

# 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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November 30, 2009



Colorado Department  
of Public Health  
and Environment

**Certified Mail Number: 7099 3220 0003 0282 7455**

PWSID# CO0130100  
Ms. Terry Miers  
Mountain Water and Sanitation District  
12365 US HWY 285  
Conifer, CO 80433

## **SERVICE OF AMENDMENT TO ENFORCEMENT ORDER NUMBER: DC-051107-1**

Dear Ms. Miers:

Mountain Water and Sanitation District is hereby issued the enclosed amendment number two (2) to the Enforcement Order (Number: DC-051107-1) that was issued to Mountain Water and Sanitation District on November 7, 2005. This order amendment is issued by the Colorado Department of Public Health and Environment's Water Quality Control Division (the "Division") pursuant to the authority given to the Division by §25-1.5-203 of the Colorado Revised Statutes.

Should you desire to discuss this matter with the Division or if you have any questions regarding the order amendment(s), please don't hesitate to contact me at (303) 692-3617 or by electronic mail at [jackie.whelan@state.co.us](mailto:jackie.whelan@state.co.us).

Sincerely,

Jacalyn M. Whelan, EPS II  
Drinking Water Enforcement Specialist  
WATER QUALITY CONTROL DIVISION

cc: Jefferson County Health Department  
Enforcement File

ec: Jon Erickson, Engineering Section, CDPHE  
Dick Parachini, Outreach and Assistance Unit, CDPHE  
Betsy Beaver, Facility Operators Program, CDPHE  
Carolyn Schachterle, Financial Solutions Unit, CDPHE  
Sean McCaffrey, EPA Region VIII

Enclosure



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

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**AMENDMENT TO ENFORCEMENT ORDER NUMBER: DC-051107-1**  
**NUMBER TWO**

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**IN THE MATTER OF: MOUNTAIN WATER AND SANITATION DISTRICT**  
**PUBLIC WATER SYSTEM IDENTIFICATION NUMBER: CO-0130100**  
**JEFFERSON 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 is implemented by the Department's Water Quality Control Division (the "Division"), the Division hereby makes the following findings and issues the following Enforcement Order Amendment:

**GENERAL FINDINGS**

1. On August 31, 2005, the Division issued Enforcement Order Number: DC-051107-1 to the Mountain Water and Sanitation District citing violations of the Colorado Primary Drinking Water Regulations for failure to comply with the maximum contaminant levels for gross alpha particle activity and uranium. The Enforcement Order was subsequently amended (Amendment Number One) on March 7, 2006, to revise the compliance schedule as a result of constraints (financial and other) that limited the Mountain Water and Sanitation District's ability to comply with the effective Enforcement Order. The Enforcement Order and Amendment Number One are attached hereto as Exhibits A and B respectively and are incorporated herein by reference.
2. After re-evaluating the difficulties associated with complying with the radionuclides maximum contaminant levels and to align the imposed compliance schedule with the Division's CORADS initiative, the Division is amending Enforcement Order Number DC-051107-1 as follows:

**AMENDMENT NUMBER TWO**

3. Effective as of the issued date of this Amendment, Enforcement Order Number: DC-051107-1 and its associated Amendment Number 1, are hereby amended to revise the Enforcement Order as follows:
  - A. Paragraphs 11 is superseded and replaced with the following new paragraph 11:

**Paragraph 11:** A review of the radiological monitoring data from January 1, 2004, to present, provided to the Department by the System, establishes that the running annual average of samples obtained by the System as required exceeds the maximum contaminant level of 15 picocuries per liter (pCi/L) for gross alpha particle activity.

<b>Gross Alpha Particle Activity (in picocuries per liter (pCi/L))</b>					
<b>Sampling Point</b>	<b>1<sup>st</sup> Sample</b>	<b>2<sup>nd</sup> Sample</b>	<b>3<sup>rd</sup> Sample</b>	<b>4<sup>th</sup> Sample</b>	<b>Annual Average</b>
014	March 30, 2004 82.16 pCi/L	June 3, 2004 34.97 pCi/L	August 9, 2004 0 pCi/L	December 6, 2004 82.5 pCi/L	50 pCi/L
	June 3, 2004 34.97 pCi/L	August 9, 2004 0 pCi/L	December 6, 2004 82.5 pCi/L	March 3, 2005 48.2 pCi/L	41 pCi/L
	August 9, 2004 0 pCi/L	December 6, 2004 82.5 pCi/L	March 3, 2005 48.2 pCi/L	May 11, 2005 42.4 pCi/L	43 pCi/L
	October 13, 2006 42.9 pCi/L				43 pCi/L
	June 13, 2007 16.5 pCi/L	October 4, 2007 26.4 pCi/L			21 pCi/L
	January 10, 2008 69.2 pCi/L				69 pCi/L
025	October 13, 2006 80 pCi/L				80 pCi/L
	June 7, 2007 10.3 pCi/L	October 4, 2007 6.6 pCi/L			8 pCi/L
	January 10, 2008 15.2 pCi/L				15 pCi/L
	March 10, 2009 28 pCi/L				28 pCi/L
027	October 13, 2006 16 pCi/L				16 pCi/L
	May 23, 2007 18.9 pCi/L	October 4, 2007 7.9 pCi/L			14 pCi/L
	January 10, 2008 19.6 pCi/L				20 pCi/L
029	March 30, 2004 9.3 pCi/L	June 3, 2004 32.9 pCi/L	August 9, 2004 20.4 pCi/L	December 6, 2004 12.62 pCi/L	19 pCi/L
	June 3, 2004 32.9 pCi/L	August 9, 2004 20.4 pCi/L	December 6, 2004 12.62 pCi/L	March 3, 2005 29 pCi/L	24 pCi/L
	August 9, 2004 20.4 pCi/L	December 6, 2004 12.62 pCi/L	March 3, 2005 29 pCi/L	May 11, 2005 23.27 pCi/L	21 pCi/L
	October 13, 2006 31 pCi/L				31 pCi/L
	May 16, 2007 24.2 pCi/L	October 4, 2007 8.9 pCi/L			17 pCi/L
	January 10, 2008 27.9 pCi/L				28 pCi/L

