

# STATE OF COLORADO

Bill Ritter, Jr., Governor  
Martha E. Rudolph, 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 25, 2010

Certified Mail Number: 7009 1680 0000 2094 4732

PWSID# CO-0239800

Julie Lang, Registered Agent  
Plateau Valley Enterprises, LLC  
Valley Ranch Supply  
58480 OE Rd.  
Collbran, CO 81624

**RE: Service of Drinking Water Enforcement Order, Number: DC-100525-2**

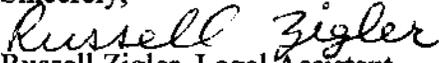
Dear Ms. Lang:

Plateau Valley Enterprises, LLC 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 Plateau Valley Enterprises, LLC 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 Plateau Valley Enterprises, LLC 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 you or Plateau Valley Enterprises, LLC 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](mailto:lauren.worley@state.co.us).

Sincerely,

  
Russell Zigler, Legal Assistant

Compliance Assurance Section, Enforcement Unit  
WATER QUALITY CONTROL DIVISION

Enclosure

cc: Mesa County Health Department

Rebecca Schowalter  
Valley Ranch Supply  
P.O. Box 433  
Collbran, CO 81624

Fred Feller, Operator  
Valley Ranch Supply  
57454 Hwy 330  
Collbran, CO 81624

cc: Mark Kadnuck, Engineering Section, CDPHE  
Dick Parachini, Watershed Program, CDPHE  
Betsy Beaver, Facility Operators Program, CDPHE  
Shawn McCaffrey, EPA Region VIII  
Jeff Lawrence, Director Consumer Protection Division, CDPHE  
Michael Beck, OPA



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

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**ENFORCEMENT ORDER &  
ADMINISTRATIVE PENALTY ASSESSMENT**

**NUMBER: DC-100525-2**

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**IN THE MATTER OF: PLATEAU VALLEY ENTERPRISES, LLC  
VALLEY RANCH SUPPLY  
PUBLIC WATER SYSTEM IDENTIFICATION NUMBER: CO-0239800  
MESA 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. Plateau Valley Enterprises, LLC ("Plateau Valley") owns and/or operates a drinking water system, known as Valley Ranch Supply, located at or near 57454 Highway 330, Collbran, Colorado, in Mesa County, Colorado (the "System").
2. Plateau Valley Enterprises, LLC is a person as defined by 5 CCR 1003-1, §1.5.2(98).
3. Plateau Valley Enterprises, LLC 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 #: CO-0239800.
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 Plateau Valley Enterprises, LLC 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 groundwater as defined by 5 CCR 1003-1, §1.5.2(63).

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

9. 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.
10. Pursuant to 5 CCR 1003-1, §5.1.1(e)(1), the System must monitor for total coliform in each calendar quarter that the system provides water to the public.
11. 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.
12. Division records establish that the System has failed to provide the Department with the results of its routine total coliform analyses for the following monitoring periods:

Quarter	Year	Number of Samples Required	Number of Samples Received
3 <sup>rd</sup>	2009	1	0
1 <sup>st</sup>	2010	1	0

13. Plateau Valley’s failure to submit the results of the System’s routine total coliform analyses to the Department constitutes violations of 5 CCR 1003-1, §§1.6.4(a) and 5.1.1(b). Additionally, if Plateau Valley failed to perform routine total coliform monitoring during the identified periods, such failure to perform the monitoring further constitutes violations of 5 CCR 1003-1, §5.1.1(e)(1).

**Second Violation**  
**(Failure to Report Residual Disinfection Concentration)**

14. Pursuant to 5 CCR 1003-1, § 13.2(b), a public water system that uses only groundwater sources which have been determined to not be under the direct influence of surface water shall be disinfected by means or methods which are approved by the Department and are effective in the killing or removal of pathogenic organisms. Disinfection may include physical as well as chemical treatment. When chlorination methods are employed, a sufficient amount of chlorine shall be added to the water to destroy any pathogenic organisms potentially present and to maintain a detectable residual in at least 95 percent of the samples taken at the extremities of the distribution system from which water may be withdrawn.

