

# STATE OF COLORADO

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Executive Director and Chief Medical Officer

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

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Colorado Department  
of Public Health  
and Environment

May 20, 2011

Certified Mail Number: 7006 2760 0003 4263 9335

PWSID# CO-0107246

Mr. Kevin Sipple  
Eldorado Artesian Springs, Inc.  
P.O. Box 445  
Eldorado Springs, CO 80025

**RE: Service of Drinking Water Enforcement Order, Number: DC-110520-1**

Dear Mr. Sipple:

Eldorado Artesian Springs, Inc. 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 Eldorado Artesian Springs, 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 Eldorado Artesian Springs, 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) or 25-9-110(4), 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 Eldorado Artesian Springs, 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 Margaret Talbott at (303) 692-3540 or by electronic mail at [margaret.talbott@state.co.us](mailto:margaret.talbott@state.co.us).

Sincerely,

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

**Enclosure**

- cc: Boulder County Public Health**
- ec: Dennis Pontius, 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**  
**Margaret Talbott, Case Lead, CDPHE**



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

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**ENFORCEMENT ORDER &  
ADMINISTRATIVE PENALTY ASSESSMENT**

**NUMBER: DC-110520-1**

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**IN THE MATTER OF: ELDORADO ARTESIAN SPRINGS, INC.**  
**PUBLIC WATER SYSTEM IDENTIFICATION NUMBER: CO-0107246**  
**BOULDER 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, §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. Eldorado Artesian Springs, Inc. ("Eldorado Springs") owns and/or operates a drinking water system located in the vicinity of Latitude 39.932730, Longitude -105.280190, in Boulder County, Colorado (the "System").
2. Eldorado Springs is a person as defined by 5 CCR 1003-1, §1.5.2(98).
3. Eldorado Springs 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-0107246.
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. Pursuant to 5 CCR 1003-1, §1.5.2(15), community water systems provide piped water for human consumption to at least fifteen (15) service connections used by year-round residents of the area served by the System and/or regularly serve at least twenty-five (25) year-round residents. Eldorado Springs regularly serves one-hundred fifty-one (151) year-round residents. The System is therefore classified as a "community water system."
8. The System's source of water is groundwater as defined by 5 CCR 1003-1, §1.5.2(63).
9. On February 10 and 18, 2009, a Division Representative conducted a sanitary survey 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.
10. Pursuant to 5 CCR 1003-1, §1.6.7(e), when the Department determines that a physical condition, or an operation or maintenance practice poses an unreasonable risk to the public health, the Department may issue an enforcement order.
11. Pursuant to 5 CCR 1003-2, §100.1, the System is subject to the *Water and Wastewater Facility Operators Certification Requirements*, ("Regulation 100"), which were adopted pursuant to §25-9, C.R.S.

### **First Violation**

#### **(Failure to Provide Disinfection of a Public Water Supply)**

12. 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.
13. 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.
14. Pursuant to 5 CCR 1003-1, §13.2(d), groundwater systems that satisfy the provisions of 5 CCR 1003-1, §13.2(d)(1) may be waived from the groundwater disinfection requirements of 5 CCR 1003-1, §13.2(a-c).
15. In a letter dated October 8, 2009, reporting the results of the February 10 and 18, 2009 sanitary survey, which is incorporated herein by reference and enclosed as Exhibit A, the Division notified the System in paragraph 2 that, because the Ultraviolet treatment system utilized in the self service facility is not considered effective in the killing or removal of pathogenic (viruses) organisms, the water supplied by the self service facility does not meet the disinfection requirements of Article 13 of the Regulations.
16. Division records establish that the System has neither requested nor received a disinfection waiver from the Department.

17. Division records to-date establish that the System has not installed Department-approved disinfection treatment for the self service facility's distributed water.
18. Eldorado Springs' 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).

### **Second Violation**

#### **(Failure to Correct Significant Deficiencies Identified in Sanitary Survey)**

19. Pursuant to 5 CCR 1003-1, §11.2(a), a sanitary survey must be completed no less frequently than every five (5) years for community groundwater systems.
20. On February 10 and 18, 2009, a Division Representative conducted a sanitary survey 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.
21. In a letter dated October 8, 2009, reporting the results of the February 10 and 18, 2009 sanitary survey ("Sanitary Survey Report"), which is incorporated herein by reference and enclosed as Exhibit A, the Division notified the System in paragraph 3 of the following significant deficiency, among others, identified during the sanitary survey: The Spring G Building was not a durable and water tight cover for the spring source as required in Section 2.2.3 of the *State of Colorado Design Criteria for Potable Water Systems* ("Design Criteria"). The Division requested that Eldorado Springs provide a written response to the significant deficiency by November 22, 2009, pursuant to 5 CCR 1003-1, §11.4(e), with an outline of the course of action that has or will be taken and the date by which Eldorado Springs proposes to correct the deficiencies. More specifically, the Division identified the following significant deficiencies in the physical condition, or operation and maintenance of the Spring G Building, which contravene Section 2.2.3 of the Design Criteria:
  - a. Since the last sanitary survey, Eldorado Springs has attempted to seal the building, which is in effect a spring box cover, and all miscellaneous bottled water equipment has been removed. Since the last inspection, filler foam, screen mesh, spackle and other measures have been installed around the building in an effort to seal off potential contamination sources. Despite these efforts, it appears that there are still some openings in the building structures which may lead to potential contamination of the spring source. Potential failures in the installed methods (e.g. screens that were coming unglued) and unsealed contamination pathways (e.g. pipelines that were not sealed) were observed. See Exhibit A.
  - b. The building still has unsealed pipelines entering the building, unscreened vents, failing screen repairs, etc. See Exhibit A.
  - c. The building has evidence of insect inhabitation within the building and animal habitation adjacent to the building. See Exhibit A.

- d. The Chlorinator for Spring G treatment facility is located within the building on the basement level, directly adjacent to the Spring G source. Any operations and maintenance work to the treatment facility could result in potential contamination of the spring. See Exhibit A.
  - e. During the pool operating period, the water operator climbs out on a ladder perched over the Spring G catchment to read the pool water meter. Any operations and maintenance work taking place over the spring could result in potential contamination. See Exhibit A.
  - f. The building is located at the bottom of a hill. Drainage from the adjacent area flows towards the building and the concrete pan may not be an effective water routing mechanism. See Exhibit A.
22. Division records establish that Eldorado Springs provided a written response to the significant deficiencies outlined in the Sanitary Survey Report on February 9, 2010 and on January 24, 2011. The responses did not include a proposed schedule for completing corrective actions and achieving compliance with the Spring G significant deficiencies. See Exhibits B and C.
  23. Division records to-date establish that Eldorado Springs has not corrected the significant deficiencies concerning the Spring G building identified in the Sanitary Survey Report.
  24. Eldorado Spring's failure to correct the Spring G Design Criteria significant deficiencies outlined in the paragraph three (3) of the Sanitary Survey Report constitute violation(s) of 5 CCR 1003-1, §§11.2(a).

**Third Violation**  
**(Failure to Have an Operator in Responsible Charge)**

25. Pursuant to 5 CCR 1003-1, §7.6.1(c), each community water system and non-transient, non-community water system regulated under section 7.6.1(a) must be operated by qualified personnel who meet the requirements of Regulation 100 and are included in a State register of qualified operators.
26. Pursuant to 5 CCR 1003-2, §100.1, every water treatment facility, domestic or industrial wastewater treatment facility, wastewater collection system and water distribution system must be under the supervision of a certified operator, holding a certificate in a class equal to or higher than the class of the facility or system.
27. Pursuant to 5 CCR 1003-2, §100.19.1, the System is a Small Water System, and is required to have an operator with Class D Water Treatment and Class 1 Distribution certifications or a Small Water System certification or higher.
28. 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.

29. Division records to-date establish that the operator on record does not hold up-to-date operator certification.
30. Eldorado Spring's failure to arrange for the services of a certified operator that holds an up-to-date operator certification constitutes violation(s) of §25-9-110(2)(a), C.R.S., and 5 CCR 1003-2, §§100.1 and 100.21.1.

### **COMPLIANCE REQUIREMENTS**

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

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

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

32. In order to ensure long-term compliance with the *Colorado Primary Drinking Water Regulations*, specifically including the groundwater disinfection requirements (Article 13) for public water supplies, Eldorado Springs shall evaluate and upgrade, as needed, the System's water sources and/or treatment processes for the self service facility in accordance with the following schedule:
  - a. Within thirty (30) calendar days from the date of this order, retain a qualified Professional Engineer (licensed in Colorado and experienced in drinking water systems) or verify that a qualified Professional Engineer has already been retained to evaluate and recommend groundwater disinfection treatment technologies or alternate water sources to Eldorado Springs to ensure compliance with the groundwater disinfection requirements.
  - b. Within ninety (90) calendar days from the date of this order, respond to the design review letter sent to the System by the Division on March 9, 2011—incorporated herein by reference and enclosed as Exhibit D—and 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*.
  - c. By April 1, 2012, complete construction/implementation of the Department approved System improvements to ensure long-term compliance with the groundwater disinfection requirements.
  - d. Within fifteen (15) calendar days of completion/implementation of the System improvements, submit a Professional Engineer's Certification that the System improvements to comply with the groundwater disinfection requirements were constructed/installed as approved by the Department.
  - e. Within thirty (30) calendar days of submittal of the Professional Engineer's Certification, submit a revised monitoring plan in accordance with 5 CCR 1003-1, §1.12.3, and an updated cross-connection control program in accordance with 5 CCR 1003-1, §12.1.