Gross Alpha Particle Activity (in picocuries per liter (pCi/L))					
Sampling Point	1 <sup>st</sup> Sample	2 <sup>nd</sup> Sample	3 <sup>rd</sup> Sample	4 <sup>th</sup> Sample	Annual Average
037	October 13, 2006 17.9 pCi/L				18 pCi/L
	May 9, 2007 22.2 pCi/L	July 24, 2007 20.2 pCi/L	November 6, 2007 17.6 pCi/L		20 pCi/L
	January 10, 2008 20.9 pCi/L				21 pCi/L
038	October 13, 2006 21.6 pCi/L				22 pCi/L
	May 9, 2007 19.9 pCi/L	July 24, 2007 15.6 pCi/L	November 6, 2007 11.6 pCi/L	January 10, 2008 16.5 pCi/L	16 pCi/L

B. Paragraph 15 is superseded and replaced with the following new paragraph 15:

**Paragraph 15:** A review of the radiological monitoring data from January 1, 2004, to present, provided to the Department by the System, establishes that the running annual average of samples obtained by the System as required exceeds the maximum contaminant level of 30 micrograms per liter (µg/L) for uranium.

Uranium (in micrograms per liter (µg/L))					
Sampling Point	1 <sup>st</sup> Sample	2 <sup>nd</sup> Sample	3 <sup>rd</sup> Sample	4 <sup>th</sup> Sample	Annual Average
014	March 30, 2004 152 µg/L	June 3, 2004 309 µg/L	August 9, 2004 694 µg/L	December 6, 2004 152 µg/L	351 µg/L
	June 3, 2004 309 µg/L	August 9, 2004 694 µg/L	December 6, 2004 152 µg/L	March 3, 2005 540 µg/L	448 µg/L
	August 9, 2004 694 µg/L	December 6, 2004 152 µg/L	March 3, 2005 540 µg/L	May 11, 2005 77 µg/L	390 µg/L
	October 13, 2006 130 µg/L				130 µg/L
	June 13, 2007 35 µg/L	October 4, 2007 280 µg/L			158 µg/L
	January 10, 2008 240 µg/L				240 µg/L
025	March 11, 2009 100 µg/L				100 µg/L

C. The compliance schedule specified in paragraph 18 of Enforcement Order Number: DC-051107-1 is superseded and replaced with the following new paragraph 18:

**Paragraph 18:** In order to ensure long-term compliance with the maximum contaminant levels for gross alpha particle activity and uranium, the Mountain Water and Sanitation District shall evaluate and upgrade, as needed, the System's water sources and/or treatment process(es) in accordance with the following schedule:

- a. By February 28, 2010, submit for Department review and comment the final Design Report for the Mountain Water and Sanitation District System improvements to comply with the maximum contaminant levels for gross alpha particle activity and uranium.

*{Please note that, prior to construction, the Department must give final approval to any modifications to the System's water source or treatment process. The Department will not perform a detailed review and final approval of any proposed modifications until the final design plans and specifications have been received pursuant to paragraph 18(b)below.}*

- b. By August 1, 2010, submit Final Design Plans and Specifications for the System improvements for Department review and approval in accordance with the State of Colorado Design Criteria for Potable Water Systems. The Final Design Plans and Specifications submittal package must include specifications for treatment equipment and/or chemical additives that come in contact with the water that indicate ANSI standards 60 and 61 are met (NSF certification).
- c. By October 15, 2011, complete construction/implementation of the Department approved System improvements to ensure long-term compliance with the maximum contaminant levels for gross alpha particle activity and uranium.
- d. By December 1, 2011, submit the Professional Engineer's Certification that the System improvements to comply with the maximum contaminant levels for gross alpha particle activity and uranium were constructed/installed as approved by the Department.

- D. The interim measure requirements specified in paragraph 19 of Enforcement Order Number: DC-051107-1 are superseded and replaced with the following new paragraph 19:

**Paragraph 19:** Mountain Water and Sanitation District shall continue to implement the measures the System identified in its interim measures/progress report submitted to the Division on March 31, 2009, that are designed to ensure that the System is providing the best possible quality of water available, until the System implements improvements to ensure long-term compliance with the radiological maximum contaminant levels. A copy of the March 31, 2009, interim measures/progress report is attached hereto as Exhibit C and is incorporated herein by reference.

In addition, Mountain Water and Sanitation District shall implement the additional interim measures specified below:

- a. Mountain Water and Sanitation District shall continue the water conservation efforts established to assist the System to provide the best quality of water available to its customers. Mountain Water and Sanitation District shall include a report on its water conservation efforts every ninety (90) calendar days pursuant to the reporting requirements

specified in paragraph 22. (Note: Paragraph 27 is incorrectly numbered in Enforcement Order Number: DC-051107-1 and is hereby corrected to read paragraph 22).

- b. Mountain Water and Sanitation District shall develop and implement an enhanced public education program. A copy of the Division's "*Radionuclides Public Education Program Guidance*" is attached hereto as Exhibit D. In addition to the public notification requirements of Enforcement Order Number: DC-051107-1 paragraph 21, to inform its customers on the health effects associated with the radionuclide contaminants in its distributed water. The public education program shall be developed and implemented along the following time schedule:
  - i. By no later than January 1, 2010, Mountain Water and Sanitation District shall submit to the Division in writing, for review and comment, a detailed outline of its proposed enhanced public education program, including its associated materials and implementation/delivery time schedule.
  - ii. The implementation/delivery schedule should initiate no later than February 1, 2010, and should continue until the Mountain Water and Sanitation District has demonstrated reliable and consistent compliance with the radionuclide maximum contaminant levels. The enhanced public education program, as submitted, shall become a condition of Enforcement Order Number: DC-051107-1, and Mountain Water and Sanitation shall implement the actions and schedule as submitted unless notified by the Division, in writing, that alternate actions and/or time schedules are appropriate. If the Division imposes alternate actions and/or time schedules, they shall also become a condition of Enforcement Order Number: DC-051107-1.

