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.
Denver, Colorado 80246-1530
Phone (303) 692-2000
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Located in Glendale, Colorado

Laboratory Services Division
8100 Lowry Blvd.
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http://www.cdphe.state.co.us

Colorado Department
of Public Health
and Environment

July 23, 2010

PWSID #: CO0111700
Town of Manassa
ATTN: Michael E. Trent, Mayor
401 Main Street
Manassa, Colorado 81141

RE: FINAL ENFORCEMENT ORDER ON CONSENT

Dear Mr. Trent:

Enclosed you will find one copy of the final signed version of the Enforcement Order on Consent for the Town of Manassa's records. The Division has retained the other copy for our records.

Please note that the Division has reassigned the lead case person for the Enforcement Order on Consent. Therefore, please substitute the contact information below for that provided in paragraph 47 of the Enforcement Order on Consent:

Colorado Department of Public Health and Environment
Water Quality Control Division / Compliance Assurance Section
Attention: Sean Scott
4300 Cherry Creek Drive South
Denver, Colorado 80246-1530

Telephone: 303-692-3258
E-mail: sean.scott@state.co.us

If you have any questions, please don't hesitate to contact Sean Scott at (303) 692-3258 or by electronic mail at sean.scott@state.co.us.

We appreciate your cooperation in bringing this matter to resolution.

Sincerely,

Russell Zigler

Russell Zigler, Legal Assistant
Compliance Assurance Section
Enforcement Unit
WATER QUALITY CONTROL DIVISION

cc: Conejos County Public Health Nursing Service

ec: Tim Vrudny, Technical Services Unit, CDPHE
Dick Parachini, Watershed Program, CDPHE
Betsy Beaver, Facility Operators Program, CDPHE
Melanie Wasco, EPA Region VIII

COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

WATER QUALITY CONTROL DIVISION

ENFORCEMENT ORDER ON CONSENT **NUMBER: DE-100723-1**

IN THE MATTER OF: **TOWN OF MANASSA**
PUBLIC WATER SYSTEM IDENTIFICATION NUMBER: CO0111700
CONEJOS COUNTY, COLORADO

The Colorado Department of Public Health and Environment ("Department"), through the Water Quality Control Division, issues this Enforcement Order on Consent ("Consent Order"), pursuant to the Department's authority under §25-1.5-203, C.R.S., and its implementing regulations, with the express consent of the Town of Manassa ("Manassa"). The Department and Manassa may be referred to collectively as "the Parties."

STATEMENT OF PURPOSE

1. The mutual objectives of the Parties in entering into this Consent Order are to establish compliance requirements and schedules so as to return Manassa's public water system to compliance with the *Colorado Primary Drinking Water Regulations*, 5 CCR 1003-1, Articles 1 through 13 (the "Regulations"), specifically including the requirement to provide disinfection treatment of groundwater sources.

DEPARTMENT'S FINDINGS OF FACT AND DETERMINATION OF VIOLATIONS

2. Based upon the Department's investigation into and review of the compliance issues identified herein, and in accordance with §25-1.5-203, C.R.S., the Department has made the following determinations regarding Manassa and Manassa's compliance with the Regulations:

3. Manassa 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).

4. Manassa's public water system is located in the vicinity of 401 Main Street, Manassa, in Conejos County, Colorado (the "System")

5. The Public Water System Identification Number ("PWSID"), assigned to the System by the Department is PWSID # CO0111700.

6. Pursuant to 5 CCR 1003-1, §1.2, the System is subject to the *Colorado Primary Drinking Water Regulations*, which were adopted pursuant to §25-1.5-203, C.R.S.

7. Manassa provides piped water for human consumption from the System to at least fifteen (15) service connections used by year-round residents and/or regularly serves at least twenty-five (25) year-round residents. The System is therefore classified as a "community water system" as defined by 5 CCR 1003-1, §1.5.2(15).

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

(Failure to Provide Disinfection Treatment of Groundwater Sources)

9. 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. 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% of the samples taken at the extremities of the distribution system from which water may be withdrawn.

