# 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

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Denver, Colorado 80246-1530
Phone (303) 692-2000
TDD Line (303) 691-7700
Located in Glendale, Colorado

http://www.cdphe.state.co.us

Laboratory Services Division
8100 Lowry Blvd.
Denver, Colorado 80230-6928
(303) 692-3090

Colorado Department
of Public Health
and Environment

May 29, 2009

***Certified Mail Number: 7005 1820 0000 3208 0657***

PWSID#CO-0131600
Pam Lessenden, Mayor
The Town of Haswell
P.O. Box 70
Haswell, CO 81045

**RE: Service of Drinking Water Enforcement Order, Number: DC-090529-4**

Dear Ms. Lessenden:

The Town of Haswell 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 the Town of Haswell violated the *Colorado Primary Drinking Water Regulations* (the "Regulations") as described in the enclosed Order.

As a recipient of an enforcement order the Town of Haswell 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 must be filed in writing with the Department within thirty (30) calendar days after service of the Order. Hearings on enforcement orders shall be held in accordance with applicable provisions of the State Administrative Procedure Act, §§24-4-101 through 24-4-108, C.R.S.

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 the Town of Haswell has any questions regarding the Order, please don't hesitate to contact Scott Klarich at (303) 692-3564 or by electronic mail at scott.klarich@state.co.us.

Sincerely,

Scott F. Klarich, Unit Manager
Enforcement Unit
Compliance Assurance Section
WATER QUALITY CONTROL DIVISION

Enclosure

cc: Kiowa County Environmental Health Department
Sharon Pearson, Administrative Contact – P.O. Box 70, Haswell, CO 81045
Van Brown, ORC - P.O. Box 70, Haswell, CO 81045
Drinking Water Enforcement File

ec: Dave Knope, Engineering Section, CDPHE
Dick Parachini, Watershed Program, CDPHE
Betsy Beaver, Facility Operators Program, CDPHE
Shawn McCaffrey, EPA Region VIII
Carolyn Schachterle, OPA

**COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT**

**WATER QUALITY CONTROL DIVISION**

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**ENFORCEMENT ORDER** **NUMBER: DC-090529-4**

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**IN THE MATTER OF: TOWN OF HASWELL**
**PUBLIC WATER SYSTEM IDENTIFICATION NUMBER: CO-0131600**
**KIOWA 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 has been delegated to 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 Town of Haswell ("Haswell") owns and/or operates a drinking water system located within the vicinity of the town and in Kiowa County, Colorado (the "System").

2. Haswell is a person as defined by 5 CCR 1003-1, §1.5.2(98).

3. Haswell 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 Division is PWSID #: CO-0131600.

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. Haswell 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
### (Failure to Comply with the Maximum Contaminant Level for Nitrate)

9. Pursuant to 5 CCR 1003-1, §2.2, all public water systems are subject to the Nitrate maximum contaminant level of 10 mg/L (as nitrogen).

10. On January 23, 2003, the Department issued Haswell an Enforcement Order (Number DC-030123-1) in response to Haswell's failure to comply with the Nitrate maximum contaminant level. Pursuant to the Order, Haswell was required to evaluate and upgrade the System's water source(s) and/or treatment processes to comply with the Nitrate maximum contaminant level.

11. In a letter dated June 28, 2006, the Department formally approved Haswell's plans and specifications in support of Haswell's intentions to install ion exchange treatment technology in combination with a blending protocol to comply with the Nitrate maximum contaminant level.

12. In a letter dated March 5, 2007, Haswell's engineering firm (GMS, Inc.) certified that the construction of the Nitrate removal treatment plant for Haswell had been completed in accordance with the construction drawings as approved by the Department. The engineering firm further specified that the Nitrate removal equipment was placed into service on January 25, 2007.

13. Compliance with the Nitrate maximum contaminant level shall be determined by evaluating the analytical results of the System's distributed water for Nitrate.

14. Pursuant to 5 CCR 1003-1, §6.1.5(b)(1), groundwater systems shall take a minimum of one sample at every entry point to the distribution system which is representative of each groundwater source after treatment (hereafter called a sampling point). Sampling shall be done at the same sampling point unless conditions make another sampling point more representative.

15. Pursuant to 5 CCR 1003-1, §§1.6.4 and 6.1.2, the supplier of water shall report to the Department the results of their Nitrate monitoring within (a) the first ten days following the month in which the result is received, or (b) the first ten days following the end of the required monitoring period as stipulated by the Department, whichever of these is shorter.