- E. The following requirements are added to the public notice requirements specified in paragraph 21 of Enforcement Order Number: DC-051107-1:

In the event Mountain Water and Sanitation District returns any single sample result that exceeds ten (10) times a radionuclide maximum contaminant level, a level that has been determined by the Division to pose an unreasonable risk to public health, Mountain Water and Sanitation District shall initiate a tier one public notice Bottle Water Advisory as soon as possible, but within 24 hours after Mountain Water and Sanitation District is notified of the results, in accordance with 5 CCR 1003-1, §9.2. Mountain Water and Sanitation District shall provide bottled water to all customers as long as the tier 1 public notice is required. The issuance of the tier one public notice shall remain a requirement until contaminant monitoring results show the level has dropped below ten (10) times the maximum contaminant level. Copies of the Division's *Tier 2 Public Notification Instructions*, *Tier 2 PN Template*, and *Certificate of Delivery Form* are attached hereto as Exhibit E.

- F. The Notice and Submittals section of Enforcement Order Number DC-051107-1 is superseded and replaced with the following new paragraphs:

For all documents, plans, records, reports, and replies required to be submitted by the Order, Mountain Water and Sanitation District 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-B2  
Compliance Assurance and Data Management 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)

All documents submitted under this Enforcement Order shall use the same titles as stated in the Enforcement Order, and shall reference both the number of the Enforcement Order and the number of paragraph pursuant to which the document is required.

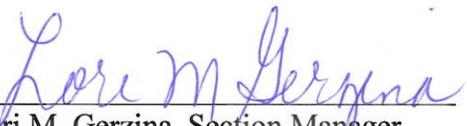
Pursuant to 5 CCR 1003-1, §1.6.4(e), all reports, notices, summaries, and certifications required to be submitted to the Department by the public water system must bear the original signature of the owner or the owner's authorized representative.

### **SCOPE OF AMENDMENT NUMBER TWO**

The scope of this Amendment Number Two to Enforcement Order Number DC-051107-1 is limited to the revisions outlined above. All other terms and conditions of the Enforcement Order shall remain unchanged and in effect.

Issued at Glendale, Colorado, this 30 day of November, 2009.

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

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



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

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**ENFORCEMENT ORDER**

**NUMBER: DC-050831-1**

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**IN THE MATTER OF: MOUNTAIN WATER AND SANITATION DISTRICT  
PUBLIC WATER SYSTEM IDENTIFICATION NUMBER: CO-0130100  
JEFFERSON 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. Mountain Water and Sanitation District ("Mountain WSD") owns and/or operates a drinking water system located at or near 12365 Highway 285, in or near the Town of Conifer, Jefferson County, Colorado (the "System")
2. Mountain WSD 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-0130100.
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. Mountain WSD 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).
7. Pursuant to 5 CCR 1003-1, §2.6 and §6.3 the radionuclide monitoring, compliance requirements and maximum contaminant levels for radionuclides apply to all community public water systems.
8. The System's source of water is groundwater as defined by 5 CCR 1003-1, §1.5.2(53).

**First Violation**  
**(Exceeding the Maximum Contaminant Level for Gross Alpha Particle Activity)**

9. Pursuant to 5 CCR 1003-1, §2.6, Table 2-7(2), the maximum contaminant level for gross alpha particle activity is 15 pCi/L.
10. Pursuant to 5 CCR 1003-1, §6.3.5, compliance with the maximum contaminant level is determined by a running annual average at each sampling point. If the average of any sampling point is greater than the maximum contaminant level, then the system is out of compliance with the maximum contaminant level.
11. A review of the radiological monitoring data, provided to the Department by the System, shows that the running annual average of the following samples obtained by the System exceed the maximum contaminant level for gross alpha particle activity:

<b>Gross Alpha Particle Activity (in picocuries per liter (pCi/L)) – Sampling Point 014</b>				
<b>1<sup>st</sup> Sample</b>	<b>2<sup>nd</sup> Sample</b>	<b>3<sup>rd</sup> Sample</b>	<b>4<sup>th</sup> Sample</b>	<b>Running Annual Average</b>
March 30, 2004 82.16 pCi/L	June 3, 2004 34.97 pCi/L	August 9, 2004 0 pCi/L	December 6, 2004 82.5 pCi/L	49.9 pCi/L
June 3, 2004 34.97 pCi/L	August 9, 2004 0 pCi/L	December 6, 2004 82.5 pCi/L	March 3, 2005 48.2 pCi/L	41.4 pCi/L
August 9, 2004 0 pCi/L	December 6, 2004 82.5 pCi/L	March 3, 2005 48.2 pCi/L	May 11, 2005 42.4 pCi/L	43.27 pCi/L

<b>Gross Alpha Particle Activity (in picocuries per liter (pCi/L)) – Sampling Point 029</b>				
<b>1<sup>st</sup> Sample</b>	<b>2<sup>nd</sup> Sample</b>	<b>3<sup>rd</sup> Sample</b>	<b>4<sup>th</sup> Sample</b>	<b>Running Annual Average</b>
March 30, 2004 9.3 pCi/L	June 3, 2004 32.9 pCi/L	August 9, 2004 20.4 pCi/L	December 6, 2004 12.62 pCi/L	18.8 pCi/L
June 3, 2004 32.9 pCi/L	August 9, 2004 20.4 pCi/L	December 6, 2004 12.62 pCi/L	March 3, 2005 29 pCi/L	23.73 pCi/L
August 9, 2004 20.4 pCi/L	December 6, 2004 12.62 pCi/L	March 3, 2005 29 pCi/L	May 11, 2005 23.27 pCi/L	21.32 pCi/L

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

**Second Violation**  
**(Exceeding the Maximum Contaminant Level for Uranium)**

13. Pursuant to 5 CCR 1003-1, §2.6, Table 2-7(4), the maximum contaminant level for uranium is 30 micrograms per liter (µg/L).
14. Pursuant to 5 CCR 1003-1, §6.3.5, compliance with the maximum contaminant level is determined by a running annual average at each sampling point. If the average of any sampling point is greater than the maximum contaminant level, then the system is out of compliance with the maximum contaminant level.