10. On September 30, 1993, the Department granted a disinfection waiver to Manassa.

11. On August 17, 2009, the Department withdrew the town's disinfection waiver because of a history of exceeding the total coliform maximum contaminant level from 2004 through 2009.

12. Manassa requested a formal hearing to contest the withdrawal of the chlorination waiver.

13. A meeting between the Department and Manassa's town council was held on January 5, 2010.

14. In the letter dated January 12, 2010, Manassa relinquished its right to appeal the withdrawal of the disinfection waiver and indicated its willingness to install a chlorination disinfection treatment system with back-up generators at both of its groundwater sources.

15. Manassa's current failure to provide Department approved disinfection treatment and maintain a detectable disinfectant residual in the Manassa's distributed water constitutes violation of 5 CCR 1003-1, §13.2(b).

ORDER AND AGREEMENT

16. Based on the foregoing factual and legal determinations, pursuant to its authority under §25-1.5-203, C.R.S. and its implementing regulations, the Department orders and Manassa agrees to comply with all provisions of this Consent Order, including all requirements set forth below.

17. This Consent Order constitutes an Enforcement Order issued pursuant to 5 CCR 1003-1, §1.6.7. Manassa further agrees that this Consent Order is an enforceable requirement of the Regulations.

Violations of this Consent Order may be subject to civil or criminal actions pursuant to the provisions of §§25-1-114 and 25-1-114.1, CRS.

18. Manassa will not challenge directly or collaterally, in any judicial or administrative proceeding:

    a. The issuance of this Consent Order;

    b. The factual and legal determinations made by the Department herein; and

    c. The Department's authority to bring, or the court's jurisdiction to hear, any action to enforce the terms of this Consent Order under the Regulations.

19. Notwithstanding the above, Manassa does not admit to any of the factual or legal determinations made by the Department herein, and any action undertaken by Manassa pursuant to this Consent Order shall not constitute evidence of fault by Manassa with respect to the conditions of the public water system.

20. Manassa shall fulfill all compliance requirements set forth below in a timely manner.

COMPLIANCE REQUIREMENTS

21. In order to ensure long-term compliance with the *Colorado Primary Drinking Water Regulations*, specifically including the disinfection treatment requirements for public water supplies, Manassa shall complete its proposed System improvements in accordance with the following schedule:

    a. Within forty-five (45) calendar days of receiving written comments from the Department review of the Preliminary Engineering Report, submit Final Design Plans and Specifications for the System improvements for Department review and approval in accordance with the *State of Colorado Design Criteria for Potable Water Systems.*

    b. By December 1, 2010, complete construction/implementation of the Department approved system improvements to ensure long-term compliance with disinfection treatment requirements.

    c. By January 1, 2011, Manassa shall submit a written certification from the design firm certifying that the system improvements were constructed as approved by the Department.

22. Manassa shall submit "System Improvement Project - Progress Reports" to the Department every thirty (30) calendar days. The first report shall be submitted to the Department by July 31, 2010. At a minimum, each report shall clearly indicate the status of Manassa's compliance with this Consent Order and outline activities to be undertaken by Manassa to maintain compliance with this Order within the next thirty (30) calendar days. These reports shall be required until the System has demonstrated reliable and consistent compliance with the requirements of 5 CCR 1003-1, §13.2(b).

23. By no later than July 31, 2010, Manassa shall issue a public notice in accordance with 5 CCR 1003-1, Article 9.2 for failure to provide disinfection treatment of a groundwater source violation identified in this Enforcement Order. Beginning July 31, 2010, Manassa shall, at a minimum, continuously post

the public notice at the Manassa town hall, the gas station, grocery store, and post office and publish the notice in the *Manassa Flyer* monthly until Manassa has effectively addressed and returned to compliance with the disinfection treatment requirements outlined in 5 CCR 1003-1, §13.2(b). Within ten (10) calendar days of each calendar quarter, Manassa shall submit to the Department, along with the mandatory Public Notification certification of delivery, a representative copy of notices distributed, published, posted, and/or made available to the persons served by the system and/or to the media. (Attached are copies of procedures and forms to assist you with the public notification requirements as Exhibit A.)