33. Within forty-five (45) calendar days from the date of this order, correct the deficiencies in the System's physical conditions, or operation and maintenance practices, as identified in paragraph 3 of the Sanitary Survey Report or cease use of untreated Spring G water for direct public consumption. Submit a detailed report outlining how each physical condition, or operation and maintenance practice deficiency was corrected within fifteen (15) calendar days of completion.
34. Eldorado Springs shall submit "System Improvement Project - Progress Reports" to the Department each calendar quarter. The first report shall be submitted to the Department by July 1, 2011. At a minimum, each report shall clearly indicate the status of Eldorado Spring's compliance with this Enforcement Order and outline activities to be undertaken by Eldorado Springs to maintain compliance with this Order within the next calendar quarter. These reports shall be required until the System has demonstrated reliable and consistent compliance with the requirements of 5 CCR 1003-1, §13.2(a-c).
35. Within thirty (30) calendar days after the effective date of this order and in accordance with 5 CCR 1003-1, §1.12.3, Eldorado Springs shall review and revise its monitoring plan, including its microbiological contaminant sampling-siting plan, to reflect the System's current configuration, treatment and operation. The plan shall specifically outline how Eldorado Springs 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. Within thirty (30) calendar days after the effect date of this Order, Eldorado Springs shall provide the Division with a copy of its revised and updated written monitoring plan.

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.

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

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

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

*[http://www.cdphe.state.co.us/wq/drinkingwater/pdf/Bulletin02\\_01BactSamplingPlanguidanceDoc.pdf](http://www.cdphe.state.co.us/wq/drinkingwater/pdf/Bulletin02_01BactSamplingPlanguidanceDoc.pdf)*

36. Within thirty (30) calendar days after receipt of this Order, Eldorado Springs shall develop and provide a copy of a written Cross-Connection Control Program, and a written description of how it is being implemented, to the Department.

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

*[http://www.cdphe.state.co.us/wq/drinkingwater/pdf/cross\\_connection\\_control.pdf](http://www.cdphe.state.co.us/wq/drinkingwater/pdf/cross_connection_control.pdf)*

37. In order to ensure compliance with Regulation 100, within fifteen (15) days from the date of this order, provide to the Division the name and contact information of the System's certified operator in responsible charge, and copies of the operator's certifications.
38. Within thirty (30) calendar days after receipt of this Order, if it has not already done so, Eldorado Springs shall issue a public notice in accordance with 5 CCR 1003-1, §9.2 for each violation identified in this Order. Within ten (10) calendar days of completion of each required public notification, Eldorado Springs shall submit to the Division, along with the mandatory certification, a representative copy of each type of notice distributed, published, posted, and/or made available to the persons served by the system and/or to the media.

*Additional guidance for proper public notification can be viewed at the following Internet location:*

*[http://www.cdphe.state.co.us/wq/drinkingwater/pdf/PublicNotice/PN\\_Guidance\\_Mar2003.pdf](http://www.cdphe.state.co.us/wq/drinkingwater/pdf/PublicNotice/PN_Guidance_Mar2003.pdf)*

39. 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.

### **ORDER FOR ADMINISTRATIVE PENALTY**

40. 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.
41. 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 two-thousand dollars (\$2,000.00) 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 E.

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

42. If Eldorado Springs 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: Margaret Talbott  
4300 Cherry Creek Drive South  
Denver, Colorado 80246-1530

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

43. Payment or appeal of the administrative penalty in this manner does not relieve Eldorado Springs of its obligation to perform the activities required by this enforcement action.

### **NOTICES AND SUBMITTALS**

44. For all documents, plans, records, reports and replies required to be submitted by this order, Eldorado Springs 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: Margaret Talbott  
4300 Cherry Creek Drive South  
Denver, Colorado 80246-1530

Email: margaret.talbott@state.co.us  
Fax: (303) 782-0390

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

45. 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**

46. Eldorado Springs 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 Eldorado Springs 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**

47. 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**

48. 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 Eldorado Springs 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**

49. 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.
50. 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.
51. 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.

### **ADDITIONAL ACTION**

52. 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.
53. 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 20th day of May, 2011.

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

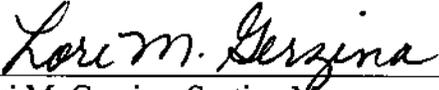
  
\_\_\_\_\_  
Lori M. Gerzina, Section Manager  
Compliance Assurance Section  
Water Quality Control Division

Exhibit A  
**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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Colorado Department  
of Public Health  
and Environment

October 8, 2009

Kevin Sipple  
Eldorado Artesian Spring Inc  
P.O. Box 445  
Eldorado, CO 80025-0445

Certified Mail: 7007 0220 0001 0162 0071

Subject: Sanitary Survey of Eldorado Artesian Spring Inc; Eldorado Artesian Spring Inc  
(PWSID No. CO0107246); Boulder County

Dear Mr. Sipple

This letter serves to report the results of the compliance inspection conducted by the Engineering Section of the Water Quality Control Division ("the Division") on the above-referenced facility on February 10, 2009 and February 18, 2009. The assistance that you provided was very helpful and is greatly appreciated.

**Parties Present**

| Name                                       | Organization                 |
|--|------------------------------|
| Melanie Criswell (2/10/2009 and 2/18/2009) | CDPHE-WQCD-ES-Denver         |
| Armando Herald (2/10/2009)                 | CDPHE-WQCD-CA                |
| John R Payne (2/10/2009)                   | CDPHE-WQCD-ES-Denver         |
| Jerry Raisch                               | Vranesh and Raisch, LLP      |
| Iris Sherman-Boemker (2/10/2009)           | Boulder County Public Health |
| Kevin Sipple (2/10/2009 and 2/18/2009)     | Eldorado Artesian Spring Inc |
| Kara Stone (2/10/2009 and 2/18/2009)       | CDPHE-CPD                    |

**Significant Deficiencies**

The following items are significant deficiencies that require immediate attention:

**WELL D**

**1. Source**

**SRC WL WELL SEAL; System has a well source that sanitary seal is not properly installed and maintained DCPWS - Part 2.2**

The sodium hypochlorite injection hole in the Well D well head was not sealed at the time of the inspection and could be a potential contamination pathway. See attachment 1. Part 2.1.6 of the *State of Colorado Design Criteria for Potable Water Systems* (Design Criteria) requires that sanitary seals shall be designed to prevent the entrance of liquids and solids, and shall include a water tight port for electrical connection. During the inspection, Kevin Sipple indicated that the injection point sealing mechanism was inadvertently not replaced after maintenance. Please provide photographic documentation that the injection hole is properly sealed.

Kevin Sipple  
Eldorado Artesian Spring Inc  
October 8, 2009  
Page 2

## **SELF SERVE TREATMENT FACILITY**

### **2. Treatment**

#### **DISINFECTION EQUIPMENT; No disinfection equipment present or equipment not operating CPDWR 7.1.2, 13.2**

The self service facility does not have a disinfection waiver but is serving unchlorinated water to the public. Article 13.2(b) of the *Colorado Primary Drinking Water Regulations* requires that a public water system that uses only groundwater sources which have been determined to not be under the direct influence of surface water shall be disinfected by means or methods which are approved by the Department and are affective in the killing or removal of pathogenic organisms. As mentioned below, the Ultraviolet (UV) treatment systems that receive credit for virus inactivation must undergo validation testing to demonstrate efficacy in inactivating pathogenic organisms (viruses). Industry research to develop a validation protocol for virus inactivation with UV treatment is ongoing, as stated in the *US EPA UV Disinfection Guidance Manual*, and the Division is currently unaware of any third party UV validation reports for viruses. As the UV treatment system is not considered affective in the killing or removal of pathogenic (viruses) organisms, the water supplied by the self service facility is not meeting the requirements of Article 13.2(b). In a letter dated October 10, 2008 the system expressed interest in applying for a disinfection waiver for the self service facility. Please contact Sean Scott at 303-692-3258 in the Compliance Assistance unit for more information on the Division's disinfection waiver application process.

