuing this enforcement order, the Department has not waived its right to bring an action for penalties under §25-1-114.1, C.R.S., and may bring such action in the future.

### **REQUEST FOR HEARING**

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.

### **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 24<sup>th</sup> day of November, 2009.

**FOR THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT**

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

Exhibit A

**KEVIN EHRLICK, d/b/a SAN SOUCI MOBILE HOME PARK**  
**PUBLIC WATER SYSTEM IDENTIFICATION NUMBER: CO-0107702**  
**BOULDER COUNTY, COLORADO**

**ADMINISTRATIVE PENALTY COMPUTATION WORKSHEET**  
**(November 30, 2009)**

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**Penalty Summary**

<b><u>Penalty Calculation - Violation Number 1</u></b> (Count 1)	<b><u>\$375.00</u></b>
(Count 2)	<b><u>\$375.00</u></b>

**Violation:** Failure to Prepare Consumer Confidence Report  
**Regulation Violated:** 5 CCR 1003-1, §9.1.2

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<b>TOTAL PENALTY.</b>	<b>\$750.00</b>
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Exhibit A

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

<b>System Name: Kevin Ehrlick, d/b/a San Souci Mobile Home Park</b>	<b>PWSID Number: CO-0107702</b>
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<b>Date of Enforcement Order: November 30, 2009</b>	<b>Number: DC-091130-1</b>
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<b>Regulation Violated: Failure to Prepare Consumer Confidence Report, 5 CCR 1003-1, §9.1.2</b>	<b>Population Served: 150</b>
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**Part I – Base Penalty Calculation**

	<b>Violation Type</b>	<b>Population Range</b>	<b>Amount in Dollars</b>
Line 1	Failure to Prepare Consumer Confidence Report – <i>due by July 1, 2008</i>	< 500 Served	<b>\$250.00</b>

**Part II – Application of Aggravating or Mitigating Factors**

	<b>Aggravating / Mitigating Factors</b>	<b>% Base Penalty Increase or Decrease</b>	<b>Amount in Dollars</b>
Line 2	Factor A: Threat to Public Health and Welfare		\$0.00
	<i>Justification: n/a</i>		
Line 3	Factor B: Intentional, Reckless, or Negligent Actions		\$0.00
	<i>Justification: n/a</i>		
Line 4	Factor C: Recalcitrance or Recidivism	+ 50 %	<b>+ \$125.00</b>
	<i>Justification: Kevin Ehrlick was issued Enforcement Order (number DC-060120-7) on January 20, 2006, for his failure to comply with the Consumer Confidence Report requirements. Therefore, Kevin Ehrlick has demonstrated a history/pattern of not obeying or complying with his regulatory obligations, thereby revealing a level of disregard for regulatory programs. Kevin Ehrlick's continued noncompliance with the same violation supports an upward adjustment of 50%.</i>		
Line 5	Factor D: Voluntary and Complete Disclosure of Violations		\$0.00
	<i>Justification:</i>		
Line 6	Factor E: Full and Prompt Cooperation		\$0.00

Exhibit A

	Aggravating / Mitigating Factors	% Base Penalty Increase or Decrease	Amount in Dollars
	<i>Justification: n/a</i>		
Line 7	Factor F: Environmental Compliance Program		\$0.00
	<i>Justification: n/a</i>		
Line 8	Factor G: Other Aggravating or Mitigating Circumstances		\$0.00
	<i>Justification: n/a</i>		
Line 9	Sum of Lines 2 through Line 9		+ \$125.00
<b>Line 10</b>	<b>Adjusted Base Penalty (Sum of Line 1 + Line 9)</b>		<b>\$375.00</b>

**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 this Consumer Confidence Reporting violation to be a single day violation.</i>	

**Part IV – Determination of Multi-Day Penalty Amount**

		Amount in Dollars
Line 12	Multi-Day Penalty Amount	\$375.00
	<i>Calculations:</i> <i>Day 1 (\$375.00) = \$375.00</i>	

**Part V – Economic Benefit Consideration**

		Amount in Dollars
Line 13	Economic Benefit:	\$0.00
	<i>Justification: The Division does not believe that Kevin Ehrlick will realize a significant economic benefit from the <b>delayed</b> cost of preparing and distributing his Consumer Confidence Report.</i>	

