



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

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**ENFORCEMENT ORDER &  
ADMINISTRATIVE PENALTY ASSESSMENT**

**NUMBER: DN-100226-1**

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**IN THE MATTER OF: INTERVARSITY CHRISTIAN FELLOWSHIP/USA**  
**DBA: BEAR TRAP RANCH**  
**PUBLIC WATER SYSTEM IDENTIFICATION NUMBER: CO-0221040**  
**EL PASO 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 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. InterVarsity Christian Fellowship/USA owns and/or operates a drinking water system, known as Bear Trap Ranch, located in the vicinity of Latitude 38.750611 and Longitude -104.904094 at or near 8655 Old Stage Road, Colorado Springs, Colorado, in El Paso County, Colorado (the "System").
2. InterVarsity Christian Fellowship/USA is a person as defined by 5 CCR 1003-1, §1.5.2(98).
3. InterVarsity Christian Fellowship/USA 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 #:CO0221040.
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. The InterVarsity Christian Fellowship/USA provides piped water for human consumption from the System to at least twenty-five (25) people, but the System does not serve twenty-five (25) or more of the same people, for sixty (60) or more days per year. The System is therefore classified as a "transient, non-community water system" as defined by 5 CCR 1003-1, §1.5.2(137).

8. The System's source of water is surface water as defined by 5 CCR 1003-1, §1.5.2(129).
9. On May 22, 2009, a Division representative conducted a compliance inspection of the System, pursuant to the Division's authority under §25-1.5-204, C.R.S. and 5 CCR 1003-1, §1.7, to determine the System's compliance with the Regulations.

**First Violation**  
**(Failure to Obtain Plans and Specifications Approval**  
**Prior to Construction, Improvements or Modifications)**

10. Pursuant to 5 CCR 1003-1, §1.11.2(b), 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. The Department shall grant such approval when it finds that the proposed facilities are capable of complying, on a continuous basis, with design criteria as stated above, and with all applicable laws, standards, rules and regulations.
11. During the May 22, 2009 Department inspection, a Division representative observed that InterVarsity Christian Fellowship/USA had constructed and installed an alternative filtration technology for small systems. The Division Representative observed that Harmsco filter treatment equipment was being utilized without submitting plans and specifications for the filtration design to the Department.
12. Department records establish that the plans and specifications for the installed filtration treatment equipment have not been submitted to and approved by the Department.
13. In an inspection follow-up letter, dated October 1, 2009, addressed to Mr. Jon Barron at Bear Trap Ranch, the Division Representative advised the System of the requirement for the plans and specifications approval for filtration treatment design and requested the System to take immediate action to submit plans and specifications to the Division Representative by November 8, 2009.
14. Division records to-date establish that the System did not respond to the Division's October 1, 2009 letter and submit plans and specifications of the filtration treatment design for Department approval.
15. InterVarsity Christian Fellowship/USA failure to submit and/or obtain Department approval of the System's plans and specifications prior to construction, improvements or modifications to the System constitutes violation(s) of 5 CCR 1003-1, §1.11.2(b).

**Second Violation**  
**(Failure to Monitor and/or Report for Microbiological Contaminants)**

16. Pursuant to 5 CCR 1003-1, §5.1.1(a), the System must collect total coliform samples at sites that are representative of water throughout the distribution system, according to a written sample-siting plan.

17. Pursuant to 5 CCR 1003-1, §5.1.1(e)(4), a non-community water system using surface water, in total or in part, must monitor at the same frequency as a like-sized community water system, as specified in 5 CCR 1003-1, §5.1, Table 5-1, during the period surface water is being used, regardless of the number of persons it serves. The System, which utilizes surface water and serves less than 1,000 persons, therefore must collect a minimum of one total coliforms sample per month.
18. Pursuant to 5 CCR 1003-1, §§1.6.4(a) and 5.1.1(b), the System is required to submit the results of all routine total coliform sampling and analyses to the Department for review within (a) the first ten (10) days following the month in which the result is received, or (b) the first ten (10) days following the end of the required monitoring period as stipulated by the Department, whichever of these is soonest.
19. Division records establish that the System failed to provide the Department with the results of its routine total coliform analyses for the following monitoring period:

Month	Year	Number of Samples Required	Number of Samples Received
October	2009	1	0

20. InterVarsity Christian Fellowship/USA's failure to submit the results of its routine total coliform analyses to the Department constitutes a violation of 5 CCR 1003-1, §§1.6.4(a) and 5.1.1(b). Additionally, if InterVarsity Christian Fellowship/USA failed to perform routine total coliform monitoring during the identified periods, such failure to perform the monitoring constitutes a violation of 5 CCR 1003-1, §5.1.1(e)(4).

**Third Violation**  
**(Failure to Measure/Report Residual Disinfectant Concentration)**

21. 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 must provide the disinfection treatment specified in 5 CCR 1003-1, §7.1.2(c).
22. Division records establish that the System utilizes hypochlorination methods to achieve disinfection.
23. Pursuant to 5 CCR 1003-1, §7.1.4(a)(2), the residual disinfectant concentration of the water entering the distribution system must be monitored continuously, and the lowest value must be recorded 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, and systems serving 3,300 or fewer persons 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, §7.1.4, Table 7-1.4. Therefore, the System, which serves less than 500 people, is required to take at a minimum of one (1) residual disinfectant sample each day that the System is in operation.

24. Pursuant to 5 CCR 1003-1, §7.1.4(a)(3)(i), the System must measure the residual disinfectant concentration in the distribution system at least at the same points in the distribution system and at the same time as total coliforms are sampled.
25. Pursuant to 5 CCR 1003-1, §7.1.5(a)(2), the disinfection information specified in 5 CCR 1003-1, §§7.1.4(a)(2) – (3) must be reported to the Department within 10 days after the end of each month the System serves water to the public.
26. Division records establish that for the reporting month of October 2009, InterVarsity Christian Fellowship/USA failed to report to the Department its distribution system, residual disinfectant concentration monitoring result.
27. InterVarsity Christian Fellowship/USA's failure to report residual disinfectant concentrations in the distribution system for the above monitoring period constitutes a violation of 5 CCR 1003-1, §7.1.5(a)(2). Further, if InterVarsity Christian Fellowship/USA failed to measure the residual disinfectant concentration in the distribution system, such failure constitutes violations of 5 CCR 1003-1, § 7.1.4(a)(3)(i).

**Fourth Violation**  
**(Failure to Comply with Residual Disinfectant Concentration Requirements)**

28. Pursuant to 5 CCR 1003-1, §7.1, a public water system that uses a surface water source, in whole or in part, must provide treatment consisting of both disinfection and filtration treatment.
29. The residual disinfectant concentration, specified in 5 CCR 1003-1, §7.1.2(c)(2), in the finished water entering the distribution system cannot be less than 0.2 mg/L for more than 4 hours. 5 CCR 1003-1, §7.1.2(b) specifies that failure to meet any requirement of 5 CCR 1003-1, §7.1.2 is a treatment technique violation.
30. Pursuant to 5 CCR 1003-1, §7.1.5(a)(2), disinfection information must be reported to the Department within ten (10) days after the end of each month the System serves water to the public.
31. Pursuant to 5CCR 1003-1, §7.1.5(a)(3)(iii), if at any time the residual falls below 0.2 mg/L in the water entering the distribution system, the system must notify the Department as soon as possible but no later than by the end of the next business day. The system must also notify the Department by the end of the next business day whether or not the residual was restored to at least 0.2 mg/L within 4 hours.
32. A review of the residual chlorine disinfectant data, provided to the Department by the System, identifies the following instances in which the residual chlorine disinfectant level was less than 0.2 mg/L for more than 4 hours:

