

# 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

4300 Cherry Creek Dr. S.      Laboratory Services Division  
Denver, Colorado 80246-1530      8100 Lowry Blvd.  
Phone (303) 692-2000      Denver, Colorado 80230-6928  
TDD Line (303) 691-7700      (303) 692-3090  
Located in Glendale, Colorado  
<http://www.cdphe.state.co.us>



Colorado Department  
of Public Health  
and Environment

August 31, 2009

Certified Mail Number: 70070220000101621498

PWSID# CO0101063  
Greatrock North WSD  
c/o Special District Management Service, Inc.  
Attn: Toni Burns  
141 Union Blvd, Suite 150  
Lakewood, CO 80228-1898

**RE: Service of Drinking Water Enforcement Order, Number: DC-090831-1**

Dear Ms. Toni Burns:

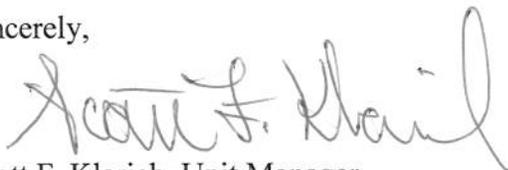
Greatrock North WSD hereby issued the enclosed Enforcement Order (the "Order"). This Order is issued by the Colorado Department of Public Health and Environment, Water Quality Control Division (the "Department") pursuant to the authority given to the Department by §25-1.5-203 of the Colorado Revised Statutes ("C.R.S."). The Department bases this Order upon findings that you have violated the *Colorado Primary Drinking Water Regulations* (the "Regulations") as described in the enclosed Order.

As a recipient of an Order, Greatrock North WSD may request a formal hearing to contest the Order in accordance with the Regulations, 5 CCR 1003-1, §1.6.7(g). Requests for such a hearing shall be filed in writing with the Department within thirty (30) calendar days after service of the Order. Such requests, at a minimum shall contain the information specified in 5 CCR 1003-1, §1.6.7(g), and 5CCR 1002-21, §21.4(B)(2). Hearings on Orders shall be held in accordance with applicable provisions of the State Administrative Procedure Act, Article 4 of Title 24, C.R.S. and the procedural rules promulgated in 5 CCR 1002-21.

This action could result in the imposition of administrative or civil penalties. The Department or a State District Court is authorized pursuant to §25-1-114.1, C.R.S. to impose a penalty of up to \$1,000 per violation per day. Please be advised that the Department is continuing its investigation into this matter and the Department may identify supplementary violations that warrant amendments to this Order or the issuance of additional enforcement actions.

Should Greatrock North WSD desire to informally discuss this matter with the Department or if Greatrock North WSD has 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](mailto:lauren.worley@state.co.us).

Sincerely,



Scott F. Klarich, Unit Manager  
Enforcement Unit  
Compliance Assurance Section  
WATER QUALITY CONTROL DIVISION

Enclosure

cc: Adams County Environmental Health Department  
ec: Paul Kim, 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**

**NUMBER: DC-090831-1**

---

**IN THE MATTER OF: GREATROCK NORTH WSD  
PUBLIC WATER SYSTEM IDENTIFICATION NUMBER: CO-0101063  
ADAMS 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 is implemented through 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. Greatrock North WSD owns and/or operates a drinking water system, known as Greatrock North WSD, located in the vicinity of, Latitude DMS 39°59'37.0000" Longitude DMS -104°37'4.0000", in Adams County, Colorado (the "System").
2. Greatrock North WSD is a person as defined by 5 CCR 1003-1, §1.5.2(98).
3. Greatrock North WSD 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 Department is PWSID #:CO0101063.
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. Greatrock North 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(15).

8. The source of the water served by the System is ground water under the direct influence of surface water as defined by 5CCR 1003-1, §1.5.2(65). Pursuant to 5 CCR 1003-1, §1.5.2(129), groundwaters found to be under the direct influence of surface water will be classified as surface water.

