

# STATE OF COLORADO

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

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

4300 Cherry Creek Dr. S.      Laboratory Services Division  
Denver, Colorado 80246-1530      8100 Lowry Blvd.  
Phone (303) 692-2000      Denver, Colorado 80230-6928  
Located in Glendale, Colorado      (303) 692-3090  
<http://www.cdphe.state.co.us>



Colorado Department  
of Public Health  
and Environment

September 28, 2011

**Certified Mail Number: 7010 2780 0002 8752 3420**

PWSID# CO-0239725  
David Williamson, President HIA  
312 ½ Talon Drive  
Grand Junction, CO 81503

## **RE: Service of Drinking Water Enforcement Order, Number: DT-110928-2**

Dear Mr. Williamson,

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

In addition, as stated in the June 29, 2011 Boil Water Advisory issued to Sunset Lake Summer Home Improvement Association, the Division noted the possibility of surface water influence on the current groundwater source utilized. Results from the microscopic particulate analysis have shown the presence of surface water indicators: algae and diatoms. Please be aware that the Division may request additional sampling in order to assess if the source water should be reclassified as *ground water under the influence of surface water*. If this reclassification occurs, Sunset Lake Summer Home Improvement Association will be required to install filtration treatment in order to meet the regulatory requirements for this source water classification. This treatment would be in addition to the disinfection treatment required in this Order. Please

contact Tyson Ingels at 303-692-3002 (email: [Tyson.Ingels@state.co.us](mailto:Tyson.Ingels@state.co.us)) for questions concerning the assessment and possible future requirements.

Should Sunset Lake Summer Home Improvement Association 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: Mesa County Health Department  
Merrilyn Simpkins, Administrative Contact Sunset Lake Summer HIA  
P.O. Box 683, Palisade, CO 81526  
Linda Bledsoe, Realty Specialist, US Forest Service, Grand Valley Ranger District  
2777 Crossroads Blvd., Suite A, Grand Junction, CO 81506  
Mike Surber, Acting District Ranger, US Forest Service, Grand Valley Ranger District  
2777 Crossroads Blvd., Suite A, Grand Junction, CO 81506
- cc: Rob Cribs, Engineering Section, CDPHE  
Dick Parachini, Watershed Program, CDPHE  
Lori Moore, Facility Operators Program, CDPHE  
Shawn McCaffrey, EPA Region VIII  
Nicole Grisham, Division of Environmental Health and Sustainability, CDPHE  
Michael Beck, Grants and Loans Unit, CDPHE  
Merrilyn Simpkins, Administrative Contact Sunset Lake Summer HIA  
Tyson Ingels, Lead Drinking Water Engineer, CDPHE  
Lauren Worley, Case Lead, CDPHE



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

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**ENFORCEMENT ORDER &  
ADMINISTRATIVE PENALTY ASSESSMENT**

**NUMBER: DT-110928-2**

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**IN THE MATTER OF: SUNSET LAKE SUMMER HOME IMPROVEMENT ASSOCIATION**  
**PUBLIC WATER SYSTEM IDENTIFICATION NUMBER: CO-0239725**  
**MESA 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. Sunset Lake Summer Home Improvement Association ("Sunset Lake Summer HIA") owns and/or operates a drinking water system located at or near Sunset Lake, Mesa County, Colorado and in the vicinity of Latitude 39.04790, Longitude -108.091525 (the "System").
2. Sunset Lake Summer HIA was issued a Special Use Permit (User Number: 5496-01) ("SUP") on April 20, 1990 by the United States Forest Service ("USFS") for the purpose of operating and maintaining a domestic water transmission system consisting of about 2,375 feet of 1.5" PVC pipe; water collection and storage facilities consisting of a concrete spring box, one booster pump house and a 1,000 gallon storage tank, to collect, transport and supply water to the members of the Sunset Lake Summer HIA's permitted lots on USFS land located at or near Sections 34 and 35, T.11S., R96W., 6th PM in Mesa County, Colorado. The SUP expired on December 31, 2010; however, its terms and conditions remain in effect so long as Sunset Lake Summer HIA's occupancy of the subject USFS land is ongoing.
3. The Sunset Lake Summer HIA officers are David Williamson (President), Richard White (Vice President) and Merrilyn Simpkins (Secretary/Treasurer).
4. Sunset Lake Summer HIA is a person as defined by 5 CCR 1003-1, §1.5.2(98).
5. Sunset Lake Summer HIA 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).

