

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

May 29, 2009

Certified Mail Number: 7005 1820 0000 3208 0626

PWSID# CO-0126677
Jedan, Inc, Registered Agent
Riverland Lot Owners Association
P.O. Box 5065
Mt. Crested Butte, CO 81224

RE: Service of Drinking Water Enforcement Order, Number: DC-090529-2

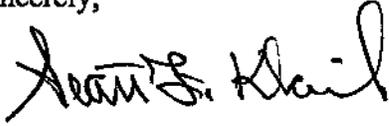
Dear Sir/Madam:

Riverland Lot Owners Association 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 Riverland Lot Owners Association has 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 Riverland Lot Owners Association 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 Riverland Lot Owners Association desire to informally discuss this matter with the Department or if you have any questions regarding the Order, please don't hesitate to contact Lauren Worley at (303) 692-3547 or by electronic mail at lauren.worley@state.co.us.

Sincerely,



Scott F. Klarich, Unit Manager
Enforcement Unit
Compliance Assurance Section
Water Quality Control Division

Enclosures:

Enforcement Order & Administrative Penalty
Exhibit A – Administrative Penalty Computation Worksheets

- cc: Gunnison County Department of Environmental Health
John Dethluff, ORC, Administrative Contact – P.O. Box 2105, Crested Butte, CO 81224
Compliance Monitor / Drinking Water File
- cc: Andy Poirot, Engineering Section, CDPHE
Dick Parachini, Watershed Program, CDPHE
Betsy Beaver, Facility Operators Program, CDPHE
Shawn McCaffrey, EPA Region VIII
Carolyn Schachterle, OPA



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

**ENFORCEMENT ORDER &
ADMINISTRATIVE PENALTY ASSESSMENT**

NUMBER: DC-090529-2

**IN THE MATTER OF: RIVERLAND LOT OWNERS ASSOCIATION
PUBLIC WATER SYSTEM IDENTIFICATION NUMBER: CO-0126677
GUNNISON 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:

GENERAL FINDINGS

1. Riverland Lot Owners Association ("Riverland") owns and/or operates a drinking water system located in the vicinity of 296 Buckley Drive, near the Town of Crested Butte, Gunnison County, Colorado (the "System").
2. Riverland is a person(s) as defined by 5 CCR 1003-1, §1.5.2(98).
3. Riverland is a supplier of water within the meaning of §25-1.5-201(2), C.R.S. and its implementing regulation, 5 CCR 1003-1, §1.5.2(128).
4. The System is a public water system as defined by §25-1.5-201(1), C.R.S. and its implementing regulation, 5 CCR 1003-1, §1.5.2(107).
5. The Public Water System Identification Number ("PWSID") assigned to the System by the Division is PWSID #: CO-0126677.
6. Pursuant to 5 CCR 1003-1, §1.2, the System is subject to the *Colorado Primary Drinking Water Regulations* (the "Regulations"), which were adopted pursuant to §25-1.5-203, C.R.S.
7. Riverland 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(15).

8. The System's source of water is groundwater as defined by 5 CCR 1003-1, §1.5.2(63).

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

9. Pursuant to 5 CCR 1003-1, §7.6.1(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, §7.6.
10. Division records establish that the System utilizes sodium hypochlorite to achieve chemical disinfection.
11. Pursuant to 5 CCR 1003-1, §7.6.3(b)(1), the System must monitor for TTHM and HAA5 at the following frequency, time and location(s):

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.

12. The *Official 2008 Drinking Water Monitoring Schedule* provided to the System by the Department outlined that the System was required to monitor for TTHM and HAA5 in the distribution system (monitoring point DS001) between July 1, 2008 and July 31, 2008 for the calendar year 2008 monitoring period.
13. Pursuant to 5 CCR 1003-1, §7.6.5(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.
14. Department records to-date establish that Riverland failed to submit results to the Department of its annual TTHM and HAA5 monitoring for calendar year 2008.
15. Riverland's failure to submit the results of its annual TTHM and HAA5 analyses to the Department constitutes violation(s) of 5 CCR 1003-1, §7.6.5(a). Additionally, if Riverland failed to perform its annual TTHM and HAA5 analyses during the identified period, such failure to perform the monitoring constitutes violations of 5 CCR 1003-1, §§7.6.1(b)(1) and 7.6.3(b)(1).