**First Violation**

**(Failure to Monitor and/or Report Entry Point Residual Disinfectant Concentration)**

9. Pursuant to 5 CCR 1003-1, §7.1.3(b), a public water system that uses a surface water source or a groundwater source under the direct influence of surface water and serves fewer than 10,000 people must provide treatment consisting of both disinfection, as specified in 5 CCR 1003-1, §7.1.2, and filtration treatment which complies with the requirements of 5 CCR 1003-1, §§7.1.3(f) or (g) or §§ 7.3.4(a), (b) or (c).
10. Pursuant to 5 CCR 1003-1, §7.1.2(a), a system that uses a surface water source or a groundwater source under the direct influence of surface water, and that has installed filtration treatment, must provide disinfection treatment as specified in 5 CCR 1003-1, §7.1.2(c).
11. Division records establish that the System utilizes reverse osmosis filtration equipment and hypochlorination methods to achieve filtration and disinfection treatment.
12. Pursuant to 5 CCR 1003-1, §7.1.4(a)(2), a public water system using filtration treatment and using a surface water source or a groundwater source under the direct influence of surface water must monitor the residual disinfectant concentration of the water entering the distribution system continuously. Further, the System must record the lowest value of its residual disinfectant concentration entering the distribution system each day, except that if there is a failure in the continuous monitoring equipment, grab sampling every 4 hours may be conducted in lieu of continuous monitoring, but for no more than 5 working days following the failure of the equipment. Systems serving 3,300 or fewer person may take grab samples in lieu of providing continuous monitoring on an ongoing basis at the frequencies each day prescribed in 5 CCR 1003-1, Table 7-1.
13. Division's records establish that the System serves water to 936 residents and therefore may take grab samples in lieu of providing continuous monitoring.
14. Pursuant to 5 CCR 1003-1, Table 7-1, the System which serves a population of 501 through 1,000 is required to perform residual disinfectant concentration sampling twice per day.
15. Pursuant to 5 CCR 1003-1, §7.1.5(a), a public water system that uses a surface water source or a groundwater source under the direct influence of surface water and provides filtration treatment must report monthly to the Department the information specified in 5 CCR 1003-1, §7.1.5.
16. Pursuant to 5 CCR 1003-1, §7.1.5(a)(2), the System must report the disinfection information specified in 5 CCR 1003-1, §7.1.5(a)(2) and in §§7.1.4(a)(2&3) to the Department within ten (10) days after the end of each month that the System serves water to the public.

17. Division records establish that the System has failed to provide the Department with the results of its daily residual disinfectant concentration monitoring for the following months:

Month	Year	Number of Samples Required	Number of Samples Reported
July	2008	62	13
August	2008	62	15
September	2008	60	15
October	2008	62	15
November	2008	60	13
December	2008	62	13
January	2009	62	48
March	2009	62	57
April	2009	60	53
May	2009	62	55
June	2009	60	58
July	2009	62	52

18. Greatrock North WSD's failure to submit the results of its residual disinfectant concentration monitoring to the Department constitutes violation(s) of 5 CCR 1003-1, §7.1.5(a)(2). Additionally, if Greatrock North WSD failed to perform its twice daily residual disinfectant concentration monitoring, such failure to perform the required monitoring constitutes violation(s) of 5 CCR 1003-1, §7.1.4(a)(2).

**Second Violation**

**(Failure to Monitor Turbidity and/or Report Turbidity Measurements)**

19. Pursuant to 5 CCR 1003-1, §7.1.4(a)(1), for systems using filtration treatment, turbidity measurements as required by 5 CCR 1003-1, §7.1.3 must be performed every four hours (or more frequently) on samples of water collected from a location representative of the combined filtered water provided to the public. A public water system may substitute continuous turbidity monitoring for grab sample monitoring if it validates the continuous measurement for accuracy on a regular basis using a protocol approved by the Department.
20. Pursuant to 5 CCR 1003-1, §7.1.5(a), a public water system that uses a surface water source or a groundwater source under the direct influence of surface water and provides filtration treatment must report monthly to the Department the information specified in 5 CCR 1003-1, §7.1.5.
21. Pursuant to 5 CCR 1003-1, §7.1.5(a)(1), the System must report the following turbidity information to the Department within ten (10) days after the end of each month that the System serves water to the public.
- a) The total number of filtered water turbidity measurements recorded during the month.