6. 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).
7. The Public Water System Identification Number (“PWSID”) assigned to the System by the Division is PWSID #: CO-0239725.
8. 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.
9. Pursuant to 5 CCR 1003-1, §1.5.2(137), if a system provides piped water for human consumption to at least twenty-five (25) people, but the System does not serve twenty-five (25) or more of the same people for over six (6) months per year it is classified as a “transient, non-community water system.” Division records establish that Sunset Lake Summer HIA serves twenty-eight (28) transient consumers from June 1 through September 30 and is therefore classified as a transient, non-community water system.
10. The System’s source of water is groundwater as defined by 5 CCR 1003-1, §1.5.2(63).
11. In a Boil Water Advisory dated June 29, 2011, addressed to the Sunset Lake Summer HIA, the Division required the Sunset Lake Summer HIA to issue a “Boil Water Tier 1 Public Notice” to each of the affected users of the System’s distributed water as a result of the presence of total coliform in the System’s source water and the System’s lack of disinfection. Such public notification must be reissued every two weeks pursuant to the Boil Water Advisory until the Division has determined that the System is providing safe drinking water to the public and has provided written correspondence to the System lifting the order. The Boil Water Advisory is incorporated herein by reference and attached as Exhibit A.

**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. Division records establish that the System has not requested or received a disinfection waiver from the Department.

16. In a letter dated November 23, 2010, addressed to Sunset Lake Summer HIA, the Division notified the Sunset Lake Summer HIA that, effective November 30, 2010, all groundwater systems must provide continuous chemical disinfection treatment of all groundwater sources.
17. Division records to-date establish that the System has not installed Division approved disinfection treatment for the System's distributed water.
18. Sunset Lake Summer HIA's failure to provide Department approved disinfection treatment and to maintain a detectable disinfectant residual in the System's distributed water constitutes violation(s) of 5 CCR 1003-1, §§13.2(a)(1 – 2).

**Second Violation**  
**(Exceedance of the Maximum Contaminant Level**  
**for Microbiological Contaminants)**

19. Pursuant to 5 CCR 1003-1, §5.7(a), the maximum contaminant level for microbiological contaminants is based on the presence or absence of total coliforms in a sample, rather than coliform density.
20. Pursuant to 5 CCR 1003-1, §5.1.1(a), the System must collect total coliform samples at sites that are representative of water throughout the distribution system, according to a written sample-siting plan.
21. Pursuant to 5 CCR 1003-1, §5.1.1(e)(1), non-community water systems using only groundwater which serve less than 1,000 persons must monitor in each calendar quarter that the system provides water to the public.
22. Pursuant to 5 CCR 1003-1, §1.6.2, to establish compliance with the Regulations, the Department may require public water systems to conduct performance tests and monitoring, as the Department deems necessary to protect the public health.
23. Because Sunset Lake Summer HIA does not provide disinfection, the Department increased the System's monitoring of microbiological contaminants to a monthly schedule. In a letter dated November 10, 2010, addressed to Sunset Lake Summer HIA, the Division notified the Sunset Lake Summer HIA of the System's monthly microbiological contaminant monitoring schedule.
24. Pursuant to 5 CCR 1003-1, §5.1.1(b), the System is required to submit the results of all routine total coliform sampling and analyses to the Department for review.
25. Division records establish that the System reported total coliform positive results for the following sample dates:

<b>Sample Month/Day/Year</b>	<b>Type of TCR Sample</b>	<b>Sample Location</b>	<b>Total Coliform</b>	<b><i>E. Coli</i></b>
07/28/2011	Routine	Distribution	<b>Present</b>	Absent
07/31/2011	Repeat	Distribution	<b>Present</b>	Absent
07/31/2011	Repeat	Distribution	<b>Present</b>	Absent
07/31/2011	Repeat	Distribution	<b>Present</b>	Absent
07/31/2011	Repeat	Distribution	<b>Present</b>	Absent
07/31/2011	Triggered Source Water Monitoring	GW Source	<b>Present</b>	Absent
08/31/2011	Routine	Distribution	<b>Present</b>	Absent
09/05/2011	Repeat	Distribution	<b>Present</b>	Absent
09/05/2011	Repeat	Distribution	<b>Present</b>	Absent
09/05/2011	Repeat	Distribution	<b>Present</b>	Absent
09/05/2011	Repeat	Distribution	<b>Present</b>	Absent

26. Pursuant to 5 CCR 1003-1, §2.3, Table 2-4(4) and §5.7(a)(2), the System, which collects fewer than forty (40) total coliform samples per month, exceeds the maximum contaminant level for microbiological contaminants if more than one sample collected during a month is total coliform-positive.
27. Sunset Lake Summer HIA's failure to maintain compliance with the maximum contaminant level for microbiological contaminants during the months of July and August 2011 constitutes violation(s) of 5 CCR 1003-1, §2.3, Table 2-4(4) and §5.7(a)(2).

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

28. Pursuant to 5 CCR 1003-1, §5.1.1(a), the System must collect total coliform samples at sites that are representative of water throughout the distribution system, according to a written sample-siting plan.
29. Pursuant to 5 CCR 1003-1, §5.1.1(e)(1), non-community water systems using only groundwater which serve less than 1,000 persons must monitor in each calendar quarter that the system provides water to the public.
30. Pursuant to 5 CCR 1003-1, §1.6.2, to establish compliance with the Regulations, the Department may require public water systems to conduct performance tests and monitoring, as the Department deems necessary to protect the public health.
31. Because Sunset Lake Summer HIA does not provide disinfection, the Department increased the System's monitoring of microbiological contaminants to a monthly schedule. In a letter dated November 10, 2010, addressed to Sunset Lake Summer HIA, the Division notified the Sunset Lake Summer HIA of the System's monthly microbiological contaminant monitoring schedule.
32. Division records establish that the System is active from June 1 to September 30.

