

STATE OF COLORADO

John W. Hickenlooper, Governor
Larry Wolk, MD, MSPH
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.
Denver, Colorado 80246-1530
Phone (303) 692-2000
Located in Glendale, Colorado
www.colorado.gov/cdphe



Colorado Department
of Public Health
and Environment

February 19, 2014

Eleanor A. McAuliffe
d/b/a Holt's Guest Ranch
222 S. Power Road, Suite 207
Mesa, AZ 85206

Certified Mail Number: 7012 1640 0000 0801 9168

Cimarron Colorado Properties LLC
Eleanor A. McAuliffe, Registered Agent
d/b/a Holt's Guest Ranch
Box 762, Gunnison, CO 81230

Certified Mail Number: 7012 1640 0000 0801 9175

**RE: Service of Notice of Violation/Cease and Desist Order/Order for Civil Penalty,
Number: DO-140219-1**

Dear Ms. McAuliffe:

Eleanor A. McAuliffe and Cimarron Colorado Properties LLC (jointly referred to hereinafter as "Eleanor A. McAuliffe") are hereby served with the enclosed Notice of Violation / Cease and Desist Order / Order for Civil Penalty (the "NOV/CDO/OCP"). The NOV/CDO/OCP is issued by the Colorado Department of Public Health and Environment's Water Quality Control Division (the "Division") pursuant to the authority given to the Division by §§25-8-602, 25-8-605, and 25-8-608 C.R.S., of the *Colorado Water Quality Control Act*, (the "Act"). The Division bases the NOV/CDO/OCP upon findings that Eleanor A. McAuliffe has violated the Act and/or permit regulations promulgated pursuant to the Act and/or a permit, as described in the enclosed NOV/CDO/OCP.

Pursuant to §25-8-603, C.R.S., Eleanor A. McAuliffe is required, within thirty (30) calendar days of receipt of this NOV/CDO/OCP, to submit to the Division an answer admitting or denying each paragraph of the Findings of Fact and responding to the Notice of Violation.

Additionally, pursuant to the authority given to the Division by §25-8-608, C.R.S. the Division hereby imposes the civil penalty as outlined in the attached NOV/CDO/OCP. Payment of the imposed civil penalty should be made in accordance with the methods referenced in the Order for Civil Penalty.

Please be advised that the Division is continuing its investigation into this matter and the Division may identify supplementary violations that warrant amendments to this enforcement action or the issuance of additional enforcement actions.

Should you desire to discuss this matter informally with the Division, or if you have any questions regarding the NOV/CDO/OCP, please do not hesitate to contact me by phone at (303) 692-2283 or by electronic mail at mandy.mercer@state.co.us.

Sincerely,



Mandy Mercer, Enforcement Specialist
Clean Water Compliance & Enforcement Unit
WATER QUALITY CONTROL DIVISION

Enclosure(s)

cc: Enforcement File
Eleanor A. McAuliffe

ec: Natasha Davis, EPA Region VIII
Carol Worrall, Gunnison County Public Health
Nicole Rowan, Watershed Section, CDPHE
Michael Beck, Grants and Loans Unit, CDPHE
Amy Zimmerman, Engineering Section, CDPHE
Heather Drissel, Field Services Section, CDPHE
Lillian Gonzalez, Permits Section, CDPHE
Mike Harris, Compliance & Enforcement Unit, CDPHE
Tania Watson, Data Management, CDPHE



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

NOTICE OF VIOLATION / CEASE AND DESIST ORDER / ORDER FOR CIVIL PENALTY

NUMBER: DO-140219-1

IN THE MATTER OF: ELEANOR A. MCAULIFFE AND
CIMARRON COLORADO PROPERTIES LLC
d/b/a HOLT'S GUEST RANCH
CDPS PERMIT NO. COX-621000
CERTIFICATION NO. COX-621025
GUNNISON COUNTY, COLORADO