- b) The number and percentage of filtered water turbidity measurements recorded during the month which are less than or equal to the turbidity limits specified in section 7.1.3 for the filtration technology being used.
  - c) The date and value of any turbidity measurements taken during the month, which exceed 5 NTU.
22. Division records establish that the System has failed to provide the Department with the results of its turbidity monitoring for the following months:

Month	Year	Number of Samples Required	Number of Samples Reported
October	2008	186	168
March	2009	186	185
May	2009	186	174

23. Greatrock North WSD's failure to submit the required turbidity monitoring results to the Department constitutes violation(s) of 5 CCR 1003-1, §7.1.5(a)(1). Additionally, if Greatrock North WSD failed to perform the required turbidity monitoring during the identified periods, such failure to perform the monitoring constitutes violation(s) of 5 CCR 1003-1, §7.1.4(a)(1).

### COMPLIANCE REQUIREMENTS

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

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

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

- 25. Immediately initiate efforts to comply with the turbidity and residual disinfectant monitoring/reporting obligations as required by 5 CCR 1003-1, Article 7.
- 26. Within fourteen (14) calendar days after receipt of this Order, Greatrock North WSD shall submit the results of any turbidity and residual disinfection monitoring not previously submitted to the Division.
- 27. Immediately and in accordance with 5 CCR 1003-1, §7.1.4(a)(2), Greatrock North WSD shall initiate efforts and activities to perform the required residual disinfectant concentration monitoring (minimum of 2 samples per day taken at the entry point to the distribution system and taken at least 4 hours apart). In accordance with 5 CCR 1003-1, §7.1.5(a)(2), Greatrock North WSD shall maintain and report the required residual disinfectant concentration monitoring information to the Department within ten (10) calendar days after the end of each month that the System serves water to the public.

28. Immediately and in accordance with 5 CCR 1003-1, §7.1.4(a)(1), Greatrock North WSD shall initiate efforts and activities to perform the required turbidity monitoring (minimum of every four hours) on samples of water collected from a location representative of the combined filtered water provided to the public. In accordance with 5 CCR 1003-1, §7.1.5(a)(1), Greatrock North WSD shall maintain and report the required turbidity monitoring information to the Department within ten (10) calendar days after the end of each month that the System serves water to the public.
29. Within thirty (30) calendar days after receipt of this Order, if it has not already done so, Greatrock North WSD 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, Greatrock North WSD shall submit to the Division, along with the mandatory certification, a representative copy of each type of notice distributed, published, posted, and/or made available to the persons served by the system and/or to the media.

*Additional 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](http://www.cdph.state.co.us/wq/drinkingwater/pdf/PublicNotice/PN_Guidance_Mar2003.pdf)*

### **NOTICES AND SUBMITTALS**

30. For all documents, plans, records, reports and replies required to be submitted by this order, Greatrock North WSD 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  
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.)*

31. 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**

32. Greatrock North 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 Greatrock North WSD 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 the System's Notice of Completion.

### **PRIOR APPROVAL REQUIRED**

33. 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**

34. 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 administrative, civil or criminal penalties and may bring such action in the future.

### **REQUEST FOR HEARING OR APPEAL**

35. 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, at a minimum, shall contain the information specified in 5 CCR 1003-1, §1.6.7(g) and 5 CCR 1002-21, §21.4(B)(2). 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. and the procedural rules promulgated in 5 CCR 1002-21.

### **ADDITIONAL ACTION**

36. 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.
37. 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, 2009.

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



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