

STATE OF COLORADO

John W. Hickenlooper, Governor
Christopher E. Urbina, MD, MPH
Executive Director and Chief Medical Officer

Dedicated to protecting and improving the health and environment of the people of Colorado

4300 Cherry Creek Dr. S. Laboratory Services Division
Denver, Colorado 80246-1530 8100 Lowry Blvd.
Phone (303) 692-2000 Denver, Colorado 80230-6928
Located in Glendale, Colorado (303) 692-3090

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



Colorado Department
of Public Health
and Environment

March 1, 2011

Certified Mail Number: 7009 1680 0000 2094 5081

PWSID# CO-0255712

Rachel Medina a/k/a Amor Rachel Marie, Registered Agent
Shambala Center, Inc. d/b/a Shambala Heaven on Earth Center
P.O. Box 549
Crestone, CO 81131

RE: Service of Drinking Water Enforcement Order, Number: DT-110301-2

Dear Ms. Medina:

Shambala Center, Inc. (d/b/a Shambala Heaven on Earth Center) is hereby issued the enclosed Enforcement Order and Administrative Penalty Assessment (the "Order"). This Order is issued by the Colorado Department of Public Health and Environment, Water Quality Control Division (the "Department") pursuant to the authority given to the Department by §25-1.5-203 and §25-1-114.1 of the Colorado Revised Statutes ("C.R.S."). The Department bases this Order upon findings that Shambala Center, Inc. has violated the Colorado Primary Drinking Water Regulations (the "Regulations") as described in the enclosed Order.

As a recipient of an enforcement order and administrative penalty assessment Shambala Center, Inc. may request a formal hearing to contest the action in accordance with 5 CCR 1003-1, §1.6.7(g) and/or §25-1-114.1(2.5)(b) C.R.S. Requests for such a hearing must be filed in writing with the Department and/or the Water Quality Control Commission within thirty (30) calendar days after service of the Order. Hearings on enforcement orders and penalty assessments shall be held in accordance with applicable provisions of the State Administrative Procedure Act, §§24-4-101 through 24-4-108, C.R.S.

Should Shambala Center, Inc. desire to informally discuss this matter with the Department or if you have any questions regarding the Order, please don't hesitate to contact Lauren Worley at (303) 692-3547 or by electronic mail at lauren.worley@state.co.us.

Sincerely,

Russell Zigler
Russell Zigler, Legal Assistant

Enforcement Unit

Compliance Assurance Section

WATER QUALITY CONTROL DIVISION

Enclosure

**cc: Saguache County Public Health Agency
Drinking Water Enforcement File**

**ec: Andrew Rice, Engineering Section, CDPHE
Dick Parachini, Watershed Program, CDPHE
Lori Billeisen, Facility Operators Program, CDPHE
Shawn McCaffrey, EPA Region VIII
Nicole Grisham, Division of Environmental Health and Sustainability, CDPHE
Michael Beck, OPA
Lauren Worley, Case Person, CDPHE**



COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
WATER QUALITY CONTROL DIVISION

**ENFORCEMENT ORDER &
ADMINISTRATIVE PENALTY ASSESSMENT**

NUMBER: DT-110301-2

IN THE MATTER OF: SHAMBALA CENTER, INC.

d/b/a: SHAMBALA HEAVEN ON EARTH CENTER

PUBLIC WATER SYSTEM IDENTIFICATION NUMBER: CO-0255712

SAGUACHE COUNTY, COLORADO

Pursuant to the authority vested in the Colorado Department of Public Health and Environment (the "Department") by §25-1-109, §25-1.5-203, and §25-9-110 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. Shambala Center, Inc. owns and/or operates a drinking water system, also known as Shambala Heaven on Earth Center, located at 175 Golden Avenue, Crestone, Colorado, in Saguache County, Colorado (the "System").
2. Shambala Center, Inc. is a person as defined by 5 CCR 1003-1, §1.5.2(98).
3. Shambala Center, Inc. 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-0255712.
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 Shambala Center, Inc. provides piped water for human consumption from the System to at least twenty-five (25) people, but the System does not regularly serve at least twenty-five (25) of the same persons over six (6) months per year. The System is therefore classified as a “transient, non-community water system” as defined by 5 CCR 1003-1, §1.5.2(137).
8. The System’s source of water is groundwater as defined by 5 CCR 1003-1, §1.5.2(63).
9. On September 14, 2010, a Division Representative conducted a compliance inspection of the System, pursuant to the Division’s authority under §25-1.5-204, C.R.S., and 5 CCR 1003-1, §1.7, to determine the System’s compliance with the Regulations.

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

10. Pursuant to 5 CCR 1003-1, §5.1.1(a), the System must collect total coliform samples at sites that are representative of water throughout the distribution system, according to a written sample-siting plan.
11. Pursuant to 5 CCR 1003-1, §5.1.1(e)(1), the System, which serves less than 1,000 persons, must monitor in each calendar quarter that the system provides water to the public. However, pursuant to 5 CCR 1003-1, §1.6.2, the Division notified Shambala Center, Inc. in a letter dated August 7, 2009, that, because no disinfection is applied to the System’s drinking water well(s), the System is required to take one total coliform sample per month while serving water to the public as of September 2009.
12. Pursuant to 5 CCR 1003-1, §§1.6.4(a) and 5.1.1(b), the System is required to submit the results of all routine total coliform sampling and analyses to the Department for review within (1) the first ten (10) days following the month in which the result is received, or (2) the first ten (10) days following the end of the required monitoring period as stipulated by the Department, whichever of these is shorter.
13. Division records establish that the System failed to provide the Department with the results of its routine total coliform analyses for the following monitoring periods:

Quarter/Month	Year	Number of Routine Samples Required	Number of Samples Received
October	2009	1	0
December	2009	1	0
February	2010	1	0
September	2010	1	0
October	2010	1	0

14. Shambala Center, Inc.’s failure to submit the results of its routine total coliform analyses to the Department constitutes violation(s) of 5 CCR 1003-1, §§1.6.4(a) and 5.1.1(b). Additionally, if Shambala Center, Inc. failed to perform routine total coliform monitoring during the identified periods, such failure to perform the monitoring constitutes violation(s) of 5 CCR 1003-1, §§5.1.1(e)(1) and 1.6.2.