## **SPRING G**

### **3. Source**

#### **SRC GE DESIGN CRITERIA; Physical condition of the source does not meet State of Colorado Design Criteria specified for potable water systems DCPWS - Part 2**

The Spring G Building is not a durable and water tight cover for the spring source as required in Section 2.2.3 of the *State of Colorado Design Criteria for Potable Water Systems* (Design Criteria).

- Since the last sanitary survey, Eldorado Springs has attempted to seal the building, which is in effect a spring box cover, and all miscellaneous bottled water equipment has been removed. Since the last inspection, filler foam, screen mesh, spackle and other measures have been installed around the building in an effort to seal off potential contamination sources. Despite these efforts, it appears that there are still some openings in the building structures which may lead to potential contamination of the spring source. Potential failures in the installed methods (e.g. screens that were coming unglued) and unsealed contamination pathways (e.g. pipelines that were not sealed) were observed. See attachment 3.
- The building still has unsealed pipelines entering the building, unscreened vents, failing screen repairs, etc. See attachment 3.
- The building has evidence of insect habitation within the building and animal habitation adjacent to the building. See attachment 4.
- The Chlorinator for Spring G treatment facility is located within the building on the basement level, directly adjacent to the Spring G source. Any operations and maintenance work to the treatment facility could result in potential contamination of the spring. See attachment 5.
- During the pool operating period, the water operator climbs out on a ladder perched over the Spring G catchment to read the pool water meter. Any operations and maintenance work taking place over the spring could result in potential contamination. See attachment 5.
- The building is located at the bottom of a hill. Drainage from the adjacent area flows towards the building and the concrete pan may not be an effective water routing mechanism. See attachment 5.

## Exhibit A

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### Minor Deficiencies

The following items are minor deficiencies that require corrective action:

#### **CHLORINATOR FOR SPRING G**

##### **4. Treatment**

##### **CHEMICAL SAFETY; Gas chlorine facility safety features and other chemical safety issues**

Secondary containment for the 100-gallon sodium hypochlorite solution tank should be installed as required by Section 7.13.8 of the *Design Criteria for Potable Water Systems*. Under the current configuration if the storage tank leaks, the chemical volume would empty into the spring catchment and contaminate the Spring G source. See attachment 2.

#### **DISTRIBUTION SYSTEM**

##### **5. Distribution System**

##### **FREQUENCY OF MAIN BREAKS; System has frequent main breaks without adequate response**

As discussed during the inspection, the existing distribution system has had several line breaks over the past years which may have resulted in loss of water pressure in the distribution system. Appendix I, Part 2.1.1 of the *Design Criteria* requires that the distribution system shall be designed to maintain a minimum pressure of 20 psi (1.41 kg/cm<sup>2</sup>) at ground level at all points in the distribution system under all conditions of flow. Loss of pressure in the distribution system may lead to infiltration of contaminants through cracks in piping and uncontrolled cross connections. In the future, Eldorado Springs needs modify their emergency response procedures to notify the Division of line breaks resulting in loss of system pressure as soon as possible but within 24 hours by calling the Divisions 24 hour incident reporting line 1-877-518-5608. Division staff will determine if any measures are required to protect public health.

#### **SELF SERVE TREATMENT FACILITY**

##### **6. Treatment**

##### **OTHER TREATMENT ISSUE 1; Inspector identified treatment issue**

The UV equipment installed is an older treatment unit and does not have the required monitoring equipment as outlined in the *US EPA Ultraviolet Disinfection Guidance Manual* (US EPA, 2006) to ensure treatment equipment is operating properly. At a minimum, UV treatment units should have monitoring equipment for UV intensity, reactor status and flowrate.

#### **CHLORINATOR FOR SPRING G**

##### **7. Treatment**

##### **OTHER TREATMENT ISSUE 1; Inspector identified treatment issue**

The UV equipment installed is an older treatment unit and does not have the required monitoring equipment as outlined in the *US EPA Ultraviolet Disinfection Guidance Manual* (US EPA, 2006) to ensure treatment equipment is operating properly. At a minimum, UV treatment units should have monitoring equipment for UV intensity, reactor status and flowrate.

This letter is your notification that the deficiencies listed above were noted during the inspection. Please provide a written response addressing these issues by November 22, 2009. Your response must outline the course of action that has or will be taken and the date by which you propose to correct the deficiencies. A significant deficiency represents an unacceptable risk to health or the safe delivery of drinking water. Failure to provide a written response to significant deficiencies within 45 days is a violation of CPDWR Article 11.4.

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**Monitoring And Reporting**

Monitoring Violations during the past year

| Violation Number | Violation Date | Analyte or Analyte Group | Compliance Period       |
|------------------|----------------|--------------------------|-------------------------|
| 832              | 11/03/2008     | COLIFORM (TCR)           | 09/01/2008 - 09/30/2008 |

Maximum Contaminant Level (MCL) Violations during the past year

| Violation Date | Sample Result | Maximum Contaminant Level | Analyte or Analyte Group | Compliance Period       |
|----------------|---------------|---------------------------|--------------------------|-------------------------|
| 11/17/2008     | NA            | NA                        | COLIFORM (TCR)           | 07/01/2008 - 07/31/2008 |

Other Violations during the past year

No other violations were reported in the past year.

During the inspection, the issues/violations identified above were discussed. If you have been responding to our Compliance Assurance and Data Management (CADM) Section regarding these matters, please continue that effort to resolve the issues. If you have not responded to our CADM Section regarding these issues/violations, please do so by **November 22, 2009**.

**Other Observations/Recommendations/Comments**

The following observations, recommendations, and comments will enable your system to better conform to the requirements of applicable design criteria or other industry standards:

**WELL D**

**8. Source**

**SRC GE OTHER SOURCE ISSUES 2; Inspector identified source issue**

The concrete pad surrounding the well has been partially demolished to facilitate pipeline construction. Eldorado Springs should replace the concrete pad as soon as possible given that the static water level is approximately ten (10) feet. Part 2.1.8 of the Design Criteria states that Wells with a static water level of less than 100 feet from the surface should have a four-foot diameter (minimum) concrete pad poured around the well casing.

**WELL D**

**9. Source**

**SRC WL PERMIT; State of Colorado well permit not available at the time of the inspection DCPWS - Part 1.1.7 Plans Submittal**

At the time of the inspection, Eldorado Springs could not locate a copy of the Well D permit from the State Engineers office. Eldorado Springs should contact the Colorado Division of Water Resources (<http://water.state.co.us/>) to obtain a copy for the water system files.

**CHLORINATOR FOR WELL D**

**10. Treatment**

**OTHER TREATMENT ISSUE 1; Inspector identified treatment issue**

The Well D Building is located adjacent to a road and in a parking area for pool customers with no protection from accidental vehicle collision. It is recommended that the system install bollards or other measures to prevent an accidental vehicle collision which could result in damage to the well and water treatment plant. In addition, the Well D Building has a hand built door that does not appear to be very strong; the Division recommends installing a security door to protect the well and water treatment plant

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from unauthorized entrance.

#### CHLORINATOR FOR WELL D

##### 11. Treatment

**CHEMICAL SAFETY; Gas chlorine facility safety features and other chemical safety issues**  
Secondary containment for the 70-gallon sodium hypochlorite solution tank should be installed as required by Section 7.13.8 of the *Design Criteria for Potable Water Systems*. Under the current configuration if the storage tank leaks the chemical volume would empty into the well house floor.

#### CHLORINATOR FOR WELL D

##### 12. Treatment

**OTHER TREATMENT ISSUE 2; Inspector identified treatment issue. Raw Water Sampling Tap**  
The disinfection process at Well D sodium hypochlorite injects straight into the well. The recently promulgated Ground Water Rule (GWR) requires that the system have a raw water sampling tap installed in the event that triggered source water monitoring is required as outlined in Article 13.3 of the *Colorado Primary Drinking Water Regulations* (CPDWRs). To comply with the GWR, the system will need to install a raw water sampling tap and this may require a redesign of the Well D treatment facility. The Division recommends that the system install a raw water sample tap and upgrade the chlorination system to inject sodium hypochlorite into the distribution system line instead of the well casing. In addition, the system should consider upgrading the chlorine contact time to provide a minimum of four (4) log virus inactivation. Any treatment modifications will need to be submitted and approved by the WQCD prior to commencement of construction as required in Article 1.11.2 of the CPDWR.

Well D does not have an actual raw water sampling tap therefore any historic raw water samples may be invalid (e.g. raw water MPA tests, bacteriological samples) due to the presence of chlorine.