15. Pursuant to 5 CCR 1003-1, §13.2(c)(1), the residual disinfectant concentration in the distribution system, measured as total chlorine, combined chlorine, free chlorine or chlorine dioxide, cannot be undetectable in more than 5 percent of the samples taken each month, for any two consecutive months that the system serves water to the public.
16. Pursuant to 5 CCR 1003-1, §13.2(c)(2), the residual disinfectant concentration must be measured at least at the same points in the distribution system and at the same time as total coliforms are sampled.
17. Pursuant to 5 CCR 1003-1, §1.6.4(a), the System shall report to the state the results of all routine residual disinfectant concentration sampling and analyses to the Department for review 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 the Department, whichever of these is shorter.
18. Pursuant to 5 CCR 1003-1, §5.1.1(e)(1), the System must monitor for total coliform in each calendar quarter that the system provides water to the public.
19. Division records establish that the System utilizes chlorination methods to achieve disinfection.
20. Division records establish that the System has failed to provide the Department with the results of its routine residual disinfectant concentration analyses for the following monitoring periods:

Quarter	Year	Number of Samples Required	Number of Samples Received
3 <sup>rd</sup>	2009	1	0
1 <sup>st</sup>	2010	1	0

21. Plateau Valley's failure to submit the results of the System's routine residual disinfection concentration analyses to the Department constitutes violations of 5 CCR 1003-1, §1.6.4(a). Additionally, if Plateau Valley failed to perform routine residual disinfection concentration monitoring during the identified periods, such failure to perform the monitoring further constitutes violations of 5 CCR 1003-1, §13.2(c)(2).

**Third Violation**  
**(Failure to Prepare/Submit a Monitoring Plan)**

22. 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.
23. Pursuant to 5 CCR 1003-1, §1.12.2(a)(4), the System was required to submit a monitoring plan to the Department by April 10, 2006.

24. In a letter dated November 7, 2008, from the Department to the System, the Department informed Plateau Valley that revisions made to the Regulations, effective March 30, 2004, require all public water systems to develop and implement a monitoring plan. The Department also informed Plateau Valley that it must submit one copy of its monitoring plan to the Department within forty-five (45) days of the date of the letter.
25. Division records establish that Plateau Valley has neither developed nor submitted to the Division a monitoring plan.
26. Plateau Valley's failure to develop, maintain, and/or submit a copy of the monitoring plan for the System constitutes violation(s) of 5 CCR 1003-1, §1.12.

**COMPLIANCE REQUIREMENTS**

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

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

Further, the Division hereby orders Plateau Valley Enterprises, LLC to comply with the following specific terms and conditions of this Enforcement Order:

28. Immediately take steps to comply with the microbiological contaminant monitoring/reporting obligations as required by 5 CCR 1003-1, Article 5.
29. By June 30, 2010, Plateau Valley shall submit the results of any microbiological contaminant (total coliform) monitoring performed for the following monitoring periods:

<b>Sample Quarter</b>	<b>Year</b>	<b>Sample Location</b>
3 <sup>rd</sup>	2009	Routine
1 <sup>st</sup>	2010	Routine

30. If the second quarter 2010 total coliform sampling has not been conducted by the System, Plateau Valley shall collect a total coliform sample from the distribution system according to the System's written sample-siting plan by June 30, 2010. The total coliform sample must be collected properly and analyzed by a Department certified laboratory in accordance with approved methods. Plateau Valley shall provide the Department with the results of the total coliform analysis within ten (10) calendar days of receipt of the results from the laboratory.

31. Immediately take steps to comply with the residual disinfection concentration monitoring/reporting obligations as required by 5 CCR 1003-1, Article 13.
32. By June 30, 2010, Plateau Valley shall submit the results of any residual disinfection concentration monitoring performed for the following monitoring periods:

Sample Quarter	Year	Sample Location
3 <sup>rd</sup>	2009	Routine
1 <sup>st</sup>	2010	Routine

33. If the second quarter 2010 residual disinfection concentration sampling has not been conducted by the System, Plateau Valley shall collect a residual disinfection concentration sample from the distribution system according to the System’s written sample-siting plan by June 30, 2010. The residual disinfection concentration sample must be collected properly and analyzed by a Department certified laboratory in accordance with approved methods. Plateau Valley shall provide the Department with the results of the residual disinfection concentration analysis within ten (10) calendar days of receipt of the results from the laboratory.
34. By no later than June 30, 2010, Plateau Valley shall develop and implement a monitoring plan pursuant to 5 CCR 1003-1, §1.12, which includes a microbiological contaminant sample-siting plan, 5 CCR 1003-1, §5.1.1(a), to reflect the System’s current configuration, treatment and operation. The plan shall specifically outline how Plateau Valley will ensure that samples collected are representative of water quality throughout the distribution system(s), that samples should be taken both with temporal and spatial separation to ensure representative samples are obtained of water quality throughout the distribution system and throughout the month of service and that samples are not to be taken all on the same day. By no later than July 15, 2009, Plateau Valley shall provide the Division with a copy of its written monitoring plan.