15. A review of the radiological monitoring data, provided to the Department by the System, establishes that the running annual average of the following samples obtained by the System exceeds the maximum contaminant level for uranium:

Uranium (in micrograms per liter (µg/L)) - Sampling Point 013				
1 <sup>st</sup> Sample (Date/Result)	2 <sup>nd</sup> Sample (Date/Result)	3 <sup>rd</sup> Sample (Date/Result)	4 <sup>th</sup> Sample (Date/Result)	Running Annual Average
March 30, 2004 152 µg/L	June 3, 2004 309 µg/L	August 9, 2004 694 µg/L	December 6, 2004 152 µg/L	351.25 µg/L
June 3, 2004 309 µg/L	August 9, 2004 694 µg/L	December 6, 2004 152 µg/L	March 3, 2005 540 µg/L	448.25 µg/L
August 9, 2004 694 µg/L	December 6, 2004 152 µg/L	March 3, 2005 540 µg/L	May 11, 2005 77 µg/L	390.25 µg/L

16. Mountain WSD's failure to comply with the maximum contaminant level for uranium constitutes violation(s) of 5 CCR 1003-1, §2.6, Table 2-7(4).

### COMPLIANCE ORDER

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

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

Further, the Division hereby orders Mountain WSD to comply with the following specific terms and conditions of this Enforcement Order.

18. In order to ensure long-term compliance with the maximum contaminant levels for gross alpha particle activity and uranium, Mountain WSD shall evaluate and upgrade, as needed, the System's water sources and/or treatment process(es) in accordance with the following schedule:
- a. By September 30, 2005, retain a qualified Professional Engineer (experienced in drinking water systems) to evaluate and recommend radiological treatment technologies or alternate water sources to Mountain WSD to ensure compliance with the maximum contaminant levels for gross alpha particle activity and uranium.
  - b. By January 31, 2006, submit for Department review and comment a finalized Preliminary Design Report for system improvements to comply with the maximum contaminant levels for gross alpha particle activity and uranium. If an alternate water source is proposed, submit for Department review and comment a detailed description of the alternate water source along with a copy of the laboratory analyses supporting that the alternate water source is suitable.
    - i. The Preliminary Design Report (if applicable) must clearly identify the specific treatment technology Mountain WSD will use to ensure compliance with the maximum contaminant levels for gross alpha particle activity and uranium.

- ii. The Preliminary Design Report (if applicable) must include a process flow schematic of the distribution system from wellheads to points of use, including all service connections supplied by the wells. Alternative treatment locations for the selected treatment process or processes must be evaluated with a recommended location selection. The process flow schematic information and evaluation must be included to ensure all water from the System is treated.
- iii. The Preliminary Design Report must include a proposal for management of residuals from the treatment technology selected.

*{Please note that, prior to construction, the Department must give final approval to any modifications to the System's water source or treatment process. The Department will not perform a detailed review and final approval of any proposed modifications until the final design plans and specifications have been received pursuant to paragraph 18(d) below.}*

- c. By March 31, 2006, submit for Department review and comment the final Design Report for the Mountain WSD System improvements to comply with the maximum contaminant levels for gross alpha particle activity and uranium.

*(Please note: A Professional Engineer registered in the State of Colorado must design all treatment systems serving a community water supply.)*

- d. By May 31, 2006, submit Final Design Plans and Specifications for the System improvements for Department review and approval.
- e. By March 31, 2007, complete construction/implementation of the Department approved System improvements to ensure long-term compliance with the radiological maximum contaminant levels, specifically including the maximum contaminant levels for gross alpha particle activity and uranium.

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

20. Beginning September 1, 2005, Mountain WSD is authorized to cease performing quarterly radiological monitoring. In the alternative, Mountain WSD shall perform annual radiological monitoring consisting of collection of a single sample from each entry point to the distribution system one time per calendar year. Such monitoring shall include sampling for gross alpha, radium-226, radium-228, and uranium. The radiological sample(s) must be properly collected and analyzed by a Department certified laboratory

in accordance with approved methods. Mountain WSD shall provide the Department with the results of the radiological analyses within ten (10) calendar days of the end of the monitoring period.

21. Within thirty (30) calendar days after receipt of this Enforcement Order and every ninety (90) calendar days thereafter, Mountain WSD shall issue a public notice in accordance with 5 CCR 1003-1, Article 9.2 for each radiological maximum contaminant level violation identified in this Enforcement Order until Mountain WSD has effectively addressed and returned to compliance with the radiological maximum contaminant levels outlined in 5 CCR 1003-1, §2.6, Table 2-7. Within ten (10) calendar days of completion of each required public notification, Mountain WSD shall submit to the Department, along with the mandatory Public Notification Certification of Delivery, a representative copy of notices distributed, published, posted, and/or made available to the persons served by the system and/or to the media. *(Attached are copies of procedures and forms to assist you with the public notification requirements.)*
27. Mountain WSD shall submit "System Improvement Project - Progress Reports" to the Division every ninety (90) calendar days. The first report shall be submitted to the Division by September 30, 2005. At a minimum, each report shall clearly indicate the status of the system improvement project at the time the report is filed and outline activities to be undertaken within the next ninety (90) calendar days. Each report shall also detail any public notification provided during that period. These reports shall be required until the System has effectively addressed and returned to compliance with the radiological maximum contaminant levels outlined in 5 CCR 1003-1, §2.6, Table 2-7.

### **NOTICES AND SUBMITTALS**

For all documents, plans, records, reports and replies required to be submitted by this Enforcement Order, Mountain WSD shall submit an original and one (1) 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: Scott Klarich  
4300 Cherry Creek Drive South  
Denver, Colorado 80246-1530

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**

Mountain WSD 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 Mountain WSD 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.