Monitoring Date	Lowest Residual Reading
May 1, 2007	0.14 mg/L

33. Division records establish that InterVarsity Christian Fellowship/USA's did not notify the Department by the end of business on May 2, 2007 that its residual chlorine disinfectant level was less than 0.2 mg/L, nor did InterVarsity Christian Fellowship/USA provide any information to the Department that the residual was restored to at least 0.2 mg/L within 4 hours.
34. InterVarsity Christian Fellowship/USA's failure to restore the required chlorine residual levels within 4 hours after detecting a residual disinfectant concentration of less than 0.2 mg/L constitutes violation(s) of 5 CCR 1003-1, §7.1.2. Further, InterVarsity Christian Fellowship/USA failed to notify the Department, of the low disinfectant level, by the end of the next business day, such failure constitutes a violation of 5 CCR 1003-1, §7.1.2.

### **Fifth Violation**

#### **(Failure to Comply with the Treatment Technique Limits for Turbidity)**

35. Pursuant to 5 CCR 1003-1, Article 7, a public water system that uses a surface water source, in whole or in part, must provide treatment consisting of both disinfection and filtration treatment.
36. Pursuant to 5 CCR 1003-1, §7.1.3(b), a public water system that use a surface water source or a groundwater source under the direct influence of surface water and serves fewer than 10,000 people must provide filtration treatment which complies with the requirements of 5 CCR 1003-1, §7.1.3 (f) or (g) or 5 CCR 1003-1, §7.3.4(a), (b) or (c). 5 CCR 1003-1, §7.1.3(c) specifies that failure to meet any requirement of §7.1.3 is a treatment technique violation.
37. Department records establish that the System utilizes cartridge filters, as defined by 5 CCR 1003-1, §1.5.2(9), as part of its treatment process of its surface water source.
38. Pursuant to 5 CCR 1003-1, §2.8 and §7.3.4, for systems serving less than 10,000 people, using cartridge filtration, the turbidity treatment technique limit (turbidity level) of representative samples of a system's combined filtered water effluent must be less than or equal to 1 nephelometric turbidity unit (NTU) in at least 95 percent of the measurements taken each month and at no time shall the combined filter effluent turbidity exceed 5 NTU during the month ("maximum turbidity limit").
39. Pursuant to 5 CCR 1003-1, §7.1.4(a)(1), the System must perform turbidity measurements 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.
40. Pursuant to 5 CCR 1003-1, §7.1.5(a)(1), a public water system that uses a surface water source must provide the Department with the results of all turbidity measurements within ten (10) days after the end of each month that the System serves water to the public.

41. A review of the turbidity monitoring data, provided to the Department by the System, identifies the following instances in which combined filter effluent turbidity measurements were not less than or equal to 1 NTU in at least 95 percent of the measurements taken each month:

Monitoring Period	Number of Samples Taken	Number of Samples >1 NTU	% of Samples < 1 NTU
June 2009	30	12	60
May 2009	31	3	90.3
September 2008	30	4	86.67
August 2008	31	11	64.52
July 2007	31	2	93.55
June 2007	30	5	83.33
May 2007	31	25	19.35
July 2006	31	15	51.61
July 2005	31	4	87.10
May 2005	31	22	0.29
May 2004	31	18	41.93
May 2003	31	16	48.39

42. InterVarsity Christian Fellowship/USA's failure to maintain compliance with the treatment technique limits (turbidity levels) for turbidity constitutes violations of 5 CCR 1003-1, §2.8, §7.1.3 and §7.3.4.

