

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

March 25, 2014

Certified Mail Number: 7012 1640 0000 0801 9496

Beverly Ernst
Shady Lane Mobile Home Park
4858 Highland Drive
Lyons, CO 80503

**RE: Service of Notice of Violation/Cease and Desist Order, Number: DO-140325-1, and
Service of Operator Certification Notice of Violation, Number: OC-140325-1**

Dear Ms. Ernst:

You, Beverly Ernst, are hereby served with the enclosed Notice of Violation / Cease and Desist Order (the "NOV/CDO"). This NOV/CDO 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 and 25-8-605, C.R.S., of the *Colorado Water Quality Control Act*, (the "Act"). The Division bases this NOV/CDO upon findings that Beverly Ernst has violated the Act, and/or regulations promulgated pursuant to the Act, as described in the enclosed NOV/CDO.

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

This action could result in the imposition of civil penalties. The Division is authorized pursuant to §25-8-608, C.R.S. to impose a penalty of \$10,000 per day for each day during which such violation occurs. 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 NOV/CDO or the issuance of additional enforcement actions.

Additionally, Beverly Ernst is hereby served with the enclosed Operator Certification Notice of Violation (the "OCNOV"). This OCNOV is issued by the Division pursuant to the authority given to the Division by §25-9-110(3), C.R.S., of the *Water and Wastewater Facility Operators Certification Statute*, (the "Statute"). The Division bases this OCNOV upon findings that Beverly Ernst has violated the Statute and 5 CCR 1003-2, §100, the *Water and Wastewater Facility Operators Certification Requirements*, as described in the enclosed OCNOV.

Pursuant to §25-9-110(3), C.R.S., Beverly Ernst is required, within thirty (30) calendar days of receipt of this OCNOV, to submit to the Division an answer to each alleged violation.

This operator certification action could result in the imposition of civil penalties. The Division is authorized pursuant to §25-9-110(5), C.R.S., to impose a penalty of up to \$300 per day for each day during which such violation occurs. 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 OCNOV or the issuance of additional enforcement actions.

Should Beverly Ernst desire to discuss the NOV/CDO or the OCNOV with the Division, or if there are any questions regarding NOV/CDO or the OCNOV, please don't hesitate to contact Eric Mink at (303) 692-2312 or by electronic mail at eric.mink@state.co.us.

Sincerely,



Eric T. Mink, Enforcement Specialist
Clean Water Compliance & Enforcement Unit
WATER QUALITY CONTROL DIVISION

Enclosure

- cc: Enforcement File
- ec: Natasha Davis, EPA Region VIII
Joe Malinowski, Boulder County Health Department
Wendy Blanchard, Boulder County Health Department
Nicole Rowan, Watershed Section, CDPHE
Michael Beck, Grants and Loans Unit, CDPHE
Jackie Whelan, Local Assistance Unit, CDPHE
Doug Camrud, Engineering Section, CDPHE
Kelly Jacques, Field Services Section, CDPHE
Lillian Gonzalez, Permits Section, CDPHE
Eric T. Mink, Compliance & Enforcement Unit, CDPHE
Tania Watson, Compliance & Enforcement Unit, CDPHE



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

NOTICE OF VIOLATION / CEASE AND DESIST

NUMBER: DO-140325-1

**IN THE MATTER OF: BEVERLY ERNST
 UNPERMITTED
 BOULDER 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 and 25-8-605, C.R.S., the Division hereby makes the following Findings of Fact and issues the following Notice of Violation / Cease and Desist Order:

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. At all times relevant to the violations cited herein, Beverly Ernst was an individual conducting business in the State of Colorado as a sole proprietorship.
2. Beverly Ernst is 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).
3. Beverly Ernst owns and/or operates Shady Lane Mobile Home Park ("Shady Lane MHP") wastewater treatment system, located at approximately 40° 12.795' and -105° 14.437', near the Town of Lyons, Boulder County, Colorado, (the "Facility").
4. On February 21, 2013, representatives from the Division (the "Inspectors") conducted an on-site inspection of the Facility pursuant to the Division's authority under §25-8-306, C.R.S., to determine Beverly Ernst's compliance with the Water Quality Control Act and its implementing regulations. During the inspection, the Inspectors interviewed Beverly Ernst and Richard Freeman (Beverly Ernst's son) and performed a physical inspection of the Facility.
5. During the February 21, 2013 inspection, the Inspectors identified that the Facility consists of two septic tanks with volumes of approximately 2,885 gallons each that convey domestic sewage from Shady Lane MHP to a single land application area where passive biological treatment occurs prior to seepage/discharge into the underlying groundwater.

