

STATE OF COLORADO

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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

July 26, 2010

Certified Mail Number: 7009 1680 0000 2094 4831

PWSID# CO-0130045

Mr. Benson Smith

Hidden Valley Mutual Water Company

28577 Buffalo Park Rd.

Evergreen, Colorado 80439

RE: Service of Drinking Water Enforcement Order, Number: DC-100726-1

Dear Mr. Smith:

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

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

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

Should you desire to informally discuss this matter with the Department or if you have any questions regarding the Order, please don't hesitate to contact Jackie Whelan at (303) 692-3617 or by electronic mail at jackie.whelan@state.co.us.

Sincerely,



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

Enclosure

cc: Jefferson County Public Health
Jeff Sucher, Treatment Technologies, Inc., P.O. Box 668, Evergreen, CO 80437-0668

ec: Jon Erickson, Engineering Section, CDPHE
Dick Parachini, Watershed Program, CDPHE
Betsy Beaver, Facility Operators Program, CDPHE
Shawn McCaffrey, EPA Region VIII
Michael Beck, Financial Solutions Unit, CDPHE



COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
WATER QUALITY CONTROL DIVISION

ENFORCEMENT ORDER

NUMBER: DC-100726-1

IN THE MATTER OF: HIDDEN VALLEY MUTUAL WATER COMPANY
PUBLIC WATER SYSTEM IDENTIFICATION NUMBER: CO-0130045
JEFFERSON COUNTY, COLORADO

Pursuant to the authority vested in the Colorado Department of Public Health and Environment (the "Department") by §25-1-109 and §25-1.5-203 of the Colorado Revised Statutes ("C.R.S."), which authority is implemented through the Department's Water Quality Control Division (the "Division"), the Division hereby makes the following findings and issues the following Enforcement Order:

GENERAL FINDINGS

1. The Hidden Valley Mutual Water Company ("Hidden Valley Mutual WC") owns and/or operates a drinking water system located at or near 30392 Pinecrest, Evergreen, Colorado, in Jefferson County, Colorado (the "System").
2. The Hidden Valley Mutual Water Company is a person as defined by 5 CCR 1003-1, §1.5.2(98).
3. The Hidden Valley Mutual Water Company 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-0130045.
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 Hidden Valley Mutual Water Company provides piped water for human consumption from the System to at least fifteen (15) service connections used by year-round residents of the area served by the

System and/or regularly serves at least twenty-five (25) year-round residents. The System is therefore classified as a “community water system” as defined by 5 CCR 1003-1, §1.5.2(15).

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

First Violation

(Exceeding the Maximum Contaminant Level for Gross Alpha Particle Activity)

9. Pursuant to 5 CCR 1003-1, §6.3, the radionuclide monitoring and maximum contaminate levels apply to all community public water systems in Colorado.
10. Pursuant to 5 CCR 1003-1, §2.6, Table 2-7(2), the maximum contaminant level for gross alpha particle activity is 15 picocuries per liter (pCi/L).
11. Pursuant to 5 CCR 1003-1, §§6.3.5(a)(1)-(2), compliance with the maximum contaminant level is determined by a running annual average at each sampling point. For systems monitoring more than once per year, if any sample result will cause the running average to exceed the maximum contaminant level at any sample point, the system is out of compliance with the maximum contaminant level immediately.
12. In a letter dated December 2, 2009, the Division advised the System that it would be required to conduct four consecutive quarterly samples from sampling point 004 for gross alpha particle activity beginning the fourth quarter (October, November, December) of 2009.
13. Pursuant to 5 CCR 1003-1, §1.6.4(a), except where a shorter period is specified, the public water system shall report to the state the results of any test measurement or analysis required by the *Colorado Primary Drinking Water Regulations* 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.
14. A review of the radiological monitoring data from August 26, 2009, to present, provided to the Department by the System, establishes that the running annual average of samples obtained by the System at quarterly intervals exceeds the maximum contaminant level for gross alpha particle activity:

Gross Alpha Particle Activity (in pCi/L)					
Sampling Point	Compliance Period / Result	Annual Average			
004-63K Storage Tank	Q3 2009 08/26/09 33	Q4 2009 12/16/09 49	Q1 2010 02/14/10 18	Q2 2010 06/07/10 27	31

15. The Hidden Valley Mutual WC’s failure to comply with the maximum contaminant level for gross alpha particle activity constitutes violation(s) of 5 CCR 1003-1, §2.6, Table 2-7(2).