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

16. 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.
17. Department 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 in calendar years 2002 and 2003. The System was therefore subject to “Reduced Tap Water Monitoring” (annual monitoring).
18. Pursuant to 5 CCR 1003-1, §8.7(d)(4)(iv), systems sampling annually or less frequently shall conduct the lead and copper tap sampling during the months of June, July, August or September unless the Department has approved a different sampling period in accordance with 5 CCR 1003-1, §8.7(d)(4)(iv)(A).
19. Department records establish that the Department has not approved a different sampling period for the System’s Reduced Tap Water Monitoring (annual monitoring).
20. The *Official 2008 Drinking Water Monitoring Schedule* provided to the System by the Department outlined that the System was required to monitor for lead and copper in calendar year 2008 during the collection period of June 1, 2008 through September 30, 2008.
21. Pursuant to 5 CCR 1003-1, §8.10(a)(1), the System is required to report specified information 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.
22. Department records establish that Riverland failed to collect its lead and copper tap samples during the months of June, July, August or September of calendar year 2008. Riverland collected lead and copper samples on October 14, 2008, outside the specified sampling period.
23. Riverland’s failure to collect lead and copper samples during the specified period of June 1, 2008 through September 30, 2008 constitutes violations of 5 CCR 1003-1, §8.7(d)(4)(i) and §8.7(d)(4)(iv).

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

24. Pursuant to 5 CCR 1003-1, §6.1.5(a), community water systems shall conduct monitoring to determine compliance with the inorganic chemical maximum contaminant levels specified in 5 CCR 1003-1, §2.2.

25. Pursuant to 5 CCR 1003-1, §6.1.5(b)(1), the System must take a minimum of one inorganic chemical sample, at every entry point to the distribution system, which is representative of each groundwater source after treatment.
26. Pursuant to 5 CCR 1003-1, §6.1.5(d)(1), the System must take one inorganic chemical sample at each sampling point during each compliance period.
27. "Compliance Period" means a three-calendar year period as defined by 5 CCR 1003-1, §1.5.2(13).
28. Pursuant to 5 CCR 1003-1, §6.1.5(j), the System must monitor for inorganic chemicals at the time designated by the Department during each compliance period.
29. The *Official 2007 Drinking Water Monitoring Schedule* provided to the System by the Department outlines that the System was required to monitor for inorganic chemicals at each entry point to the distribution system (after treatment) during the calendar year 2007.
30. Pursuant to 5 CCR 1003-1, §1.6.4(a), the System shall report to the Department the results of the System's inorganic chemical monitoring 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 Department, whichever of these is shorter.
31. Division records establish that the System has failed to provide the Department with the results of its routine inorganic chemical monitoring for the compliance period of calendar years 2005 through 2007.
32. Riverland's failure to submit the results of the System's routine inorganic chemical monitoring to the Department constitutes violation(s) of 5 CCR 1003-1, §1.6.4(a). Additionally, if Riverland failed to perform routine inorganic monitoring during the identified period, such failure to perform the monitoring constitutes violation(s) of 5 CCR 1003-1, §6.1.5(a), §6.1.5(b)(1), §6.1.5(d)(1) and §6.1.5(j).

COMPLIANCE REQUIREMENTS

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

33. Immediately comply with the *Colorado Primary Drinking Water Regulations*, 5 CCR 1003-1, Articles 1 through 13.

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

34. Immediately initiate efforts to comply with the TTHM and HAA5 monitoring/reporting obligations as required by 5 CCR 1003-1, Article 7.

