

STATE OF COLORADO

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

Dedicated to protecting and improving the health and environment of the people of Colorado

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Colorado Department
of Public Health
and Environment

January 6, 2010

James R. Weber, Registered Agent
Big Springs Associates, LLC
Big Springs Trailer Park, PWSID CO00108200
11490 County Road 256
Salida, CO 81201

SERVICE OF AMENDMENT TO ENFORCEMENT ORDER NUMBER: DC-090209-3

Dear Mr. Weber:

Big Springs Trailer Park (system) is hereby issued the enclosed amendment number one (1) to the Enforcement Order (Number: DC-090209-3) that was issued to Big Springs Trailer Park on February 9, 2009. 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.

Sincerely,

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

cc: Chaffee County Environmental Health Department
Enforcement File

cc: Joseph Talbott, Engineering Section, CDPHE
Carolyn Schachterle, Financial Solutions Unit, CDPHE
Sean McCaffrey, EPA Region VIII
Jeff Lawrence, Director, Consumer Protection Division, CDPHE

Enclosure



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

AMENDMENT NUMBER ONE TO ENFORCEMENT ORDER NUMBER: DC-090209-3

**IN THE MATTER OF: BIG SPRINGS ASSOCIATES, LLC
SYSTEM NAME: BIG SPRINGS TRAILER PARK
PUBLIC WATER SYSTEM IDENTIFICATION NUMBER: CO-0108200
CHAFFEE 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 amends Enforcement Order Number: DC-090209-3 issued to Big Springs Associates, LLC:

GENERAL FINDINGS

1. On February 9, 2009, the Division issued an Enforcement Order to Big Springs Associates, LLC citing violations of the *Colorado Primary Drinking Water Regulations* for Failure to Monitor and/or Report for Total Trihalomethanes (TTHM) and Haloacetic Acids (five) (HAA5). The Enforcement Order is attached hereto as Exhibit A and is incorporated herein by reference.
2. In response to the Enforcement Order Number: DC-090209-3, Big Springs Associates, LLC provided documentation that the system sampled for TTHM and HAA5 during calendar year 2008, but failed to collect the sample during the warmest month of the year (August) as required by section 7.6.3(b)(1)(ii), Table 7-19 of the *Colorado Primary Drinking Water Regulations*.
3. After re-evaluating the facts and administrative penalties methodology/calculations associated with the "First Violation (Failure to Monitor and/or Report Total Trihalomethanes and Haloacetic Acids (five))" included in Enforcement Order Number: DC-090209-3, the Division has determined that the following amendments to the enforcement order and the associated administrative penalty assessment are appropriate.

AMENDMENT NUMBER ONE

4. Effective as of the issued date of this amendment, Enforcement Order Number: DC-090209-1 is therefore amended to revise the Enforcement Order as follows:

- A. Since Big Springs Associates, LLC provided documentation to the Division establishing that the system sampled for TTHM and HAA5 during calendar year 2008, but failed to collect the sample during the warmest month of the year, the Order for Administrative Penalty Section, paragraphs 21-23, are superseded and replaced with the following new paragraphs:

ORDER FOR ADMINISTRATIVE PENALTY

21. Pursuant to §25-1-114.1(2.5)(a), C.R.S. any person who violates the *Colorado Primary Drinking Water Regulations* or any final Enforcement Order issued by the Division, shall be subject to an administrative penalty as follows:
- a. For systems that serve a population of more than ten thousand people, an amount not to exceed one thousand dollars per violation per day; or
 - b. For systems that serve a population of ten thousand people or less, an amount not to exceed one thousand dollars per violation per day, but only in an amount, as determined by the division, that is necessary to ensure compliance.
22. Based upon the facts described in this action the Department has determined that an administrative penalty is appropriate in this matter and therefore assesses an administrative penalty of one hundred dollars (\$100.00) 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 B.

TERMS OF ADMINISTRATIVE PENALTY PAYMENT

23. If Big Springs Associates, LLC 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:

Mr. Scott Klarich, Enforcement Unit Manager
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 Mr. Klarich's name is on the outside of the envelope.)

Payment or appeal of the administrative penalty in this manner does not relieve Big Springs Associates, LLC of its obligation to perform the activities required by this enforcement action.

- B. Based upon the Division's recalculation of the penalty associated with the First Violation of Enforcement Order Number: DC-090209-1, Penalty Calculation – Violation Number 1 of the Administrative Penalty Computation Worksheets, Exhibit A is superseded and replaced with the attached Exhibit B.

SCOPE OF AMENDMENT NUMBER ONE

The scope of this Amendment Number One to Enforcement Order Number: DC-080829-2 is limited to the provisions outlined above. All other terms and conditions of the Enforcement Order (DC-080829-2) shall remain unchanged and in effect.

Issued at Denver, Colorado, this 6th day of January 2010.

FOR THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT



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

Exhibit B

BIG SPRINGS ASSOCIATES, LLC
SYSTEM NAME: BIG SPRINGS TRAILER PARK
PUBLIC WATER SYSTEM IDENTIFICATION NUMBER: CO-0108200
CHAFFEE COUNTY, COLORADO

ADMINISTRATIVE PENALTY COMPUTATION WORKSHEET
(December 21, 2009)

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Penalty Summary

Penalty Calculation - Violation Number 1 \$100.00

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

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TOTAL PENALTY.....\$100.00

Exhibit B

ADMINISTRATIVE PENALTY COMPUTATION WORKSHEET
VIOLATION NUMBER: 1

System Name: Big Springs Trailer Park	PWSID Number: CO-0108200
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Date of Enforcement Order: February 9, 2009	Number: DC-090209-3
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Regulation Violated: Failure to Monitor for TTHM and HAA5, 5 CCR 1003-1, §7.6	Population Served: 100
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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		\$0.00
	<i>Justification: n/a</i>		
Line 3	Factor B: Intentional, Reckless, or Negligent Actions		\$0.00
	<i>Justification: n/a</i>		
Line 4	Factor C: Recalcitrance or Recidivism		\$0.00
	<i>Justification: n/a</i>		
Line 5	Factor D: Voluntary and Complete Disclosure of Violations		\$0.00
	<i>Justification: n/a</i>		
Line 6	Factor E: Full and Prompt Cooperation		\$0.00
	<i>Justification: n/a</i>		
Line 7	Factor F: Environmental Compliance Program		\$0.00
	<i>Justification: n/a</i>		
Line 8	Factor G: Other Aggravating or Mitigating Circumstances		\$0.00
	<i>Justification: n/a</i>		

Exhibit B

	Aggravating / Mitigating Factors	% Base Penalty Increase or Decrease	Amount in Dollars
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)</i>	<i>= \$100.00</i>

Part V – Economic Benefit Consideration

		Amount in Dollars
Line 13	Economic Benefit:	\$0.00
	<i>Justification: n/a</i>	

Part VI – Violation Penalty Total

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

Exhibit B

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 Big Springs Associates, LLC 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