Interim Measures

24. In order to minimize the risk to public health until Manassa has implemented treatment process improvements to ensure long-term compliance with disinfection treatment requirements, Manassa shall implement the following interim measures:

a. Within fifteen (15) calendar days of the effective date of this Consent Order and in accordance with 5 CCR 1003-1, §1.12 and 5.1.1(a), Manassa shall submit for review a revised microbiological contaminant sample-siting plan. The sample-siting plan shall identify when and where Manassa will collect the required two (2) total coliform samples per month. The total coliform samples must be collected properly and analyzed by a Department certified laboratory in accordance with approved methods. Samples are to 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. One (1) sample is to be taken approximately every two (2) weeks and that samples are not to be taken at the same location. Manassa shall provide the Department with the results of the total coliform analyses within ten (10) calendar days of receipt of the results from the laboratory.

b. In the event of a total coliform positive sample, Manassa must provide verbal notification to the Department immediately upon notification by the laboratory of the total coliform positive result(s). Within 24 hours of notification of a total coliform positive result, Manassa must:

i. Collect source water samples in accordance with 5 CCR 1003-1, §13.3, and

ii. Collect repeat distribution samples in accordance with 5 CCR 1003-1, §5.1.2

iii. Complete an investigation into the reason for any total coliform-positive routine samples in accordance with 5 CCR 1003-1; §5.2(a) and submit the "Positive Total Coliform Investigation" form of the investigation to the Department in accordance with 5 CCR 1003-1; §5.2(b).

The Positive Total Coliform Investigation *form can be viewed at the following Internet location:*

http://www.cdphe.state.co.us/wq/drinkingwater/PublicWaterSystemReportingForms.html

c. Within thirty (30) calendar days after the effective date of this Consent Order and in accordance with 5 CCR 1003-1, §§1.12.3 and 5.1.1(a), Manassa agrees to review and revise its monitoring plan, including its microbiological contaminant sample-siting plan, to reflect the System's current configuration, treatment and operation. Within forty-five (45) calendar

days after the effective date of this Consent Order, Manassa shall provide the Department with a copy of its revised and updated written monitoring plan and its microbiological sample-siting plan.

i. The microbiological sample-siting plan shall specifically outline how Manassa will ensure that samples collected are representative of water quality throughout the distribution system(s), that samples are to 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.

ii. Pursuant to 5 CCR 1003-1, §1.12.1(e), each monitoring plan prepared by the System must contain Individual Rule Sampling Plans. Each Individual Rule Sampling Plan shall meet all requirements of the respective rule, 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.

Department guidance on monitoring plans and sample-siting plans can be viewed at the following Internet locations:

http://www.cdphe.state.co.us/wq/drinkingwater/pdf/MonitoringPlanTemplate_April_2003.pdf

http://www.cdphe.state.co.us/wq/drinkingwater/pdf/Bulletin02_01BactSamplingPlanguidanceDoc.pdf

d. Within thirty (30) calendar days after the effective date of this Consent Order, Manassa agrees to develop and provide the Department with a written Distribution System Inspection and

Maintenance Plan. The Distribution System Inspection and Maintenance Plan shall include, at a minimum, the following:

i. A comprehensive review of the distribution system, including materials, pipe age, and determination/identification of areas vulnerable to line breaks.

ii. A description of routine and periodic maintenance.

iii. A response plan for line breaks and/or line maintenance and/or replacement.

iv. Consider developing specific time schedules for routine and comprehensive disinfectant flushing of the distribution system in the Manassa System (including a list of elements and tasks to be included during each flushing event). A copy of *Drinking Water System Generic Flushing and Sanitization Procedure* is attached hereto as Exhibit B.

The submitted Distribution System Inspection and Maintenance Plan shall become a condition of this Consent Order unless notified by the Department, in writing, that alternate activities, elements or time schedules are appropriate. If the Department imposes alternate activities, elements, or time schedules, they shall also become a condition of this Consent Order

SCOPE AND EFFECT OF CONSENT ORDER

25. The Parties agree and acknowledge that this Consent Order constitutes a full and final settlement of the violations cited herein.