#### CHLORINATOR FOR SPRING G

##### 13. Treatment

**OTHER TREATMENT ISSUE 2; Inspector identified treatment issue**  
The Spring G treatment system utilizes the Strainrite Model HPM97-CC-2-SS which has been discontinued by the manufacturer. In anticipation, the system bought extra Model HPM97-CC-2-SS filters. At the time of the site visit, the system had twelve filters left. The system uses about 2-3 filters per year; performing bag changes based on time not pressure loss. The State of Colorado Acceptance of the Strainrite Bag Filtration System is based on filter change out at or before reaching a maximum differential pressure of 25 psid. Although this is requirement is for surface water treatment, Eldorado Springs may want to consider adopting this as an operational setpoint for filter bag change out. Any modifications to the existing filtration process will need to be submitted and approved by the WQCD per Article 1.11.2 of the CPDWR prior to commencement of construction. Please contact me if you have questions about submittal requirements.

#### CHLORINATOR FOR SPRING G

##### 14. Treatment

**OTHER TREATMENT ISSUE 3; Inspector identified treatment issue**  
The Spring G Building is likely located in or close to the 100-year floodplain and does not have any protection against damage or contamination from flooding as required in Section 2.2.1 of the State of *Colorado Design Criteria for Potable Water Systems* (Design Criteria). The current spring building should be evaluated to determine if the source would be protected from surface water infiltration during a 100 year flood event.

**DISTRIBUTION SYSTEM**

**15. Distribution System**

**UNACCOUNTED FOR WATER; System does not have measures for determining the percentage of unaccounted for water. DCPWS Appx I, 2.10**

The existing distribution system has a major leakage problem; an estimated 50% of the treated water is lost in the distribution system. Eldorado Springs is currently undergoing a major distribution system construction project. The existing distribution system will be completely replaced with new three (3) inch mains. After project completion, the Division recommends that the system compare produced and billed water volumes to monitor water loss in the distribution system.

**16. System Management and Operation**

**OTHER MANAGEMENT ISSUE 1; Inspector identified system management and operation issue & Financial Capacity**

The Division recommends that Eldorado Springs continue to develop a financial plan to make the public water system self funded and create funds for long-term infrastructure upgrades. Eldorado Springs is making strides toward a self-funded system by raising monthly rates in conjunction with the new distribution system improvements including water meters at each house. The Division developed a webpage <http://www.mytmfrainer.org/> that contains links to financial tools which may be helpful to the system.

**17. System Management and Operation**

**EMERGENCY RESPONSE PLAN; System does not have a completed Emergency Response Plan**

The Division recommends that Eldorado Springs develop a written emergency response plan that addresses natural emergencies (e.g. floods), manmade emergencies (e.g. sabotage), and a UV lamp breakage procedure to address potential mercury releases. The emergency response plan should include the Division's 24 hour incident reporting line 1-877-518-5608. Eldorado Springs does not have any distribution system water storage in case of treatment facility emergencies; however, the system does have a backup generator available at the Spring G building. Information on emergency planning can be found at: <http://www.cdphe.state.co.us/wq/drinkingwater/EmergencyResponse.html>.

**18. System Management and Operation**

**SECURITY IMPLEMENTATION; System has not implemented security enhancements based on vulnerability assessment or other security analysis**

The Division recommends that Eldorado Springs develop a security plan and implement security measures. Information on emergency planning can be found at: <http://www.cdphe.state.co.us/wq/drinkingwater/EmergencyResponse.html>.

**19. M&R and Data Verification**

**OTHER MR&D ISSUES 1; Inspector identified MR&D issue – Plans update**

The current monitoring plan, dated June 28, 2005, will need to be revised to incorporate distribution system changes due to the current construction project. The distribution system improvements are estimated to be complete in April or May 2009. After completion, Eldorado Springs has 30 days to submit any monitoring plan modifications per Section 1.12.2(a) of the *Colorado Primary Drinking Water Regulations*.

**20. System Management and Operation**

**CROSS CONNECTION CONTROL; System has not implemented appropriate cross-connection control methods CPDWR 12.1**

The current, educational only, cross connection control plan will need to be revised per Section 12 of the *Colorado Primary Drinking Water Regulations* after the installation of the new distribution system with water meters and cross-connection devices at each connection. The cross connection control plan should

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also include the four (4) inch pool connection line to Spring G that is controlled via an air gap.

### **21. System Management and Operation**

#### **OPERATION AND MAINTENANCE PLAN; System does not have a documented Operations and Maintenance Plan**

Eldorado Springs does not have a written operation and maintenance plan. The Division recommends that the system develop written standard operating procedures for water system operation which clearly outline system operation. The system should also develop a written preventative maintenance program following manufacturers' recommendations for scheduled maintenance.

The following facilities were reviewed during the inspection and no deficiencies, comments, or recommendations were made.

- Financial
- Operator Compliance With State Requirements
- Other
- Security

### **Other Sanitary Survey Notes**

- During the February 18, 2009 visit, Kevin Sipple showed Kara Stone and Melanie Criswell the bottling water treatment facility located across the road from the Spring G building (adjacent to the pool). The bottling treatment process included a Memcor membrane filtration process, a UV disinfection process, and an intermittent ozone unit. The system may elect to use this treatment facility for the public water system. If the system decides to pursue utilizing the existing bottling treatment for the public water system then the system will need to be submitted for design review and approval by the WQCD per Article 1.11.2. Please contact me if you have questions or would like to discuss this option further.
- The Department may have concerns about the self service bottling facility signage. Any correspondence on this issue will come under separate cover.

### **Reminders**

- Article 1.11.2 (Prior Approval Required) requires the Department's approval prior to commencement of construction of any improvements, treatment process modifications, or the addition of new water sources.
- The CPDWR contains specific requirements for recordkeeping. Some records must be kept for as long as twelve years.
- Most regulations, guidance documents, and forms are available via Internet on the Department's website. Please link to [www.cdphe.state.co.us/wq](http://www.cdphe.state.co.us/wq) for further information. You can link directly to the Engineering Section's webpages at <http://www.cdphe.state.co.us/wq/engineering/techhom.html> and to the Drinking Water Program webpages at <http://www.cdphe.state.co.us/wq/drinkingwater/index.html>

Attached to this letter you will find a Customer Satisfaction Survey. We would greatly appreciate it if you would take a few moments to complete this survey and return it to us. Simply fill out the form, fold it according to the directions and drop it in the mail. The postage is already paid.

If you have any questions, please contact me via e-mail at [melanie.criswell@state.co.us](mailto:melanie.criswell@state.co.us) or by phone at 303-692-3603. Thank you for your time and cooperation.

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Eldorado Artesian Spring Inc  
October 8, 2009  
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Sincerely,

Melanie Criswell, P.E.  
Drinking Water Engineer  
Engineering Section  
Water Quality Control Division  
Colorado Department of Public Health and Environment

Encl.

cc: Boulder County Health Department  
DW File  
ec: Betsy Beaver, WQCD Operator Certification Program  
Heather Drissel, WQCD-ES  
Sean Scott, WQCD-CA  
Lori Gerzina, WQCD-CA  
Jeff Larwence, CPD  
Kara Stone, CPD  
Erica Kannely, WQCD-CA  
Andrew Ross, WQCD

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**Attachments**



**Attachment #1**

**Severity:** Significant Deficiency

**Facility ID:** Well D

**Category:** Source

**Attachment Comments:** Sodium hypochlorite injection hole in well head not sealed.



**Attachment #2**

**Severity:** Minor Deficiency

**Facility ID:** Spring G treatment

**Category:** Treatment

**Attachment Comments:** The Spring G treatment sodium hypochlorite solution tank does not have any secondary containment.

**A:**

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**B:**



**C:**



**Attachment #3**

**Severity:** Significant Deficiency

**Facility ID:** Spring G

**Category:** Source

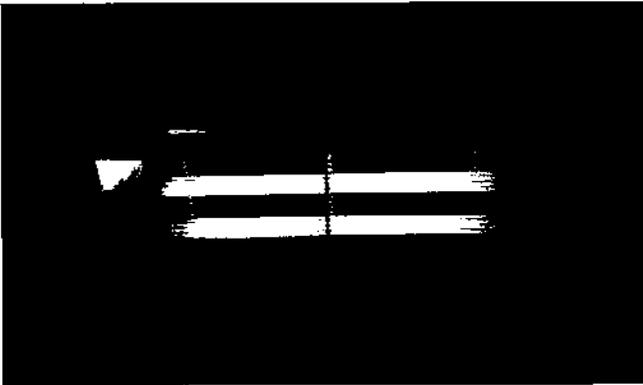
**Attachment Comments:** Potential Contamination Sources

- A. Unfilled pipe above Spring G source
- B. Screen coming unglued
- C. Ceiling vent unscreened