33. Pursuant to 5 CCR 1003-1, §§1.6.4(a) and 5.1.1(b), the System is required to submit the results of all routine total coliform sampling and analyses to the Department for review within (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.
34. Division records establish that the System failed to provide the Department with the results of its routine total coliform analysis for the following monitoring period:

Quarter/Month	Year	Number of Samples Required	Number of Samples Received
June	2011	1	0

35. Sunset Lake Summer HIA's failure to submit the results of its routine total coliform analysis to the Department constitutes violation of 5 CCR 1003-1, §§1.6.4(a) and 5.1.1(b). Additionally, if Sunset Lake Summer HIA failed to perform routine total coliform monitoring during the identified period, such failure to perform the monitoring constitutes violation of 5 CCR 1003-1, §§5.1.1(e)(1) and 1.6.2.

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

36. Pursuant to 5 CCR 1003-1, §5.1.2(a), if a routine microbiological contaminant sample is total coliform-positive, the System must collect a set of repeat samples within twenty-four (24) hours of being notified of the positive result.
37. Pursuant to 5 CCR 1003-1, §5.1.2(b), a system required to collect one routine sample per month or fewer must collect no fewer than four repeat samples for each total coliform-positive sample found. A system required to collect more than one routine sample per month must collect no fewer than three repeat samples for each total coliform-positive sample found.
38. A review of microbiological monitoring data provided to the Department by the System shows that on July 28, 2011 the System collected a total coliform sample that was determined to be total coliform-positive on July 29, 2011; in addition, on August 31, 2011 the System collected a total coliform sample that was determined to be total coliform-positive on September 1, 2011. As a result of these total coliform positive samples, the System was required to collect four (4) repeat total coliform samples within twenty-four (24) hours of each notification, respectively.
39. Pursuant to 5 CCR 1003-1, §5.1.2(i), the System is required to submit the results of all repeat total coliform samples to the Department for review.

40. Division records establish that the System collected the required four (4) repeat total coliform samples on July 31, 2011 and on September 5, 2011, respectively. The samples were not collected within twenty-four (24) hours of the July 29, 2011 total coliform positive notification or the September 1, 2011 notification, respectively.
41. Sunset Lake Summer HIA's failure to collect the required four (4) repeat total coliform samples within twenty-four (24) hours of July 29, 2011 and within twenty-four (24) hours of September 1, 2011 constitutes violations of 5 CCR 1003-1, §5.1.2(a).

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

42. Pursuant to 5 CCR 1003-1, §5.1.2(f), when a system collecting fewer than five (5) routine samples per month has one or more total coliform-positive samples, the system must collect at least five (5) routine (follow-up) total coliform samples during the next month the system provides water to the public.
43. A review of microbiological monitoring data provided to the Department by the System, shows that on July 28, 2011 the System collected a total coliform sample that was determined to be total coliform-positive. As a result of the unsafe sample, the System was required to collect five (5) routine (follow-up) total coliform samples during the month of August 2011.
44. Pursuant to 5 CCR 1003-1, §5.1.1(b), the System is required to submit the results of all routine total coliform sampling and analyses to the Department for review.
45. Division records establish that the System did not report to the Division results of five (5) required routine (follow-up) total coliform samples for the month of August 2011.
46. Sunset Lake Summer HIA's failure to submit the results of the System's routine (follow-up) total coliform analyses to the Department constitutes violation(s) of 5 CCR 1003-1, §5.1.1(b). Additionally, if Sunset Lake Summer HIA failed to perform the routine (follow-up) total coliform monitoring during the identified periods, such failure to perform the monitoring further constitutes violation(s) of 5 CCR 1003-1, §5.1.2(f).

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

47. Pursuant to 5 CCR 1003-1, §1.12, each public water system shall develop and implement a monitoring plan. The public water system shall maintain the plan and make it available for inspection by the Department.

48. In a letter dated November 10, 2010, addressed to Sunset Lake Summer HIA, the Division notified Sunset Lake Summer HIA that it must develop a monitoring plan and submit a copy to the Division by December 25, 2010.
49. Division records establish that Sunset Lake Summer HIA has neither developed nor submitted the required monitoring plan to the Division.
50. Sunset Lake Summer HIA's failure to develop a monitoring plan for the System constitutes a violation of 5 CCR 1003-1, §1.12.

**Seventh Violation**  
**(Failure to Have a Certified Operator in Responsible Charge)**

51. 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.
52. 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.
53. 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.
54. Department records establish that the System has failed to provide the Department with any information demonstrating that the System has arranged for the services of a certified operator or for the owner to become a properly certified operator.
55. Sunset Lake Summer HIA's failure to arrange for the services of a certified operator or for the owner to become a properly certified operator constitutes violation(s) of §25-9-110(2)(a), C.R.S., and 5 CCR 1003-2, §§100.1, 100.19.1 and 100.21.1.