Pursuant to the authority vested in the Colorado Department of Public Health and Environment's (the "Department") Division of Administration by §§25-1-109 and 25-8-302, C.R.S., which authority is implemented through the Department's Water Quality Control Division (the "Division"), and pursuant to §§25-8-602, 25-8-605 and 25-8-608, C.R.S., the Division hereby makes the following Findings of Fact and issues the following Notice of Violation / Cease and Desist Order / Order for Civil Penalty:

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. At all times relevant to the alleged violations identified herein, Eleanor A. McAuliffe was an individual conducting business in the State of Colorado as a sole proprietorship.
2. At all times relevant to the alleged violations identified herein, Cimarron Colorado Properties LLC was a Colorado limited liability company in good standing and registered to conduct business in the State of Colorado.
3. Eleanor A. McAuliffe and Cimarron Colorado Properties LLC are each a "person" as defined under the Water Quality Control Act, §25-8-103(13), C.R.S. and its implementing permit regulation, 5 CCR 1002-61, §61.2(73).
4. Eleanor A. McAuliffe and Cimarron Colorado Properties LLC (jointly referred to hereinafter as "Eleanor A. McAuliffe") own and/or operate the Holt's Guest Ranch and the associated domestic wastewater treatment works, located at Latitude 38°48'53" N, Longitude 106°31'59" W, near the Town of Almont, Gunnison County, Colorado, (the "Facility").

5. The Facility consists of a septic system and leachfield that collects and treats domestic wastewater associated with the Holt's Guest Ranch, which operates on a seasonal basis (May through October). The Facility received site approval from the Division on July 13, 1992 (Approval Number: 4046) for an approved average daily flow capacity of 3,330 gallons per day (gpd) and an approved maximum daily flow capacity of 4,995 gpd.
6. The Facility is subject to the Colorado Discharge Permit System General Permit Number COX-621000, which became effective May 1, 2007 and was amended with Amendment Number One effective March 1, 2008 (the "Permit"). The Permit was set to expire on April 30, 2012, but has been administratively continued, pending Permit reissuance. Eleanor A. McAuliffe is authorized to discharge under the Permit via Certification Number COX-621025, which became effective on November 14, 2008 (the "Certification").
7. The Permit and Certification authorize Eleanor A. McAuliffe to discharge wastewater from the Facility's leachfield into groundwater. The leachfield is located in the northwest portion of the property. The Permit and Certification include requirements to monitor groundwater at one (1) upgradient compliance monitoring well, which is designated in the Permit and Certification as Outfall 050A; and, one (1) downgradient compliance monitoring well, which is designated in the Permit and Certification as Outfall 050B. Additionally, the Permit and Certification include requirements to measure influent flow through the septic system to the leachfield via continuous flow monitoring of the Holt's Guest Ranch water supply well, which is designated in the Permit and Certification as Outfall 300I.
8. Pursuant to 5 CCR 1002-61, §61.8, Eleanor A. McAuliffe must comply with all the terms and conditions of the Permit, and violations of such terms and conditions as specified in the Permit may be subject to civil and criminal liability pursuant to §§25-8-601 through 25-8-612, C.R.S.

Failure to Submit Discharge Monitoring Reports

9. Pursuant to Sections VI.A., VI.B, VI.C.3., and VI.C.4. of the Permit; and, Part E.2. of the Certification, Eleanor A. McAuliffe is required to monitor defined parameters at specified frequencies and report the monitoring results on a Discharge Monitoring Report ("DMR").
10. Pursuant to Section VIII.A. of the Permit and Parts E.3., E.4., and F of the Certification, beginning on May 1, 2009, Eleanor A. McAuliffe is required to report monitoring results from Outfall 300I on a monthly basis using Division approved DMRs. Eleanor A. McAuliffe is required to ensure the DMRs are mailed to the Division so that they are received by no later than the 28th day of the month following the reporting period.
11. Pursuant to Section VIII.A. of the Permit and Parts E.3. and F of the Certification, beginning no later than October 28, 2009, Eleanor A. McAuliffe is required to report monitoring results from compliance monitoring wells 050A and 050B on a quarterly basis using Division approved DMRs. Eleanor A. McAuliffe is required to ensure the DMRs are mailed to the Division so that they are received by no later than the 28th day of the month following the reporting period. The Permit specifies that if no groundwater is found in the compliance point, "No Groundwater" shall be reported on the DMR.