Second Violation
(Failure to Conduct Repeat Monitoring and/or Reporting
for Microbiological Contaminants)

15. Pursuant to 5 CCR 1003-1, §5.1.2(a), if a routine microbiological contaminant sample is total coliform-positive, the System must collect a set of repeat samples within twenty-four (24) hours of being notified of the positive result.
16. Pursuant to 5 CCR 1003-1, §5.1.2(b), a system required to collect one routine sample per month or fewer must collect no fewer than four repeat samples for each total coliform-positive sample found. A system required to collect more than one routine sample per month must collect no fewer than three repeat samples for each total coliform-positive sample found.
17. A review of microbiological monitoring data provided to the Department by the System establishes that on March 30, 2010, the System collected a total coliform sample that was determined to be total coliform-positive. As a result of the unsafe sample, the System was required to collect four (4) repeat total coliform samples within twenty-four (24) hours of notification.
18. Pursuant to 5 CCR 1003-1, §5.1.2(i), the System is required to submit the results of all repeat total coliform samples to the Department for review. The following samples were received by the Department in March 2010:

Quarter/Month	Year	Number of Repeat Samples Required	Number of Samples Received
March	2010	4	0

19. Shambala Center, Inc.'s failure to submit the results of the System's repeat total coliform analyses to the Department constitutes violation(s) of 5 CCR 1003-1, §5.1.2(i). Additionally, if Shambala Center, Inc. failed to perform the repeat total coliform monitoring during the identified periods, such failure to perform the monitoring further constitutes violation(s) of 5 CCR 1003-1, §5.1.2(a).

Third Violation
(Failure to Conduct and/or Report Follow-Up Routine Monitoring
for Microbiological Contaminants)

20. Pursuant to 5 CCR 1003-1, §5.1.2(f), when a system collecting fewer than five (5) routine samples per month has one or more total coliform-positive samples, the system must collect at least five (5) routine (follow-up) total coliform samples during the next month the system provides water to the public.
21. A review of microbiological monitoring data provided to the Department by the System, establishes that on March 30, 2010, the System collected a total coliform sample that was determined to be total coliform-positive. As a result of the unsafe sample, the System was required to collect five (5) routine (follow-up) total coliform samples during the month of April 2010.

22. Pursuant to 5 CCR 1003-1, §5.1.1(b), the System is required to submit the results of all routine total coliform sampling and analyses to the Department for review. The following samples were received by the Department in April 2010:

Quarter/Month	Year	Number of Follow-Up Routine Samples Required	Number of Samples Received
April	2010	5	1

23. Shambala Center, Inc.'s failure to submit the results of the System's routine follow-up total coliform analyses to the Department constitutes violation(s) of 5 CCR 1003-1, §5.1.1(b). Additionally, if Shambala Center, Inc. failed to perform the repeat and routine (follow-up) total coliform monitoring during the identified periods, such failure to perform the monitoring further constitutes violation(s) of 5 CCR 1003-1, §5.1.2(f).

Fourth Violation
(Failure to Conduct and/or Report Triggered Source Water Monitoring)

24. Pursuant to 5 CCR 1003-1, §13.3(a)(1), a groundwater system must conduct triggered source water monitoring if:
- a. The system does not provide at least 4-log treatment of viruses before or at the first customer for each groundwater source; and
 - b. The system is notified that a sample collected under 5 CCR 1003-1, §5.1.1, is total coliform-positive and the sample is not invalidated under 5 CCR 1003-1, §5.3.
25. Pursuant to 5 CCR 1003-1, §13.3(a)(2), a groundwater system must collect, within twenty-four (24) hours of notification of the total coliform-positive sample, at least one groundwater source sample from each groundwater source in use at the time the total-coliform sample was collected under 5 CCR 1003-1, §5.1.1.
26. Pursuant to 5 CCR 1003-1, §13.3(a)(2)(iii), a groundwater system serving one-thousand (1,000) people or fewer may use a repeat sample collected from a groundwater source to meet both the repeat monitoring requirements of 5 CCR 1003-1, §5.1.2, and to satisfy the monitoring requirements of 5 CCR 1003-1, §13.3(a)(2).
27. Pursuant to 5 CCR 1003-1, §1.6.4(a), the System must report to the Department 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.
28. Division records establish that the System does not provide at least 4-log treatment of viruses before or at the first customer for each groundwater source.

29. A review of microbiological monitoring data provided to the Department by the System establishes that on March 30, 2010, the System collected a total coliform sample that was determined to be total coliform-positive.
30. Division records establish that the March 30, 2010, total coliform-positive sample was not invalidated under 5 CCR 1003-1, §5.3.
31. Division records establish that the System did not report the results of the required four (4) repeat total coliform samples for March 30, 2010, pursuant to 5 CCR 1003-1, §5.1.2.
32. Division records establish that the System did not report a groundwater source total coliform sample within (1) the first ten calendar days following the month in which the result should have been received, or (2) the first ten calendar days following the end of the required monitoring period.
33. Shambala Center, Inc.'s failure to submit the results of the System's groundwater source total coliform analyses to the Department constitutes violation(s) of 5 CCR 1003-1, §1.6.4(a). Additionally, if Shambala Center, Inc. failed to perform the triggered groundwater source total coliform monitoring during the identified periods, such failure to perform the monitoring further constitutes violation(s) of 5 CCR 1003-1, §13.3(a)(1)-(2).