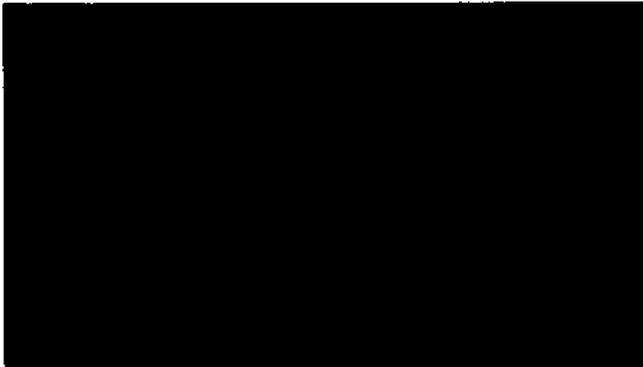
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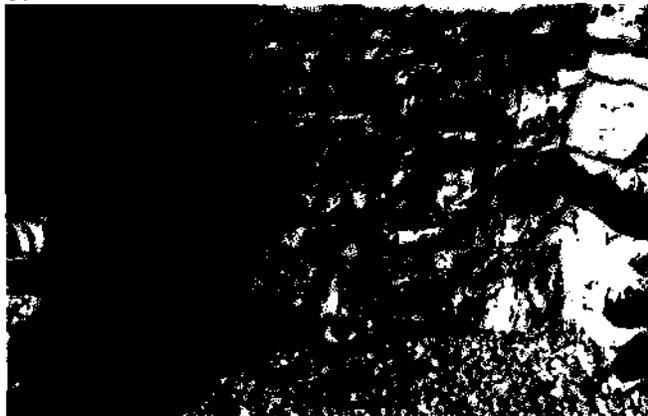
**A:**



**B:**



**C:**



**Attachment #4**

**Severity:** Significant Deficiency

**Facility ID:** Spring G

**Category:** Source

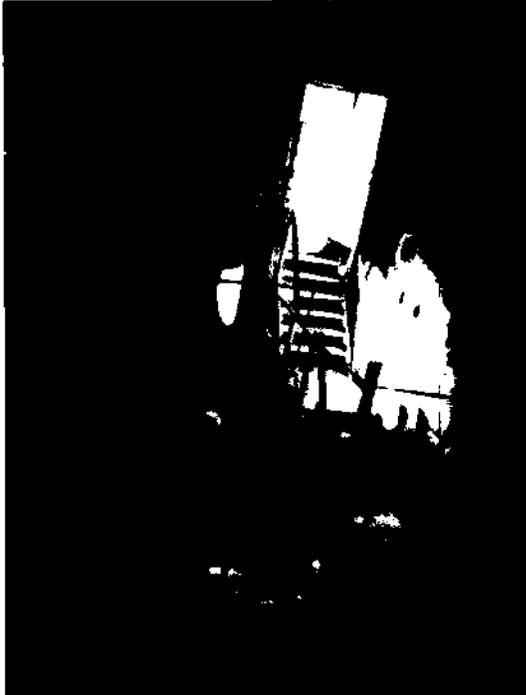
**Attachment Comments:** Evidence of animal and insect habitation within and around building

- A. Insect zapper within Spring G building
- B. Insect nest in building
- C. Dog excrement outside building

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Eldorado Artesian Spring Inc  
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**A:**



**B:**



**C:**



**Attachment #5**

**Severity:** Significant Deficiency

**Facility ID:** Spring G

**Category:** Source

**Attachment Comments:**

Spring G treatment facility location.

- A. Spring G treatment adjacent to Spring G source. Any operations and maintenance work to the treatment facility could bring in potential contamination.
- B. Pool water meter is over Spring G source. Monthly meter reading during the summer could bring in potential contamination.

**Spring G Drainage**

- C. The building is located at the bottom of a hill. Drainage from the adjacent area flows towards the building and the concrete pan.

February 9, 2010

Colorado Department of Public Health and Environment  
Water Quality Control Division  
ATTN: Ms. Melanie Criswell  
4300 Cherry Creek Drive South  
Denver, CO 8046-1530

**RE: Response to Eldorado Artesian Spring Sanitary Survey, PWSID CO0107246**

Dear Ms. Criswell:

This letter serves as the required response to the significant and minor deficiencies in the sanitary survey report dated Oct 8, 2009.

First off, we'd like to thank you for meeting with us regarding the issues and circumstances at Eldorado Artesian Springs. This is a unique situation and all involved do understand the severity of the items noted.

UPDATE: Please see the "UPDATE" sections for the current status of each response.

**Well D:**

**System has a well source that sanitary seal is not properly installed and maintained:**

This situation was remedied; however it was done without prior approval from the Division. We did not realize that moving the injection point back to the location that it was more than likely originally approved for by the Division needed to be re-approved. This change was in no way done in a malicious manner or without regard to the regulations. We are requesting some leeway with this situation and ask that we be allowed to keep the plant in its current configuration and be allowed to go through the approval process after the fact.

UPDATE: Several "housekeeping" improvements have been completed at Well D independent of the water treatment equipment. The chipped grout at the well seal has been repaired, the exposed gravel floor has been covered in concrete, a drain has been installed, lighting has been installed, and loose roofing materiel has been repaired.

**Self Serve Treatment Facility:**

**No disinfection equipment present or equipment not operating:**

We are under the impression that this system will not be eligible for a disinfection waiver. Per our meeting, the Division will send us a letter outlining possible approved treatment options, i.e. ozone. Once that letter is received we will begin looking into the treatments options, etc.

UPDATE: We are in the process of obtaining an engineer to assist in the upgrades to the water vending facilities. Our plan is to change the supply to the chlorinated utility after the point where 4-Log disinfection requirements have been met, and carbon filter the water just prior to dispensing to remove the chlorine. As per our conversation by phone meeting on Feb. 1<sup>st</sup>, we will include a sample tap for chlorine residual immediately prior to the carbon filtration and take our bacteriological sample after carbon filtration from the dispensing unit.

**Inspector identified treatment issue (UV):**

The UV unit may be a moot point depending on what type of treatment upgrades if any will be used.

UPDATE: Although UV Disinfection may not be recognized as providing a measurable Log removal rating, we may have it included into our design as a precautionary redundant safeguard.

**Spring G:**

**Physical condition of the source does not meet State of Colorado Design Criteria for potable water systems**

Per our meeting, the focus is going to be on getting a (very large) spring box in place over the water reservoir rather than trying to keep up with upgrades to the building itself. This will alleviate the issues with insects, vents, holes, cracks, etc.

UPDATE: We are in the process of obtaining an engineer. We received proposals from two different engineering firms. These are being reviewed by Eldorado Artesian Springs. Once a decision has been made as to which firm we will use, we will begin exploring our options regarding spring box covers.

**Gas chlorine facility safety features and other chemical safety issues:**

Secondary containment for the chlorine solution tank will be installed.

UPDATE: Secondary containment will be included in the upgrades to the facility once an engineer has been hired. Pricing has already commenced on the containment equipment.

**Inspector identified treatment issue (UV)**

We are currently looking into whether this UV unit was part of the original design criteria as it may not be a necessary component of the water treatment.

UPDATE: As in the SS Vending Unit above, unless there is an engineering or regulatory reason not to, we may choose to keep UV Disinfection as part of the treatment system as a redundant, precautionary safeguard.

### **Distribution System:**

#### **System has frequent main breaks without adequate response**

New water mains have been installed which will alleviate this issue.

UPDATE: AS of 2/1/10, the last two remaining taps were switched to the new distribution system and the old distribution system "Main" has been abandoned and capped off. Already total water usage in the system has gone from approximately 55 gpm to approx. 15 gpm. Further water savings will be achieved by addressing leaks at several of the homeowners' taps discovered during a walk through of the system on 2/3/10 by the Owner, Operator, and Contractor. It is expected that we can get average use down to +/- 8 gpm, which will assist in designing efficient chlorine contact time..

### **Conclusion:**

All involved with this project are committed to resolving the issues affecting this water system. Once we receive the letter from the Division with the determination on the classification of the water sources, we will be able to move forward in the most economical way possible. Our first line of business in any case is to retain an engineer. We will begin our search after the Thanksgiving holiday. We are asking the Division for as much time as possible to get all of the projects outlined in this letter completed. Eldorado Artesian Springs has put a "good faith effort" towards their water system by hiring Southwest Water Company to take over the water treatment operations.

UPDATE: As further evidence of our "good faith effort", is the fact that we have just spent approximately \$300,000.00 on the new distribution system, meters, and HCC Back Flow Equipment with no assistance from any funding program. That was about \$50,000 more than we could afford. We have a meeting set up with Leroy Cruz of the CRWA's ARRA Funding Office this next week to explore the possibilities of some funding assistance with these upgrades we've been discussing. We will do the best we can and your understanding of our current financial limitations are greatly appreciated.

Please don't hesitate to contact either one of us regarding this response.