16. From February 15, 2007 to present, Department records establish that Haswell has reported the following Nitrate monitoring data to the Department:

| Sample Date | Sample Location | Nitrate Sampling Results in mg/L (as nitrogen) |
|---|---|---|
| 2/15/2007 | Treatment for Well 1, East Well | 8 |
| 6/13/2007 | Tank No 1 | 9.8 |
| 8/21/2007 | Tank No 1 | 10 |
| 12/10/2007 | Tank No 1 | 7.7 |

| Sample Date | Sample Location | Nitrate Sampling Results in mg/L (as nitrogen) |
|---|---|---|
| 3/5/2008 | Tank No 1 | 8 |
| 4/15/2008 | Tank No 1 | 0.47 |
| [illegible] | [illegible] | [illegible] |
| 6/16/2008 | Tank No 1 | 8.6 |
| 7/8/2008 | Tank No 1 | 9.1 |
| [illegible] | [illegible] | [illegible] |
| 9/8/2008 | Tank No 1 | 10.3 |
| 9/18/2008 | Tank No 1 | 10.1 |
| 10/8/2008 | Tank No 1 | 10.2 |
| 11/18/2008 | Tank No 1 | 10.4 |
| [illegible] | [illegible] | [illegible] |
| 2/10/2009 | Tank No 1 | 9.6 |
| 3/9/2009 | Tank No 1 | 10 |
| 4/8/2009 | Tank No 1 | 9.8 |

*(* Denotes a value in excess of the Nitrate maximum contaminate level.)*

17. According to 5 CCR 1003-1, §6.1.3(a)(3), compliance with the maximum contaminant level for Nitrate is determined based on one sample if the level of Nitrate is below the maximum contaminant level. If the level of Nitrate exceeds the maximum contaminant level in the initial sample, a confirmation sample is required in accordance with 5 CCR 1003-1, §6.1.5(g)(2), and compliance shall be determined based on the average of the initial and confirmation samples.

18. The monitoring date presented in paragraph 16 demonstrates that Haswell's installed Nitrate treatment system is not fully operational, functional and capable of producing water that is consistently less than the Nitrate maximum contaminant level. Therefore, the Department has determined that the provided Nitrate sample results demonstrate an ongoing exceedance of the 10 mg/L (as nitrogen) Nitrate maximum contaminant level.

19. Haswell's ongoing failure to maintain compliance with the Nitrate maximum contaminant level constitutes violation(s) of 5 CCR 1003-1, §2.2.

## COMPLIANCE REQUIREMENTS

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

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

Further, the Division hereby orders Haswell to comply with the following specific terms and conditions of this Enforcement Order.

21. By no later than June 19, 2009, Haswell shall acquire a Nitrate field test kit *(such as a Hach Pocket Colorimeter II / Product Number: 5870002 or a Hach Model NI-14 / Product Number: 1416100)* and begin conducting daily Nitrate field-sampling at the entry point to the distribution system. This field sampling/analysis is to be conducted in addition to the required monthly laboratory compliance samples until Haswell demonstrates reliable and consistent compliance with the Nitrate maximum contaminant level. Haswell must also perform a Nitrate field-test analysis at the same time and location that the monthly Nitrate compliance sample is obtained in order to correlate the accuracy of the field test kit to a laboratory analytical result.

22. Haswell shall maintain a log of the daily Nitrate field test results obtained pursuant to Paragraph 21 above and Haswell shall submit a copy of the log monthly to the Division, no later than ten (10) calendar days following the end of each calendar month.

23. By no later than July 1, 2009, Haswell shall retain a qualified person or entity *(such as a Professional Engineer experienced in drinking water ion exchange equipment)* to review and evaluate the System's installed Nitrate treatment system and to make system improvement recommendations to ensure reliable and consistent compliance with the Nitrate maximum contaminant level. (5 CCR 1003-1, §2.2)

24. By no later than July 6, 2009, Haswell shall submit a written notice to the Division identifying the qualified person or entity retained to perform the review and evaluation of Haswell's installed Nitrate treatment system as required by paragraph 23 above. Haswell's notice shall also outline the scope of work for the review and evaluation.