Fifth Violation
(Failure to Provide Disinfection of a Public Water Supply)

34. Pursuant to 5 CCR 1003-1, §13.2(a)(1), a groundwater source must be disinfected at all times that it is used to serve water to the public. The groundwater system must use disinfection methods that are approved by the Department. Groundwater source disinfection methods may include physical treatment methods but must include at least one chemical treatment method.
35. Pursuant to 5 CCR 1003-1, §13.2(a)(2), the System must maintain a residual disinfectant concentration whenever serving water from a groundwater source to the public.
36. Division records to-date establish that the System has not installed Department approved disinfection treatment for the System's distributed water.
37. Division records to-date establish that the System has not maintained a residual disinfectant concentration when serving water to the public.
38. Shambala Center, Inc.'s failure to provide Department approved disinfection treatment and to maintain a detectable disinfectant residual in the System's distributed water constitutes violation(s) of 5 CCR 1003-1, §§13.2(a-c).

Sixth Violation
(Failure to Develop/Submit a Monitoring Plan)

39. Pursuant to 5 CCR 1003-1, §1.12, each public water system shall develop and implement a monitoring plan. The public water system shall maintain the plan and make it available for inspection by the Department.
40. Pursuant to 5 CCR 1003-1, §1.12.2(a)(4), the System was required to submit a monitoring plan to the Department by April 10, 2006.
41. In a letter dated October 18, 2010 (“Inspection Letter”), from the Division to Shambala Center, Inc., reporting the results of the September 14, 2010, Division inspection of the System, the Division identified Shambala Center, Inc.’s failure to have a written monitoring plan as a minor deficiency that required corrective action.
42. The Division further informed Shambala Center, Inc. in the Inspection Letter that, pursuant to 5 CCR 1003-1, §1.12, all public water systems must develop and implement a monitoring plan and that the System should submit a copy of the monitoring plan to the Division upon completion.
43. The Division requested that the Shambala Center, Inc. provide a written response to the deficiencies identified in the Inspection Letter by December 2, 2010.
44. Division records to date establish that Shambala Center, Inc. has neither developed nor submitted the required monitoring plan to the Division.
45. Shambala Center, Inc.’s failure to develop a monitoring plan for the System constitutes a violation of 5 CCR 1003-1, §1.12. If Shambala Center, Inc. subsequently developed its monitoring plan, but failed to submit a copy of the monitoring plan for the System to the Division, such failure constitutes a violation of 5 CCR 1003-1, §1.12(a)(4).

Seventh Violation
(Failure to Implement a Cross-Connection Control Program)

46. Pursuant to 5 CCR 1003-1, §12.1, a public water system shall control hazardous cross-connections and protect the public water system from contamination by implementing a cross-connection control program in the following manner:
 - a. Identifying potentially uncontrolled hazardous service cross-connections.
 - b. Requiring system users to install and maintain containment devices on any uncontrolled hazardous service cross connections, provided the Department has determined that the device is consistent with the degree of hazard posed by the uncontrolled cross connection.
 - c. Installation of containment devices shall be approved by the public water system upon installation.

- d. All containment devices shall be tested and maintained as necessary on installation and at least annually thereafter, by a Certified Cross-Connection Control Technician.

In addition, pursuant to 5 CCR 1003-1, §12.1(c), each public water system shall retain maintenance records for three years for all containment devices and these records shall be available for Department inspection.

47. During the September 14, 2010 inspection, the Division Representative noted that there was no evidence available to demonstrate that the System was implementing a cross-connection control program.
48. In a letter dated October 18, 2010 (“Inspection Letter”), from the Division to Shambala Center, Inc., reporting the results of the September 14, 2010, Division inspection of the System, the Division Representative advised Shambala Center, Inc. of the requirement for the System to implement a cross-connection control program.
49. The Division requested in the Inspection Letter that the Shambala Center, Inc. respond in writing to the Division Representative by December 2, 2010, with an outline of the course of action that will be taken and the date by which the System will be brought into compliance with the cross-connection control program requirement.
50. In addition, the Division Representative included a link to a publication entitled “Sample Cross Connection Control Program for Small Systems” in the Inspection Letter to assist the System in complying with this requirement.
51. Department records to date establish that the System has failed to provide the Department with any information demonstrating that the System has implemented a cross-connection control program.
52. Shambala Center, Inc.’s failure to implement a cross-connection control program for the System constitutes violation(s) of 5 CCR 1003-1, §12.1.

Eighth Violation

(Failure to Have a Certified Operator in Responsible Charge)

53. Pursuant to §25-9-110(2)(a), C.R.S., and 5 CCR 1003-2, §100.21.1, no owner of a public water system shall allow the facility to be operated without the direct supervision of an operator in responsible charge certified in a classification equivalent to or higher than the classification of the facility as specified in 5 CCR 1003-2.
54. During the September 14, 2010 inspection, the Division Representative noted that Shambala Center, Inc. did not have a certified operator in responsible charge.

55. In a letter dated October 18, 2010 (“Inspection Letter”), from the Division to the Shambala Center, Inc., reporting the results of the September 14, 2010, Division inspection of the System, the Division Representative advised Shambala Center, Inc. of the requirement for the System to be under the supervision of a certified operator
56. The Division requested in the Inspection Letter that Shambala Center, Inc. respond in writing to the Division Representative by December 2, 2010, with an outline of the course of action that will be taken and the date by which the System will be brought into compliance with the certified operator requirement.
57. Department records to date establish that the System has failed to provide the Department with any information demonstrating that the System has arranged for the services of a certified operator or for the owner to become a properly certified operator.
58. Shambala Center, Inc.’s failure to arrange for the services of a certified operator or for the owner to become a properly certified operator constitutes violation(s) of §25-9-110(2)(a), C.R.S., and 5 CCR 1003-2, §100.1.