35. Within fourteen (14) calendar days after receipt of this Order, Riverland shall submit the results of any TTHM and HAA5 monitoring performed for calendar year 2008.
36. Riverland shall perform TTHM and HAA5 monitoring in the distribution system between July 1, 2009 and July 31, 2009. The TTHM and HAA5 samples must be collected properly and analyzed by a Department certified laboratory in accordance with approved methods. Riverland 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.
37. Immediately initiate efforts to comply with the lead and copper monitoring/reporting obligations as required by 5 CCR 1003-1, Article 8.
38. Riverland shall collect lead and copper samples, from the appropriate number of locations (5 for a system that serves between 101 and 500 people), between June 1, 2009 and June 30, 2009. The collected samples shall be analyzed by a certified laboratory for lead and copper, using approved drinking water methods for lead and copper. Within ten (10) calendar days of receipt of the analytical results from a Department certified laboratory, Riverland shall report the results of the monitoring to the Department in accordance with 5 CCR 1003-1, §8.10(a)(1).
39. Riverland shall perform inorganic chemical contaminant monitoring between June 1, 2009 and June 30, 2009. Within ten (10) calendar days of receipt of the analytical results from a Department certified laboratory, Riverland shall report the results of the monitoring to the Department.
40. Within thirty (30) calendar days after receipt of this Order, if Riverland has not already done so, Riverland 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, Riverland 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 Riverland and/or to the media.

*Guidance for proper public notification can be viewed at the following Internet location:
http://www.cdph.state.co.us/wq/drinkingwater/pdf/PublicNotice/PN_Guidance_Mar2003.pdf*

ORDER FOR ADMINISTRATIVE PENALTY

41. 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 and 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.

42. Based upon the facts described in this action the Department has determined that an administrative penalty is appropriate in this matter and therefore assesses an administrative penalty of eight hundred fifty five dollars (\$855.00) for the specific violations identified in this action. The reasoning behind this penalty amount is detailed in the administrative penalty methodology/calculation worksheet, which is incorporated herein by reference and enclosed as Exhibit A.

Terms of Administrative Penalty Payment

43. If Riverbend does not contest the findings and penalty assessment set out above, payment of the administrative penalty for the violations shall be forwarded to the Colorado Department of Public Health and Environment within sixty (60) calendar days of the date of issue of this action. Method of payment shall be by certified or cashier's check drawn to the order of the "Colorado Department of Public Health and Environment," and delivered to:

Ms. Lauren Worley, Drinking Water Enforcement Specialist
Compliance Assurance Section, Enforcement Unit
Colorado Department of Public Health and Environment
Water Quality Control Division
Mail Code: WQCD-CADM-B2
4300 Cherry Creek Drive South
Denver, Colorado 80246-1530

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

Payment or appeal of the administrative penalty in this manner does not relieve Riverbend of its 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, Riverland shall submit an original and one copy (electronic is preferred) to the Division at the following address:

Colorado Department of Public Health and Environment
Water Quality Control Division / WQCD-WQP-B2
Compliance Assurance and Data Management Section / Enforcement Team
Attention: Lauren Worley
4300 Cherry Creek Drive South
Denver, Colorado 80246-1530
Email: lauren.worley@state.co.us
Fax: (303) 782-0390

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

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.

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.

NOTICE OF COMPLETION

Riverland 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 Riverland wishes to dispute the Division's rejection of its Notice of Completion, it shall, within fifteen (15) calendar days of receipt of the Division's rejection, submit a written statement as to its belief of full compliance, addressing in detail all concerns the Division raised in the rejection letter to Riverland'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 Riverland does not achieve complete and timely compliance with all of the terms and conditions outlined herein, including full and timely payment of administrative penalties, the Department reserves, in addition to any other remedies allowed by law, its right under §25-1-114(4), C.R.S., to pursue an action for additional penalties.

REQUEST FOR HEARING OR APPEAL

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

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

ADDITIONAL ACTION

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

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

Issued at Denver, Colorado, this 29th day of May 2009.