**COMPLIANCE REQUIREMENTS**

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

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

Further, the Division hereby orders Sunset Lake Summer HIA to comply with the following specific terms and conditions of this Enforcement Order.

57. In order to ensure long-term compliance with the *Colorado Primary Drinking Water Regulations*, specifically including the microbiological contaminant maximum contaminant level and groundwater disinfection requirements (Articles 5 and 13) for public water supplies, the Sunset Lake Summer HIA shall evaluate and upgrade, as needed, 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 sixty (60) calendar days from the date of this Order, submit a completed *Non-Community Public Water Systems using Groundwater (GW) sources Pre-Accepted Disinfection Design* form for Department review and approval. This form is available at:

<http://www.cdphe.state.co.us/wq/engineering/Word/NonCommGWApp201106Preaccepted.docx>

b. In the alternative to paragraph 57(a), Sunset Lake Summer HIA may elect to comply with paragraphs 57(b)(i – ii):

i. Within forty-five (45) calendar days from the date of this Order, retain a qualified professional (experienced in drinking water system design) to evaluate and recommend groundwater disinfection treatment technologies or alternate water sources to Sunset Lake Summer HIA to ensure compliance with the microbiological contaminant maximum contaminant level and groundwater disinfection requirements.

ii. Within ninety (90) calendar days from the date of this Order, 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. Within sixty (60) calendar days from the date of Department approval of the Design Plans, begin construction of the System improvements.

d. Within ninety (90) calendar days from the date of beginning construction of the System improvements, complete construction/implementation of the Department-approved System improvements.

e. 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 groundwater disinfection requirements 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>

58. Sunset Lake Summer HIA shall submit "System Improvement Project - Progress Reports" to the Department each calendar quarter. The first report shall be submitted to the Department by January 1, 2012. At a minimum, each report shall clearly indicate the status of Sunset Lake Summer HIA's compliance with this Enforcement Order and outline activities to be undertaken by Sunset Lake Summer HIA 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, Articles 5 and 13.

59. Immediately take steps to comply with the microbiological contaminant monitoring/reporting obligations imposed by the Department as required by 5 CCR 1003-1, §1.6.2 and Article 5.
60. By January 1, 2012, Sunset Lake Summer HIA shall develop and implement a monitoring plan pursuant to 5 CCR 1003-1, §1.12, which includes a microbiological contaminant sample-siting plan, 5 CCR 1003-1, §5.1.1(a), to reflect the System's current configuration, treatment and operation. The plan shall specifically outline how Sunset Lake Summer HIA 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. Sunset Lake Summer HIA shall provide the Division with a copy of its written monitoring plan upon completion.

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

*<http://www.cdphe.state.co.us/wq/drinkingwater/pdf/MPTTNCGWSys.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)*

61. By June 1, 2012, the Sunset Lake Summer HIA shall have a certified operator in responsible charge certified in a classification equivalent to or higher than the classification of the System as specified in 5 CCR 1003-2. If the owner elects to become properly certified in a classification equivalent to or higher than the classification of the System, the Sunset Lake Summer HIA shall contact Lori Moore at 303-692-3510 or via email at [lori.moore@state.co.us](mailto:lori.moore@state.co.us) for information regarding 5 CCR 1003-2, Regulation 100, requirements as soon as practicable. Please note that the System's classification may change upon completion of System improvements.
62. Until closed for the season on September 30, 2011, and recommencing upon opening for the season on June 1, 2012, and in accordance with the Compliance Advisory mailed to Sunset Lake Summer HIA on August 2, 2011 by the Division, Sunset Lake Summer HIA shall repeat the "Boil Water Advisory"/public notice every two weeks until the Division has determined that the System is operating properly, employing Division approved continuous disinfection practices, and providing safe drinking water to the public and has provided Sunset Lake Summer HIA with written correspondence lifting the Boil Water Order. Within ten (10) calendar days of completion of each required public notification, Sunset Lake Summer HIA 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)*

63. 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**

64. 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.
65. 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 four hundred sixty five dollars (\$465.00) 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 B.

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

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

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

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

67. Payment or appeal of the administrative penalty in this manner does not relieve Sunset Lake Summer HIA of its obligation to perform the activities required by this enforcement action.

## **NOTICES AND SUBMITTALS**

68. For all documents, plans, records, reports and replies required to be submitted by this order, Sunset Lake Summer HIA 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 / DW Enforcement Unit  
Attention: Lauren Worley  
4300 Cherry Creek Drive South  
Denver, Colorado 80246-1530

Email: lauren.worley@state.co.us  
Fax: (303) 758-1398

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

69. 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**

70. Sunset Lake Summer HIA 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 Sunset Lake Summer HIA 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**

71. 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**

72. 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 Sunset Lake Summer HIA 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**

73. 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.
74. 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.
75. 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.