COMPLIANCE REQUIREMENTS

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

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

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

60. Immediately take steps to comply with the microbiological contaminant monitoring/reporting obligations as required by 5 CCR 1003-1, Article 5.
61. Within thirty (30) calendar days after receipt of this Order, Shambala Center, Inc. shall submit the results of any routine, repeat, follow-up routine, or triggered source water microbiological contaminant (total coliform) monitoring performed for the following monitoring periods:

Sample Month	Year	Sample Type
October	2009	Routine
December	2009	Routine
February	2010	Routine
March	2010	Repeat
March	2010	Triggered GW
April	2010	Routine Follow-Up
September	2010	Routine
October	2010	Routine

62. If the first quarter 2010 total coliform sampling has not been conducted by the System, Shambala Center, Inc. shall collect a total coliform sample from the distribution system according to the System's written sample-siting plan by March 31, 2011. The total coliform sample must be collected properly and analyzed by a Department certified laboratory in accordance with approved methods. Shambala Center, Inc. shall provide the Department with the results of the total coliform analysis within ten (10) calendar days of receipt of the results from the laboratory.

63. In order to ensure long-term compliance with the *Colorado Primary Drinking Water Regulations*, specifically including the groundwater disinfection treatment requirements (Article 13) for public water supplies, Shambala Center, Inc. shall evaluate and upgrade, as needed, the System's water sources and/or treatment processes in accordance with the following schedule:
 - a. Within thirty (30) calendar days from the date of this Order, have a qualified engineering firm (experienced in drinking water treatment technologies and operational practices) under contract to evaluate and recommend Final Design Plans and Specifications for the proposed system improvements.
 - b. Within sixty (60) calendar days from the date of this Order, submit Final Design Plans and Specifications for the proposed system improvements for Department review and approval in accordance with 5 CCR 1003-1, §1.11.2, and the State of Colorado Design Criteria for Potable Water Systems.
 - c. Within thirty (30) calendar days from the date of the Department's approval of Final Design Plans and Specifications, begin construction of the Department approved system improvements.
 - d. Within ninety (90) days from the date of the Department's approval of Final Design Plans and Specifications, complete construction/implementation of the Department approved system improvements to ensure long-term compliance with the groundwater disinfection treatment requirements and the microbiological contaminant maximum contaminant level.
 - e. Within one-hundred (100) calendar days from the date of the Department's approval of Final Design Plans and Specifications, submit a written certification from the engineering firm stating that the system improvements were constructed/installed as approved by the Department.

64. Within thirty (30) calendar days after receipt of this Order, Shambala Center, Inc. shall provide a written description of how the System's Cross-Connection Control Program is being implemented.

A Sample Cross-Connection Control Program for Small Systems guidance document can be viewed at the following internet location:

http://www.cdph.state.co.us/wq/drinkingwater/pdf/cross_connection_control.pdf

65. Within forty-five (45) days from the date of this Order, the Shambala Center, Inc. shall retain a certified operator in responsible charge certified in a classification equivalent to or higher than the classification of the System as specified in 5 CCR 1003-2. In the alternative, the owner shall arrange to become properly certified in a classification equivalent to or higher than the classification of the System. The Shambala Center, Inc. may contact Lauren Worley at 303-692-3547 or via email at lauren.worley@state.co.us for information regarding 5 CCR 1003-2, Regulation 100, requirements.
66. Within thirty (30) days from the date of this Order, Shambala Center, Inc. shall develop and implement a monitoring plan pursuant to 5 CCR 1003-1, §1.12, which includes a microbiological contaminant sample-siting plan, 5 CCR 1003-1, §5.1.1(a), to reflect the System's current configuration, treatment and operation. The plan shall specifically outline how Shambala Center, Inc. will ensure that samples collected are representative of water quality throughout the distribution system(s), that samples should be taken both with temporal and spatial separation to ensure representative samples are obtained of water quality throughout the distribution system and throughout the month of service and that samples are not to be taken all on the same day. Shambala Center, Inc. shall provide the Division with a copy of its written monitoring plan upon completion.

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

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

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

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

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

- a. Frequency and approximate time of collection;
- b. Sample site location identification and associated identification number;
- c. If appropriate, justification for the site selection;
- d. Sample preservation, quality assurance, and quality control procedures, including procedures for equipment calibration;
- e. Analysis procedure (certified laboratory or on-site by a party approved by the Department);
- f. Monitoring results presentation format;
- g. Procedures to assess and report compliance status for MCLs, ALs, MRDLs, TTs and, if applicable, disinfection byproduct precursor removal efficiency;
- h. The rationale used by the system to identify the sampling locations selected to represent the distribution system, and
- i. A process to review and update the selected distribution system sampling locations to account for changes due to growth or other significant changes to the distribution system.

67. Within thirty (30) calendar days after receipt of this Order, if it has not already done so, Shambala Center, Inc. shall issue a Tier 2 public notice in accordance with 5 CCR 1003-1, §9.2.3, for each Tier 2 violation identified in this Order (failure to provide disinfection of a public water supply). Within ten (10) calendar days of completion of each required public notification, Shambala Center, Inc. shall submit to the Division, along with the mandatory certification, a representative copy of each type of notice distributed, published, posted, and/or made available to the persons served by the system and/or to the media.