12. Division records establish that Eleanor A. McAuliffe failed to submit DMRs to the Division for the following monitoring periods:

| Eleanor A. McAuliffe d/b/a Holt's Guest Ranch DELINQUENT DMRS | | |
|--|---------------------------------------|-------------------------|
| Monitoring Period Start Date | Monitoring Period End Date | Monitoring Point |
| 1/1/13 | 3/31/13 | 050A |
| 4/1/13 | 6/30/13 | 050A |
| 7/1/13 | 9/30/13 | 050A |
| 10/1/13 | 12/31/13 | 050A |
| 1/1/13 | 3/31/13 | 050B |
| 4/1/13 | 6/30/13 | 050B |
| 7/1/13 | 9/30/13 | 050B |
| 10/1/13 | 12/31/13 | 050B |
| 1/1/13 | 1/31/13 | 300I |
| 2/1/13 | 2/28/13 | 300I |
| 3/1/13 | 3/31/13 | 300I |
| 4/1/13 | 4/30/13 | 300I |
| 5/1/13 | 5/31/13 | 300I |
| 6/1/13 | 6/30/13 | 300I |
| 7/1/13 | 7/31/13 | 300I |
| 8/1/13 | 8/31/13 | 300I |
| 9/1/13 | 9/30/13 | 300I |
| 10/1/13 | 10/30/13 | 300I |
| 11/1/13 | 11/30/13 | 300I |
| 12/1/13 | 12/31/13 | 300I |

13. Eleanor A. McAuliffe's failure to submit DMRs to the Division by the 28th day of the month following each reporting period as identified above in paragraph 12 constitutes violations of Section VIII.A. of the Permit and Part F of the Certification.

NOTICE OF VIOLATION

14. Based on the foregoing Findings of Fact and Conclusions of Law, you are hereby notified that the Division has determined that Eleanor A. McAuliffe has violated the following sections of the Permit and Certification:

Section VIII.A. of the Permit, which states in part, "Monitoring results shall be summarized and reported on the Discharge Monitoring Report forms (EPA Form 3320-1) on a monthly, quarterly, or other schedule consistent with the monitoring frequency delineated in the Certification. The forms shall be mailed to the Division so that they are received no later than the 28th day of the

following month that the monitoring occurred. ... If no ground water is found in any of the compliance points, the Permittee shall complete the form as required with the words "no ground water" entered in place of the monitoring results. The DMR form shall be completed accurately and in accordance with the requirements of the permit and the instructions provided on the DMR form."

Part F of the Certification, which states in part, "Holt's Guest Ranch WWTW is subject to all reporting and notification requirements provided in Section VIII of General Permit COX-621000. ... The Permittee is required to submit pre-printed DMRs for the parameters described in Section VIII.A of the permit. ... DMRs are due at the Division on the twenty-eighth day of the month following the end of the reporting period."

REQUIRED CORRECTIVE ACTION

Based upon the foregoing factual and legal determinations and pursuant to §25-8-602 and §25-8-605, C.R.S., Eleanor A. McAuliffe is hereby ordered to:

15. Cease and desist from all violations of the Colorado Water Quality Control Act, §§25-8-101 through 25-8-803, C.R.S., its implementing regulations promulgated thereto and the Permit.

Furthermore, the Division hereby orders Eleanor A. McAuliffe to comply with the following specific terms and conditions of this Order:

16. Within thirty (30) calendar days of receipt of this Order, Eleanor A. McAuliffe shall submit all missing DMRs, records of influent flow through the septic system to the leachfield, and records of groundwater compliance monitoring at the Facility for all monitoring periods in which DMRs have not been submitted to the Division between October 1, 2009 and the date of this Order. The records shall include all laboratory data reports, all field measurement reports, all calibration and maintenance records, and all other information required to be retained by Section IX.B. of the Permit, specifically including but not limited to: 1) copies of the well completion reports submitted to the State Engineer's Office; 2) GPS coordinates of the compliance monitoring wells; and, 3) GPS coordinates of the four corners of the existing leachfield as determined by a qualified person, e.g., a Professional Geologist, geotechnical engineer, or other similarly qualified professional hired or employed by Eleanor A. McAuliffe.
17. Within thirty (30) calendar days of receipt of this order, Eleanor A. McAuliffe shall review the requirements of the Permit and Certification with staff responsible for ensuring compliance with the terms and conditions of the Permit and Certification. The review shall focus on, but not be limited to: 1) the effluent limitations imposed by the Permit; 2) the Facility flow and groundwater monitoring requirements of the Permit and Certification; 3) the record keeping requirements of the Permit and Certification; 4) the reporting requirements of the Permit and Certification, including the instruction for proper completion and submittal of DMRs required by the Permit and Certification; and, 5) the noncompliance notification procedures required by the Permit and Certification. Within forty five (45) calendar days of receipt of this Order, Eleanor A. McAuliffe shall submit a written certification to the Division stating that the review of the Permit and Certification with responsible staff was completed.

18. All documents submitted under this Order shall be under the signature of Eleanor A. McAuliffe and shall use the same titles as stated in this Order, and shall reference both the number of this Order and the number of the paragraph pursuant to which the document is required. If necessary, within thirty (30) calendar days of receiving Division comments on submitted documents, Eleanor A. McAuliffe shall revise the submitted document(s) to properly address the Division's comments and resubmit the document(s) for Division review.

ORDER FOR CIVIL PENALTY

19. Pursuant to §25-8-608(1), C.R.S. any person who violates any provision of the Colorado Water Quality Control Act, or of any permit issued under the Act, or any control regulation promulgated pursuant to the Act, or any final cease and desist order or clean-up order shall be subject to a civil penalty of not more than ten thousand dollars per day for each day during which such violation occurs.

20. Based upon the Findings of Fact and Notice of Violation above, the Executive Director, through his designee (hereinafter the "Executive Director"), has determined that a civil penalty is appropriate and warranted in this matter. Therefore, the Executive Director hereby imposes a civil penalty in the amount of Six Thousand Dollars (\$6,000.00) against Eleanor A. McAuliffe for the violations cited above. The civil penalty was determined in accordance with the procedures outlined in the Division's Civil Penalty Policy (May 1, 1993). A copy of the civil penalty calculation is attached hereto as Exhibit A and is incorporated herein by reference.

21. If Eleanor A. McAuliffe does not contest the findings and penalty assessment set out above, the civil penalty shall be paid within sixty (60) calendar days of the date of this Notice of Violation / Cease and Desist Order / Order for Civil Penalty. 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-CWE-B2
Attention: Mandy Mercer
4300 Cherry Creek Drive South
Denver, Colorado 80246-1530

Eleanor A. McAuliffe shall include with the payment a cover letter referencing the number of this Order.

NOTICES AND SUBMITTALS

For all documents, plans, records, reports and replies required to be submitted by this Notice of Violation / Cease and Desist Order, Eleanor A. McAuliffe shall submit an original and an electronic copy to the Division at the following address:

Colorado Department of Public Health and Environment
Water Quality Control Division / WQCD-CWE-B2
Attention: Mandy Mercer

4300 Cherry Creek Drive South
Denver, Colorado 80246-1530
Telephone: (303) 692-2283
Email: mandy.mercer@state.co.us

For any person submitting documents, plans, records and reports pursuant to this Notice of Violation / Cease and Desist Order, that person shall make the following certification with each submittal:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

OBLIGATION TO ANSWER AND REQUEST FOR HEARING

Pursuant to §25-8-603, C.R.S. and 5 CCR 1002, §21.11 you are required to submit to the Division an answer affirming or denying each paragraph of the Findings of Fact and responding to the Notice of Violation. The answer shall be filed no later than thirty (30) calendar days after receipt of this action.

Section 25-8-603, C.R.S. and 5 CCR 1002, §21.11 also provide that the recipient of a Notice of Violation may request the Division to conduct a public hearing to determine the validity of the Notice, including the Findings of Fact. Such request shall be filed in writing with the Division and include the information specified in 5 CCR 1002, §21.4(B)(2). Absent a request for hearing, the validity of the factual allegations and the Notice of Violation shall be deemed established in any subsequent Department proceeding. The request for hearing, if any, shall be filed no later than thirty (30) calendar days after issuance of this action. The filing of an answer does not constitute a request for hearing.