Second Violation
(Exceeding the Maximum Contaminant Level for Uranium)

16. Pursuant to 5 CCR 1003-1, §6.3, the radionuclide monitoring and maximum contaminate levels apply to all community public water systems in Colorado.
17. Pursuant to 5 CCR 1003-1, §2.6, Table 2-7(4), the maximum contaminant level for uranium is 30 micrograms per liter (µg/L).
18. Pursuant to 5 CCR 1003-1, §§6.3.5(a)(1)-(2), compliance with the maximum contaminant level is determined by a running annual average at each sampling point. For systems monitoring more than once per year, if any sample result will cause the running average to exceed the maximum contaminant level at any sample point, the system is out of compliance with the maximum contaminant level immediately.
19. In a letter dated December 2, 2009, the Division advised the System that it would be required to conduct four consecutive quarterly samples from sampling point 004 for uranium beginning the fourth quarter (October, November, December) of 2009.
20. Pursuant to 5 CCR 1003-1, §1.6.4(a), except where a shorter period is specified, the public water system shall report to the state the results of any test measurement or analysis required by the *Colorado Primary Drinking Water Regulations* 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.
21. A review of the radiological monitoring data from August 26, 2009, to present, provided to the Department by the System, establishes that the running annual average of samples obtained by the System at quarterly intervals exceeds the maximum contaminant level for uranium:

Uranium (in micrograms per liter (µg/L))					
Sampling Point	Compliance Period / Result	Annual Average			
004-Entry Point	Q3 2009 08/26/09 38	Q4 2009 12/16/09 36	Q1 2010 02/14/10 35	Q2 2010 06/07/10 38	37

22. Hidden Valley Mutual WC's failure to comply with the maximum contaminant level for uranium constitutes violation(s) of 5 CCR 1003-1, §2.6, Table 2-7(4).

COMPLIANCE REQUIREMENTS

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

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

Further, the Division hereby orders the Hidden Valley Mutual Water Company to comply with the following specific terms and conditions of this Enforcement Order.

24. In order to ensure long-term compliance with the maximum contaminant levels for radionuclides, specifically including gross alpha particle activity and uranium, the Hidden Valley Mutual WC shall evaluate and upgrade, as needed, the System's water sources and/or treatment process(es) in accordance with the following schedule:
- a. By September 13, 2010, retain a qualified Professional Engineer (licensed in Colorado and experienced in drinking water systems) to evaluate and recommend radiological treatment technologies or alternate water sources to the Hidden Valley Mutual WC to ensure compliance with the maximum contaminant levels for gross alpha particle activity and uranium.
 - b. By October 13, 2010, conduct a consultation with the System's consulting engineer, the Department assigned District Engineer for the System, and an authorized representative from the System to discuss the preliminary engineering evaluation and recommendations for treatment technology the Hidden Valley Mutual WC will use to ensure compliance with the maximum contaminant levels for gross alpha particle activity and uranium.
 - c. By March 15, 2011, submit for Department review and comment a finalized Preliminary Engineering Report for system improvements to comply with the maximum contaminant levels for radionuclides, specifically including gross alpha particle activity and uranium.
 - i. If an alternate water source is proposed, submit for Department review and comment a detailed description of the alternate water source along with a copy of the laboratory analyses supporting that the alternate water source is suitable.
 - ii. The Preliminary Engineering Report (if applicable) submittal package must be developed consistent with the *Colorado Drinking Water Preliminary Engineering Report Guidance & Review Checklist Form*.
(See http://www.cdphe.state.co.us/wq/FinancialSolutions/pdf/19_CPERGuideChecklistDW.pdf).
 - iii. The Preliminary Engineering Report (if applicable) must clearly identify the specific treatment technology the Hidden Valley Mutual WC will use to ensure compliance with the maximum contaminant levels for radionuclides, specifically including gross alpha particle activity and uranium.
 - iv. The Preliminary Engineering Report (if applicable) must include a process flow schematic of the distribution system from wellheads to points of use, including flow rates, treatment facilities, storage tanks and all service connections supplied by the wells. Alternative treatment locations for the selected treatment process or processes must be evaluated with a recommended location selection. The process flow

schematic information and evaluation must be included to ensure all water from the System is treated.