FOR THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

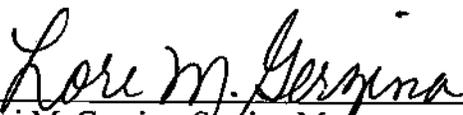

Lori M. Gerzina, Section Manager
Compliance Assurance Section
Water Quality Control Division

Exhibit A

**RIVERBEND LOT OWNERS ASSOCIATION
PUBLIC WATER SYSTEM IDENTIFICATION NUMBER: CO-0126677
GUNNISON COUNTY, COLORADO**

ADMINISTRATIVE PENALTY COMPUTATION WORKSHEET
5/29/2009

Penalty Summary

Penalty Calculation -Violation Number 1 \$390.00

Violation Failure to Monitor and/or Report for Total Trihalomethanes and Haloacetic Acids (five)
Regulation Violated: 5 CCR 1003-1, §7.6

Penalty Calculation -Violation Number 2 \$100.00

Violation Failure to Monitor and/or Report for Lead and Copper
Regulation Violated: 5 CCR 1003-1, §8.7(d)(4)(iv)

Penalty Calculation -Violation Number 3 \$365.00

Violation Failure to Monitor and/or Report for Inorganic Chemicals
Regulation Violated: 5 CCR 1003-1, §6.1.5(d)(1)

TOTAL PENALTY **\$855.00**

ADMINISTRATIVE PENALTY COMPUTATION WORKSHEET

VIOLATION NUMBER: 1

System Name: Riverland Lot Owners Association	PWSID Number: CO-0126677
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Date of Enforcement Order: 5/29/09	Number: DC-090529-2
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Regulation Violated: Failure to Monitor for TTHM and HAA5, 5 CCR 1003-1, §7.6	Population Served: 368
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Part I – Base Penalty Calculation

	Violation Type	Population Range	Amount in Dollars
Line 1	Failure to Monitor for TTHM and HAA5 – Calendar Year 2008	< 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 <i>Justification: n/a</i>		\$0.00
Line 3	Factor B: Intentional, Reckless, or Negligent Actions <i>Justification: n/a</i>		\$0.00
Line 4	Factor C: Recalcitrance or Recidivism <i>Justification: n/a</i>		\$0.00
Line 5	Factor D: Voluntary and Complete Disclosure of Violations <i>Justification: n/a</i>		\$0.00
Line 6	Factor E: Full and Prompt Cooperation <i>Justification: n/a</i>		\$0.00
Line 7	Factor F: Environmental Compliance Program <i>Justification: n/a</i>		\$0.00
Line 8	Factor G: Other Aggravating or Mitigating Circumstances <i>Justification: n/a</i>		\$0.00
Line 9	Sum of Lines 2 through Line 8		\$0.00
Line 10	Adjusted Base Penalty (Sum of Line 1 + Line 9)		\$100.00

Part III – Determination of Days of Violation

		Days of Violation
Line 11	Total Days of Violation	1
	<i>Justification: The Division has chosen to consider the 2008 failure to monitor for TTHM and HAA5 violation as a single day violation.</i>	

Part IV – Determination of Multi-Day Penalty Amount

		Amount in Dollars
Line 12	Multi-Day Penalty Amount	\$100.00
	<i>Calculations:</i> <i>Day 1 (\$100.00) = \$100.00</i>	

Part V – Economic Benefit Consideration

		Amount in Dollars
Line 13	Economic Benefit:	\$290.00
	<i>Justification: The Division believes that the System realized an economic benefit by failing to monitor since it has avoided 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.</i>	

Part VI – Violation Penalty Total

		Amount in Dollars
Line 14	Total Administrative Penalty: (Line 12 + Line 13)	\$390.00

Part VII – Ability to Pay Adjustment

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

Part VIII – Final Adjusted Penalty

		Amount in Dollars
Line 16	Total Administrative Penalty: (Line 14 - Line 15)	\$390.00

ADMINISTRATIVE PENALTY COMPUTATION WORKSHEET
VIOLATION NUMBER: 2

System Name: Riverland Lot Owners Association	PWSID Number: CO-0126677
Date of Enforcement Order: 5/29/09	Number: DC-090529-2
Regulation Violated: Failure to Monitor for Lead and Copper, 5 CCR 1003-1, §8.7(d)(4)(iv)	Population Served: 368