26. This Consent Order constitutes a final agency order or action upon execution by Manassa and the Department. Any violation of the provisions of this Consent Order by Manassa, including any false certifications, shall be a violation of a final order or action of the Department for the purpose of §25-1-114.1, C.R.S., and may result in the assessment of administrative or civil penalties of up to one thousand dollars per day for each day during which such violation occurs.

27. The Parties' obligations under this Consent Order are limited to the matters expressly stated herein or in approved submissions required hereunder. All submissions made pursuant to this Consent Order are incorporated into this Consent Order and become enforceable under the terms of this Consent Order as of the date of written approval by the Department.

28. The Department's approval of any submission, standard, or action under this Consent Order shall not constitute a defense to, or an excuse for, any prior violation, or any subsequent violation of any requirement of this Consent Order or the Regulations.

29. This Consent Order does not relieve Manassa from complying with all applicable Federal, State, and/or local laws in fulfillment of its obligations hereunder and shall obtain all necessary approvals and/or permits to conduct the activities required by this Consent Order. The Department makes no representation with respect to approvals and/or permits required by Federal, State, or local laws other than those specifically referred to herein.

30. Notwithstanding paragraph 15 above, the violations described in this Consent Order will constitute part of Manassa's compliance history for purposes where such history is relevant. This includes considering the violations described above in assessing a penalty for any subsequent violations against Manassa. Manassa agrees not to challenge the use of the cited violations for any such purpose.

31. Nothing herein shall be construed as prohibiting, altering, or in any way limiting the ability of the Department to seek any further remedies or sanctions available by virtue of Manassa's violation of this agreement or, except with respect to those violations identified herein, of the statutes and regulations upon which this agreement is based or any other applicable provision of law.

LIMITATIONS, RELEASES AND RESERVATION OF RIGHTS AND LIABILITY

32. Upon the effective date of this Consent Order, and during its term, this Consent Order shall stand in lieu of any other enforcement actions by the Department with respect to the specific instances of violations cited herein. The Department reserves the right to bring any action to enforce this Consent Order, including actions for penalties or the collection thereof, and/or injunctive relief.

33. This Consent Order does not grant any release of liability for any violations not specifically cited herein.

34. Nothing in this Consent Order shall preclude the Department from imposing additional requirements in the event that new information is discovered that indicates such requirements are necessary to protect human health or the environment

35. Upon the effective date of this Consent Order, Manassa releases and covenants not to sue the State of Colorado or its employees, agents or representatives as to all common law or statutory claims or counterclaims arising from, or relating to, the violations of the Regulations specifically addressed herein.

36. Manassa shall not seek to hold the State of Colorado or its employees, agents or representatives liable for any injuries or damages to persons or property resulting from acts or omissions of Manassa, or those acting for or on behalf of Manassa, including its officers, employees, agents, successors, representatives, contractors, consultants or attorneys in carrying out activities pursuant to this Consent Order. Manassa shall not hold out the State of Colorado or its employees, agents or representatives as a party to any contract entered into by Manassa in carrying out activities pursuant to this Consent Order. Nothing in this Consent Order shall constitute an express or implied waiver of immunity otherwise applicable to the State of Colorado, its employees, agents, or representatives.

SITE ACCESS AND SAMPLING

37. The Department shall be permitted to oversee any and all work being performed under this Consent Order. The Department shall be permitted access to Manassa's public water system property at any time work is being conducted pursuant to this Consent Order, and during reasonable business hours during any period work is not being conducted, for the purposes of determining Manassa's compliance with the Colorado Primary Drinking Water Regulation and this Consent Order. The

Department shall be permitted to inspect work sites, operating and field logs, contracts, purchasing/shipping records, and other relevant records and documents relating to this Consent Order or any requirement under this Consent Order and to interview Manassa's personnel and contractors performing work required by this Consent Order. Nothing in this paragraph limits or impairs the Department's statutory authorities to enter and inspect the Facility.

