

# STATE OF COLORADO

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

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Colorado Department  
of Public Health  
and Environment

June 20, 2011

**Certified Mail Number: 7006 2760 0003 4263 9373**

PWSID# CO-0130184  
Mr. Dave Coppfer, President  
Conifer Metropolitan District  
10901 West Toller Drive  
Littleton, Colorado 80127

**RE: Service of Drinking Water Enforcement Order, Number: DN-110620-1**

Dear Mr. Coppfer:

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

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

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

Should the Conifer Metropolitan District 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](mailto:lauren.worley@state.co.us).

Sincerely,



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

Enclosure

- cc: Jefferson County Public Health  
Dave Coppfer, 8361 N. Rampart Range Rd. #208, Littleton, CO 80125  
Terry Miers, 12365 U.S. Hwy 285, Conifer, CO 80433  
Drinking Water Enforcement File
- ec: Jon Erickson, 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  
Catherine Heald, Engineering Section, CDPHE  
Lauren Worley, Case Lead, CDPHE



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

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**ENFORCEMENT ORDER**

**NUMBER: DN-110620-1**

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**IN THE MATTER OF: CONIFER METROPOLITAN DISTRICT  
PUBLIC WATER SYSTEM IDENTIFICATION NUMBER: CO-0130184  
JEFFERSON COUNTY, COLORADO**

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Pursuant to the authority vested in the Colorado Department of Public Health and Environment (the "Department") by §25-1-109 and §25-1.5-203 of the Colorado Revised Statutes ("C.R.S."), which authority 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. Conifer Metropolitan District ("Conifer MD") owns and/or operates a drinking water system located in the vicinity of Latitude 39.527222, Longitude -105.302777 and 27142 Main Street, Conifer, Colorado, in Jefferson County, Colorado (the "System").
2. Conifer MD is a person as defined by 5 CCR 1003-1, §1.5.2(98).
3. Conifer MD 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-0130184.
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(94), a system that provides piped water for human consumption from the System to at least twenty-five (25) of the same persons over six (6) months per year is classified as a “non-transient, non-community water system.” Division records establish that Conifer MD serves two-hundred fifty (250) non-transient consumers and one-thousand (1,000) transient consumers and is therefore classified as a non-transient, non-community water system.
8. The System’s source of water is groundwater as defined by 5 CCR 1003-1, §1.5.2(63).

**First Violation**  
**(Exceedance of the Maximum Contaminant Levels for Total Trihalomethanes)**

9. Pursuant to 5 CCR 1003-1, §2.4, Table 2-5(1), the maximum contaminant level of 0.080 mg/L for total trihalomethanes (“TTHM”) is applicable to all community and non-transient, non-community water systems.
10. Pursuant to 5 CCR 1003-1, §7.6.3(b)(1)(i), the System must monitor for TTHM at the following frequency, time and locations:

<b>Type of System</b>	<b>Minimum Monitoring Frequency</b>	<b>Sample Location in the Distribution System</b>
System using only groundwater not under direct influence of surface water using chemical disinfectant and serving fewer than 10,000 persons.	One sample per year per treatment plant during month of warmest water temperature.	Locations representing maximum residence time. If the sample (or average of annual samples, if more than one sample is taken) exceeds the MCL, the system must increase monitoring to one sample per treatment plant per quarter, taken at a point reflecting the maximum residence time in the distribution system, until the system meets criteria in paragraph (b)(1)(v) of this section.

11. In a letter dated November 12, 2009, from the Division to Conifer MD, the Division increased the System’s TTHM monitoring to quarterly beginning the fourth quarter (October – December) of 2009 as a result of its August 27, 2009 TTHM maximum contaminant level exceedance.
12. Pursuant to 5 CCR 1003-1, §7.6.4(b)(1)(i), for systems monitoring quarterly, compliance with maximum contaminant levels in 5 CCR 1003-1, §2.4, Table 2-5, must be based on a running annual arithmetic average, computed quarterly, of quarterly arithmetic averages of all samples collected by the system as prescribed in 5 CCR 1003-1, §7.6.3(b)(1).
13. Pursuant to 5 CCR 1003-1, §7.6.5(a), Systems required to sample quarterly or more frequently must report to the Department within ten (10) days after the end of each quarter in which samples were collected, notwithstanding the provisions of 5 CCR 1003-1, §1.6.4.
14. From the third quarter (October – December) of 2009 to the third quarter of 2010, monitoring data submitted to the Division from the System establish the following TTHM running annual arithmetic averages for the System:

<b>Total Trihalomethanes in mg/L</b>				<b>Running Annual Average in mg/L</b>
<b>3<sup>rd</sup> Q 2009</b> 0.0854	<b>4<sup>th</sup> Q 2009</b> 0.1132	<b>1<sup>st</sup> Q 2010</b> 0.0717	<b>2<sup>nd</sup> Q 2010</b> 0.0678	<b>0.085</b>
<b>4<sup>th</sup> Q 2009</b> 0.1132	<b>1<sup>st</sup> Q 2010</b> 0.0717	<b>2<sup>nd</sup> Q 2010</b> 0.0678	<b>3<sup>rd</sup> Q 2010</b> N/A	<b>0.084</b>
<b>1<sup>st</sup> Q 2010</b> 0.0717	<b>2<sup>nd</sup> Q 2010</b> 0.0678	<b>3<sup>rd</sup> Q 2010</b> N/A	<b>4<sup>th</sup> Q 2010</b> 0.0795	<b>0.073</b>
<b>2<sup>nd</sup> Q 2010</b> 0.0678	<b>3<sup>rd</sup> Q 2010</b> N/A	<b>4<sup>th</sup> Q 2010</b> 0.0795	<b>1<sup>st</sup> Q 2011</b> 0.0508	<b>0.066</b>

15. Pursuant to 5 CCR 1003-1, §7.6.4(b)(1)(iii), if the running annual arithmetic average of quarterly averages covering any consecutive four-quarter period exceeds the maximum contaminant level, the system is in violation of the maximum contaminant level and must notify the public pursuant to 5 CCR 1003-1, §9.2, in addition to reporting to the Department pursuant to 5 CCR 1003-1, §7.6.5.
16. Conifer MD's failure to comply with the maximum contaminant level for total trihalomethanes for the second and third quarters of 2010 constitutes violations of 5 CCR 1003-1, §2.4, Table 2-5(1).

### **Second Violation**

#### **(Failure to Monitor and/or Report for Volatile Organic Chemicals)**

17. Pursuant to 5 CCR 1003-1, §6.2.5(a)(1), groundwater systems shall take a minimum of one volatile organic chemicals sample at every entry point to the distribution system, which is representative of each groundwater source after treatment.
18. Pursuant to 5 CCR 1003-1, §6.2.3(e), the System must monitor for volatile organic chemicals at the time designated by the Department during each compliance period.
19. Pursuant to 5 CCR 1003-1, §1.6.4(a), the public water system shall report to the Department the results of its volatile organic chemicals monitoring within (a) the first ten (10) days following the month in which the result is received, or (b) the first ten (10) days following the end of the required monitoring period as stipulated by the Department, whichever of these is soonest.
20. In a letter dated December 23, 2009, from the Division to Conifer MD, the Division notified the System that its monitoring for volatile organic chemicals indicated levels reliably and consistently below the maximum contaminant level for a period greater than four (4) quarters and that the System was to begin monitoring for volatile organic chemicals annually during the third quarter (July – September).
21. The *Official 2010 Drinking Water Monitoring Schedule* provided to the System by the Department outlines that the System was required to monitor for volatile organic chemicals between July 1, 2010 and September 30, 2010 for the compliance period of calendar year 2010.

22. Pursuant to 5 CCR 1003-1, §6.2.5(a)(11)(iii), if the Department determines that the system is reliably and consistently below the maximum contaminant level, the Department may allow the system to monitor annually. Systems which monitor annually must monitor during the quarter(s) which previously yielded the highest analytical result.
23. Based on the sampling results submitted to the Department by Conifer MD, the Department determined that during the third quarter (July – September) of the year the highest analytical results for volatile organic chemicals were reported and therefore the Department required Conifer MD to collect its annual volatile organic chemical samples during the third quarter.
24. Division records establish that the System has failed to provide the Department with the results of any volatile organic chemicals monitoring performed for the third quarter (July – September) of calendar year 2010.
25. Conifer MD’s failure to perform volatile organic chemicals monitoring during the third quarter (July – September) of calendar year 2010 constitutes violation(s) of 5 CCR 1003-1, §§6.2.5(a)(11)(iii) and 6.2.3(e).