Sincerely,

*Shilo Williams*

*Kevin Sipple*

Shilo Williams  
Operations and Compliance Manager  
Southwest Water Company

Kevin Sipple  
Eldorado Artesian Springs



## MEMO

**Date:** January 24, 2011

**To:** Melanie Criswell, P.E.  
Colorado Department of Public Health & Environment  
Water Quality Control Division, Engineering Section  
4300 Cherry Creek Drive South  
Denver, CO 80246

**From:** James Widner, P.E., Design Engineer

**RGA Job No.:** 1005.0001

**RE:** Eldorado Artesian Springs Sanitary Survey  
PWSID #CO010746, Boulder County

---

### BACKGROUND

As a result of the Sanitary Survey conducted in October of 2009, Eldorado Artesian Springs has contacted RG and Associates, LLC (RGA) to develop a conceptual plan of mitigation. The water source under survey is a spring (Spring G) and Well D. Also as part of the mitigation plan, disinfected water is required for a self-serve water station that is open to the public. Water sources are located in Boulder County within the town limits of Eldorado Springs. The source of the groundwater is shown in Table-1. The wells were constructed to provide potable water for the Town's distribution system and the Eldorado Springs Artesian bottling plant. A surface water source is currently not viable in this area; nor is adequate water rights available.

#### Owner

Kevin Sipple  
Eldorado Artesian Spring, Inc  
P.O. Box 445  
Eldorado, CO 80025-0445

#### Project Address

Eldorado Springs, Colorado  
Boulder County  
Section 25 Township 1S, Range 71W, and Section 30 Township 1S Range 70W of the 6<sup>th</sup>  
Principal Meridian

#### Existing Treatment Facilities

Chlorination, UV and Carbon Filtration

#### Water Source

Groundwater

**Sanitation Facilities**

No

**EXISTING SYSTEMS**

**Well and Spring Water**

The following table provides a description of each source at the time of development unless otherwise noted. There are no meters at each well source to measure current production.

**Table - 1: Groundwater Sources**

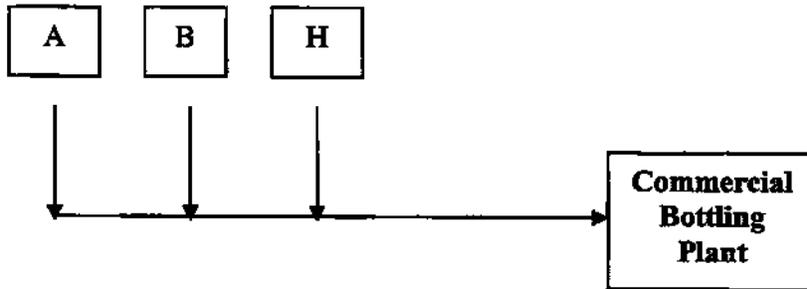
| Source | Description                           | Depth (Feet) | Production (GPM) | Use  |
|--------|---------------------------------------|--------------|------------------|--|
| A      | Vertical Well                         | 215          | 25               | Primary bottling use, mixed with B.  |
| B      | Vertical Well                         | 200          | 30               | Primary bottling use, mixed with A.  |
| C      | Vertical Well                         | 75           | 20               | Currently not in use, water quality issue. Not in system.  |
| D      | Vertical Well                         | 200          | 25.5             | Currently in use, primary public water supply. Chlorine treatment at well.<br><b>*Production data from 2004 pump test.</b> |
| E      | Vertical Well                         | 60           | 20               | Currently not in use, water quality issue. Not in system.  |
| F      | Dug Cistern Well                      | 18           | 60               | Currently not in use, water quality issue. Not in system.  |
| G      | Natural Spring (Dug) and Spring House | 22           | 100              | Currently in use for public and utility water.   |
| G1     | Lateral Well                          | 100          | 15               | Currently in use, mixes with Spring G.   |
| H      | Vertical Well                         | 200          | 21               | Primary bottling use, mixed with A & B.<br><b>*Production data from 2004 pump test.</b>                                    |
| I      | Vertical Well                         | 200          | 27               | Located in U.S. Forest Park, never used.<br><b>*Production data from 2004 pump test.</b>                                   |
| J      | Dug Cistern Well                      | 10           | 30               | Never used. Area of former Moffat Lake and Cold Springs.   |
| K      | Vertical Well                         | 80           | 5                | Never used.  |
| L      | Dug Cistern Well                      | 10           | NA               | Never used.  |

On the following pages are two (2) flow diagrams; the first diagram shows the current usage of the wells and is based on Table-1 as documented from an earlier report forwarded by Sands Associates to Eldorado Artesian Springs Inc., back in 2000. The second diagram shows the flow diagram as it would look under the proposed mitigation plan. The plan for mitigation is described following the second diagram. These schematic diagrams are shown for conceptual purposes; design will be the next step once the general concept is reviewed for compliance with the Sanitary Survey conducted by CDPHE.

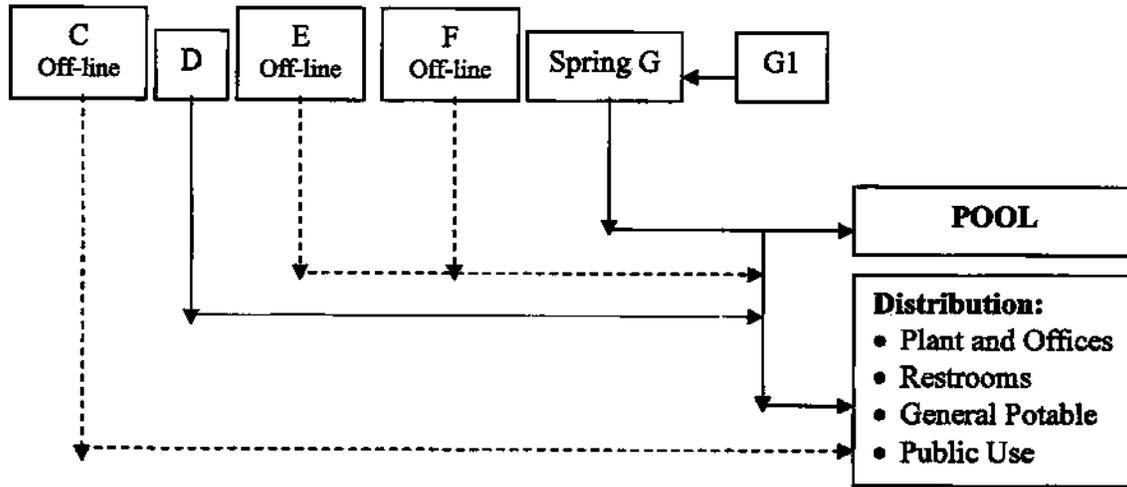
Exhibit G

### EXISTING FLOW DIAGRAM

#### Bottling Sources



#### Utility and Public Use

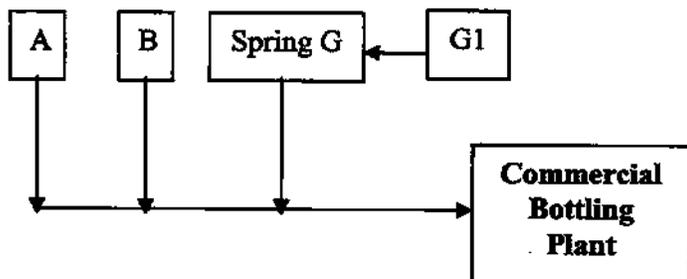


#### Sources Never in Use

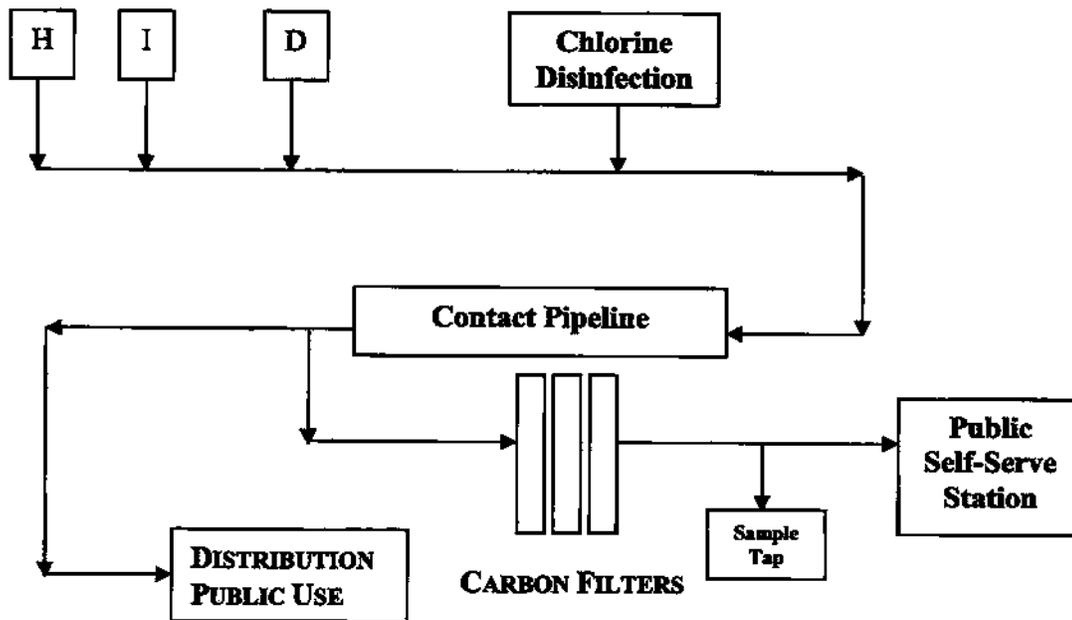


### PROPOSED FLOW DIAGRAMS

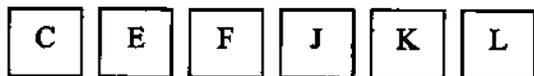
#### Bottling Sources



#### Utility and Public Use



#### Sources that Will Not Be in Use



### PROPOSED MITIGATION PLAN

- Discontinue using Spring-G for the public water system; reroute for treatment at the Commercial Bottling Plant.
- Discontinue using Well-H for the bottling plant; reroute for public use.
- Bring Well-I on-line and begin using for supply to domestic potable public water.
- Provide a sample tap and carbon filters for the 4 gpm self-serve water station.
- Provide a chlorination contact pipeline to serve Wells D, H and I.