### **Sixth Violation**

#### **(Failure to Prepare a Complete Microbiological Contaminants Sample-Siting Plan)**

43. Pursuant to 5 CCR 1003-1, §5.1.1(a), the System must collect total coliform samples at sites which are representative of water throughout the distribution system according to a written sample-siting plan.
44. Pursuant to 5 CCR 1003-1, §1.12, each public water system shall develop and implement a monitoring plan. The public water system shall maintain the plan and make it available for inspection by the Department. The monitoring plan shall be designed and implemented to ensure that the water quality monitoring performed by the system is representative of the water distributed to consumers and is consistent with the regulatory requirements of the Regulations.
45. Pursuant to 5 CCR 1003-1, §1.12.1(e), each monitoring plan prepared by the System must contain Individual Rule Sampling Plans. Each sampling plan shall meet all requirements of the respective provision, including: (1) Frequency and approximate time of collection; (2) Sample site location identification and associated identification number; (3) If appropriate, justification for the site selection; (4) Sample preservation, quality assurance, and quality control procedures, including procedures for equipment calibration; (5) Analysis procedure (certified laboratory or on-site by a party approved by the

Department); (6) Monitoring results presentation format; (7) Procedures to assess and report compliance status for MCLs, ALs, MRDLs, TTs and, if applicable, disinfection byproduct precursor removal efficiency; (8) The rationale used by the system to identify the sampling locations selected to represent the distribution system, and (9) A process to review and update the selected distribution system sampling locations to account for changes due to growth or other significant changes to the distribution system.

- 46. During the May 22, 2009 Department inspection, the Division Representative determined that the System did not have a microbiological contaminants sample-siting plan.
- 47. InterVarsity Christian Fellowship/USA's failure to develop a written microbiological contaminants sample-siting plan/ monitoring plan constitutes violation of 5 CCR 1003-1, §5.1.1(a) and CCR 1003-1, §1.12.1(e).

**COMPLIANCE REQUIREMENTS**

Based upon the foregoing factual and legal determinations and pursuant to 5 CCR 1003-1, §1.6.7, InterVarsity Christian Fellowship/USA is hereby ordered to:

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

Further, the Division hereby orders InterVarsity Christian Fellowship/USA to comply with the following specific terms and conditions of this Enforcement Order.

- 49. Within sixty (60) calendar days after receipt of this Order, InterVarsity Christian Fellowship/USA shall submit for Department review and approval, plans and specifications for the System's constructed filtration treatment. Upon review of the submitted plans and specifications, if the Department determines that the implemented system improvements are deficient, InterVarsity Christian Fellowship/USA shall within sixty (60) calendar days of the Department's notice certify in writing that the deficiencies have been corrected, as necessary, and that the System is now constructed in accordance with the Department approved design plans, specifications and the Regulations.
- 50. Immediately take steps to comply with the microbiological contaminant monitoring/reporting obligations as required by 5 CCR 1003-1, Article 5.
- 51. Within thirty (30) calendar days after receipt of this Order, InterVarsity Christian Fellowship/USA shall submit the results of any microbiological contaminant (total coliform) monitoring performed for the following monitoring periods:

Sample Month	Year
October	2009

52. InterVarsity Christian Fellowship/USA shall immediately begin monitoring and/or reporting residual disinfectant concentrations in accordance with 5 CCR 1003-1, Article 7 by measuring and reporting chlorine residual disinfectant concentrations along with each total coliform sample result.
53. Immediately and in accordance with 5 CCR 1003-1, §7.1.2(c)(2), InterVarsity Christian Fellowship/USA shall initiate efforts and activities to maintain a residual disinfectant concentration in the water entering the distribution system, measured as specified in 5 CCR 1003-1, §7.1.4(a)(2) and 5 CCR 1003-1, §10.5.1(a)(2), of not less than 0.2 mg/L for more than 4 hours.
54. Within thirty (30) calendar days after receipt of this Order, InterVarsity Christian Fellowship/USA shall review and update its microbiological contaminant sampling-siting plan and its monitoring plan for conformance with 5 CCR 1003-1, §5.1.1(a) and §1.12.1(e). Within forty five (45) calendar days after receipt of this Order, InterVarsity Christian Fellowship/USA shall provide the Division with a copy of its current written microbiological contaminant sampling-siting plan / monitoring plan.