Part I – Base Penalty Calculation

	Violation Type	Population Range	Amount in Dollars
Line 1	Failure to Monitor for Lead and Copper – Calendar Year 2008	< 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 <i>Justification: n/a</i>		\$0.00
Line 3	Factor B: Intentional, Reckless, or Negligent Actions <i>Justification: n/a</i>		\$0.00
Line 4	Factor C: Recalcitrance or Recidivism <i>Justification: n/</i>		\$0.00
Line 5	Factor D: Voluntary and Complete Disclosure of Violations <i>Justification: n/a</i>		\$0.00
Line 6	Factor E: Full and Prompt Cooperation <i>Justification: n/a</i>		\$0.00
Line 7	Factor F: Environmental Compliance Program <i>Justification: n/a</i>		\$0.00
Line 8	Factor G: Other Aggravating or Mitigating Circumstances <i>Justification: n/a</i>		\$0.00
Line 9	Sum of Lines 2 through Line 8		\$0.00
Line 10	Adjusted Base Penalty (Sum of Line 1 + Line 9)		\$100.00

Part III – Determination of Days of Violation

		Days of Violation
Line 11	Total Days of Violation	1
	<i>Justification: The Division has chosen to consider the 2008 failure to monitor for lead and copper as a single day violation.</i>	

Part IV – Determination of Multi-Day Penalty Amount

		Amount in Dollars
Line 12	Multi-Day Penalty Amount	\$100.00
	<i>Calculations:</i>	
	<i>Day 1 (\$100.00)</i>	<i>= \$100.00</i>

Part V – Economic Benefit Consideration

		Amount in Dollars
Line 13	Economic Benefit:	\$0.00
	<i>Justification: The Division believes that the System did not realize a significant economic benefit as the System performed monitoring and incurred sampling costs. The System monitored outside the specified sampling period and thus the sample results were invalid.</i>	

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
	<i>Justification: Not Applicable. The Division does not have any information suggesting that the Riverland Lot Owners Association has an inability to pay the assessed penalty amount.</i>	

Part VIII – Final Adjusted Penalty

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

ADMINISTRATIVE PENALTY COMPUTATION WORKSHEET
VIOLATION NUMBER: 3

System Name: Riverland Lot Owners Association	PWSID Number: CO-0126677
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Date of Enforcement Order: 5/29/09	Number: DC-090529-2
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Regulation Violated: Failure to Monitor for Inorganic Chemicals, 5 CCR 1003-1, §6.1.5(d)(1)	Population Served: 368
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Part I – Base Penalty Calculation

	Violation Type	Population Range	Amount in Dollars
Line 1	Failure to Monitor for Inorganic Chemicals – Compliance Period 2005-2007	< 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 <i>Justification: n/a</i>		\$0.00
Line 3	Factor B: Intentional, Reckless, or Negligent Actions <i>Justification: n/a</i>		\$0.00
Line 4	Factor C: Recalcitrance or Recidivism <i>Justification: n/a</i>		\$0.00
Line 5	Factor D: Voluntary and Complete Disclosure of Violations <i>Justification: n/a</i>		\$0.00
Line 6	Factor E: Full and Prompt Cooperation <i>Justification: n/a</i>		\$0.00
Line 7	Factor F: Environmental Compliance Program <i>Justification: n/a</i>		\$0.00
Line 8	Factor G: Other Aggravating or Mitigating Circumstances <i>Justification: n/a</i>		\$0.00
Line 9	Sum of Lines 2 through Line 8		\$0.00
Line 10	Adjusted Base Penalty (Sum of Line 1 + Line 9)		\$100.00

Part III – Determination of Days of Violation

		Days of Violation
Line 11	Total Days of Violation	1
	<i>Justification: The Division has chosen to consider the 2005-2007 failure to monitor for Inorganic Chemicals violation as a single day violation.</i>	

Part IV – Determination of Multi-Day Penalty Amount

		Amount in Dollars
Line 12	Multi-Day Penalty Amount	\$100.00
	<i>Calculations:</i> <i>Day 1 (\$100.00) = \$100.00</i>	

Part V – Economic Benefit Consideration

		Amount in Dollars
Line 13	Economic Benefit:	\$265.00
	<i>Justification: The Division believes that the System realized an economic benefit by failing to monitor since it has avoided 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.</i>	

Part VI – Violation Penalty Total

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

Part VII – Ability to Pay Adjustment

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

Part VIII – Final Adjusted Penalty

		Amount in Dollars
Line 16	Total Administrative Penalty: (Line 14 - Line 15)	\$365.00