- v. The Preliminary Engineering Report (if applicable) must include a proposal for management of residuals from the treatment technology selected. The Preliminary Engineering Report submittal package must include design calculations showing the proposed treatment system is properly sized and chlorine contact times can be met for expected flow rates. *{Please note that, prior to construction, the Department must give final approval to any modifications to the System's water source or treatment process. The Department will not perform a detailed review and final approval of any proposed modifications until the final design plans and specifications have been received pursuant to paragraph 24(d) below.}*
 - d. By July 14, 2011, submit for Department review and comment the final Design Report for Hidden Valley Mutual WC System improvements to comply with the maximum contaminant levels for radionuclides, specifically including gross alpha particle activity and uranium.
 - e. By December 18, 2011, 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*.
 - i. The Final Design Plans and Specifications submittal package must include specifications for treatment equipment and/or chemical additives that come in contact with the water that indicate ANSI standards 60 and 61 are met (NSF certification).
 - f. By December 14, 2012, complete construction/implementation of the Department approved System improvements to ensure long-term compliance with the maximum contaminant levels for radionuclides, specifically including gross alpha particle activity and uranium.
 - i. If the Department requires a pilot study of the selected treatment technology prior to approval, then the pilot study and approval must be completed before the December 14, 2012, construction/implementation deadline.
 - g. By January 28, 2013, submit the Professional Engineer's Certification that the System improvements to comply with the maximum contaminant levels for radionuclides, specifically including gross alpha particle activity and uranium were constructed/installed as approved by the Department.
25. By no later than August 15, 2010, the Hidden Valley Mutual WC shall complete an evaluation to determine appropriate interim measures to ensure that the System is providing the best possible quality of water available until the System implements improvements to ensure long-term compliance with the radiological maximum contaminant levels. The Hidden Valley Mutual WC shall submit a written report of the results of this evaluation to the Division for review and comment. Implementation of the interim measures identified by Hidden Valley Mutual WC shall become a condition of this Enforcement Order unless notified by the Division, in writing, that alternate or additional interim measures are appropriate.

If the Division imposes alternate or additional interim measures, they shall also become a condition of this Enforcement Order.

26. Beginning September 30, 2010, the Hidden Valley Mutual WC is authorized to cease performing quarterly gross alpha particle activity and uranium monitoring. In the alternative, Hidden Valley Mutual WC shall perform annual gross alpha particle activity and uranium monitoring consisting of collection of a single sample from each entry point to the distribution system one time per calendar year. The radiological samples must be properly collected and analyzed by a Department certified laboratory in accordance with approved methods. Hidden Valley Mutual WC shall provide the Department with the results of the radiological analyses within ten (10) calendar days of the end of the monitoring period.
27. By no later than December 30, 2010, and every three (3) months thereafter, the Hidden Valley Mutual WC shall issue by mail or hand delivery a public notice in accordance with 5 CCR 1003-1, Article 9.2, for each radiological maximum contaminant level violation identified in this Enforcement Order until the Hidden Valley Mutual WC has effectively addressed and returned to compliance with the radiological maximum contaminant levels outlined in 5 CCR 1003-1, §2.6, Table 2-7. Within ten (10) calendar days of completion of each required public notification, the Hidden Valley Mutual WC 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).*
28. The Hidden Valley Mutual WC shall submit "System Improvement Project - Progress Reports" to the Division every ninety (90) calendar days. The first report shall be submitted to the Division by September 29, 2010. At a minimum, each report shall clearly indicate the status of the system improvement project at the time the report is filed and outline activities to be undertaken within the next ninety (90) calendar days. Each report shall also detail any public notification provided during that period. These reports shall be required until the System has effectively addressed and returned to compliance with the radiological maximum contaminant levels outlined in 5 CCR 1003-1, §2.6, Table 2-7.
29. All documents submitted under this Order shall use the same titles as stated in the Order and shall reference both the Order number and the paragraph number pursuant to which the document is required.

NOTICES AND SUBMITTALS

30. For all documents, plans, records, reports and replies required to be submitted by this order, the Hidden Valley Mutual WC 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: Jackie Whelan

4300 Cherry Creek Drive South
Denver, Colorado 80246-1530
Email: jackie.whelan@state.co.us
Fax: (303) 782-0390

(For any facsimile transmittals, please include a cover sheet addressed to Jackie Whelan.)

31. All reports, notices, summaries, and certifications required to be submitted to the Department by the public water system must bear the original signature of the owner or the owner's authorized representative.

NOTICE OF COMPLETION

32. Hidden Valley Mutual WC 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 Hidden Valley Mutual WC wishes to dispute the Division's rejection of its Notice of Completion, it shall, within fifteen (15) calendar days of receipt of the Division's rejection, submit a written statement as to its belief of full compliance, addressing in detail all concerns the Division raised in the rejection letter to the System's Notice of Completion.

PRIOR APPROVAL REQUIRED

33. Pursuant to 5 CCR 1003-1, §1.11.2, no person shall commence construction of any new waterworks, or make improvements to or modify the treatment process of an existing waterworks, or initiate use of a new source, until plans and specifications for such construction, improvements, modifications or use have been submitted to, and approved by, the Department. A Professional Engineer registered in the State of Colorado shall design all treatment systems serving a community water supply. The Department shall grant such approval when it finds that the proposed facilities are capable of complying, on a continuous basis, with all applicable laws, standards, rules and regulations.