76. Pursuant to §25-9-110(6), C.R.S. and 5 CCR 1003-2, §100.24.2, any penalty for a violation of §25-9-110(2), C.R.S., for failure to have a certified operator in responsible charge, may be appealed to the Colorado Water and Wastewater Facility Operators Certification Board. Requests for such an appeal shall be submitted to the Division within thirty (30) days of notice of the penalty assessment. Such requests, at a minimum, shall contain the information specified in 5 CCR 1003-2, §100.24.2(a-c). Pursuant to 5 CCR 1003-2, §100.24.4, hearings on such penalties shall be held in accordance with the applicable provisions of the State Administrative Procedure Act, Article 4 of Title 24, C.R.S.

#### ADDITIONAL ACTION

77. 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.
78. 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 28<sup>th</sup> day of September, 2011.

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



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

COPY

# STATE OF COLORADO

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

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

4300 Cherry Creek Dr. S.      Laboratory Services Division  
Denver, Colorado 80246-1530      8100 Lowry Blvd.  
Phone (303) 692-2000      Denver, Colorado 80230-6928  
Located in Glendale, Colorado      (303) 692-3090  
<http://www.cdph.state.co.us>



Colorado Department  
of Public Health  
and Environment

June 29, 2011

Merrilyn Simpkins  
Sunset Lake Summer Home Owner's Association  
PO Box 683  
Palisade, CO  
81526

BOIL WATER ADVISORY  
TIER 1 PUBLIC NOTIFICATION REQUIREMENT  
Sunset Lake Summer Homeowner's Association, PWSID#CO0239725  
Mesa County

Dear Ms. Simpkins:

This letter is formal notification to the Sunset Lake Summer Home Owner's Association of the Colorado Department of Public Health and Environment – Water Quality Control Division (the "Division") requirement to issue a "Boil Water Advisory" to each of the affected users of the Sunset Lake Summer Home Owner's Association drinking water system. This "Boil Water Advisory" is required as a measure to protect public health as a result of a failure to provide at a minimum disinfection at what appears to be a potentially contaminated source of groundwater. Initial results of a microscopic particulate analysis have shown the presence of surface water indicators: algae and diatoms.

Article 9 of the *Colorado Primary Drinking Water Regulations* requires that public notice be delivered to the system's water users as soon as possible and within twenty-four (24) hours of receipt of this letter. To assist you in fulfilling this requirement, enclosed are copies of the Tier 1 Public Notice Instructions, which includes the "Ten Required Elements of a Public Notice", the Public Notification Template, and the Drinking Water Public Notification "Certificate of Delivery" Form. Please fill in the blanks of the Template with language to reflect your specific situation. Additionally, public water systems are required to submit a certification of delivery following any type of public notification to verify that the public was notified in accordance with the regulations. The "Boil Water Tier 1 Public Notice" must be reissued every two weeks until the Division has determined the system is operating properly and providing safe drinking water to the public and has provided the system with written correspondence lifting the order.

In order to properly address the potential contamination, the officials responsible for managing this public water system must:

- Take required samples as directed under separate cover by the Compliance Assurance section of the Division
- Work with our enforcement unit to establish an agreed upon schedule for installing disinfection and possibly filtration; and

Exhibit A

Boil Water Advisory  
Sunset Lake HOA

June 29, 2011  
Page 2

- Work with the Division's engineering section to obtain approval for plans and specifications for the required treatment

Upon completion of the above actions, the Sunset Lake Summer Home Owner's Association must provide the Division with a written description of the following activities:

- Submit the completed "Certificate of Delivery" Form with a copy of the Public Notice sent to each customer – notice must be provided to users every two weeks; and

Please be advised, in the interest of protecting public health, the "Boil Water Advisory" shall not be lifted until the Sunset Lake Summer Home Owner's Association has successfully completed the actions described above and at least has disinfection equipment installed and operational.

If you have any further questions, please contact me directly at 303-692- 3002 (email: Tyson.Ingels@state.co.us).

Sincerely,



Tyson Ingels  
Lead Drinking Water Engineer  
Water Quality Control Division

Enclosure Tier 1 Public Notice Instructions

- cc Mesa County Health Department  
Drinking Water File - CO0239725
- ec Martha Rudolph, Environmental Programs Director, CDPHE  
Steve Gunderson, Division Director, WQCD-CDPHE  
Ron Falco, Drinking Water Program Manager, WQCD-CDPHE  
Jennifer Miller, Engineering Section Manager, WQCD-CDPHE  
Lori Gerzina, CA Section Manager, WQCD-CDPHE  
Tyson Ingels, Lead Drinking Water Engineer, WQCD-CDPHE  
Rick Koplitz, CA Unit Manager, WQCD-CDPHE  
Nicole Graziano, CA WGL, WQCD-CDPHE  
Alicia Cronquist, Division of Epidemiology, CDPHE  
Tom Schaffer, P.E., Engineering Unit Manager, WQCD-CDPHE  
Rob Cribbs, Engineering Section, WQCD-CDPHE  
Mesa County Environmental Health Department  
Mike Surber, US Forest Service