*A guidance document on how to prepare a small system microbiological rule sampling plan can be viewed at the following internet location:*

[http://www.cdphe.state.co.us/wq/drinkingwater/pdf/Bulletin02\\_01BactSamplingPlanguidanceDoc.pdf](http://www.cdphe.state.co.us/wq/drinkingwater/pdf/Bulletin02_01BactSamplingPlanguidanceDoc.pdf)

*A guidance document on how to prepare a monitoring plan can be viewed at the following internet location:*

<http://www.cdphe.state.co.us/wq/drinkingwater/pdf/MonitoringPlanTemplate.pdf>

55. Within thirty (30) calendar days after receipt of this Order, if it has not already done so, InterVarsity Christian Fellowship/USA 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, InterVarsity Christian Fellowship/USA 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.cdphe.state.co.us/wq/drinkingwater/pdf/PublicNotice/PN\\_Guidance\\_Mar2003.pdf](http://www.cdphe.state.co.us/wq/drinkingwater/pdf/PublicNotice/PN_Guidance_Mar2003.pdf)

### **ORDER FOR ADMINISTRATIVE PENALTY**

56. 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 Department, 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.

57. 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 and eighty-five dollars and twenty five cents (\$185.25) 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**

58. If InterVarsity Christian Fellowship/USA 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  
Colorado Department of Public Health and Environment  
Water Quality Control Division  
Mail Code: WQCD-B2-CAS  
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.)*

59. Payment or appeal of the administrative penalty in this manner does not relieve InterVarsity Christian Fellowship/USA of its obligation to perform the activities required by this enforcement action.

**NOTICES AND SUBMITTALS**

60. For all documents, plans, records, reports and replies required to be submitted by this order, InterVarsity Christian Fellowship/USA 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-CAS  
Compliance Assurance 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.)*

61. 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**

62. InterVarsity Christian Fellowship/USA 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 InterVarsity Christian Fellowship/USA 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**

63. 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. 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**

64. 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 InterVarsity Christian Fellowship/USA 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

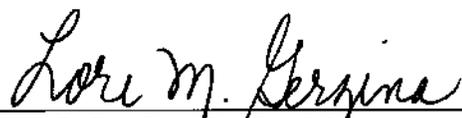
65. You are further advised, pursuant to 5 CCR 1003-1, §1.6.7(g), that a recipient of an Enforcement Order may request a hearing contesting such order. Requests for such a hearing shall be filed in writing with the Department within thirty (30) calendar days after service of the order. Such requests, 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.
66. 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. Such requests, at a minimum, shall contain the information specified in 5 CCR 1002-21, §21.4(B)(2). Hearings on Administrative Penalty Assessments 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

67. 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.
68. 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 26<sup>th</sup> day of February, 2010.

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



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

**INTERVARSITY CHRISTIAN FELLOWSHIP/USA  
BEAR TRAP RANCH  
PUBLIC WATER SYSTEM IDENTIFICATION NUMBER: CO-0221040  
EL PASO COUNTY, COLORADO**

**ADMINISTRATIVE PENALTY COMPUTATION WORKSHEET  
FEBRUARY 26, 2010**

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**Penalty Summary**

**Penalty Calculation -Violation Number 1.....\$120.25**

**Violation** Failure to Monitor Microbiological Contaminants  
**Regulation Violated:** 5 CCR 1003-1, §5.1.1(e)(4)

**Penalty Calculation -Violation Number 2.....\$60.00**

**Violation** Failure to Measure/Report Residual Disinfection Concentration  
**Regulation Violated:** 5 CCR 1003-1, §7.1.4(a)(3)(i)

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**TOTAL PENALTY.....\$185.25**