38. The Department may conduct any tests necessary to ensure compliance with this Consent Order and to verify the data submitted by Manassa.

FORCE MAJEURE

39. Manassa shall perform the requirements of this Consent Order within the schedules and time limits set forth herein and in any approved plan unless the performance is prevented or delayed by events that constitute a force majeure. A force majeure is defined as any event arising from causes which are not reasonably foreseeable, which are beyond the control of Manassa, and which cannot be overcome by due diligence.

40. Within seventy-two (72) hours of the time that Manassa knows or has reason to know of the occurrence of any event which Manassa has reason to believe may prevent Manassa from timely compliance with any requirement under this Consent Order, Manassa shall provide verbal notification to the Department. Within seven (7) calendar days of the time that Manassa knows or has reason to know of the occurrence of such event, Manassa shall submit to the Department a written description of the event causing the delay, the reasons for and the expected duration of the delay, and actions which will be taken to mitigate the duration of the delay.

41. The burden of proving that any delay was caused by a force majeure shall at all time rest with Manassa. If the Department agrees that a force majeure has occurred, the Department will so notify Manassa. The Department will also approve or disapprove of Manassa's proposed actions for mitigating the delay. If the Department does not agree that a force majeure has occurred, or if the Department disapproves of Manassa's proposed actions for mitigating the delay, it shall provide a written explanation of its determination to Manassa. Pursuant to the Dispute Resolution section, within fifteen (15) calendar days of receipt of the explanation, Manassa may file an objection.

42. Delay in the achievement of one requirement shall not necessarily justify or excuse delay in the achievement of subsequent requirements. In the event any performance under this Consent Order is found to have been delayed by a force majeure, Manassa shall perform the requirements of this Consent Order that were delayed by the force majeure with all due diligence.

DISPUTE RESOLUTION

43. If the Department determines that a violation of this Consent Order has occurred, that a force majeure has not occurred; that the actions taken by Manassa to mitigate the delay caused by a force majeure are inadequate; that Manassa's Notice of Completion should be rejected pursuant to paragraph 44, the Department shall provide a written explanation of its determination to Manassa. Within fifteen (15) calendar days of receipt of the Department's determination, Manassa shall:

a. Submit a notice of acceptance of the determination; or

b. Submit a notice of dispute of the determination.

If Manassa fails to submit either of the above notices within the specified time, it will be deemed to have accepted the Department's determination.

44. If the Department disapproves or approves with modifications any original or revised plan submitted by Manassa pursuant to this Consent Order, the Department shall provide a written explanation of the disapproval or approval with modifications. Within fifteen (15) business days of receipt of the Department's approval with modifications or disapproval of the plan, Manassa shall:

a. In the case of an approval with modifications only, submit a notice of acceptance of the plan as modified and begin to implement the modified plan;

b. In the case of a disapproval only, submit a revised plan for Department review and approval. Manassa may not select this option if the Department has included in its disapproval an alternate plan that shall be implemented by Manassa; or

c. Submit a notice of dispute of the disapproval or approval with modifications.

If Manassa fails to do any of the above within the specified time, Manassa shall be deemed to have failed to comply with the Consent Order, and the Department may bring an enforcement action, including a claim for the assessment of penalties.

45. If Manassa submits a revised plan, the plan shall respond adequately to each of the issues raised in the Department's written explanation of the disapproval or approval with modifications. The Department may determine that failure to respond completely to each of the issues raised in the Department's written explanation constitutes a violation of this Consent Order. The Department shall notify Manassa in writing of its approval, approval with modifications, or disapproval of the revised plan. If the Department disapproves the revised plan, it may include in its disapproval a plan for implementation by Manassa. Such disapproval and plan shall be deemed effective and subject to appeal in accordance with the Regulations and the Colorado State Administrative Procedures Act, §§ 24-4-101 through 108, C.R.S. (the "APA"), unless Manassa submits a notice of dispute, pursuant to paragraph 44 above, of the Department's disapproval and plan for implementation. All requirements and schedules of the Department's plan shall not become effective pending resolution of the dispute.