*Additional guidance for proper public notification can be viewed at the following Internet location:
http://www.cdphe.state.co.us/wq/drinkingwater/pdf/PublicNotice/PN_Guidance_Mar2003.pdf*

68. Within thirty (30) calendar days after receipt of this Order, if it has not already done so, Shambala Center, Inc. shall issue a Tier 3 public notice in accordance with 5 CCR 1003-1, §9.2.4, for each Tier 3 violation identified in this Order (failure to monitor and/or report for microbiological contaminants, failure to conduct repeat monitoring and/or reporting for microbiological contaminants, failure to conduct and/or report follow-up routine monitoring for microbiological contaminants, failure to conduct and/or report triggered source water monitoring,). Within ten (10) calendar days of completion of each required public notification, Shambala Center, Inc. shall submit to the Division, along with the mandatory certification, a representative copy of each type of notice distributed, published, posted, and/or made available to the persons served by the system and/or to the media.

*Additional guidance for proper public notification can be viewed at the following Internet location:
http://www.cdphe.state.co.us/wq/drinkingwater/pdf/PublicNotice/PN_Guidance_Mar2003.pdf*

ORDER FOR ADMINISTRATIVE PENALTY

69. Pursuant to §25-1-114.1(2.5)(a), C.R.S. any person who violates the *Colorado Primary Drinking Water Regulations* or any final Enforcement Order issued by the Department, shall be subject to an administrative penalty as follows:
- a. For systems that serve a population of more than ten thousand people, an amount not to exceed one thousand dollars per violation per day; or
 - b. For systems that serve a population of ten thousand people or less, an amount not to exceed one thousand dollars per violation per day, but only in an amount, as determined by the Division, that is necessary to ensure compliance.
70. Based upon the facts described in this action the Department has determined that an administrative penalty is appropriate in this matter and therefore assesses an administrative penalty of twelve-hundred and seventy-five (\$1,275.00) for the specific violations identified in this action. The reasoning behind this penalty amount is detailed in the administrative penalty methodology/calculation worksheet, which is incorporated herein by reference and enclosed as Exhibit A.

Terms of Administrative Penalty Payment

71. If Shambala Center, Inc. does not contest the findings and penalty assessment set out above, payment of the administrative penalty for the violations shall be forwarded to the Colorado Department of Public Health and Environment within sixty (60) calendar days of the date of issue of this action. Method of payment shall be by certified or cashier's check drawn to the order of the "Colorado Department of Public Health and Environment," and delivered to:

Colorado Department of Public Health and Environment
Water Quality Control Division / WQCD-B2-CAS
Compliance Assurance Section
Attention: Lauren Worley
4300 Cherry Creek Drive South
Denver, Colorado 80246-1530

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

72. Payment or appeal of the administrative penalty in this manner does not relieve Shambala Center, Inc. of its obligation to perform the activities required by this enforcement action.

NOTICES AND SUBMITTALS

73. For all documents, plans, records, reports and replies required to be submitted by this order, Shambala Center, Inc. shall submit an original and one copy (electronic is preferred) to the Division at the following address:

Colorado Department of Public Health and Environment
Water Quality Control Division / WQCD-B2-CAS
Compliance Assurance Section
Attention: Lauren Worley
4300 Cherry Creek Drive South
Denver, Colorado 80246-1530

Email: lauren.worley@state.co.us
Fax: (303) 782-0390

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

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

NOTICE OF COMPLETION

75. Shambala Center, Inc. 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 Shambala Center, Inc. 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

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

POTENTIAL ADMINISTRATIVE/CIVIL AND CRIMINAL PENALTIES

77. 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.
78. You are also advised, pursuant to §25-1-114(4), C.R.S., any person, association, or corporation, or the officers thereof, who violates, disobeys, or disregards any provision of the Regulations or an Enforcement Order is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than one thousand dollars (\$1,000), or by imprisonment in the county jail for not more than one (1) year, or by both such fine and imprisonment and, in addition to such fine and imprisonment, shall be liable for any expense incurred by health authorities in removing any nuisance, source of filth, or cause of sickness. In the event that Shambala Center, Inc. does not achieve complete and timely compliance with all of the terms and conditions outlined herein, including full and timely payment of administrative penalties, the Department reserves, in addition to any other remedies allowed by law, its right under §25-1-114(4), C.R.S., to pursue an action for additional penalties.

REQUEST FOR HEARING OR APPEAL

79. 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.
80. Pursuant to §25-1-114.1(2.5)(b), C.R.S., an Administrative Penalty Assessment may be appealed to the Water Quality Control Commission. Requests for such an appeal should be filed in writing with the Water Quality Control Commission within thirty (30) calendar days after service of the penalty assessment. Such requests, at a minimum, shall contain the information specified in 5 CCR 1002-21, §21.4(B)(2). Hearings on Administrative Penalty Assessments shall be held in accordance with applicable provisions of the State Administrative Procedure Act, Article 4 of Title 24, C.R.S. and the procedural rules promulgated in 5 CCR 1002-21.
81. Pursuant to §25-9-110(4), C.R.S., an alleged violator of §25-9-110(2)(a), C.R.S., for failure to have a certified operator in responsible charge, may request a public hearing upon being served with notice of the violation. Requests for such a hearing shall be filed in writing with the Division no later than thirty (30) days after service of notice of the violation. Such requests, at a minimum, shall contain the information specified in 5 CCR 1003-2, §100.24.2(a-c). Hearings held pursuant to §25-9-110(4), C.R.S., shall be conducted before the Colorado Water and Wastewater Facility Operators Certification Board in accordance with the applicable provisions of the State Administrative Procedure Act, Article 4 of Title 24, C.R.S.
82. Pursuant to §25-9-110(6), C.R.S. and 5 CCR 1003-2, §100.24.2, any penalty for a violation of §25-9-110(2), C.R.S., for failure to have a certified operator in responsible charge, may be appealed to the Colorado Water and Wastewater Facility Operators Certification Board. Requests for such an appeal shall be submitted to the Division within thirty (30) days of notice of the penalty assessment. Such requests, at a minimum, shall contain the information specified in 5 CCR 1003-2, §100.24.2(a-c). Pursuant to 5 CCR 1003-2, §100.24.4, hearings on such penalties shall be held in accordance with the applicable provisions of the State Administrative Procedure Act, Article 4 of Title 24, C.R.S.