Exhibit A

**Part VI – Violation Penalty Total**

		<b>Amount in Dollars</b>
Line 14	Total Administrative Penalty: (Line 12 + Line 13)	<b>\$375.00</b>

**Part VII – Ability to Pay Adjustment**

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

**Part VIII – Final Adjusted Penalty**

		<b>Amount in Dollars</b>
Line 16	Total Administrative Penalty: (Line 14 - Line 15)	<b>\$375.00</b>

Exhibit A

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

<b>System Name: Kevin Ehrlick, d/b/a San Souci Mobile Home Park</b>	<b>PWSID Number: CO-0107702</b>
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<b>Date of Enforcement Order: November 30, 2009</b>	<b>Number: DC-091130-1</b>
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<b>Regulation Violated: Failure to Prepare Consumer Confidence Report, 5 CCR 1003-1, §9.1.2</b>	<b>Population Served: 150</b>
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**Part I – Base Penalty Calculation**

	<b>Violation Type</b>	<b>Population Range</b>	<b>Amount in Dollars</b>
Line 1	Failure to Prepare Consumer Confidence Report – <i>due by July 1, 2008</i>	< 500 Served	<b>\$250.00</b>

**Part II – Application of Aggravating or Mitigating Factors**

	<b>Aggravating / Mitigating Factors</b>	<b>% Base Penalty Increase or Decrease</b>	<b>Amount in Dollars</b>
Line 2	Factor A: Threat to Public Health and Welfare		\$0.00
	<i>Justification: n/a</i>		
Line 3	Factor B: Intentional, Reckless, or Negligent Actions		\$0.00
	<i>Justification: n/a</i>		
Line 4	Factor C: Recalcitrance or Recidivism	+ 50 %	<b>+ \$125.00</b>
	<i>Justification: Kevin Ehrlick was issued Enforcement Order (number DC-060120-7) on January 20, 2006, for his failure to comply with the Consumer Confidence Report requirements. Therefore, Kevin Ehrlick has demonstrated a history/pattern of not obeying or complying with his regulatory obligations, thereby revealing a level of disregard for regulatory programs. Kevin Ehrlick's continued noncompliance with the same violation supports an upward adjustment of 50%.</i>		
Line 5	Factor D: Voluntary and Complete Disclosure of Violations		\$0.00
	<i>Justification:</i>		
Line 6	Factor E: Full and Prompt Cooperation		\$0.00

Exhibit A

	Aggravating / Mitigating Factors	% Base Penalty Increase or Decrease	Amount in Dollars
	<i>Justification: n/a</i>		
Line 7	Factor F: Environmental Compliance Program		\$0.00
	<i>Justification: n/a</i>		
Line 8	Factor G: Other Aggravating or Mitigating Circumstances		\$0.00
	<i>Justification: n/a</i>		
Line 9	Sum of Lines 2 through Line 9		+ \$125.00
<b>Line 10</b>	<b>Adjusted Base Penalty (Sum of Line 1 + Line 9)</b>		<b>\$375.00</b>

**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 this Consumer Confidence Reporting violation to be a single day violation.</i>	

**Part IV – Determination of Multi-Day Penalty Amount**

		Amount in Dollars
Line 12	Multi-Day Penalty Amount	\$375.00
	<i>Calculations:</i> <i>Day 1 (\$375.00) = \$375.00</i>	

**Part V – Economic Benefit Consideration**

		Amount in Dollars
Line 13	Economic Benefit:	\$0.00
	<i>Justification: The Division does not believe that Kevin Ehrlick will realize a significant economic benefit from the <b>delayed</b> cost of preparing and distributing his Consumer Confidence Report.</i>	

Exhibit A

**Part VI – Violation Penalty Total**

		<b>Amount in Dollars</b>
Line 14	Total Administrative Penalty: (Line 12 + Line 13)	<b>\$375.00</b>

**Part VII – Ability to Pay Adjustment**

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

**Part VIII – Final Adjusted Penalty**

		<b>Amount in Dollars</b>
Line 16	Total Administrative Penalty: (Line 14 - Line 15)	<b>\$375.00</b>