## Tier 1 Public Notice Instructions

### Delivery Requirements

Violations and other situations that require Tier 1 public notice have significant potential to have serious adverse effects on human health as a result of short-term exposure. Therefore, the water system must provide public notice to persons served as soon as practical but within 24 hours after learning of the violation or situation. The water system must issue a repeat notice at a frequency determined by the Water Quality Control Division for as long as the violation or situation persists. **Public water systems that provide water to other water systems must deliver public notices to the owners or operators of all receiving water systems (consecutive water systems) (9.2.1(c)).**

Community systems must, at a minimum, use the following delivery method:

- ✓ Hand delivery

Non-community systems must, at a minimum, use the following delivery method:

- ✓ Posting in conspicuous locations

In addition, both community and non-community systems must use another method reasonably calculated to reach others if they would not be reached by the first method. Such methods could include emergency reverse 911 system phone calls, television, radio, newspapers, e-mail, or delivery to community organizations. If you post the notice, it must remain posted until the violation or situation is resolved, but no less than seven days.

### Ten Required Elements of a Public Notice (9.2.5)

1. Description of the violation or situation including contaminant(s) of concern and (as applicable) the contaminant level(s).
2. When the violation or situation occurred.
3. Any potential adverse health effects from the violation or situation, including any standard language provided in the rule. The health effects language may not be modified.
4. The population at risk; including subpopulations particularly vulnerable if exposed to the contaminant in their drinking water.
5. Whether alternate water supplies should be used.
6. What actions consumers should take, including when to seek medical help, if known.
7. What the system is doing to correct the violation or situation (corrective action).
8. When the system expects to return to compliance or resolve the situation.
9. Contact information: name, business address, and phone number of the water system owner or the owner's legal representative of the PWS that can provide additional information.
10. A statement encouraging notice recipients to distribute the notice to other persons served using the following standard language from the rule. This statement may not be modified: "Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in public places or by distributing copies by hand."

### Corrective Actions

In the notice, describe corrective actions the water system is taking. Use one or more of the following actions, if appropriate, or develop your own:

- ✓ We are sampling throughout the distribution system for the presence of [contaminant]
- ✓ We are monitoring chlorine levels and will adjust them as needed
- ✓ We have isolated the break and are working to correct the problem.

### After Issuing the Notice

Make sure to send WQCD copies of all public notice(s) and a Tier 1 Certificate of Delivery Form within ten days after issuing the notice.

### Recommendations:

Although not required, it is recommended that the water system issue a "Problem Corrected" public notice once the violation or situation has been resolved.

It is recommended that the water system notify health professionals in the area of the potential health risks. People may call their doctors with questions about how the violation may affect their health, and the doctors should have the information they need to respond appropriately. In addition, health professionals, including dentists, use tap water during their procedures and need to know of potential problems so they can use bottled water.



# DRINKING WATER WARNING

Sunset Lake HOA

Potential water users of the affected area of the Sunset Lake Summer Home Owner's Association drinking water system

## BOIL YOUR WATER BEFORE USING

We have found evidence of surface water influence at the spring serving the water system. We learned of this incident on (date) \_\_\_\_\_.

### What does this mean? What should I do?

- ✓ **DO NOT DRINK THE WATER WITHOUT BOILING IT FIRST.** Bring all water to a boil, let it boil for one minute, and let it cool before using or use bottled water. Boiled or bottled water should be used for drinking, making ice, washing dishes, brushing teeth, and food preparation until further notice.
- ✓ The source of water has shown signs of contamination from the surface including algae and diatoms. Surface water can contain potentially dangerous organisms. These organisms include bacteria, viruses, and parasites, which can cause symptoms such as nausea, cramps, diarrhea, and associated headaches. The symptoms above are not caused only by organisms in drinking water. If you experience any of these symptoms and they persist, you may want to seek medical advice
- ✓ People with severely compromised immune systems, infants, and some elderly may be at increased risk. These people should seek advice about drinking water from their health care providers. General guidelines on ways to lessen the risk of infection by microbes are available from EPA's Safe Drinking Water Hotline at 1 (800) 426-4791.

### What happened? What is being done?

(Describe what happened and corrective action)

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We anticipate resolving the problem within (estimated time frame) \_\_\_\_\_. For more information, please contact (contact name) \_\_\_\_\_ at (phone number) \_\_\_\_\_ or (address) \_\_\_\_\_. General guidelines on ways to lessen the risk of infection by microbes are available from the EPA Safe Drinking Water Hotline at 1(800) 426-4791.

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

This notice is being sent to you by the Sunset Lake Summer Homeowners Association  
Colorado Public Water System ID#: CO0239725  
Date distributed: \_\_\_\_\_



Colorado Department  
of Public Health  
and Environment

**Tier 1**  
**Drinking Water Public Notification**  
**Certificate of Delivery Form**

Sunset Lake Summer HOA  
PWSID CO0239725

Reason for Notice: Boil Water Advisory

Date of Violation Letter or Date of Public Notice Requirement Letter: June 29, 2011

I hereby affirm that Public Notification for the violation or situation identified above has been provided to consumers and any consecutive water systems in accordance with the delivery, content, and format requirements of the *Colorado Primary Drinking Water Regulations*, section 9.2. I affirm that future requirements for notifying new billing units will be met. I also understand that this notice may need to be repeated in accordance with section 9.2 and I must submit this form again with each repeated notice.