Of the changes proposed to implement the mitigation plan, those requiring the most significant engineering and construction efforts will be preparing Well-I for use into the system, reconfiguring and installing new pipelines to reroute discharge locations; and constructing a contact pipeline.

Two-hour pump tests were conducted on wells D, H and I in 2004 and achieved final pumping rates of 25.5-gpm (Decree 45gpm), 21-gpm (Decree 35gpm) and 27-gpm (Decree 40gpm), respectively. Based on this production data, a 30-inch diameter contact pipeline of approximately 60 feet would be required for a 30 minute Contact time. Chlorination of the wells can be achieved individually at each location. Another alternative would be to house a small day tank of Sodium Hypochlorite in a centralized location. This alternative provides a dedicated location for chemicals, metering and analyzers for operation and maintenance convenience. Chemical requirements and contact time are shown in the attached spreadsheets. Flows for the spreadsheet calculations are for all three (3) wells running at the same time, so the figures are conservative estimates.

Please do not hesitate to contact me if you have any questions or if you require additional information.

Sincerely,

RG AND ASSOCIATES, LLC



Gary E. Welp, P.E., CFM  
Project Manager

Attachments: Contact Time.xls  
Chemical Usage.xls

cc: Kevin Sipple, Eldorado Artesian Spring, Inc.  
Rick Goncalves, P.E., RG and Associates, LLC  
Gabrielle Begeman, Southwest Water Company

Exhibit C

Memo: Eldorado Artesian Springs Sanitary Survey, PWSID #CO010746

Ms. Melanie Criswell, P.E.

January 24, 2011

**Sodium Hypochlorite**

**Assumptions**

- Use liquid sodium hypochlorite @ approximately 12.3%

|                               |                            |
|-------------------------------|----------------------------|
| <b>Chemical:</b>              | <b>Sodium Hypochlorite</b> |
| <b>S.G.</b>                   | 1.2                        |
| <b>Solution Concentration</b> | 12.3 %                     |

**Flows, mgd**

|         |          |
|---------|----------|
| Max:    | 0.12 mgd |
| Average | 0.08 mgd |
| Min:    | 0.03 mgd |

**Chemical Dose, mg/l**

|         |           |
|---------|-----------|
| Max:    | 2.50 mg/l |
| Average | 1.50 mg/l |
| Min:    | 1.00 mg/l |

**Daily Chemical Use, lb/day**

|         |             |
|---------|-------------|
| Max:    | 2.40 lb/day |
| Average | 1.00 lb/day |
| Min:    | 0.25 lb/day |

**Daily Solution Use, gal/day**

|         |              |
|---------|--------------|
| Max:    | 1.95 gal/day |
| Average | 0.81 gal/day |
| Min:    | 0.20 gal/day |

**Gal in 30 days**

58  
24  
6

**Daily Solution Use, gal/hr**

|      |             |
|------|-------------|
| Max: | 0.08 gal/hr |
| Avg: | 0.03 gal/hr |
| Min: | 0.01 gal/hr |



# COPY

Exhibit D  
**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) 892-2000      Denver, Colorado 80230-8928  
Located in Glendale, Colorado      (303) 892-9090

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



Colorado Department  
of Public Health  
and Environment

March 9, 2011

Kevin Sipple  
Eldorado Artesian Spring Inc  
P.O. Box 445  
Eldorado, CO 80025-0445

**Subject:** Community Water System Plans Review Requirements; Potable Water Supply Facilities;  
Eldorado Artesian Spring Inc., PWSID No. CO0107246; Boulder County

Dear Mr. Sipple,

The Water Quality Control Division (Division) received a memo dated January 24, 2011 outlining a conceptual plan (please note that the conceptual plan is not considered a plan submittal package as outlined in Part 1 of the *State of Colorado Design Criteria for Potable Water Systems*) for addressing the October 2009 sanitary survey findings at the Eldorado Artesian Springs public water system (PWS). This letter outlines the submittal requirements for the proposed conceptual plan, developed by RG and Associates LLC, that includes: a) abandonment of the Spring G source as part of the PWS, b) utilization of Wells H and I (which are not currently approved as part of the PWS), c) installation of a treatment system including: disinfection contact volume to treat Wells D, H, and I, and d) installation of a point of use treatment process for the self service dispenser.

As background, public water system improvements or treatment modifications require the prior approval of the Colorado Department of Public Health and Environment – Water Quality Control Division (Division). The Division conducts our reviews and issue approvals based on the *State of Colorado Design Criteria for Potable Water Systems* (Design Criteria).

The approval process can proceed upon receipt of the following items in a plan submittal package:

1. **Brief project description:** Please provide an overview of all proposed project elements and any existing facilities that will be abandoned.
2. **Raw Water Sources - Wells H and I (not previously approved as part of PWS):**
  - a. A drawing of each well is required that shows positive drainage slope away from the well, details of the pitless adapter, grouting detail, vent detail, details on the sanitary seal, and shows that the wellhead elevation is at least 12 inches above the ground. The system may request deviations from the requirements of Section 2 of the Design Criteria since these are existing wells but accurate drawings and deviations requests for each design criteria requirement must be outlined in the submittal. If the existing well construction (e.g., located within a vault) does not meet the requirements of the *State of Colorado - Rules and Regulations for Water Well Construction, Pump Installation, Cistern Installation and Monitoring and Observation Hole/Well Construction* then please discuss the specific issues with Nolan Lloyd, Chief Well Inspector, with the Division of Water Resources at [Nolan.Lloyd@state.co.us](mailto:Nolan.Lloyd@state.co.us) or 303- 866-3581.
  - b. Discuss any surface influences or sources of contamination within a 100 ft radius of each well.

## Exhibit D

Kevin Sipple  
Eldorado Artesian Springs  
March 9, 2011  
Page 2

- c. Copies of the Well Permit and the Well Construction and Test Report.
  - d. Raw Water Analysis: The following analyses are required: nitrate and nitrite, bacteriological, inorganic parameters, organic parameters, radionuclides and corrosivity. Please submit one copy of the analysis for each well, from a certified laboratory on the state reporting forms. The state reporting forms can be found online at:  
<http://www.cdphe.state.co.us/wq/drinkingwater/LaboratoryReportingForms.html>
  - e. A groundwater Microscopic Particulate Analysis (MPA) is required for each proposed source. The MPA test should be completed in June to capture potential surface contamination impacts due to spring runoff conditions or precipitation events.
3. Existing Raw Water Source Well D (WL004):
    - a. Please describe any proposed improvements to existing Well D that will be part of the project.
    - b. Please discuss any raw water quality parameters that might impact the treatment facility design (e.g., any chlorine demand issues).
  4. Existing Raw Water Source Spring G (WL003):
    - a. Please describe how the existing Spring G source will be disconnected from the potable water system.
  5. Treatment Description: Please provide a detailed description and a treatment schematic of the proposed treatment facility and disinfection contact time method. Please include specific details regarding the sampling taps, flow meters, piping, valving, chemical feed points, monitoring equipment and disinfection contact time volumes. Please indicate how the existing Well D will be tied into the proposed treatment facility. Please discuss the proposed facility at the self service dispenser including sample tap location, proposed carbon filter, and typical operations and maintenance to ensure that the carbon filter does not become a contamination source.
  6. Equipment Cut-sheets or specifications for all proposed equipment. Please note that all chemicals and materials that come in contact with water shall be ANSI/NSF 60 and 61 certified, respectively, or shall be certified by AWWA, WQA or UL for potable water use.
  7. Design Calculations: Please submit any design calculations required by the Design Criteria, including disinfection log inactivation calculations and chemical dosing calculations for the chemical feed pump. The system needs demonstrate that the disinfection treatment process is capable of providing 4 log inactivation of viruses to comply with Article 13 of the *Colorado Primary Drinking Water Regulations* which was effective as of December 1, 2009. The Division developed a brochure which may be helpful in completing the log inactivation calculation which is available at:  
[http://www.cdphe.state.co.us/wq/engineering/pdf/LogInactivationBrochure\\_2009.pdf](http://www.cdphe.state.co.us/wq/engineering/pdf/LogInactivationBrochure_2009.pdf)
  8. Final Design Drawings and Specifications of the all water system improvements.
  9. Completed "Application for Construction Approval" form with the signature of the local health department or the county commissioner and the signature of the facility owner. The Application for Construction Approval can be found online at:  
[http://www.cdphe.state.co.us/wq/drinkingwater/pdf/CapacityDevelopment/Attachment2\\_NewSystem\\_Capacity.pdf](http://www.cdphe.state.co.us/wq/drinkingwater/pdf/CapacityDevelopment/Attachment2_NewSystem_Capacity.pdf)
  10. Completed Inventory Form which can be found online at:  
<http://www.cdphe.state.co.us/wq/drinkingwater/WordDocs/SDWISInventoryForm.doc>
  11. A "100 Year Flood Plain" Certificate. The "100 Year Flood Plain" Certificate is available online at:  
[http://www.cdphe.state.co.us/wq/drinkingwater/pdf/CapacityDevelopment/Attachment3\\_NewSystem\\_Capacity.pdf](http://www.cdphe.state.co.us/wq/drinkingwater/pdf/CapacityDevelopment/Attachment3_NewSystem_Capacity.pdf)