25. By no later than August 14, 2009, Haswell shall submit to the Division a written report detailing the findings from the review and evaluation performed pursuant to paragraph 23 above. In addition, the report should specifically outline actions and associated time schedules for Haswell to implement improvements to ensure reliable and consistent compliance with the Nitrate maximum contaminate level. The submitted actions and time schedules shall become a condition of this Enforcement Order and Haswell shall comply with the actions and time schedules unless notified by the Division, in writing, that alternate actions and/or time schedule(s) are appropriate. If the Division imposes alternate actions and/or time schedule(s), they shall also become a condition of this Enforcement Order.

26. Within seven (7) calendar days after receipt of this Enforcement Order, Haswell shall issue and/or maintain a public notice, pursuant to 5 CCR 1003-1, §9.2, that describes the ongoing Nitrate compliance issues until Haswell has demonstrated reliable and consistent compliance with the Nitrate maximum contaminate level. *(See attached example public notice language / Attachment A)* Within ten (10) calendar days of initiating such public notification, Haswell shall submit to the Division a copy of the final public notice along with a written certification stating that the public notice is being issued and/or maintained.

*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*

## NOTICES AND SUBMITTALS

27. For all documents, plans, records, reports and replies required to be submitted by this order, Haswell 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-WQP-B2
    Compliance Assurance and Data Management Section
    Attention: Jeremy Simmons
    4300 Cherry Creek Drive South
    Denver, Colorado 80246-1530
    Email: jeremy.simmons@state.co.us
    Fax: (303) 782-0390

    *(For any facsimile transmittals, please include a cover sheet addressed to Mr. Simmons.)*

28. Pursuant to 5 CCR 1003-1, §1.6.4(e), all reports, notices, summaries, and certifications required to be submitted to the Department by the public water system must bear the original signature of the owner or the owner's authorized representative.

## NOTICE OF COMPLETION

29. Haswell 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 Haswell 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

30. 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

31. 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

32. 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 shall state the grounds upon which the order is contested and state the amount of time the recipient estimates will be required for the hearing. 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.

## ADDITIONAL ACTION

33. 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.

34. 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 29th day of May, 2009.

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

Lori M. Gerzina

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

Attachment A

# DRINKING WATER WARNING

## DO NOT GIVE THE WATER TO INFANTS UNDER 6 MONTHS OLD OR USE IT TO MAKE INFANT FORMULA, JUICE OR CEREAL

Town of Haswell water has high levels of Nitrate, we are providing bottled water for infants at _____.

Recent and historical water sample results indicate nitrate levels above the regulatory standard or maximum contaminant level (MCL) of 10 milligrams per liter (mg/L).

**What should I do?**

- ✓ **DO NOT GIVE THE WATER TO INFANTS.** ***Infants below the age of six months who drink water containing nitrate in excess of the MCL could become seriously ill and, if untreated, may die. Symptoms include shortness of breath and blue baby syndrome.*** Blue baby syndrome is indicated by blueness of the skin. Symptoms in infants can develop rapidly, with health deteriorating over a period of days. If symptoms occur, seek medical attention immediately.

- ✓ Water, juice, and formula for children under six months of age should not be prepared with tap water. Bottled water or other water low in nitrates should be used for infants until further notice.

- ✓ **DO NOT BOIL THE WATER.** Boiling, freezing, filtering, or letting water stand does not reduce the nitrate level. Excessive boiling can make the nitrates more concentrated, because nitrates remain behind when the water evaporates.

- ✓ Adults and children older than six months can drink the tap water (nitrate is a concern for infants because they can't process nitrates in the same way adults can). However, if you are pregnant or have specific health concerns, you may wish to consult your doctor.

**What happened? What is being done?**

Nitrate in drinking water can come from natural, industrial, or agricultural sources (including septic systems and run-off). Levels of nitrate in drinking water can vary throughout the year. We'll let you know when the amount of nitrate is again below the limit.

(Describe corrective action)

_____

_____

_____

We anticipate resolving the problem within (estimated time frame) _____. For more information, please contact (system contact name) _____ 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 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 Town of Haswell.
Colorado Public Water System ID#: CO0131600.
Date distributed:

Attachment A

**AVISO SOBRE SU AGUA POTABLE**
Town of Haswell
**Tiene altos niveles de Nitratos**

**NO DAR DE BEBER ESTA AGUA A BEBES MENORES DE 6 MESES DE EDAD NI USARLA PARA HACER LECHE DE FORMULA**

Los resultados recientes e históricos de la muestra de agua indican niveles del nitrato sobre el nivel estándar o máximo regulador del contaminante (MCL) de 10 miligramos por el litro (mg/l). Nitratos en agua potable puede generar serios problemas de salud para bebés menores de 6 meses de edad.