*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>

*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)

35. 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:
  - a. Frequency and approximate time of collection;
  - b. Sample site location identification and associated identification number;
  - c. If appropriate, justification for the site selection;

- d. Sample preservation, quality assurance, and quality control procedures, including procedures for equipment calibration;
  - e. Analysis procedure (certified laboratory or on-site by a party approved by the Department);
  - f. Monitoring results presentation format;
  - g. Procedures to assess and report compliance status for MCLs, ALs, MRDLs, TTs and, if applicable, disinfection byproduct precursor removal efficiency;
  - h. The rationale used by the system to identify the sampling locations selected to represent the distribution system, and
  - i. 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.
36. By June 30, 2010, Plateau Valley 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, Plateau Valley 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**

37. 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.
38. 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 three hundred twenty dollars and fifty cents (\$320.50) 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 Attachment A.

### **Terms of Administrative Penalty Payment**

39. If Plateau Valley 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-B2-CAS  
4300 Cherry Creek Drive South  
Denver, Colorado 80246-1530

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

40. Payment or appeal of the administrative penalty in this manner does not relieve Plateau Valley of its obligation to perform the activities required by this enforcement action.

### **NOTICES AND SUBMITTALS**

41. For all documents, plans, records, reports and replies required to be submitted by this order, Plateau Valley 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. Lauren Worley)*

42. 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**

43. Plateau Valley Enterprises, LLC 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 Plateau Valley 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**

44. 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**

45. 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 Plateau Valley Enterprises, LLC 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**

46. 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.

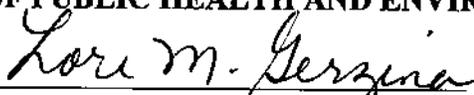
47. Pursuant to §25-1-114.1(2.5)(b), C.R.S., an Administrative Penalty Assessment may be appealed to the Water Quality Control Commission. Requests for such an appeal should be filed in writing with the Water Quality Control Commission within thirty (30) calendar days after service of the penalty assessment.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

48. 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.
49. 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 25<sup>th</sup> day of May, 2010.

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

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

Attachment A

PLATEAU VALLEY ENTERPRISES, LLC  
PUBLIC WATER SYSTEM IDENTIFICATION NUMBER: CO-0239800  
MESA COUNTY, COLORADO

ADMINISTRATIVE PENALTY COMPUTATION WORKSHEET  
(May 25, 2010)

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Penalty Summary

Penalty Calculation - Violation Number 1 ..... \$200.50

**Violation:** Failure to Monitor and/or Report for Microbiological Contaminants  
**Regulation Violated:** 5 CCR 1003-1, §§ 1.6.4(a), 5.1.1(b) and 5.1.1(e)(1)

Penalty Calculation - Violation Number 2 ..... \$120.00

**Violation:** Failure to Report Residual Disinfection Concentration  
**Regulation Violated:** 5 CCR 1003-1, § 13.2(c)(2)

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**TOTAL PENALTY**.....**\$320.50**

*These calculations were completed in accordance with the WQCD's Public Water System Administrative Penalty Policy, which can be found at the following Internet location: <http://www.cdphe.state.co.us/wq/enforcement/index.html>*

Attachment A

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

<b>System Name:</b> Valley Ranch Supply	<b>PWSID Number:</b> CO-0239800
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<b>Date of Enforcement Order:</b> May 25, 2010	<b>Number:</b> DC-100525-2
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<b>Regulation Violated:</b> Failure to monitor and/or report for microbiological contaminants, 5 CCR 1003-1, §§ 1.6.4(a), 5.1.1(b) and 5.1.1(e)(1)	<b>Population Served:</b> 58
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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 and/or Report for Microbiological Contaminants	< 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:</i>	+ or – 0 %	+ or – \$00.00
Line 3	Factor B: Intentional, Reckless, or Negligent Actions <i>Justification:</i>	+ 0 %	+ \$00.00
Line 4	Factor C: Recalcitrance or Recidivism <i>Justification:</i>	+ 0 %	+ \$00.00
Line 5	Factor D: Voluntary and Complete Disclosure of Violations <i>Justification:</i>	– 0 %	– \$00.00
Line 6	Factor E: Full and Prompt Cooperation <i>Justification:</i>	+ or – 0 %	+ or – \$00.00
Line 7	Factor F: Environmental Compliance Program <i>Justification:</i>	– 0 %	– \$00.00

Attachment A

	<b>Aggravating / Mitigating Factors</b>	<b>% Base Penalty Increase or Decrease</b>	<b>Amount in Dollars</b>
Line 8	Factor G: Other Aggravating or Mitigating Circumstances	+ or - 0 %	+ or - \$00.00
	<i>Justification:</i>		
Line 9	Sum of Lines 2 through Line 9	<b>0.00</b>	+ or - \$00.00
<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	<b>2</b>
	<i>Justification: The Division has chosen to consider the third quarter 2009 and the first quarter 2010 failure to monitor for microbiological contaminants as single day violations respectively.</i>	