APPEAL OF CIVIL PENALTY

Pursuant to 5 CCR 1002, §21.12(B) and 5CCR 1002, §21.4(A)(3)(b), an appeal of the determination of the civil penalty by the Executive Director shall be made in writing to the Division. Requests for such an appeal should be made in accordance with 5 CCR 1002, §21.12(B), shall be filed no later than thirty (30) calendar days after issuance of this action, and shall include the information specified in 5 CCR 1002, §21.4(B)(2).

FALSIFICATION AND TAMPERING

Be advised, in accord with §25-8-610, C.R.S., that any person who knowingly makes any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under the Colorado Water Quality Control Act or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this

article is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than ten thousand dollars, or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment.

POTENTIAL CRIMINAL PENALTIES

You are also advised that any person who recklessly, knowingly, intentionally, or with criminal negligence discharges any pollutant into any state waters commits criminal pollution if such discharge is made without a permit, if a permit is required by the Act for such discharge, or if such discharge is made in violation of any permit issued under the Act or in violation of any Cease and Desist Order or Clean-up Order issued by the Division. By virtue of issuing this Notice of Violation / Cease and Desist Order / Order for Civil Penalty, the State has not waived its right to bring an action for penalties under §25-8-609, C.R.S, and may bring such action in the future.

RELEASE OR DISCHARGE NOTIFICATION

Pursuant to §25-8-601, C.R.S., you are further advised that any person engaged in any operation or activity which results in a spill or discharge of oil or other substance which may cause pollution of the waters of the state, shall notify the Division of the discharge. If said person fails to so notify, said person is guilty of a misdemeanor, and may be fined or imprisoned or both.

EFFECT OF ORDER

Nothing herein contained, particularly those portions requiring certain acts to be performed within a certain time, shall be construed as a permit or license, either to violate any provisions of the public health laws and regulations promulgated thereunder, or to make any discharge into state waters. Nothing herein contained shall be construed to preclude other individuals, cities, towns, counties, or duly constituted political subdivisions of the state from the exercise of their respective rights to suppress nuisances or to preclude any other lawful actions by such entities or the State.

For further clarification of your rights and obligations under this Notice of Violation / Cease and Desist Order/ Order for Civil Penalty you are advised to consult the Colorado Water Quality Control Act, §§25-8-101 to 803, C.R.S., and regulations promulgated thereunder, 5 CCR 1002.

Issued at Denver, Colorado, this 19th day of February, 2014.

FOR THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT



Steven H. Gunderson, Director
WATER QUALITY CONTROL DIVISION

Exhibit A

WASTEWATER PENALTY COMPUTATION WORKSHEET

| | |
|--|---|
| Entity Name: Eleanor A. McAuliffe and Cimarron Colorado Properties LLC d/b/a Holt's Guest Ranch | Permit Number: COX-621000 Certification Number: COX-621025 |
|--|---|