The system consulted with: \_\_\_\_\_ (name) at CDPHE-WQCD, Date: \_\_\_\_\_

Public Notice Distributed on: (date) \_\_\_\_\_

**Check all distribution methods used to reach all consumers:**

- Direct delivery method (hand delivery) – required for community water systems
- Continuously posted: (list locations) \_\_\_\_\_
- Television, Radio, and/or Newspaper: \_\_\_\_\_
- Emergency-911 system message
- Delivery of multiple copies to hospitals, apartment buildings, schools, or other community centers
- E-mail
- Other method approved by CDPHE: \_\_\_\_\_

List all consecutive water systems (water systems that purchase water from your system) that notice was delivered to: \_\_\_\_\_

\_\_\_\_\_  
Signature of owner or owner's legal representative

\_\_\_\_\_  
Date Signed

\_\_\_\_\_  
Printed name of owner or owner's legal representative

Phone number: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

**Attach copies of each public notice and send to:**

CDPHE-WQCD  
ATTN: CADM-Public Notification  
4300 Cherry Creek Drive South  
Denver, CO 80246-1530

OR

Fax to: (303) 758-1398

Exhibit B

SUNSET LAKE SUMMER HOME IMPROVEMENT ASSOCIATION  
PUBLIC WATER SYSTEM IDENTIFICATION NUMBER: CO-0239725  
MESA COUNTY, COLORADO

ADMINISTRATIVE PENALTY COMPUTATION WORKSHEET  
(September 28, 2011)

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**Penalty Summary**

**Penalty Calculation -Violation Number 1**.....No Penalty Calculation

**Penalty Calculation -Violation Number 2**.....No Penalty Calculation

**Penalty Calculation -Violation Number 3**..... \$120.00

**Violation:** Failure to Monitor and/or Report for Microbiological Contaminants  
**Regulation Violated:** 5 CCR 1003-1, §§1.6.2, 1.6.4(a) and 5.1.1(b), (e)(1)

**Penalty Calculation -Violation Number 4**..... \$150.00

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

**Penalty Calculation -Violation Number 5**..... \$195.00

**Violation:** Failure to Conduct and/or Report Follow-Up Routine Monitoring for Microbiological  
Contaminants  
**Regulation Violated:** 5 CCR 1003-1, §§5.1.1(b) and 5.1.2(f)

**Penalty Calculation -Violation Number 6**.....No Penalty Calculation

**Penalty Calculation -Violation Number 7**.....No Penalty Calculation

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**TOTAL PENALTY**.....\$465.00

Exhibit B

**ADMINISTRATIVE PENALTY COMPUTATION WORKSHEET**

**VIOLATION NUMBER: 3**

<b>System Name: Sunset Lake Summer HIA</b>	<b>PWSID Number: CO-0239725</b>
--	---------------------------------

<b>Date of Enforcement Order: September 28, 2011</b>	<b>Number: DT-110928-2</b>
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<b>Regulation Violated:</b> Failure to Monitor and/or Report for Microbiological Contaminants, 5 CCR 1003-1, §§1.6.2, 1.6.4(a) and 5.1.1(b), (e)(1)	<b>Population Served: 28</b>
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**Part I – Base Penalty Calculation**

	<b>Violation Type</b>	<b>Population Range</b>	<b>Amount in Dollars</b>
Line 1	Failure to Monitor and/or Report for Microbiological Contaminants – June 2011	< 500 Served	\$60.00

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

Exhibit B

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

		Days of Violation
Line 11	Total Days of Violation	1
	<i>Justification: The Division has chosen to consider the June 2011 failure to monitor and/or report for microbiological contaminants violation as a single day violation.</i>	

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

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

**Part V – Economic Benefit Consideration**

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

**Part VI – Violation Penalty Total**

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

**Part VII – Ability to Pay Adjustment**

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

**Part VIII – Final Adjusted Penalty**

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

Exhibit B

**ADMINISTRATIVE PENALTY COMPUTATION WORKSHEET**

**VIOLATION NUMBER: 4**

<b>System Name: Sunset Lake Summer HIA</b>	<b>PWSID Number: CO-0239725</b>
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<b>Date of Enforcement Order: September 28, 2011</b>	<b>Number: DT-110928-2</b>
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<b>Regulation Violated: Failure to Conduct Repeat Monitoring and/or Reporting for Microbiological Contaminants, 5 CCR 1003-1, §5.1.2(a)</b>	<b>Population Served: 28</b>
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**Part I – Base Penalty Calculation**

	<b>Violation Type</b>	<b>Population Range</b>	<b>Amount in Dollars</b>
Line 1	Failure to Conduct Repeat Monitoring and/or Reporting for Microbiological Contaminants – July and August 2011	< 500 Served	\$75.00