**PRIOR APPROVAL REQUIRED**

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

**POTENTIAL ADMINISTRATIVE/CIVIL AND CRIMINAL PENALTIES**

You are also advised, pursuant to §25-1-114.1, C.R.S., that violators of the Regulations or final Enforcement Orders issued by the Department are subject to civil or administrative penalties of up to one thousand dollars (\$1,000) per violation per day, to be imposed by the Department or a State District Court. Further, pursuant to §25-1-114(4), C.R.S., any person, association, or corporation, or the officers thereof, who violates, disobeys, or disregards any provision of the Regulations or an Enforcement Order is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than one thousand dollars (\$1,000), or by imprisonment in the county jail for not more than one (1) year, or by both such fine and imprisonment and, in addition to such fine and imprisonment, shall be liable for any expense incurred by health authorities in removing any nuisance, source of filth, or cause of sickness. By virtue of issuing this Enforcement Order, the Department has not waived its right to bring an action for 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 Enforcement Order. Requests for such a hearing shall be filed in writing with the Department within thirty (30) calendar days after service of the Enforcement Order. Such requests shall state the grounds upon which the Enforcement 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 31<sup>st</sup> day of August, 2005.

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



Steven H. Gunderson, Director  
Water Quality Control Division



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

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**AMENDMENT NO. 1 TO ENFORCEMENT ORDER NUMBER: DC-050831-1**

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**IN THE MATTER OF: MOUNTAIN WATER AND SANITATION DISTRICT  
PUBLIC WATER SYSTEM IDENTIFICATION NUMBER: CO-0130100  
JEFFERSON 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 Amendment:

**GENERAL FINDINGS**

1. On August 31, 2005, the Division issued an Enforcement Order to Mountain Water and Sanitation District citing violations of the *Colorado Primary Drinking Water Regulations*, 5 CCR 1003-1, Articles 1 through 12. The Enforcement Order is attached hereto as Exhibit A and is incorporated herein by reference. The Enforcement Order specifically cited Mountain Water and Sanitation District for violating the maximum contaminant levels established by 5 CCR 1003-1, §2.6, Table 2-7(2) for gross alpha particle activity and by 5 CCR 1003-1, §2.6, Table 2-7(4) for uranium.
2. A letter from David Lindholm dated January 31, 2006 informed the Division that Mountain Water and Sanitation District is unable to meet several of the required milestones set out in Enforcement Order Number DC-050831-1 due to financial and other constraints. The letter proposed a different compliance schedule with regard to the two entry points to the distribution system (sampling point) with maximum contaminant level exceedances, sampling point 029 and EP sampling point 014.

**AMENDMENT NO. 1**

3. Effective as of the date of this Amendment, paragraph 18 of Enforcement Order Number DC-050831-1, is amended as follows:
  - a. Pursuant to paragraph 18.b. of Enforcement Order Number DC-050831-1, a finalized preliminary design report for system improvements was due to the Division on January 31, 2006. This paragraph 18.b. requirement is hereby amended to separate the milestones for the two sampling

- points. Therefore, the finalized preliminary design report is now due to the Division on **March 31, 2006** for EP sampling point 029 and **December 1, 2006** for EP sampling point 014.
- b. Pursuant to paragraph 18.c. of Enforcement Order Number DC-050831-1, a final design report for system improvements was due to the Division on March 31, 2006. This paragraph 18.c. requirement is hereby amended to separate the milestones for the two sampling points. Therefore, the final design report is now due to the Division on **June 1, 2006** for sampling point 029 and **May 1, 2007** for sampling point 014.
  - c. Pursuant to paragraph 18.d. of Enforcement Order Number DC-050831-1, the final Design Plans and Specifications for system improvements was due to the Division on May 31, 2006. This paragraph 18.d. requirement is hereby amended to separate the milestones for the two sampling points. Therefore, the final Design Plans and Specifications for system improvements is now due to the Division on **August 1, 2006** for sampling point 029 and **July 1, 2007** for sampling point 014.
  - d. Pursuant to paragraph 18.e. of Enforcement Order Number DC-050831-1, completion of construction/improvements was required by March 31, 2007. This paragraph 18.e. requirement is hereby amended to separate the milestones for the two sampling points. Therefore, the completion of construction/improvements is now due on **July 15, 2007** for sampling point 029 and **August 15, 2008** for sampling point 014.

#### SCOPE OF AMENDMENT NO. 1

The scope of this Amendment No. 1 to Enforcement Order Number DC-050831-1 is limited to time extensions for paragraph 18 of the compliance requirements. All other terms and conditions of the Enforcement Order shall remain unchanged and in effect.

Issued at Denver, Colorado, this 7<sup>th</sup> day of March, 2006.

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



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

## Mountain Water and Sanitation District

12365 Highway 285, Conifer, Colorado 80433  
(303) 838-1800 (303) 838-7938 Fax (303) 838-7960

March 31, 2009

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

Re: Interim Measures/Progress Report

Dear Ms. Whelan:

The purpose of this letter is to update the Colorado Department of Public Health and Environment ("CDPHE"), on the continuing measures the Mountain Water and Sanitation District ("District"), is taking to ensure that water distributed to our customers has the lowest possible radionuclide levels. The letter also outlines the continuing efforts of the District to bring our water system into compliance with the maximum contaminant levels for regulated radionuclides.

### **I. Interim Measures:**

As you know from past discussions, the most significant problem facing the District is the high uranium levels in the majority of the wells that supply the District's main water storage tank. Eight wells can deliver water to the tank. Two of the eight wells have consistently tested below the MCL for uranium. However, the pumping capacity of those wells is limited. The uranium levels in the other six wells have fluctuated substantially.

It was initially thought that the best strategy would be to discontinue using the four most problematic wells. However, as the two other wells were pumped more heavily, the uranium levels rose to levels that exceeded the wells temporarily taken out of service.

As a result, last year the District began checking uranium levels for each of the six wells on a monthly basis. Upon receipt of each set of tests, the wells having the lowest uranium readings are used until the next set of tests is available. Although the results from the uranium testing program are oftentimes difficult to understand, it does appear that there is a correlation between how much water is pumped from a well and the uranium level in the water, (i.e., the more a well is pumped the higher the uranium level).