ADDITIONAL ACTION

83. 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.

84. 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 1st day of March, 2011.

FOR THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT


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

SHAMBALA CENTER, INC.
d/b/a: SHAMBALA HEAVEN ON EARTH CENTER
PUBLIC WATER SYSTEM IDENTIFICATION NUMBER: CO-0255712
SAGUACHE COUNTY, COLORADO

ADMINISTRATIVE PENALTY COMPUTATION WORKSHEET
(March 1, 2011)

Penalty Summary

Penalty Calculation -Violation Number 1 \$600.00

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

Penalty Calculation -Violation Number 2 \$135.00

Violation: Failure to Conduct Repeat Monitoring and/or Reporting for Microbiological Contaminants
Regulation Violated: 5 CCR 1003-1, §5.1.2(i)

Penalty Calculation -Violation Number 3 \$120.00

Violation: Failure to Conduct and/or Report Follow-Up Routine Monitoring for Microbiological Contaminants
Regulation Violated: 5 CCR 1003-1, §5.1.1(b)

Penalty Calculation -Violation Number 4 \$120.00

Violation: Failure to Conduct and/or Report Triggered Source Water Monitoring
Regulation Violated: 5 CCR 1003-1, §1.6.4(a)

Penalty Calculation -Violation Number 5 \$300.00

Violation: Failure to Retain a Certified Operator
Regulation Violated: C.R.S. §25-9-110(2)(a) and 5 CCR §§ 1003-2, 100.21.1

TOTAL PENALTY.....\$1,275.00

ADMINISTRATIVE PENALTY COMPUTATION WORKSHEET

VIOLATION NUMBER: 1

System Name: Shambala Heaven on Earth	PWSID Number: CO-0225712
--	---------------------------------

Date of Enforcement Order: March 1, 2011	Number: DC-110301-2
---	----------------------------

Regulation Violated: Failure to Monitor and/or Report for Microbiological Contaminants, 5 CCR 1003-1, §§1.6.4(a) and 5.1.1(b)	Population Served: 26
--	------------------------------

Part I – Base Penalty Calculation

	Violation Type	Population Range	Amount in Dollars
Line 1	Failure to Monitor and/or Report for Microbiological Contaminants – October and December 2009, February, September and October 2010	< 500 Served	\$60.00

Part II – Application of Aggravating or Mitigating Factors

	Aggravating / Mitigating Factors	% Base Penalty Increase or Decrease	Amount in Dollars
Line 2	Factor A: Threat to Public Health and Welfare <i>Justification: n/a</i>		\$0.00
Line 3	Factor B: Intentional, Reckless, or Negligent Actions <i>Justification: n/a</i>		\$0.00
Line 4	Factor C: Recalcitrance or Recidivism <i>Justification: n/a</i>		\$0.00
Line 5	Factor D: Voluntary and Complete Disclosure of Violations <i>Justification: n/a</i>		\$0.00
Line 6	Factor E: Full and Prompt Cooperation <i>Justification: n/a</i>		\$0.00
Line 7	Factor F: Environmental Compliance Program <i>Justification: n/a</i>		\$0.00
Line 8	Factor G: Other Aggravating or Mitigating Circumstances <i>Justification: n/a</i>		\$0.00
Line 9	Sum of Lines 2 through Line 8		\$0.00
Line 10	Adjusted Base Penalty (Sum of Line 1 + Line 9)		\$60.00

Part III – Determination of Days of Violation

		Days of Violation
Line 11	Total Days of Violation	5
	<i>Justification: The Division has chosen to consider the October and December 2009, and the February, September, and October 2010 failure to monitor and/or report for microbiological contaminants violations as single day violations respectively.</i>	

Part IV – Determination of Multi-Day Penalty Amount

		Amount in Dollars
Line 12	Multi-Day Penalty Amount	\$300.00
	<i>Calculations:</i> <i>Days (5) x (\$60.00) = \$300.00</i>	

Part V – Economic Benefit Consideration

		Amount in Dollars
Line 13	Economic Benefit:	\$300.00
	<i>Justification: The Division believes that the System realized an economic benefit by failing to monitor since it has avoided its cost for the tests itself as well as the cost of the labor involved in obtaining sample bottles, conducting the testing, and transporting the samples to a lab.</i> <i>Calculations:</i> <i>Laboratory Cost for Analysis of Microbiological Contaminants (\$20.00) x (5) = \$100.00</i> <i>Sampling and Handling Costs (40.00) x (5) = \$200.00</i>	

Part VI – Violation Penalty Total

		Amount in Dollars
Line 14	Total Administrative Penalty: (Line 12 + Line 13)	\$600.00

Part VII – Ability to Pay Adjustment

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

Part VIII – Final Adjusted Penalty

		Amount in Dollars
Line 16	Total Administrative Penalty: (Line 14 - Line 15)	\$600.00

ADMINISTRATIVE PENALTY COMPUTATION WORKSHEET
VIOLATION NUMBER: 2

System Name: Shambala Heaven on Earth	PWSID Number: CO-0255712
--	---------------------------------

Date of Enforcement Order: March 1, 2011	Number: DC-110301-2
---	----------------------------

Regulation Violated: Failure to Conduct Repeat Monitoring and/or Reporting for Microbiological Contaminants, 5 CCR 1003-1, §5.1.2(i)	Population Served: 26
---	------------------------------

Part I – Base Penalty Calculation

	Violation Type	Population Range	Amount in Dollars
Line 1	Failure to Conduct Repeat Monitoring and/or Reporting for Microbiological Contaminants – March 2010	< 500 Served	\$75.00