**Third Violation**

**{Failure to Monitor for Total Trihalomethanes and Haloacetic Acids (five)}**

26. Pursuant to 5 CCR 1003-1, §7.6.1(b)(1), all community water systems and non-transient, non-community water systems, unless otherwise noted, must comply with the total trihalomethanes (“TTHM”) and haloacetic acids (five) (“HAA5”) monitoring requirements of 5 CCR 1003-1, §7.6.
27. Division records establish that the System utilizes post hypochlorination to achieve chemical disinfection.
28. Pursuant to 5 CCR 1003-1, §7.6.3(b)(1)(i), the System must monitor for TTHM and HAA5 at the following frequency, time and location(s):

<b>Type of System</b>	<b>Minimum Monitoring Frequency</b>	<b>Sample Location in the Distribution System</b>
System using only groundwater not under direct influence of surface water using chemical disinfectant and serving fewer than 10,000 persons.	One sample per year per treatment plant during month of warmest water temperature.	Locations representing maximum residence time. If the sample (or average of annual samples, if more than one sample is taken) exceeds the MCL, the system must increase monitoring to one sample per treatment plant per quarter, taken at a point reflecting the maximum residence time in the distribution system, until the system meets criteria in paragraph (b)(1)(v) of this section.

29. In a letter dated November 12, 2009, from the Division to Conifer MD, the Division increased the System's TTHM and HAA5 monitoring to quarterly beginning the fourth quarter (October – December) of 2009 as a result of its August 27, 2009 TTHM and HAA5 maximum contaminant level exceedance.
30. The *Official 2010 Drinking Water Monitoring Schedule* provided to the System by the Department outlined that the System was required to monitor for TTHM and HAA5 once per calendar quarter for the calendar year 2010 monitoring period.
31. Pursuant to 5 CCR 1003-1, §7.6.5(a), systems required to sample quarterly or more frequently must report to the Department within ten (10) days after the end of each quarter in which samples were collected, notwithstanding the provisions of 5 CCR 1003-1, §1.6.4.
32. Pursuant to 5 CCR 1003-1, §1.6.4(a), the System is required to report to the Department the results of the System's TTHM and HAA5 analyses within (1) the first ten calendar days following the month in which a result is received, or (2) the first ten calendar days following the end of the required monitoring period, as stipulated by Department, whichever of these is shorter.
33. Department records establish that the Conifer MD failed to submit to the Department results of its third quarter (July – September) TTHM and HAA5 monitoring for calendar year 2010.
34. Department records establish that the Conifer MD failed to sample for TTHM and HAA5 at a location representing maximum residence time for the fourth quarter (October – December) of calendar year 2010.
35. Conifer MD's failure to submit the results of its third quarter TTHM and HAA5 analyses for calendar year 2010 to the Department constitutes violation(s) of 5 CCR 1003-1, 5 CCR 1003-1, §7.6.5(a) and §1.6.4(a). Additionally, if Conifer MD failed to perform its third quarter TTHM and HAA5 analyses for calendar year 2010, such failure to perform the monitoring constitutes violation of 5 CCR 1003-1, §§7.6.1(b)(1) and 7.6.3(b)(1)(i). Finally, Conifer MD's failure to sample for TTHM and HAA5 at a location representing maximum residence time for the fourth quarter of calendar year 2010 constitutes violation(s) of 5 CCR 1003-1, §7.6.3(b)(1)(i).

### **COMPLIANCE REQUIREMENTS**

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

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

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

37. In order to achieve long-term compliance with the *Colorado Primary Drinking Water Regulations*, specifically including the total trihalomethanes maximum contaminant level (Articles 2 and 7) for public water supplies, the Conifer MD shall evaluate the System's water sources, distribution system and operational practices, and/or treatment processes and modify, alter or upgrade them, as needed, in accordance with the following schedule:

- a. Within forty-five (45) calendar days from the date of this order, retain a qualified individual (experienced in drinking water systems) to evaluate and recommend total trihalomethane treatment technologies, distribution system and operational improvements and/or upgrades, or alternate water sources to the Conifer MD to ensure compliance with the maximum contaminant level for total trihalomethanes.
- b. Within sixty (60) calendar days from the date of this order, submit a proposed implementation schedule for the System improvements for Department review and approval, which shall include the following:
  - i. Date of submittal of a Preliminary Engineering Report for System improvements to comply with the maximum contaminant level for total trihalomethanes for Department review and approval—if deemed necessary by the individual retained by Conifer MD pursuant to paragraph 33(a).
  - ii. Date of submittal of the 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*.
  - iii. Date Conifer MD will begin construction of the System improvements.
  - iv. Date Conifer MD will achieve substantial completion of the System improvements.
  - v. Date Conifer MD will complete construction/implementation of the System improvements.