The District is also testing the water that enters the distribution system from the main storage tank on a monthly basis. Unfortunately, there does not appear to be a good correlation between the uranium levels in the water entering the tank and the water

**RECEIVED**

APR 08 2009

WATER QUALITY CONTROL DIVISION

Colorado Department of Public Health and Environment  
Water Quality Control Division  
March 31, 2009  
Page No. 2

leaving the tank. This may be a function of the size of the tank and the length of time it takes to "turn the water over." However, it may also be due to something else. As a consequence, the decision has been made by the Board of Directors to hire a contractor to clean the storage tank and remove any sediment that may have collected in the tank.

## **II. Progress on System Improvements:**

Prior to the initiation of the CO-RADS project in 2007, the District worked extensively with the engineering firm of Rothberg, Tamburini & Winsor, Inc. on evaluating technical options for removing radionuclide contaminants from the District's problematic wells. The District also had substantive discussions with a vendor that is marketing a proprietary uranium removal system. That work was suspended pending the outcome of the CO-RADS project.

As you know, the District only recently received an engineering report prepared by Malcolm Pirnie, Inc. The report is detailed and will require time to evaluate. The next meeting of the District's Board of Directors will not occur until April 7. It is anticipated that the recommendations made by Malcolm Pirnie will be discussed at several of the upcoming Board meetings.

One of the options referenced in the Malcolm Pirnie report is to obtain an alternative water supply. As is discussed in the report, Conifer Water, LLC is proposing to build a pipeline along U.S. Highway 285 from Bailey to Conifer. Water diverted from the North Fork of the South Platte River is proposed to be treated by Conifer Water, LLC and delivered to customers such as the District.

The Board of Directors has had substantive discussions with representatives of Conifer Water, LLC over the past year. The costs of participation and the timing of when the project will be built remain uncertain at this time. However, the District remains interested in the option of using surface water in place of, or in addition to, ground water, and intends to continue discussions with Conifer Water, LLC over the next several months.

Sincerely,



Terry Miers, Superintendent  
Mountain Water & Sanitation District

cc: Board of Directors  
David C. Lindholm, Esq.



**COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT**

**WATER QUALITY CONTROL DIVISION**

## **Radionuclide Public Education Program Guidance**

Water systems having enforcement orders for exceeding a maximum contaminant level (MCL) for radionuclides and requiring installation of treatment are encouraged implement a public education program to educate consumers about the need for, and benefits of, installing a drinking water treatment process for the removal of radionuclides.

The water system should develop a public education program strategic plan to ensure that the education effort is effective and successful, and meets the needs of consumers. This plan and all written public education materials should be submitted to the Division for review and approval. To accomplish this goal, the system will need to determine the level of awareness among the system's public and other important stakeholders about the need to construct a new water treatment plant, the current perceptions of the existing water system and the issues surrounding the new plant, and the communications mechanisms that would be the most effective to educate and communicate with customers about the issue. Identification of key stakeholders (e.g., water customers, civic organizations, business associations, business leaders, higher education institutions, large customers such as hospitals, penal institutions, etc., senior citizen organizations, churches, etc.) is essential to developing an effective plan.

### **Content of written public education materials.**

The water system should include the following elements in printed materials (e.g., brochures and pamphlets, and websites). Any additional information presented by a water system should be consistent with the information below and be in plain language clearly understood by the general public. Water systems should submit all written public education materials to the Division for review and approval prior to delivery.

Consistent with the Public Notification and the Consumer Confidence Report Rules, the following required language should be used except for the information in brackets that the system must insert:

## **IMPORTANT INFORMATION ABOUT [CONTAMINANT(S)] IN YOUR DRINKING WATER.**

[INSERT NAME OF WATER SYSTEM] has elevated levels of [CONTAMINANT] in drinking water. [CONTAMINANT] can cause serious health problems when ingested over a long period of time. *[Add all of the following statements that apply to your system.]*

- Radium: Some people who drink water containing radium –226 or -228 in excess of the Maximum Contaminant Level (MCL) over many years may have an increased risk of getting cancer.
- Gross Alpha: Some people who drink water containing alpha emitters in excess of the MCL over many years may have an increased risk of getting cancer.
- Uranium: Exposure to uranium in drinking water may result in toxic effects to the kidney. Some people who drink water containing alpha emitters in excess of the MCL over many years may have an increased risk of getting cancer.

Please read this information closely to see what you can do to reduce [CONTAMINANT] in your drinking water.

### **Additional required information:**

1. Health effects of [CONTAMINANT].
2. Explain sources of [CONTAMINANT] in drinking water.
3. Explain what [CONTAMINANT] is and how it affects human health.
4. Discuss the steps the consumer can take to reduce exposure to [CONTAMINANT] in drinking water (e.g., using water from an alternative source known to be low in [CONTAMINANT], such as bottled water).
5. Explain that boiling water does not reduce [CONTAMINANT] levels.
6. Suggest that anyone with specific health concerns consult a medical professional for advice.
7. Explain what the water system is doing to bring the system into compliance with the [CONTAMINANT] maximum contaminant level.

8. For more information call us at [INSERT YOU NUMBER] [(IF APPLICABLE)], visit our Web site at [INSERT YOUR WEB SITE HERE]]. For more information on [CONTAMINANT], visit EPA's Web site at <http://www.epa.gov/safewater/radionuclides/basicinformation.html>.

## **Delivery of public education materials.**

For public water systems serving a large proportion of non-English speaking consumers, the public education materials must contain information in the appropriate language(s) regarding:

- The importance of the notice.
- A telephone number or address where people served may contact the water system to obtain a translated copy of the public educational materials or to request assistance in the appropriate language.

## **Public education tasks:**

1. Develop and implement a strategic communication/public education plan.
2. Deliver printed materials meeting the content requirements to all bill-paying customers. As long as a system has an open enforcement order for exceeding the [CONTAMINANT] MCL, it must repeat the public education tasks at least annually.
3. Make a good faith effort to locate all potentially affected customers and users (such as, higher education institutions, hospitals, penal institutions, schools, apartment complexes, businesses, etc.), and to identify their interests, concerns, and informational needs.
4. Post material meeting the content requirements on the water system's Web site, if available.
5. In addition, systems must implement at least three (3) activities from one or more categories listed below. The educational content and selection of these activities must be determined through interviews conducted to develop the public education strategy, and in consultation with the Department.
  - a. Public Service Announcements.
  - b. Paid advertisements.