6. The Inspectors reviewed the sizing of the Facility and Shady Lane MHP's water records and determined that the Facility has the designed capacity to receive more than 2,000 gallons of domestic wastewater per day.
7. Boulder County Public Health design plans for the Facility show that the Facility was designed with a capacity of 3,300 gallons per day ("gpd").
8. The Facility's wastewater treatment system is a "domestic wastewater treatment works" as defined by §25-8-103(5), C.R.S. and 5 CCR 1002-43, §43.3(29).
9. The Facility's wastewater treatment system is an "on-site wastewater treatment system" ("OWTS") as defined by 5 CCR 1002-43, §43.3(83).

Unauthorized Discharge and Land Application without a Permit

10. Pursuant to §25-8-501(1), C.R.S. and 5 CCR 1002-61, §61.3(1)(a), no person shall discharge any pollutant into any state water from a point source without first having obtained a permit from the Division for such discharge, and no person shall discharge into a ditch or man-made conveyance for the purpose of evading the requirement to obtain a permit under this article.
11. Pursuant to 5 CCR 1002-43, §43.4(A)(1)(b), an OWTS with design capacity equal to or greater than 2,000 gpd must comply with the site location and design approval requirements of §25-8-702, C.R.S. and the discharge permit requirements in the Water Quality Control Act, 25-8-501, *et seq.* C.R.S., including the applicable Water Quality Control Commission regulations at 5 CCR 1002-22 (Site Location and Design Approval Regulations) and 5 CCR 1002-61 (Colorado Discharge Permits System ("CDPS") Regulations).
12. Pursuant to 5 CCR 1002-61, §61.14(1)(a), a permit is required for all land application discharges unless:
 - a. The discharge is exempted under 5 CCR 1002-61, §61.14(1)(b);
 - b. The discharge is subject to regulation by one of the implementing agencies described in 5 CCR 1002-61, §61.14(2); or
 - c. The owner of a land application system can demonstrate that:
 - i. The design and operation of the system will result in complete evapotranspiration of the effluent;
 - ii. There is adequate storage provided for the effluent during periods of inclement weather or where the ground has been frozen unless the provisions of (i) above can be met during the entire year; and
 - iii. Any augmentation plan or substitute supply plan for the land application site does not provide a credit for return of the effluent to ground water.
13. Groundwater beneath the Facility is "state waters" as defined by §25-8-103(19), C.R.S. and its implementing permit regulation, 5 CCR 1002-61, §61.2(102).
14. The Facility's domestic wastewater treatment works/OWTS is a "point source" as defined by §25-8-103(14), C.R.S. and its implementing permit regulation, 5 CCR 1002-61, §61.2(75).

15. Domestic sewage that is seeping/discharging from the land application area at the Facility is a "pollutant" as defined by §25-8-103(15), C.R.S. and its implementing permit regulation, 5 CCR 1002-61, §61.2(76).
16. Beverly Ernst's ongoing discharge of domestic sewage from the Facility into state waters constitutes a "discharge of pollutants" as defined by §25-8-103(3), C.R.S.
17. Beverly Ernst's discharge of domestic sewage directly to the ground constitutes "land application" as defined by 5 CCR 1002-61, §61.2(48).
18. Beverly Ernst's land application of domestic sewage from the Facility does not meet any of the exemption criteria of 5 CCR 1002-61, §61.14(1)(a), and therefore is subject to the land application discharge permit requirements.
19. Division records establish that Beverly Ernst does not have any permits authorizing the discharge of pollutants from the Facility into state waters or to the ground.
20. Beverly Ernst's ongoing discharge of domestic sewage from the Facility into groundwater constitutes an unauthorized discharge of pollutants from a point source into state waters in violation of §25-8-501(1), C.R.S. and 5 CCR 1002-61, §61.3(1)(a).
21. Beverly Ernst's ongoing discharge of domestic sewage from the Facility to the ground constitutes unauthorized land application in violation of 5 CCR 1002-61, §61.14(1)(a).

NOTICE OF VIOLATION

22. Based on the foregoing Findings of Fact and Conclusions of Law, you are hereby notified that the Division has determined that Beverly Ernst has violated the following sections of the Colorado Water Quality Control Act and its implementing permit regulations.

Section 25-8-501(1), C.R.S., which states in part, "No person shall discharge any pollutant into any state water from a point source without first having obtained a permit from the Division for such discharge..."

5 CCR 1002-61 §61.3(1)(a), which states in part, "No person shall discharge any pollutant into any state water from a point source without first having obtained a permit from the Division for such discharge..."

5 CCR 1002-61 §61.14(1)(a), which states in part, "Pursuant to this section a permit shall be required for all land application discharges..."