Part I – Administrative Violations Penalty Determination

| | Violation Type | Adjustment | Amount in Dollars | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|--|------------------|-------------------|--|--|--|---------------------------------|-------------------------------|------------------|--------|---------|------|--------|---------|------|--------|---------|------|---------|----------|------|--------|---------|------|--------|---------|------|--------|---------|------|---------|----------|------|--------|---------|------|--------|---------|------|--------|---------|------|--------|---------|------|--------|---------|------|--------|---------|------|--------|---------|------|--------|---------|------|--------|---------|------|---------|----------|------|---------|----------|------|---------|----------|------|
| Line 1 | Administrative Violations (Delinquent and/or Late DMRs) | \$500 + 0% | \$6,000.00 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p><i>Calculation:</i> Eleanor A. McAuliffe and Cimarron Colorado Properties LLC (jointly referred to hereinafter as "Eleanor A. McAuliffe") failed to submit DMRs to the Division for the reporting periods identified in the table below. Delinquent DMRs occurred for 4 quarterly monitoring periods and 12 monthly monitoring periods, totaling 20 delinquent DMRs:</p> <table border="1" style="margin: 10px auto; border-collapse: collapse; text-align: center;"> <thead> <tr> <th colspan="3" style="background-color: #e0e0e0;">Eleanor A. McAuliffe d/b/a Holt's Guest Ranch DELINQUENT DMRS</th> </tr> <tr> <th style="width: 33%;">Monitoring Period Start Date</th> <th style="width: 33%;">Monitoring Period End Date</th> <th style="width: 34%;">Monitoring Point</th> </tr> </thead> <tbody> <tr><td>1/1/13</td><td>3/31/13</td><td>050A</td></tr> <tr><td>4/1/13</td><td>6/30/13</td><td>050A</td></tr> <tr><td>7/1/13</td><td>9/30/13</td><td>050A</td></tr> <tr><td>10/1/13</td><td>12/31/13</td><td>050A</td></tr> <tr><td>1/1/13</td><td>3/31/13</td><td>050B</td></tr> <tr><td>4/1/13</td><td>6/30/13</td><td>050B</td></tr> <tr><td>7/1/13</td><td>9/30/13</td><td>050B</td></tr> <tr><td>10/1/13</td><td>12/31/13</td><td>050B</td></tr> <tr><td>1/1/13</td><td>1/31/13</td><td>300I</td></tr> <tr><td>2/1/13</td><td>2/28/13</td><td>300I</td></tr> <tr><td>3/1/13</td><td>3/31/13</td><td>300I</td></tr> <tr><td>4/1/13</td><td>4/30/13</td><td>300I</td></tr> <tr><td>5/1/13</td><td>5/31/13</td><td>300I</td></tr> <tr><td>6/1/13</td><td>6/30/13</td><td>300I</td></tr> <tr><td>7/1/13</td><td>7/31/13</td><td>300I</td></tr> <tr><td>8/1/13</td><td>8/31/13</td><td>300I</td></tr> <tr><td>9/1/13</td><td>9/30/13</td><td>300I</td></tr> <tr><td>10/1/13</td><td>10/30/13</td><td>300I</td></tr> <tr><td>11/1/13</td><td>11/30/13</td><td>300I</td></tr> <tr><td>12/1/13</td><td>12/31/13</td><td>300I</td></tr> </tbody> </table> <p>In accordance with Part III.B.2.(a)(i) of the Water Quality Control Division's <i>Civil Penalty Policy (May 1, 1993)</i>, penalties for delinquent, late or improperly completed DMRs will be \$250 per DMR if the correctly completed DMR is submitted prior to the issuance of the NOV and \$500 per DMR thereafter. In cases where the permittee has been issued a previous NOV for late or incomplete DMRs, or where the Division has a long history of correspondence with the permittee regarding these types of violations, the penalty for each report may be increased by one hundred percent per occurrence. The amount of the</p> | | | | Eleanor A. McAuliffe d/b/a Holt's Guest Ranch DELINQUENT DMRS | | | Monitoring Period Start Date | Monitoring Period End Date | Monitoring Point | 1/1/13 | 3/31/13 | 050A | 4/1/13 | 6/30/13 | 050A | 7/1/13 | 9/30/13 | 050A | 10/1/13 | 12/31/13 | 050A | 1/1/13 | 3/31/13 | 050B | 4/1/13 | 6/30/13 | 050B | 7/1/13 | 9/30/13 | 050B | 10/1/13 | 12/31/13 | 050B | 1/1/13 | 1/31/13 | 300I | 2/1/13 | 2/28/13 | 300I | 3/1/13 | 3/31/13 | 300I | 4/1/13 | 4/30/13 | 300I | 5/1/13 | 5/31/13 | 300I | 6/1/13 | 6/30/13 | 300I | 7/1/13 | 7/31/13 | 300I | 8/1/13 | 8/31/13 | 300I | 9/1/13 | 9/30/13 | 300I | 10/1/13 | 10/30/13 | 300I | 11/1/13 | 11/30/13 | 300I | 12/1/13 | 12/31/13 | 300I |
| Eleanor A. McAuliffe d/b/a Holt's Guest Ranch DELINQUENT DMRS | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Monitoring Period Start Date | Monitoring Period End Date | Monitoring Point | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1/1/13 | 3/31/13 | 050A | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 4/1/13 | 6/30/13 | 050A | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 7/1/13 | 9/30/13 | 050A | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 10/1/13 | 12/31/13 | 050A | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1/1/13 | 3/31/13 | 050B | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 4/1/13 | 6/30/13 | 050B | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 7/1/13 | 9/30/13 | 050B | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 10/1/13 | 12/31/13 | 050B | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1/1/13 | 1/31/13 | 300I | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2/1/13 | 2/28/13 | 300I | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 3/1/13 | 3/31/13 | 300I | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 4/1/13 | 4/30/13 | 300I | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 5/1/13 | 5/31/13 | 300I | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 6/1/13 | 6/30/13 | 300I | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 7/1/13 | 7/31/13 | 300I | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 8/1/13 | 8/31/13 | 300I | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 9/1/13 | 9/30/13 | 300I | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 10/1/13 | 10/30/13 | 300I | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 11/1/13 | 11/30/13 | 300I | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 12/1/13 | 12/31/13 | 300I | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