The implementation schedule shall become a condition of this order unless Conifer MD is notified by the Division, in writing, that an alternate implementation schedule or activities are appropriate. If the System does not submit a proposed implementation schedule, then the Division shall impose an alternate implementation schedule. If the Division imposes an alternate implementation schedule or activities, they shall also become a condition of this order.

- c. Within fourteen (14) calendar days of completion/implementation of the System improvements, submit a completed *Construction As Approved Certification Form* certifying that the System improvements to comply with the maximum contaminant level for total trihalomethanes were constructed/installed as approved by the Department. This form is available at:

<http://www.cdphe.state.co.us/wq/engineering/pdf/2010/ConstructionCertFormDrinkingWater.pdf>

38. Conifer MD 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 Conifer MD's compliance with this Enforcement Order and outline activities to be undertaken by Conifer MD 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, §2.4, Table 2-5(1).

39. Within fourteen (14) calendar days after receipt of this Order, Conifer MD shall submit the results of any volatile organic chemicals monitoring performed for the compliance period of calendar year 2010.
40. Conifer MD shall conduct a volatile organic chemicals analysis on a representative water sample(s), taken from each entry point to the distribution system during the monitoring period July – September 2011. The volatile organic chemicals sample(s) must be properly collected and analyzed by a Department certified laboratory in accordance with approved methods. Conifer MD shall provide the Department with the results of the volatile organic chemicals analysis within ten (10) calendar days of receipt of the results from the laboratory.
41. Immediately initiate efforts to comply with the TTHM and HAA5 monitoring/reporting obligations as required by 5 CCR 1003-1, Article 7.
42. Within fourteen (14) calendar days after receipt of this Order, Conifer MD shall submit the results of any TTHM and HAA5 monitoring performed for the third and fourth quarters of calendar year 2010.
43. Conifer MD shall perform TTHM and HAA5 monitoring on a quarterly schedule as outlined in the *Official 2011 Drinking Water Monitoring Schedule* for the System. The TTHM and HAA5 samples must be collected at a location representing maximum residence time properly and analyzed by a Department certified laboratory in accordance with approved methods. Conifer MD shall provide the Department with the results of the TTHM and HAA5 monitoring within ten (10) calendar days of receipt of the results from the laboratory.
44. Within thirty (30) calendar days after receipt of this Order, if it has not already done so, Conifer MD 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, Conifer MD 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.cdph.state.co.us/wq/drinkingwater/pdf/PublicNotice/PN\\_Guidance\\_Mar2003.pdf](http://www.cdph.state.co.us/wq/drinkingwater/pdf/PublicNotice/PN_Guidance_Mar2003.pdf)*

45. All documents submitted under this Order shall use the same titles as stated in the Order and shall reference both the Order number and the paragraph number pursuant to which the document is required.

### **NOTICES AND SUBMITTALS**

46. For all documents, plans, records, reports and replies required to be submitted by this order, Conifer MD 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).*

47. 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**

48. Conifer MD 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 Conifer MD 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**

49. 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**

50. You are also advised, pursuant to §25-1-114.1, C.R.S., that violators of the Regulations or final Enforcement Orders issued by the Department are subject to civil or administrative penalties of up to one thousand dollars (\$1,000) per violation per day, to be imposed by the Department or a State District Court. Further, pursuant to §25-1-114(4), C.R.S., any person, association, or corporation, or the officers thereof, who violates, disobeys, or disregards any provision of the Regulations or an Enforcement Order is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than one thousand dollars (\$1,000), or by imprisonment in the county jail for not more than one (1) year, or by both such fine and imprisonment and, in addition to such fine and imprisonment, shall be liable for any expense incurred by health authorities in removing any nuisance, source of filth, or cause of sickness. By virtue of issuing this Enforcement Order, the Department has not waived its right to bring an action for administrative, civil or criminal penalties and may bring such action in the future.

**REQUEST FOR HEARING OR APPEAL**

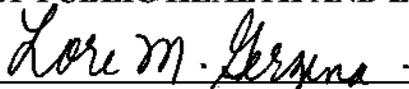
51. You are further advised, pursuant to 5 CCR 1003-1, §1.6.7(g), that a recipient of an Enforcement Order may request a hearing contesting such order. Requests for such a hearing shall be filed in writing with the Department within thirty (30) calendar days after service of the order. Such requests,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

**ADDITIONAL ACTION**

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 20<sup>th</sup> day of June, 2011.

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

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