REQUIRED CORRECTIVE ACTION

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

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

Furthermore, the Division hereby orders Beverly Ernst to comply with the following specific terms and conditions of this Order:

24. Beverly Ernst shall immediately initiate measures to evaluate the design and operation of the Facility's domestic wastewater treatment works and to seek coverage for the Facility under a CDPS permit, including but not limited to the corrective actions identified below.

25. Within thirty (30) calendar days of receipt of this Order, Beverly Ernst shall retain the services of a professional engineer registered in the State of Colorado and experienced in domestic wastewater treatment to perform an evaluation of the Facility and recommend measures to ensure adequate treatment is provided at the Facility and a CDPS permit is obtained. The evaluation shall consider, but not be limited to:

- a. An evaluation of the Facility's treatment processes to identify any deficiencies in the current design of the Facility. This should include, but not be limited to, an evaluation of the capacity of the current system, and the use and acceptability of the current treatment processes;
- b. An evaluation of the Facility's current operation and maintenance practices to identify any deficiencies that impact the Facility's ability to reliably and consistently treat wastewater; and
- c. An evaluation, recommendation, and plan for upgrades or expansion of the Facility, if determined necessary, that will ensure the Facility has adequate hydraulic and organic loading capacity and can reliably and consistently treat wastewater.

26. Within forty five (45) calendar days of the receipt of this Order, Beverly Ernst shall provide documentation to the Division that it has retained the services of the qualified individual or entity described in paragraph 25 above. The documentation shall include at, a minimum, a copy of the individual or entity's qualifications and a copy of the written contract or agreement for services, including a copy of the scope of services to be provided.

27. Within ninety (90) calendar days of receipt of this Order, Beverly Ernst shall submit to the Division a report summarizing the results of the engineering evaluation identified above in paragraph 25 above. The report shall include an aggressive plan and time schedule for the implementation of specific interim and long-term measures that Beverly Ernst will complete to address the Facility's identified deficiencies and to obtain a CDPS permit. This includes a specific plan and time schedule for commencing and completing construction of Facility expansion and/or upgrades, if necessary, and for submitting an application for a CDPS permit. If any of the corrective measures require Division site location and design approval, Beverly Ernst shall timely file a completed site location and/or design approval request in accordance with §25-8-702, C.R.S. and 5 CCR 1002-22. Beverly Ernst shall not initiate construction until such time that the necessary site location and design approval(s) have been obtained, as required by §25-8-702, C.R.S. and 5 CCR 1002-22, or unless otherwise specifically authorized, in writing, by the Division. The submitted plan and time schedule shall become a condition of this Order and Beverly Ernst shall implement the plan and time schedule as submitted unless notified by the Division, in writing, that an alternate plan or time schedule is appropriate. If the Division imposes an alternate plan or time schedule, it shall also become a condition 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, Beverly Ernst 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: Eric T. Mink
4300 Cherry Creek Drive South
Denver, Colorado 80246-1530
Telephone: (303) 692-2312
Email: eric.mink@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.

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 CIVIL AND CRIMINAL PENALTIES

You are also advised that any person who violates any provision of the Colorado Water Quality Control Act (the "Act"), §§25-8-101 to 803, C.R.S., 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 issued by the Division shall be subject to a civil penalty of not more than ten thousand dollars per day for each day during which such violation occurs. Further, 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, the State has not waived its right to bring an action for penalties under §§25-8-608 and 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.