Part II – Application of Aggravating or Mitigating Factors

	Aggravating / Mitigating Factors	% Base Penalty Increase or Decrease	Amount in Dollars
Line 2	Factor A: Threat to Public Health and Welfare <i>Justification: n/a</i>		\$0.00
Line 3	Factor B: Intentional, Reckless, or Negligent Actions <i>Justification: n/a</i>		\$0.00
Line 4	Factor C: Recalcitrance or Recidivism <i>Justification: n/a</i>		\$0.00
Line 5	Factor D: Voluntary and Complete Disclosure of Violations <i>Justification: n/a</i>		\$0.00
Line 6	Factor E: Full and Prompt Cooperation <i>Justification: n/a</i>		\$0.00
Line 7	Factor F: Environmental Compliance Program <i>Justification: n/a</i>		\$0.00
Line 8	Factor G: Other Aggravating or Mitigating Circumstances <i>Justification: n/a</i>		\$0.00
Line 9	Sum of Lines 2 through Line 8		\$0.00
Line 10	Adjusted Base Penalty (Sum of Line 1 + Line 9)		\$0.00

Part III – Determination of Days of Violation

		Days of Violation
Line 11	Total Days of Violation	1
	<i>Justification: The Division has chosen to consider the March 2010 failure to conduct repeat monitoring and/or reporting for microbiological contaminants violation as a single day violation.</i>	

Part IV – Determination of Multi-Day Penalty Amount

		Amount in Dollars
Line 12	Multi-Day Penalty Amount	\$75.00
	<i>Calculations:</i> <i>Day 1 (\$75.00) = \$75.00</i>	

Part V – Economic Benefit Consideration

		Amount in Dollars
Line 13	Economic Benefit:	\$60.00
	<i>Justification: The Division believes that the System realized an economic benefit by failing to monitor since it has avoided its cost for the tests itself as well as the cost of the labor involved in obtaining sample bottles, conducting the testing, and transporting the samples to a lab.</i> <i>Calculations:</i> <i>Laboratory Cost for Analysis of Microbiological Contaminants (\$20.00) x (1) = \$20.00</i> <i>Sampling and Handling Costs (40.00) x (1) = \$40.00</i>	

Part VI – Violation Penalty Total

		Amount in Dollars
Line 14	Total Administrative Penalty: (Line 12 + Line 13)	\$135.00

Part VII – Ability to Pay Adjustment

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

Part VIII – Final Adjusted Penalty

		Amount in Dollars
Line 16	Total Administrative Penalty: (Line 14 - Line 15)	\$135.00

ADMINISTRATIVE PENALTY COMPUTATION WORKSHEET
VIOLATION NUMBER: 3

System Name: Shambala Heaven on Earth	PWSID Number: CO-0255712
Date of Enforcement Order: March 1, 2011	Number: DC-110301-2
Regulation Violated: Failure to Conduct and/or Report Follow-Up Routine Monitoring for Microbiological Contaminants, 5 CCR 1003-1, §5.1.1(b)	Population Served: 26

Part I – Base Penalty Calculation

	Violation Type	Population Range	Amount in Dollars
Line 1	Failure to Conduct and/or Report Follow-Up Routine Monitoring for Microbiological Contaminants – April 2010	< 500 Served	\$60.00

Part II – Application of Aggravating or Mitigating Factors

	Aggravating / Mitigating Factors	% Base Penalty Increase or Decrease	Amount in Dollars
Line 2	Factor A: Threat to Public Health and Welfare <i>Justification: n/a</i>		\$0.00
Line 3	Factor B: Intentional, Reckless, or Negligent Actions <i>Justification: n/a</i>		\$0.00
Line 4	Factor C: Recalcitrance or Recidivism <i>Justification: n/a</i>		\$0.00
Line 5	Factor D: Voluntary and Complete Disclosure of Violations <i>Justification: n/a</i>		\$0.00
Line 6	Factor E: Full and Prompt Cooperation <i>Justification: n/a</i>		\$0.00
Line 7	Factor F: Environmental Compliance Program <i>Justification: n/a</i>		\$0.00
Line 8	Factor G: Other Aggravating or Mitigating Circumstances <i>Justification: n/a</i>		\$0.00
Line 9	Sum of Lines 2 through Line 8		\$0.00
Line 10	Adjusted Base Penalty (Sum of Line 1 + Line 9)		\$60.00

Part III – Determination of Days of Violation

		Days of Violation
Line 11	Total Days of Violation	1
<i>Justification: The Division has chosen to consider the April 2010 failure to conduct and/or report follow-up routine monitoring for microbiological contaminants violation as a single day violation.</i>		

Part IV – Determination of Multi-Day Penalty Amount

		Amount in Dollars
Line 12	Multi-Day Penalty Amount	\$60.00
<i>Calculations:</i> <i>Day 1 (\$60.00) = \$60.00</i>		

Part V – Economic Benefit Consideration

		Amount in Dollars
Line 13	Economic Benefit:	\$60.00
<i>Justification: The Division believes that the System realized an economic benefit by failing to monitor since it has avoided its cost for the tests itself as well as the cost of the labor involved in obtaining sample bottles, conducting the testing, and transporting the samples to a lab.</i> <i>Calculations:</i> <i>Laboratory Cost for Analysis of Microbiological Contaminants (\$20.00) x (1) = \$20.00</i> <i>Sampling and Handling Costs (40.00) x (1) = \$40.00</i>		

Part VI – Violation Penalty Total

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

Part VII – Ability to Pay Adjustment

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

Part VIII – Final Adjusted Penalty

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

ADMINISTRATIVE PENALTY COMPUTATION WORKSHEET

VIOLATION NUMBER: 4

System Name: Shambala Heaven on Earth	PWSID Number: CO-0255712
--	---------------------------------