Exhibit D

Kevin Sipple  
Eldorado Artesian Springs  
March 9, 2011  
Page 3

Please send the potable water system submittal to:

Melanie Criswell, P.E.  
Colorado Department of Public Health and Environment  
Water Quality Control Division—ES—B2  
4300 Cherry Creek Drive South  
Denver, CO 80426

Given that Eldorado Artesian Springs is a Community Water System, the plans and specifications for the well must bear the seal and signature of a professional engineer licensed in the State of Colorado.

The above noted forms are enclosed for your convenience. A copy of the Design Criteria can be found on the Internet at <http://www.cdphe.state.co.us/wq/engineering/pdf/DesignCriteriaPotableWaterSystem.pdf> and the *Colorado Primary Drinking Water Regulations* can be found at <http://www.cdphe.state.co.us/regulations/wqocregs/100301primarydrinkingwaternew.pdf>

Thank you for your time and cooperation in this matter. If you have any questions, I can be reached at (303) 692-3603.

Sincerely,



Melanie Criswell, P.E.  
Engineering Section  
Water Quality Control Division  
Colorado Department of Public Health and Environment

cc: Gary Welp, RG and Associates, LLC, 1331 17<sup>th</sup> Street, Suite 710, Denver, CO 80202  
Shilo Williams, Southwest Water Company, 6050 W. 54<sup>th</sup> Ave, Arvada, CO 80002  
Gabrielle Begeman, Southwest Water Company, 6050 W. 54<sup>th</sup> Ave, Arvada, CO 80002  
Boulder County Health Department  
DW file

cc: Nolan Lloyd, Division of Water Resources, [Nolan.Lloyd@state.co.us](mailto:Nolan.Lloyd@state.co.us)  
Heather Drissel, WQCD Engineering  
Dennis Pontius, WQCD Engineering  
Andrew Ross, WQCD Groundwater  
Tyson Ingels, WQCD Engineering  
Rick Koplitz, WQCD Compliance Assurance

Exhibit E

**ELDORADO ARTESIAN SPRINGS, INC.  
PUBLIC WATER SYSTEM IDENTIFICATION NUMBER: CO-0107246  
BOULDER COUNTY, COLORADO**

**ADMINISTRATIVE PENALTY COMPUTATION WORKSHEET**  
**(May 20, 2011)**

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**Penalty Summary**

**Penalty Calculation -Violation Number 1.....\$2,000.00**

**Violation:** Failure to Provide Disinfection of a Public Water Supply  
**Regulation Violated:** 5 CCR 1003-1, §§13.2(a-c)

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**TOTAL PENALTY.....\$2,000.00**

Exhibit E

**ADMINISTRATIVE PENALTY COMPUTATION WORKSHEET**

**VIOLATION NUMBER: 1**

|   |                                 |
|---|---------------------------------|
| <b>System Name: Eldorado Artesian Springs, Inc.</b> | <b>PWSID Number: CO-0107246</b> |
|---|---------------------------------|

|  |                            |
|--|----------------------------|
| <b>Date of Enforcement Order: May 20, 2011</b> | <b>Number: DC-110520-1</b> |
|--|----------------------------|

|   |                               |
|---|-------------------------------|
| <b>Regulation Violated: Failure to Provide Disinfection of a Public Water Supply, 5 CCR 1003-1, §§13.2(a-c)</b> | <b>Population Served: 151</b> |
|---|-------------------------------|

**Part I – Base Penalty Calculation**

|        | <b>Violation Type</b>   | <b>Population Range</b> | <b>Amount in Dollars</b> |
|--------|---|-------------------------|--------------------------|
| Line 1 | Failure to Provide Disinfection of a Public Water Supply – Calendar Year 2009 | < 500 Served            | \$250.00                 |

**Part II – Application of Aggravating or Mitigating Factors**

|        | <b>Aggravating / Mitigating Factors</b>   | <b>% Base Penalty Increase or Decrease</b> | <b>Amount in Dollars</b> |
|--------|---|--|--------------------------|
| Line 2 | Factor A: Threat to Public Health and Welfare<br><i>Justification: n/a</i>  |  | \$0.00                   |
| Line 3 | Factor B: Intentional, Reckless, or Negligent Actions<br><i>Justification: n/a</i>  |  | \$0.00                   |
| Line 4 | Factor C: Recalcitrance or Recidivism<br><i>Justification: The Eldorado Artesian Springs, Inc. has failed to correct the failure to provide disinfection of a public water supply violation identified during the February 10 and 18, 2009 sanitary survey in a timely manner. The System was put on notice of the violation on October 8, 2009, missed a deadline of November 22, 2009 to respond in writing to the notice, and has yet to install/implement disinfection treatment.</i> | + 75%                                      | \$187.50                 |
| Line 5 | Factor D: Voluntary and Complete Disclosure of Violations<br><i>Justification: n/a</i>  |  | \$0.00                   |
| Line 6 | Factor E: Full and Prompt Cooperation<br><i>Justification: n/a</i>  |  | \$0.00                   |
| Line 7 | Factor F: Environmental Compliance Program<br><i>Justification: n/a</i>   |  | \$0.00                   |
| Line 8 | Factor G: Other Aggravating or Mitigating Circumstances<br><i>Justification: n/a</i>  |  | \$0.00                   |

Exhibit E

|         | <b>Aggravating / Mitigating Factors</b>               | <b>% Base Penalty Increase or Decrease</b> | <b>Amount in Dollars</b> |
|---------|---|--|--------------------------|
| Line 9  | Sum of Lines 2 through Line 8                         |  | \$187.50                 |
| Line 10 | <b>Adjusted Base Penalty (Sum of Line 1 + Line 9)</b> |  | <b>\$437.50</b>          |

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

|         |  | <b>Days of Violation</b> |
|---------|--|--------------------------|
| Line 11 | Total Days of Violation  | 2                        |
|         | <i>Justification: The Division has chosen to consider the calendar year 2009 (from date of sanitary survey forward) and calendar year 2010 failure to provide disinfection of a public water supply violation as single day violations respectively.</i> |                          |

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

|         |   | <b>Amount in Dollars</b> |
|---------|---|--------------------------|
| Line 12 | Multi-Day Penalty Amount  | \$875.00                 |
|         | <i>Calculations:</i><br><i>Days (2) x (\$437.50) = \$875.00</i> |                          |

**Part V – Economic Benefit Consideration**

|         |  | <b>Amount in Dollars</b> |
|---------|--|--------------------------|
| Line 13 | Economic Benefit:  | \$1,125.00               |
|         | <i>Justification: The Division believes that the System realized an economic benefit by failing to disinfect since it has avoided its cost for the disinfection itself as well as the cost of the labor involved in installing/implementing the disinfection treatment system for the self service facility.</i> |                          |

**Part VI – Violation Penalty Total**

|         |  | <b>Amount in Dollars</b> |
|---------|--|--------------------------|
| Line 14 | Total Administrative Penalty:<br>(Line 12 + Line 13) | \$2,000.00               |

**Part VII – Ability to Pay Adjustment**

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

Exhibit E

**Part VIII – Final Adjusted Penalty**

|                |  |  | <b>Amount in Dollars</b> |
|----------------|--|--|--------------------------|
| <b>Line 16</b> | <b>Total Administrative Penalty:<br/>(Line 14 - Line 15)</b> |  | <b>\$2,000.00</b>        |