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

		<b>Amount in Dollars</b>
Line 12	Multi-Day Penalty Amount	<b>\$120.00</b>
	<i>Calculations:</i> <i>Total Days of Violation (2) x (\$60.00) = \$120.00</i>	

**Part V – Economic Benefit Consideration**

		<b>Amount in Dollars</b>
Line 13	Economic Benefit:	<b>\$80.50</b>
	<i>Justification: The Division believes that the System realized an economic benefit by failing to monitor since it has avoided its cost for the test itself as well as the cost of the labor involved in obtaining sample bottles, conducting the testing, and transporting the samples to the lab.</i>	

**Part VI – Violation Penalty Total**

		<b>Amount in Dollars</b>
Line 14	Total Administrative Penalty: (Line 12 + Line 13)	<b>\$200.50</b>

Attachment A

**Part VII – Ability to Pay Adjustment**

			<b>Amount in Dollars</b>
<b>Line 15</b>	<b>Ability to Pay Reduction:</b>		<b>\$00.00</b>
	<i>Justification: Not Applicable – The Division has not been provided any information demonstrating an inability to pay by Plateau Valley Enterprises, LLC.</i>		

**Part VIII – Final Adjusted Penalty**

			<b>Amount in Dollars</b>
<b>Line 16</b>	<b>Total Administrative Penalty: (Line 14 - Line 15)</b>		<b>\$200.50</b>

Attachment A

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

<b>System Name:</b> Valley Ranch Supply	<b>PWSID Number:</b> CO-0239800
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<b>Date of Enforcement Order:</b> May 25, 2010	<b>Number:</b> DC-100525-2
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<b>Regulation Violated:</b> Failure to report residual disinfection concentration, 5 CCR 1003-1, §13.2(c)(2)	<b>Population Served:</b> 58
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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 Report Residual Disinfection Concentration	< 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:</i>	+ or – 0 %	+ or – \$00.00
Line 3	Factor B: Intentional, Reckless, or Negligent Actions <i>Justification:</i>	+ 0 %	+ \$00.00
Line 4	Factor C: Recalcitrance or Recidivism <i>Justification:</i>	+ 0 %	+ \$00.00
Line 5	Factor D: Voluntary and Complete Disclosure of Violations <i>Justification:</i>	– 0 %	– \$00.00
Line 6	Factor E: Full and Prompt Cooperation <i>Justification:</i>	+ or – 0 %	+ or – \$00.00
Line 7	Factor F: Environmental Compliance Program <i>Justification:</i>	– 0 %	– \$00.00

Attachment A

	<b>Aggravating / Mitigating Factors</b>	<b>% Base Penalty Increase or Decrease</b>	<b>Amount in Dollars</b>
Line 8	Factor G: Other Aggravating or Mitigating Circumstances	+ or - 0 %	+ or - \$00.00
	<i>Justification:</i>		
Line 9	Sum of Lines 2 through Line 9	0.00	+ or - \$00.00
Line 10	Adjusted Base Penalty (Sum of Line 1 + Line 9)		\$30.00

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

		<b>Days of Violation</b>
Line 11	Total Days of Violation	2
	<i>Justification: The Division has chosen to consider the third quarter 2009 and the first quarter 2010 Failure to Report Residual Disinfection Concentration as single day violations respectively.</i>	

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

		<b>Amount in Dollars</b>
Line 12	Multi-Day Penalty Amount	\$60.00
	<i>Calculations:</i> <i>Total Days of Violation (2) x (\$30.00) = \$60.00</i>	

**Part V – Economic Benefit Consideration**

		<b>Amount in Dollars</b>
Line 13	Economic Benefit:	\$60.00
	<i>Justification: The Division believes that the System realized an economic benefit by failing to perform two required monitoring events since it has avoided its cost for the test itself as well as the cost of the labor involved in obtaining sample bottles and conducting the testing.</i>	

**Part VI – Violation Penalty Total**

		<b>Amount in Dollars</b>
Line 14	Total Administrative Penalty: (Line 12 + Line 13)	\$120.00

Attachment A

**Part VII – Ability to Pay Adjustment**

			<b>Amount in Dollars</b>
<b>Line 15</b>	<b>Ability to Pay Reduction:</b>		<b>\$00.00</b>
	<i>Justification: Not Applicable – The Division has not been provided any information demonstrating an inability to pay by Plateau Valley Enterprises, LLC.</i>		

**Part VIII – Final Adjusted Penalty**

			<b>Amount in Dollars</b>
<b>Line 16</b>	<b>Total Administrative Penalty: (Line 14 - Line 15)</b>		<b>\$120.00</b>