Date of Enforcement Order: March 1, 2011	Number: DC-110301-2
---	----------------------------

Regulation Violated: Failure to Conduct and/or Report Triggered Source Water Monitoring, 5 CCR 1003-1, §1.6.4	Population Served: 26
--	------------------------------

Part I – Base Penalty Calculation

	Violation Type	Population Range	Amount in Dollars
Line 1	Failure to Conduct and/or Report Triggered Source Water Monitoring – March 2010	< 500 Served	\$60.00

Part II – Application of Aggravating or Mitigating Factors

	Aggravating / Mitigating Factors	% Base Penalty Increase or Decrease	Amount in Dollars
Line 2	Factor A: Threat to Public Health and Welfare <i>Justification: n/a</i>		\$0.00
Line 3	Factor B: Intentional, Reckless, or Negligent Actions <i>Justification: n/a</i>		\$0.00
Line 4	Factor C: Recalcitrance or Recidivism <i>Justification: n/a</i>		\$0.00
Line 5	Factor D: Voluntary and Complete Disclosure of Violations <i>Justification: n/a</i>		\$0.00
Line 6	Factor E: Full and Prompt Cooperation <i>Justification: n/a</i>		\$0.00
Line 7	Factor F: Environmental Compliance Program <i>Justification: n/a</i>		\$0.00
Line 8	Factor G: Other Aggravating or Mitigating Circumstances <i>Justification: n/a</i>		\$0.00
Line 9	Sum of Lines 2 through Line 8		\$0.00
Line 10	Adjusted Base Penalty (Sum of Line 1 + Line 9)		\$60.00

Part III – Determination of Days of Violation

		Days of Violation
Line 11	Total Days of Violation	1
<i>Justification: The Division has chosen to consider the March 2010 failure to conduct and/or report triggered source water monitoring violation as a single day violation.</i>		

Part IV – Determination of Multi-Day Penalty Amount

		Amount in Dollars
Line 12	Multi-Day Penalty Amount	\$60.00
<i>Calculations:</i> <i>Day 1 (\$60.00) = \$60.00</i>		

Part V – Economic Benefit Consideration

		Amount in Dollars
Line 13	Economic Benefit:	\$60.00
<i>Justification: The Division believes that the System realized an economic benefit by failing to monitor since it has avoided its cost for the tests itself as well as the cost of the labor involved in obtaining sample bottles, conducting the testing, and transporting the samples to a lab.</i> <i>Calculations:</i> <i>Laboratory Cost for Analysis of Microbiological Contaminants (\$20.00) x (1) = \$20.00</i> <i>Sampling and Handling Costs (40.00) x (1) = \$40.00</i>		

Part VI – Violation Penalty Total

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

Part VII – Ability to Pay Adjustment

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

Part VIII – Final Adjusted Penalty

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

ADMINISTRATIVE PENALTY COMPUTATION WORKSHEET
VIOLATION NUMBER: 5

System Name: Shambala Heaven on Earth Center	PWSID Number: CO-0255712
---	---------------------------------

Date of Enforcement Order: March 1, 2011	Number: DC-110301-1
---	----------------------------

Regulation Violated: Failure to Retain a Certified Operator C.R.S. § 25-9-110(2)(a) and 5 CCR §§ 1003-2, 100.21.1	Population Served: 26
--	------------------------------

Part I – Base Penalty Calculation

	Violation Type	Population Range	Amount in Dollars
Line 1	Failure to Retain a Certified Operator. Pursuant to C.R.S. 25-9-110(5) - maximum penalty of \$300.00 per day.	< 500 Served	\$300.00

Part II – Application of Aggravating or Mitigating Factors

	Aggravating / Mitigating Factors	% Base Penalty Increase or Decrease	Amount in Dollars
Line 2	Factor A: Threat to Public Health and Welfare <i>Justification: n/a</i>		\$0.00
Line 3	Factor B: Intentional, Reckless, or Negligent Actions <i>Justification: n/a</i>		\$0.00
Line 4	Factor C: Recalcitrance or Recidivism <i>Justification: n/a</i>		\$0.00
Line 5	Factor D: Voluntary and Complete Disclosure of Violations <i>Justification: n/a</i>		\$0.00
Line 6	Factor E: Full and Prompt Cooperation <i>Justification: n/a</i>		\$0.00
Line 7	Factor F: Environmental Compliance Program <i>Justification: n/a</i>		\$0.00
Line 8	Factor G: Other Aggravating or Mitigating Circumstances <i>Justification: n/a</i>		\$0.00
Line 9	Sum of Lines 2 through Line 8		\$00.00
Line 10	Adjusted Base Penalty (Sum of Line 1 + Line 9)		\$300.00

Part III – Determination of Days of Violation

		Days of Violation
Line 11	Total Days of Violation	1
<i>Justification: The Division has chosen to consider the Shambala Center, Inc.'s failure to arrange for the services of a certified operator or for the owner to become a properly certified operator violation as a single day violation.</i>		

Part IV – Determination of Multi-Day Penalty Amount

		Amount in Dollars
Line 12	Multi-Day Penalty Amount	\$300.00
<i>Calculations: Days 1 x (300.00) = \$300.00</i>		

Part V – Economic Benefit Consideration

		Amount in Dollars
Line 13	Economic Benefit:	\$0.00
<i>Justification: n/a</i>		

Part VI – Violation Penalty Total

		Amount in Dollars
Line 14	Total Administrative Penalty: (Line 12 + Line 13)	\$300.00

Part VII – Ability to Pay Adjustment

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

Part VIII – Final Adjusted Penalty

		Amount in Dollars
Line 16	Total Administrative Penalty: (Line 14 - Line 15)	\$300.00