**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 <i>Justification: n/a</i>		\$0.00
Line 3	Factor B: Intentional, Reckless, or Negligent Actions <i>Justification: n/a</i>		\$0.00
Line 4	Factor C: Recalcitrance or Recidivism <i>Justification: n/a</i>		\$0.00
Line 5	Factor D: Voluntary and Complete Disclosure of Violations <i>Justification: n/a</i>		\$0.00
Line 6	Factor E: Full and Prompt Cooperation <i>Justification: n/a</i>		\$0.00
Line 7	Factor F: Environmental Compliance Program <i>Justification: n/a</i>		\$0.00
Line 8	Factor G: Other Aggravating or Mitigating Circumstances <i>Justification: n/a</i>		\$0.00
Line 9	Sum of Lines 2 through Line 8		\$0.00
<b>Line 10</b>	<b>Adjusted Base Penalty (Sum of Line 1 + Line 9)</b>		<b>\$75.00</b>

Exhibit B

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

		Days of Violation
Line 11	Total Days of Violation	2
	<i>Justification: The Division has chosen to consider the July and August 2011 failure to conduct repeat monitoring and/or reporting for microbiological contaminants violations as single day violations, respectively.</i>	

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

		Amount in Dollars
Line 12	Multi-Day Penalty Amount	\$150.00
	<i>Calculations:</i> <i>Day(s) (2) x (\$75.00) = \$150.00</i>	

**Part V – Economic Benefit Consideration**

		Amount in Dollars
Line 13	Economic Benefit:	\$0.00
	<i>Justification: The System did not realize an economic benefit for the months of July and August 2011 because, despite the fact that it was not timely, the required monitoring was performed.</i>	

**Part VI – Violation Penalty Total**

		Amount in Dollars
Line 14	Total Administrative Penalty: (Line 12 + Line 13)	\$150.00

**Part VII – Ability to Pay Adjustment**

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

**Part VIII – Final Adjusted Penalty**

		Amount in Dollars
Line 16	Total Administrative Penalty: (Line 14 - Line 15)	\$150.00

Exhibit B

**ADMINISTRATIVE PENALTY COMPUTATION WORKSHEET**

**VIOLATION NUMBER: 5**

<b>System Name: Sunset Lake Summer HIA</b>	<b>PWSID Number: CO-0239725</b>
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<b>Date of Enforcement Order: September 28, 2011</b>	<b>Number: DT-110928-2</b>
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<b>Regulation Violated:</b> Failure to Conduct and/or Report Follow-Up Routine Monitoring for Microbiological Contaminants, 5 CCR 1003-1, §§5.1.1(b) and 5.1.2(f)	<b>Population Served: 28</b>
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**Part I – Base Penalty Calculation**

	<b>Violation Type</b>	<b>Population Range</b>	<b>Amount in Dollars</b>
Line 1	Failure to Conduct and/or Report Follow-Up Routine Monitoring for Microbiological Contaminants – August 2011	< 500 Served	<b>\$75.00</b>

**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 <i>Justification: n/a</i>		\$0.00
Line 3	Factor B: Intentional, Reckless, or Negligent Actions <i>Justification: n/a</i>		\$0.00
Line 4	Factor C: Recalcitrance or Recidivism <i>Justification: n/a</i>		\$0.00
Line 5	Factor D: Voluntary and Complete Disclosure of Violations <i>Justification: n/a</i>		\$0.00
Line 6	Factor E: Full and Prompt Cooperation <i>Justification: n/a</i>		\$0.00
Line 7	Factor F: Environmental Compliance Program <i>Justification: n/a</i>		\$0.00
Line 8	Factor G: Other Aggravating or Mitigating Circumstances <i>Justification: n/a</i>		\$0.00
Line 9	Sum of Lines 2 through Line 8		\$0.00
<b>Line 10</b>	<b>Adjusted Base Penalty (Sum of Line 1 + Line 9)</b>		<b>\$75.00</b>

Exhibit B

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

		Days of Violation
Line 11	Total Days of Violation	1
	<i>Justification: The Division has chosen to consider the August 2011 failure to conduct and/or report follow-up routine monitoring for microbiological contaminants violation as a single day violation.</i>	

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

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

**Part V – Economic Benefit Consideration**

		Amount in Dollars
Line 13	Economic Benefit:	\$120.00
	<i>Justification: The Division believes that the System realized an economic benefit by failing to monitor since it has avoided its cost for the tests itself as well as the cost of the labor involved in obtaining sample bottles, conducting the testing, and transporting the samples to a lab.</i> <i>Laboratory Cost for Analysis of Microbiological Contaminants (\$20.00) x (4) = \$80.00</i> <i>Sampling and Handling Costs (40.00) x (1) = \$40.00</i>	

**Part VI – Violation Penalty Total**

		Amount in Dollars
Line 14	Total Administrative Penalty: (Line 12 + Line 13)	\$195.00

**Part VII – Ability to Pay Adjustment**

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

**Part VIII – Final Adjusted Penalty**

		Amount in Dollars
Line 16	Total Administrative Penalty: (Line 14 - Line 15)	\$195.00