POTENTIAL ADMINISTRATIVE/CIVIL AND CRIMINAL PENALTIES

34. You are also advised, pursuant to §25-1-114.1, C.R.S., that violators of the Regulations or final Enforcement Orders issued by the Department are subject to civil or administrative penalties of up to one thousand dollars (\$1,000) per violation per day, to be imposed by the Department or a State District Court. Further, pursuant to §25-1-114(4), C.R.S., any person, association, or corporation, or the officers thereof, who violates, disobeys, or disregards any provision of the Regulations or an Enforcement Order is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than one thousand dollars (\$1,000), or by imprisonment in the county jail for not more than one (1) year, or by both such fine and imprisonment and, in addition to such fine and imprisonment, shall be liable for any

expense incurred by health authorities in removing any nuisance, source of filth, or cause of sickness. By virtue of issuing this Enforcement Order, the Department has not waived its right to bring an action for administrative, civil or criminal penalties and may bring such action in the future.

REQUEST FOR HEARING OR APPEAL

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

ADDITIONAL ACTION

36. You are further advised that under §25-1-114.1(1), C.R.S., the Department may institute a civil action against any person who violates a final Enforcement Order of the Department issued for violation of any minimum general sanitary standard or regulation adopted pursuant to §25-1.5-203, C.R.S.
37. Additionally, the Department may request the Attorney General to seek a temporary restraining order or permanent injunction to prevent or abate any violation of a minimum general sanitary standard or regulation adopted pursuant to §25-1.5-203, C.R.S. Further information concerning the aforementioned action is contained in §25-1-114.1(3), C.R.S.

Issued at Denver, Colorado, this 26th day of July, 2010.

FOR THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT


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

Template on Reverse

Since exceeding chemical or radiological maximum contaminant levels (MCLs) is a Tier 2 violation, you must provide Public Notification to persons served as soon as practical but within 30 days after you learn of the violation. You must issue a repeat Notification every three months for as long as the violation persists. Check with the Rule Specialist at CDPHE/WQCD to make sure you meet all requirements.

Community systems must use of the following methods:

- ✓ Hand or direct delivery
- ✓ Mail, as a separate Public Notification or included with the bill

Non-Community systems must use one of the following methods:

- ✓ Posting in conspicuous locations
- ✓ Hand delivery
- ✓ Mail

In addition, you 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 mail, post, or hand deliver, print your Public Notification on letterhead, if available.

The Public Notification on the reverse is appropriate for hand delivery or mail. However, you may wish to modify it before using it for posting. If you do, you must still include all the required elements and you may not modify the mandatory health effects language.

Corrective Action

In your Public Notification, describe corrective actions you are taking. Do not use overly technical terminology when describing treatment methods. Listed below are some steps commonly taken by water systems with chemical or radiological violations. Use one or more of the following actions, if appropriate, or develop your own:

- ✓ We are working with the CDPHE/WQCD 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.

Repeat Public Notifications

If this is an ongoing violation and/or you fluctuate above and below the MCL, you can give the history behind the violation, including the source of contamination, if known. List the date of the initial detection, as well as how levels have changed over time. If levels are changing as a result of treatment, you can indicate this.

After Issuing the Public Notification

Make sure to send the Rule Specialist at the CDPHE/WQCD copies of all Public Notification(s) and a certification that you have met all Public Notification requirements within ten days after issuing the Public Notification.

(THIS IS APPROPRIATE FOR COMMUNITY AND NON-COMMUNITY PUBLIC WATER SYSTEMS)

TIER 2 - IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

[System Name] Has Levels of [Contaminant] Above Drinking Water Standards

Our water system recently violated a drinking water standard. Although this is not an emergency, as our customers, you have a right to know what happened, what you should do, and what we are doing to correct this situation.

We routinely monitor for the presence of drinking water contaminants. Testing results we received on [date] show that our system exceeds the standard, or maximum contaminant level (MCL), for [contaminant]. The standard for [contaminant] is [MCL]. The average level of [contaminant] over the last year was [level]. Or [Contaminant] was found at [level].

What should I do?

- ✓ You do not need to use an alternative (e.g., bottled) water supply. However, if you have specific health concerns, consult your doctor.

What does this mean?

This is not an immediate risk. If it had been, you would have been notified immediately. However, [Insert relevant health effects language from Appendix B.]

What happened? What is being done?

[Describe corrective action.] We anticipate resolving the problem within [estimated time frame].

For more information, please contact [name of system contact] at [phone number] or [mailing address].

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

This Public Notification is being sent to you by [system name]

Colorado Public Water System ID#: _____

Date distributed: _____