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| | <p>increase will be based on the period during which these violations have occurred and the severity of the violations.</p> <p>In addition to historical Compliance Advisories, the Division has issued the following Compliance Advisories to Eleanor A. McAuliffe citing failure to submit DMRs:</p> <ul style="list-style-type: none"> • Compliance Advisory dated June 26, 2013 for delinquent DMRs for the 1st quarter 2013 monitoring period for compliance monitoring wells 050A and 050B • Compliance Advisory dated October 28, 2013 for delinquent DMRs for the 2nd quarter 2013 monitoring period for compliance monitoring wells 050A and 050B • Compliance Advisory dated October 28, 2013 for delinquent DMR for the June 2013 monitoring period for Outfall 300I • Compliance Advisory dated January 9, 2014 for delinquent DMRs for the July 2013 and August 2013 monitoring periods for Outfall 300I • Compliance Advisory dated February 14, 2014 for delinquent DMRs for the May 2013, September 2013, and October 2013 monitoring periods for Outfall 300I <p>In calculating the Administrative Penalty for the delinquent DMR violations, the Division assessed a \$500 penalty per delinquent DMR. The Division conservatively chose not to increase the penalty by the allowed 100% per occurrence, despite the history of correspondence addressing missing DMRs. In addition, the Division conservatively chose not to assess a penalty for the monthly DMRs that were due on the same date as a quarterly DMR (March, June, September, and December). The Division conservatively chose to assess a single \$500 penalty per monitoring period (12) as opposed to a \$500 penalty per delinquent DMR (20).</p> <p style="text-align: center;">12 Monitoring Periods x \$500.00 = \$6,000.00</p> | |
| Line 2 | Administrative Violation Total | \$6,000.00 |

Part II– Economic Benefit Consideration

| | | Amount in Dollars |
|---------------|--|-------------------|
| Line 3 | Economic Benefit | \$0.00 |
| | <p>Delinquent and/or Late DMRs: Eleanor A. McAuliffe avoided the cost of submitting several DMRs; however, the economic benefit of the avoided cost was conservatively determined to be relatively insignificant.</p> <p>Additionally, Eleanor A. McAuliffe likely avoided the cost of sampling and analyzing the Facility’s flow and groundwater quality as required by the Permit and Certification. The Division conservatively estimates the cost of obtaining and processing a sample (including collection, paperwork, lab delivery, calculations, etc.) to be \$40/sample, and the cost of laboratory analysis for the missing parameters to typically range from \$15 to \$50 per parameter; however, the Division conservatively chose not to include an economic benefit for these avoided costs.</p> | |

Part III – Final Penalty

| | | Amount in Dollars |
|---------------|---|-------------------|
| Line 4 | Total Civil Penalty: (Line 2 + Line 3) | \$6,000.00 |