- c. Post informational posters/displays on [CONTAMINANT] in drinking water in a public place or common area in office buildings, schools, restaurants, motels, hospitals, clinics, prisons, etc.
- d. E-mails to customers.
- e. Public Meetings.
- f. Household Deliveries.
- g. Targeted Individual Customer Contact.
- h. Direct material distribution to all multi-family homes and institutions.
- i. Other methods identified by stakeholders and approved by the Department.

## **Public Education Program Strategic Plan**

Strategic Planning is a management tool that provides a disciplined approach to produce an organization's decisions and actions. The following is a template for a Public Education Program Strategic Plan:

### ***Public Education Program Strategic Plan***

***[Insert Project Name]***

*[Insert Date or Update Date]*

#### ***I. Strategy Coordinator***

*[Insert project coordinator contact name, title, phone number, and email address]*

*[Insert other contacts, as appropriate]*

#### ***II. Issue/Action***

*[Insert a short, succinct definition of the issue or action that is being addressed with this communication strategy]*

##### **EXAMPLE**

*The system is out of compliance due to elevated levels of radionuclides in the drinking water supply and needs to engage stakeholders in discussing options to address the situation.*

#### ***III. Background***

*[Briefly describe why this is an issue and history of how the situation evolved.]*

##### **EXAMPLE**

*Uranium is a ubiquitous component of Colorado's geology resulting in areas with high levels of radionuclides in groundwater. The system is out of compliance and has been struggling to meet Colorado Primary Drinking Water Regulations. In 2007, the system volunteered to participate in the Colorado Radionuclide Abatement and Disposal Strategy (CO-RADS). The program is designed to help participating systems identify feasible compliance options and funding mechanisms for system improvements that will provide safe drinking water for system users.*

#### **IV. Identify Stakeholders**

*[List those having a stake in the outcome of the effort]*

##### EXAMPLES

- *System operators*
- *System users*
- *City/County Commissioners*
- *Local health departments*
- *Special interest groups*
- *Civic organizations*
- *Business associations*
- *Business leaders*
- *Higher education institutions*
- *Large customers (such as hospitals, penal institutions, etc.)*
- *Senior citizen organizations*
- *Churches*

#### **V. Stakeholder Concerns to Date**

*Concerns Voiced To Date: [Based on current information, summarize known concerns, keeping in mind that this section will be updated as more information is obtained.]*

##### EXAMPLE

- *Some users want to know what health effects may result from drinking water from the system over the past 20 years*
- *Others don't believe there is a problem and that treating the water is a waste of time and money*
- *Some want to know why they need to treat water that is used for livestock and gardening*
- *Some say costs for treatment and disposal are too high*

#### **VI. Goals of this Strategy**

*[List goals of this risk communication/outreach strategy]*

**EXAMPLE**

- *To gather information directly from affected users about understanding of the issues and their concerns*
- *To provide timely and accurate information to users regarding their drinking water*
- *To identify opportunities for collaborative identification of problems and solutions*

**VII. Constraints**

*[List possible hurdles to implementing the public education program, such as organizational changes, funding, trust levels, public perception, leadership support, relations with media, past performance, etc.]*

**EXAMPLE**

- *Public does not perceive a problem*
- *System serves a minimal number of taps*
- *Funding is limited*

**VIII. Approach**

*[In addition to the required delivery of printed materials to all bill-paying customers, outline approach to implement this strategy; can be broken into phases].*

**EXAMPLE**

- *Conduct interviews with key stakeholders*
- *Analyze information collected during interviews*
- *Identify effective educational and communication methods; may include, but not be limited to:*
  - *Public Service Announcements.*
  - *Paid advertisements.*
  - *Post informational posters/displays on [CONTAMINANT] in drinking water in a public place or common area in office buildings, schools, restaurants, motels, hospitals, clinics, prisons, etc.*
  - *E-mails to customers.*
  - *Presentations to Organizations*
  - *Household Deliveries.*
  - *Targeted Individual Customer Contact.*
  - *Direct material distribution to all multi-family homes and institutions.*

- *Other methods identified by stakeholders during interviews, and approved by the Division.*

**IX. Action Plan**

*[list specific actions, responsibilities, coordination, and timing to implement this risk communication strategy]*

<b>Activity</b>	<b>Responsibility</b>	<b>Timing</b>
<i>List activities needed to implement strategy</i>	<i>Designate person responsible</i>	<i>Insert date</i>

**EXAMPLE:**

*(i.e., Starting date is the date of the meeting developing the action plan, for example December 1.)*

<b>Activity</b>	<b>Responsibility</b>	<b>Timing</b>
<i>Conduct interviews with users</i>	<i>Board members/Council members</i>	<i>Within 10 days (i.e. December 10)</i>
<i>Analyze understanding of issues and customer concern, and identify effective communication approaches</i>	<i>Board members/Council members</i>	<i>Within 30 days (i.e. January 1)</i>
<i>Establish mailing/email list</i>	<i>Board Secretary/Council Secretary</i>	<i>Within 30 days (i.e. January 1)</i>
<i>Develop informational materials</i>	<i>System operator; CDPHE</i>	<i>Within 30 days (i.e. January 1)</i>
<i>Distribute informational materials via identified mechanisms</i>	<i>System operator; Board members</i>	<i>Within 60 days (i.e. February 1)</i>
<i>Meet with users</i>	<i>System operator; local public health rep; CDPHE</i>	<i>Within 75 days (i.e., February 15)</i>
<i>Establish advisory group</i>	<i>Local public health rep; system operator; city/county</i>	<i>TBD</i>

# IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

## **[System Name] Has Levels of [Contaminant] Above Drinking Water Standards**

Our water system recently violated a drinking water standard. Although this is not an emergency, as our customers, you have a right to know what happened, what you should do, and what we are doing to correct this situation. We routinely monitor for the presence of drinking water contaminants. Testing results for [2008], show that our system continues to exceed the standard, or maximum contaminant level (MCL), for [contaminant(s)]. The standard for [contaminant(s)] is [MCL] [units of measure] per liter ([UOM]/L). The average level of [contaminant(s)] over the last year was \_\_\_\_\_ [UOM]/L.