**ADMINISTRATIVE PENALTY COMPUTATION WORKSHEET**  
**VIOLATION NUMBER: 1**

<b>System Name: Bear Trap Ranch</b>	<b>PWSID Number: CO-0221040</b>
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<b>Date of Enforcement Order: February 26, 2010</b>	<b>Number: DN-100226-1</b>
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<b>Regulation Violated: Failure to Monitor Microbiological Contaminants 5 CCR 1003-1, §5.1.1(e)(4)</b>	<b>Population Served: 134</b>
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**Part I – Base Penalty Calculation**

	<b>Violation Type</b>	<b>Population Range</b>	<b>Amount in Dollars</b>
Line 1	Failure to Monitor Microbiological Contaminants - Month of October 2009	< 500 Served	\$60.00

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

	<b>Aggravating / Mitigating Factors</b>	<b>% Base Penalty Increase or Decrease</b>	<b>Amount in Dollars</b>
Line 2	Factor A: Threat to Public Health and Welfare <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
<b>Line 10</b>	<b>Adjusted Base Penalty (Sum of Line 1 + Line 9)</b>		<b>\$60.00</b>

**Part III – Determination of Days of Violation**

		<b>Days of Violation</b>
Line 11	Total Days of Violation	1
	Justification: The Division has chosen to consider the failure to monitor for microbiological contaminants violation as a single day violation for each month of violation.	

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

		<b>Amount in Dollars</b>
Line 12	Multi-Day Penalty Amount	\$60.00
	Calculations: Day 1 x \$60.00 = 60.00	

**Part V – Economic Benefit Consideration**

		<b>Amount in Dollars</b>
Line 13	Economic Benefit:	\$60.25
	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.	

**Part VI – Violation Penalty Total**

		<b>Amount in Dollars</b>
Line 14	Total Administrative Penalty: (Line 12 + Line 13)	\$120.25

**Part VII – Ability to Pay Adjustment**

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

**Part VIII – Final Adjusted Penalty**

		<b>Amount in Dollars</b>
Line 16	Total Administrative Penalty: (Line 14 - Line 15)	\$120.25

**ADMINISTRATIVE PENALTY COMPUTATION WORKSHEET**  
**VIOLATION NUMBER: 2**

<b>System Name: Bear Trap Ranch</b>	<b>PWSID Number: CO-0221040</b>
<b>Date of Enforcement Order: February 26, 2010</b>	<b>Number: DN-100226-1</b>
<b>Regulation Violated: Failure to Measure/Report Residual Disinfectant Concentration 5 CCR 1003-1, §7.1.4(a)(3)(i)</b>	<b>Population Served: 134</b>

**Part I – Base Penalty Calculation**

	<b>Violation Type</b>	<b>Population Range</b>	<b>Amount in Dollars</b>
Line 1	Failure to Measure/Report Residual Disinfectant Concentration - Month of October 2009	< 500 Served	\$30.00

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

	<b>Aggravating / Mitigating Factors</b>	<b>% Base Penalty Increase or Decrease</b>	<b>Amount in Dollars</b>
Line 2	Factor A: Threat to Public Health and Welfare <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	<b>Adjusted Base Penalty (Sum of Line 1 + Line 9)</b>		<b>\$30.00</b>

**Part III – Determination of Days of Violation**

		<b>Days of Violation</b>
Line 11	Total Days of Violation	1
	Justification: The Division has chosen to consider the failure to monitor for residual disinfectants violation as a single day violation for each month of violation.	

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

		<b>Amount in Dollars</b>
Line 12	Multi-Day Penalty Amount	\$30.00
	Calculations: Day 1 x \$30.00 = 30.00	

**Part V – Economic Benefit Consideration**

		<b>Amount in Dollars</b>
Line 13	Economic Benefit:	\$30.00
	Justification: The Division believes that the System realized an economic benefit by failing to monitor since it has delayed 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.	

**Part VI – Violation Penalty Total**

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

**Part VII – Ability to Pay Adjustment**

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

**Part VIII – Final Adjusted Penalty**

		<b>Amount in Dollars</b>
Line 16	Total Administrative Penalty: (Line 14 - Line 15)	\$60.00