46. If Manassa files any notice of dispute pursuant to paragraphs 43, 44, or 45, the notice shall specify the particular matters in the Department's determination that Manassa seeks to dispute, and the basis for the dispute. Matters not identified in the notice of dispute shall be deemed accepted by Manassa. The Department and Manassa shall have thirty (30) calendar days from the receipt by the Department of the notification of dispute to reach an agreement. If agreement cannot be reached on all issues within this thirty (30) calendar day period, the Department shall confirm or modify its decision in writing within an additional fourteen (14) calendar days, and the confirmed or modified decision shall be deemed effective upon its receipt by Manassa and subject to appeal in accordance with the Regulations and the APA.

NOTICES AND SUBMITTALS

47. Unless otherwise specified, any report, notice or other communication required under the Consent Order shall be sent to:

For the Department:

Colorado Department of Public Health and Environment
Water Quality Control Division / Compliance Assurance Section
Attention: Jacalyn Whelan
4300 Cherry Creek Drive South
Denver, Colorado 80246-1530

Telephone: 303-692-3617
E-mail: jackie.whelan@state.co.us
(For any facsimile transmittals, please include a cover sheet addressed to Ms. Whelan.)

For the Town of Manassa:

Alan Scott Bagwell
401 Main Street
Manassa, CO 81141

Telephone: 719-843-5207

OBLIGATIONS UNAFFECTED BY BANKRUPTCY

48. The obligations set forth herein are based on the Department's police and regulatory authority. These obligations require specific performance by Manassa of corrective actions carefully designed to prevent on-going or future harm to public health or the environment, or both. Enforcement of these obligations is not stayed by a petition in bankruptcy. Manassa agrees that the penalties set forth in this Consent Order are not in compensation of actual pecuniary loss. Further, the obligations imposed by this Consent Order are necessary for Manassa and the System to achieve and maintain compliance with State law.

MODIFICATIONS

49. This Consent Order may be modified only upon mutual written agreement of the Parties.

COMPLETION OF REQUIRED ACTIONS

50. Manassa shall submit a Notice of Completion to the Department upon satisfactory completion of all requirements of this Consent Order. The Department shall either accept or reject Manassa's Notice of Completion in writing within thirty (30) calendar days of receipt. If the Department rejects

Manassa's Notice of Completion, it shall include in its notice a statement identifying the requirements that the Department considers incomplete or not satisfactorily performed and a schedule for completion. Manassa shall, within fifteen (15) calendar days of receipt of the Department's rejection, either:

a. Submit a notice of acceptance of the determination; or

b. Submit a notice of dispute.

If Manassa fails to submit either of the above notices within the specified time, it will be deemed to have accepted the Department's determination.

NOTICE OF EFFECTIVE DATE

51. This Consent Order shall be fully effective, enforceable and constitute a final agency action on the date signed by the authorized representative of the last party.

BINDING EFFECT AND AUTHORIZATION TO SIGN

52. This Consent Order is binding upon the parties hereto and their employees, successors in interest, and assigns. [For government entities consider "its elected officials, employees, agents, representatives, successors in interest, and assigns."] The undersigned warrant that they are authorized to legally bind their respective principals to this Consent Order. Manassa agrees to provide a copy of this Consent Order and approved plans and specifications to all contractors and subcontractors, including but not limited to any certified operator and engineer, hired or engaged to perform work pursuant to this Consent Order.

53. In the event that a party does not sign this Consent Order within thirty (30) calendar days of the other party's signature, this Consent Order becomes null and void. This Consent Order may be executed in multiple counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same Consent Order.