**¿Que debo hacer?**

- ✓ **NO LE DE ESTA AGUA A BEBES.** ***Bebes menores de seis (6) meses que ingieran agua con nitratos en exceso del nivel máximo de contaminación (NMC) se pueden enfermar seriamente y, de no ser tratados, pueden morir. Los síntomas incluyen dificultad en respirar y síndrome de bebé azul.*** El síndrome de bebé azul se refiere al color azulado que toma la piel del bebé. Los síntomas en los bebes pueden desarrollarse con rapidez, con el deterioro de su salud en los días subsiguientes. Si los síntomas ocurren en infantes menores de seis (6) meses de edad, busque atención médica inmediatamente.

- ✓ Agua, jugo o leche en polvo para bebés menores de seis (6) meses de edad no debe prepararse con agua del grifo. Debe emplear agua embotellada u otra agua baja en nitratos hasta próximo aviso.

- ✓ **No hierva el agua.** Hervir, congelar, filtrar o dejar el agua en reposo no reduce el nivel de nitratos. De hecho, al hervir el agua puede aumentar aún más la concentración de nitratos, debido a que los nitratos permanecen cuando parte del agua se evapora.

- ✓ Adultos e infantes mayores de seis (6) meses de edad pueden tomar el agua del grifo. (Los nitratos son peligrosos para los bebes debido a que ellos no pueden procesar los nitratos de la misma manera que los adultos). Sin embargo, si usted está embarazada o tiene algún problema de salud en particular, puede optar por hacer una consulta con su médico.

**¿Qué pasó? ¿Qué se está haciéndo al respecto?**

Nitratos en el agua pueden provenir de fuentes naturales, industriales or de la agricultura (incluyendo descargas de tanques sépticos y lluvias). Las concentraciones de nitratos en el agua potable varían a lo largo del año. Nosotros les avisaremos cuando los niveles de nitratos estén nuevamente debajo del límite.

(Describe corrective action, seasonal fluctuations, and when the system expects to return to compliance in Spanish)_____
_____

Para mayor información, favor contactar a (name of contact) _____ al teléfono (phone number) _____ o escribiendo a (mailing address)_____.

Por favor comparta esta información con otros que pueden tomar de esta agua, colocando este aviso en lugares visibles, o remitiéndolo por correo, o entregandolo manualmente. Es de particular interés distribuir este aviso ampliamente si usted lo recibe representando un negocio, un hospital u hogar de infantes u hogar de ancianos o comunidad residencial.

Este aviso ha sido enviado a usted por Town of Haswell
Numero de Identificación CO0131600 Fecha de distribución: _____

Attachment A

Colorado Department of Public Health and Environment

# Drinking Water Public Notification Certificate of Delivery Form

**PWSID CO0131600**
Town of Haswell

I hereby affirm that Public Notification for the violation identified above has been provided to consumers in accordance with the delivery, content, and format requirements of the Colorado Primary Drinking Water Regulations.

Public Notification was completed in consultation with CADM Contact, CDPHE/WQCD, on Consultation Date.

Check all distribution methods used:

- ☐ Hand or direct deliver to all customers.
- ☐ Continuous Posting (Non-community Water System's Only)

Additional Delivery Methods:

- ☐ Radio
- ☐ Television
- ☐ Emergency 911 system
- ☐ Newspaper
- ☐ Delivery of multiple copies to hospitals, clinics, or apartment buildings

**Date Notice was Delivered to Customers:** _____

_____
Signature of owner or owner's legal representative:

_____
Printed name of owner or owner's legal representative:

Phone number: _____

Mailing Address: _____

Date: _____

## Attach copies of each public notice

**Mail to: CDPHE-WQCD OR FAX to: 303-758-1398**
**ATTN: CADM-Public Notification**
**4300 Cherry Creek Drive South**
**Denver, CO 80246-1530**

# 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

4300 Cherry Creek Dr. S.
Denver, Colorado 80246-1530
Phone (303) 692-2000
TDD Line (303) 691-7700
Located in Glendale, Colorado

Laboratory Services Division
8100 Lowry Blvd.
Denver, Colorado 80230-6928
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http://www.cdphe.state.co.us

Colorado Department
of Public Health
and Environment

September 20, 2010

Michelle A. Nelson, Mayor
Town of Haswell
PWSID# CO0131600
P.O. Box 70
Haswell, Colorado 81045

**RE: Enforcement Order Number DC-090529-4**
**Notification of Alternate Compliance Actions and Schedules**

Dear Ms. Nelson:

The Town of Haswell was issued a Drinking Water Enforcement Order (the "Order") on May 29, 2009. The Order was 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 based this Order upon findings that the Town of Haswell violated the *Colorado Primary Drinking Water Regulations* (the "Regulations").