### What should I do?

**Because of the high levels of [contaminant(s)] and the extensive time it will take to correct the problem, it is recommended that you use an alternative drinking water supply (e.g., bottled or other source with levels of [contaminant(s)] known to be below the MCL). If you have specific health concerns, consult your doctor.**

### What does this mean?

The effects of exposure to these contaminants are not likely to be acutely apparent. However: [include the ones that apply to your system]

**Gross Alpha:** Certain minerals are radioactive and may emit a form of radiation known as alpha radiation. Some people who drink water containing alpha emitters in excess of the MCL over many years may have an increased risk of getting cancer.

**Combined radium 226+228:** Some people who drink water containing radium 226 or 228 in excess of the MCL over many years may have an increased risk of getting cancer.

**Uranium:** Some people who drink water that contains uranium in excess of the MCL over many years may have an increased risk of getting cancer and kidney toxicity.

### What happened? What is being done?

[Describe the corrective action the system is taking. For example: ]

This is a difficult and expensive problem to correct. We are in the process of evaluating different options to correct the problem to bring our system into compliance with the maximum contaminant level for [contaminant(s)]. We anticipate resolving the problem within [estimated time frame]. For more information, please contact \_\_\_\_\_ at (phone number) \_\_\_\_\_ or (mailing address) \_\_\_\_\_.

\*\*\* Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.



Colorado Department  
of Public Health  
and Environment

**Tier 2**  
**Drinking Water Public Notification**  
**Certificate of Delivery Form**  
**[System Name]**  
**PWSID CO0[pwsid number]**

**Reason for Notice:** Compliance Advisory – Continued Maximum Contaminant Level (MCL) Violation  
for [Contaminant(s)]

**Enforcement Order Number:** DC-[EO Number]

I hereby affirm that Public Notification for the violation or situation identified above has been provided to consumers and any consecutive water systems in accordance with the delivery, content, and format requirements of the *Colorado Primary Drinking Water Regulations*, section 9.2. I affirm that future requirements for notifying new billing units will be met. I also understand that this notice may need to be repeated in accordance with section 9.2 and I must submit this form again with each repeated notice.

**Public Notice Distributed on:** (date) \_\_\_\_\_

**Check all distribution methods used to reach all consumers:**

Direct delivery method (includes hand delivery and U.S. mail) – (required for community water systems)

**Additional Methods Used**

- Continuously posted: (list locations): \_\_\_\_\_
- Television, Radio, and/or Newspaper: \_\_\_\_\_
- Delivery of multiple copies to hospitals, apartment buildings, schools, or other community centers
- E-mail
- Other method approved by CDPHE: \_\_\_\_\_

**List all consecutive water systems (water systems that purchase water from your system) that notice was delivered to:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Signature of owner or owner’s legal representative

Date Signed

Printed name of owner or owner’s legal representative

Phone number: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

**Attach copies of each public notice and send to:**

CDPHE-WQCD

ATTN: CADM-Public Notification

OR

Fax to: (303) 758-1398

4300 Cherry Creek Drive South

Denver, CO 80246-1530

## Tier 2 Public Notice Instructions

TEMPLATE ATTACHED

### Delivery Requirements

Since exceeding maximum contaminant levels (MCLs) has the potential to have serious adverse effects on human health, you must provide public notice to persons served as soon as practical but within 30 days after you learn of the violation.

**You must issue a repeat notice every three months for as long as the violation persists.** *Public water systems that provide water to other water systems must deliver public notices to the owners or operators of all receiving water systems (consecutive water systems) (9.2.1(c)).*

Community systems must use at least one of the following delivery methods (9.2.3(c)(1)):

- ✓ Hand delivery or other direct delivery method
- ✓ Mail (can be included with the bill)

Non-community systems must use at least one of the following delivery methods (9.2.3(c)(2)):

- ✓ Posting in conspicuous locations
- ✓ Mail, hand delivery, or other direct delivery method to each user (where known)

In addition, both community and non-community systems must use another method reasonably calculated to reach others if they would not be reached by the first method. Such methods could include newspapers, e-mail, or delivery to community organizations. If you post the notice, it must remain posted until the violation is resolved, but no less than seven days.

### Ten Required Elements of a Public Notice (9.2.5)

1. Description of the violation or situation including contaminant(s) of concern and (as applicable) the contaminant level(s).
2. When the violation or situation occurred.
3. Any potential adverse health effects from the violation or situation, including any standard language provided in the rule. The health effects language may not be modified.
4. The population at risk; including subpopulations particularly vulnerable if exposed to the contaminant in their drinking water.
5. Whether alternate water supplies should be used.
6. What actions consumers should take, including when to seek medical help, if known.
7. What the system is doing to correct the violation or situation (corrective action).
8. When the system expects to return to compliance or resolve the situation.
9. Contact information: name, business address, and phone number of the water system owner or the owner's legal representative of the PWS that can provide additional information.
10. A statement encouraging notice recipients to distribute the notice to other persons served using the following standard language from the rule. This statement may not be modified: "Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in public places or by distributing copies by hand."

### Corrective Actions

In your notice, describe corrective actions you took or are taking. Listed below are some steps commonly taken by water systems with monitoring violations. Choose the appropriate language, or develop your own:

- ✓ We are working with the Colorado Department of Public Health and Environment to evaluate the water supply and researching options to correct the problem. These options may include treating the water to remove or connecting to [system]'s water supply.
- ✓ We have stopped using the contaminated well. We have increased pumping from other wells, and we are investigating drilling a new well.
- ✓ We will increase the frequency at which we test the water for .
- ✓ We have since taken samples at this location and had them tested. They show that we meet the standards.

### After Issuing the Notice

Make sure to send WQCD copies of all public notice(s) and a Tier 2 Certificate of Delivery Form within ten days after issuing the notice.