FOR THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, WATER QUALITY CONTROL DIVISION:

Lori M. Gerzina Date: July 23, 2010

Lori M. Gerzina, Section Manager
Compliance Assurance and Data Management Section
WATER QUALITY CONTROL DIVISION

FOR THE TOWN OF MANASSA:

Michael E. Trent Date: 07-19-2010

~~Alan Scott Bagwell,~~ Mayor
Michael E. Trent, Mayor

EXHIBIT A

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

TOWN OF MANASSA

Does Not Meet Disinfection Treatment Requirements

Our water system recently violated a drinking water standard. Although this situation does not require that you take immediate action, as our customers, you have a right to know what happened, what you should do, and what we are doing to correct this situation.

On August 17, 2009, the Colorado Department of Public Health and Environment, Water Quality Control Division withdrew the town's disinfection waiver.

A meeting between the Division and Manassa's town council was held on January 5, 2010, at the request of the Town of Manassa. At the conclusion of this meeting the Town of Manassa agreed to install a chlorination disinfection treatment system with back-up generators at both of its groundwater sources.

What does this mean? What should I do?

- ✓ Without disinfection treatment, water may contain disease-causing organisms. These organisms include bacteria, viruses, and parasites which can cause symptoms such as nausea, cramps, diarrhea, and associated headaches. These symptoms, however, are not caused only by organisms in drinking water, but also by other factors. If you experience any of these symptoms and they persist, you may want to seek medical advice.
- ✓ **You do not need to boil your water or take other corrective actions.** However, if you have specific health concerns, consult your doctor.
- ✓ People with severely compromised immune systems, infants, and some elderly may be at increased risk. These people should seek advice about drinking water from their health care providers. General guidelines on ways to lessen the risk of infection by microbes are available from EPA's Safe Drinking Water Hotline at 1 (800) 426-4791.

What is being done?

This situation is not an emergency. If it had been, you would have been notified immediately. Tests taken during this same time period did not indicate the presence of bacteria in the water.

(Describe actions Manassa has taken and will be taking to install disinfection treatment.)

_____

_____

_____

We anticipate resolving the problem within (estimated time frame) _____. For more information, please contact Richard Martin at 719-843-5207 or PO Box 130, Manassa, Colorado 81141.

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.

This notice is being sent to you by the Town of Manassa
Colorado Public Water System ID#: CO0111700 Date distributed: _____

EXHIBIT A

Tier 2 Public Notice Instructions

Delivery Requirements

Since exceeding maximum contaminant levels (MCLs) has the potential to have serious adverse effects on human health, you must provide public notice to persons served as soon as practical but within 30 days after you learn of the violation. You must issue a repeat notice every three months for as long as the violation persists. ***Public water systems that provide water to other water systems must deliver public notices to the owners or operators of all receiving water systems (consecutive water systems) (9.2.1(c)).***

Community systems must use at least one of the following delivery methods (9.2.3(c)(1)):

- ✓ Hand delivery or other direct delivery method
- ✓ Mail (can be included with the bill)

Non-community systems must use at least one of the following delivery methods (9.2.3(c)(2)):

- ✓ Posting in conspicuous locations
- ✓ Mail, hand delivery, or other direct delivery method to each user (where known)

In addition, both community and non-community systems must use another method reasonably calculated to reach others if they would not be reached by the first method. Such methods could include newspapers, e-mail, or delivery to community organizations. If you post the notice, it must remain posted until the violation is resolved, but no less than seven days.

Ten Required Elements of a Public Notice (9.2.5)

1. Description of the violation or situation including contaminant(s) of concern and (as applicable) the contaminant level(s).
2. When the violation or situation occurred.
3. Any potential adverse health effects from the violation or situation, including any standard language provided in the rule. The health effects language may not be modified.
4. The population at risk; including subpopulations particularly vulnerable if exposed to the contaminant in their drinking water.
5. Whether alternate water supplies should be used.
6. What actions consumers should take, including when to seek medical help, if known.
7. What the system is doing to correct the violation or situation (corrective action).
8. When the system expects to return to compliance or resolve the situation.
9. Contact information: name, business address, and phone number of the water system owner or the owner's legal representative of the PWS that can provide additional information.
10. A statement encouraging notice recipients to distribute the notice to other persons served using the following standard language from the rule. This statement may not be modified: "Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in public places or by distributing copies by hand."