According to Department records, to date the Town of Haswell has complied with paragraphs 21, 22, 23, 24 and 26 of the Order. However, based on information submitted to the Department by the Town of Haswell, the Department has determined that the Town has not fully complied with the requirements of paragraph 25 of the Order. On August 12, 2009 the Town of Haswell submitted a written report summarizing the findings associated with review and evaluation of the Town's nitrate treatment system, as performed by Gerald Knudsen, P.E. This report did not meet all of the requirements of paragraph 25. Specifically, the report did not outline what actions Haswell will implement to ensure reliable and consistent compliance with the nitrate maximum contaminant level, nor did the report provide associated time schedules to perform each required action.

In accordance with paragraph 25 of the Order, the Department is hereby establishing alternate actions and time schedules which are now conditions of the Order. Specifically, the Town of Haswell shall:

1) By November 1, 2010 provide the Department, in writing, the results of the Town's rate study;

2) By November 1, 2010 notify the Department, in writing, of the Town's decision regarding contracting Pure Water Solutions, or a similarly qualified entity, to perform annual inspections and training regarding the Town's nitrate treatment system;
3) By December 1, 2010 notify the Department, in writing, regarding the viability of the ion exchange resin used for nitrate removal. If the resin requires service (i.e. rinsing or in-situ regeneration) or replacement, or if the treatment process is fouled in some way, indicate such in this submittal;
4) By January 31, 2011 provide the Department with written certification that the nitrate treatment/removal process has been serviced or is otherwise capable of meeting design specification performance.

The Department expects that the Town of Haswell will continue to focus its efforts toward the improvement of nitrate treatment efficiency and consistency. Based on the daily nitrate field testing data submitted to date, the Department is hereby removing the requirement to perform daily nitrate field tests pursuant to paragraph 21 of the Order. Additionally, the Department is also removing the requirement to maintain a log of daily nitrate field testing results and to submit a copy of the log monthly to the Department, pursuant to paragraph 22 of the Order. Please note that the Town of Haswell is still required to collect monthly samples for laboratory analysis of nitrate concentrations in accordance with the Town's current drinking water monitoring schedule.

The Department is pleased to note that the Town of Haswell has recently taken advantage of reduced compliance monitoring opportunities with regards to disinfection by-products monitoring as a result of submitting an updated Monitoring Plan. Cost savings associated with the reduced monitoring requirements, in addition to the reduced operational testing and reporting requirements noted above, should assist efforts to bring the Town's nitrate treatment system into compliance.

For all documents, plans, records, reports, and replies required to be submitted by the Order, the Town of Haswell shall submit an original and one copy (electronic is preferred) to the Department at the following address:

Colorado Department of Public Health and Environment
Water Quality Control Division
Compliance Assurance Section
Attention: Lauren Worley
4300 Cherry Creek Drive South
Denver, CO 80246-1530
Email: lauren.worley@state.co.us
Phone: (303) 692-3547
Fax: (303) 758-1398

*(For any facsimile transmittals, please include a cover sheet addressed to Ms. Worley)*

Should you desire to discuss this matter informally with the Department, or if the Town of Haswell has any questions regarding the Order, please contact Lauren Worley at (303) 692-3547 or by electronic mail at lauren.worely@state.co.us.

Sincerely,

Lori M. Gerzina

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

cc: Kiowa County Environmental Health Department
Van Brown, ORC – P.O. Box 70, Haswell, CO 81045
Drinking Water Enforcement File

ec: Dave Knope, Engineering Section, CDPHE-WQCD
Margo Griffin, Capacity Building, CDPHE-WQCD
Lauren Worley, Drinking Water Enforcement, CDPHE-WQCD
Michael Beck, Financial Solutions Unit, CDPHE-WQCD