Corrective Actions

In your notice, describe corrective actions you took or are taking. Listed below are some steps commonly taken by water systems with monitoring violations. Choose the appropriate language, or develop your own:

- ✓ We are working with [*local/state agency*] to evaluate the water supply and researching options to correct the problem. These options may include treating the water to remove [*contaminant*] or connecting to [*system*]'s water supply.
- ✓ We have stopped using the contaminated well. We have increased pumping from other wells, and we are investigating drilling a new well.
- ✓ We will increase the frequency at which we test the water for [*contaminant*].
- ✓ We have since taken samples at this location and had them tested. They show that we meet the standards.

After Issuing the Notice

Make sure to send WQCD copies of all public notice(s) and a Tier 2 Certificate of Delivery Form within ten days after issuing the notice.

EXHIBIT A

Colorado Department of Public Health and Environment

Tier 2
Drinking Water Public Notification Certificate of Delivery Form

Town of Manassa

PWSID CO0111700

Reason for Notice: Enforcement Order on Consent Number DE-10XXXX-Y

Date of EOC: July XX, 2010

I hereby affirm that Public Notification for the violation or situation identified above has been provided to consumers and any consecutive water systems in accordance with the delivery, content, and format requirements of the *Colorado Primary Drinking Water Regulations*, section 9.2. I affirm that future requirements for notifying new billing units will be met. I also understand that this notice may need to be repeated in accordance with section 9.2 and I must submit this form again with each repeated notice.

Public Notice Distributed on: (date) _____

Check all distribution methods used to reach all consumers:

- ☐ Direct delivery method (includes hand delivery and U.S. mail) – **REQUIRED FOR COMMUNITY WATER SYSTEMS**
- ☐ Continuously posted: (list locations): _____
- ☐ Television, Radio, and/or Newspaper: _____
- ☐ Delivery of multiple copies to hospitals, apartment buildings, schools, or other community centers
- ☐ E-mail
- ☐ Other method approved by CDPHE: _____

List all consecutive water systems (water systems that purchase water from your system) that notice was delivered to:

_____

_____

_____ _____

Signature of owner or owner's legal representative Date Signed

_____

Printed name of owner or owner's legal representative

Phone number: _____

Mailing Address: _____

Attach copies of each public notice and send to:

CDPHE-WQCD
ATTN: CAS - DW Public Notification
4300 Cherry Creek Drive South
Denver, CO 80246-1530

OR

Fax to: (303) 758-1398

Drinking Water System
Generic Flushing and Sanitization Procedure

The flushing and sanitizing of a drinking water system begins at the treatment plant and proceeds systematically outward to all ends of the distribution system. Proper flushing, sanitation, and bacteriological testing are required prior to lifting a boil-water advisory.

1. The first step is to increase the disinfectant (chlorine) level leaving the properly operating treatment plant, and entering the distribution system, to between 3 and 4 mg/l (free chlorine).

2. The next step is to systematically begin flushing from the entry point of the distribution system outwards to all ends of the distribution system. Adequate flushing can be easily verified by measuring for the increased disinfectant residual at each flushing point.

3. After flushing, the disinfectant (chlorine) residual level is returned to the normal operating range and the system is once again flushed until the disinfectant (chlorine) level at the system's furthest tap is within the normal operating range, generally greater than 0.2 mg/l but less than 2.0 mg/l free chlorine.

4. Once the quality of finished water has stabilized throughout the distribution system, microbiological samples (Standard Coliform Test) must be collected at representative locations, (minimum of 5 to 10 sample points), in the distribution system, including all ends of the system. Disinfectant (chlorine) levels in the sampled water must also be measured at the same time the microbiological samples are collected.

5. If the above microbiological monitoring results indicate unsafe conditions (total coliform – positive, on any single sample) the above procedure must be re-implemented until the microbiological monitoring results indicate safe conditions, (total coliform – negative, on all sample locations).

6. Submit results in a written document summarizing all activities undertaken to fix the treatment problem, flush and sanitize the distribution system, and results of all laboratory and field-testing.