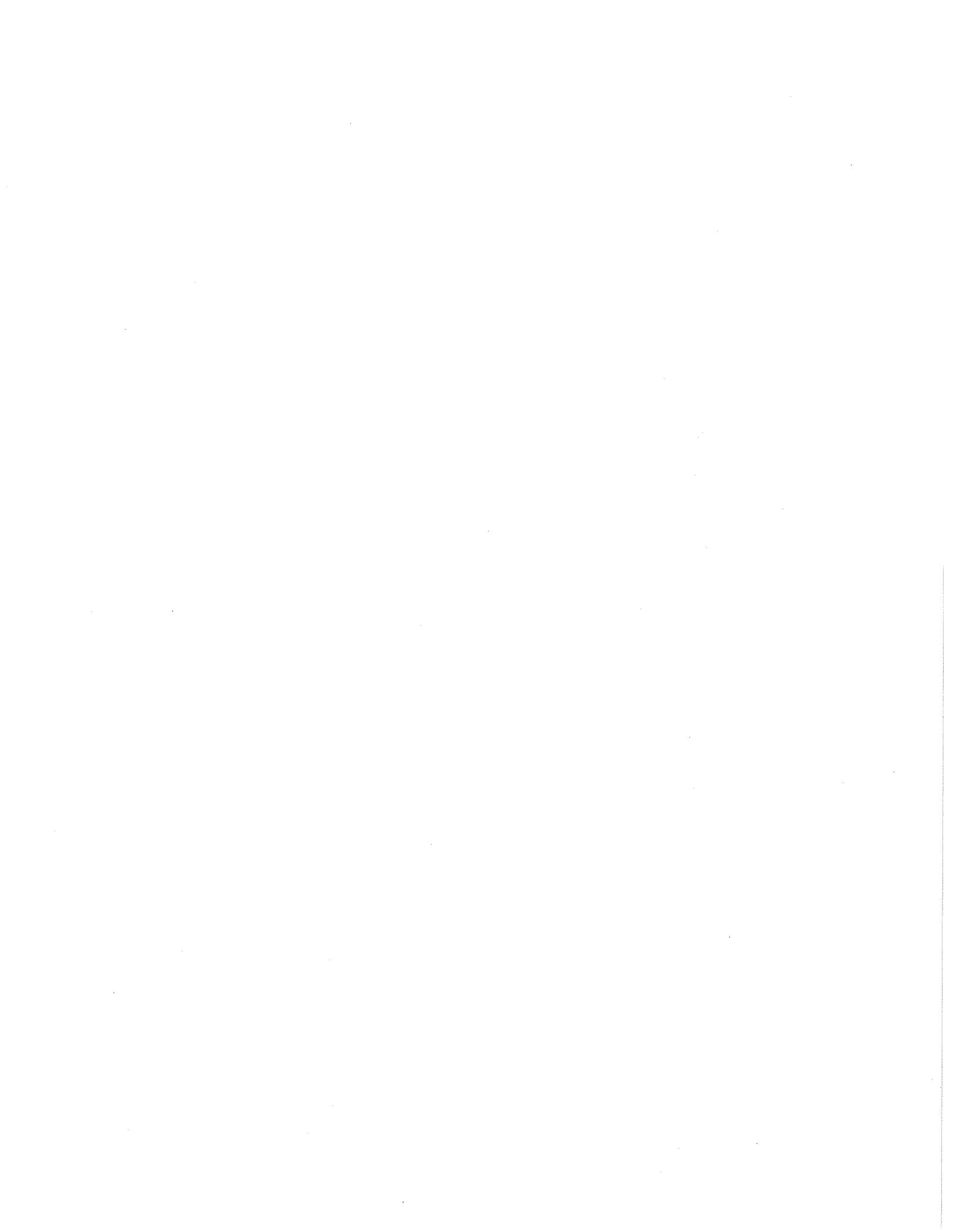
For further clarification of your rights and obligations under this Notice of Violation / Cease and Desist Order you are advised to consult the Colorado Water Quality Control Act, §§25-8-101 to 803, C.R.S., and regulations promulgated thereunder, 5 CCR 1002.

Issued at Denver, Colorado, this 25th day of March, 2014.

FOR THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

A handwritten signature in black ink, appearing to read "Steven H. Gunderson", written over a horizontal line.

Steven H. Gunderson, Director
WATER QUALITY CONTROL DIVISION





COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
WATER QUALITY CONTROL DIVISION

OPERATOR CERTIFICATION NOTICE OF VIOLATION

NUMBER: OW-140325-1

IN THE MATTER OF: **BEVERLY ERNST**
 UNPERMITTED
 BOULDER COUNTY, COLORADO

Pursuant to the authority vested in the Colorado Department of Public Health and Environment's Water Quality Control Division (the "Division") by §25-9-110(3) of the Colorado Revised Statutes ("C.R.S."), the Division hereby makes the following findings and issues this Operator Certification Notice of Violation:

GENERAL FINDINGS

1. At all times relevant to the violations cited herein, Beverly Ernst was an individual conducting business in the State of Colorado as a sole proprietorship.
2. Beverly Ernst owns and/or operates Shady Lane Mobile Home Park ("Shady Lane MHP") wastewater treatment system, located at approximately 40° 12.795' and -105° 14.437', near the Town of Lyons, Boulder County, Colorado, (the "Facility").
3. The Facility's wastewater treatment system is a "domestic wastewater treatment works" as defined by §25-8-103(5), C.R.S. and 5 CCR 1002-43, §43.3(29).
4. Pursuant to 5 CCR 1003-2, §100.5.2, the Facility's domestic wastewater treatment facility is classified as "Class D."

Failure to Have a Certified Operator in Responsible Charge

5. Pursuant to §25-9-110(2)(a), C.R.S., and 5 CCR 1003-2, §100.18.1(a), no owner of a wastewater collection system and/or domestic or industrial wastewater treatment facility 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, §§100.4 through 100.8.
6. In accordance with 5 CCR 1003-2, §100.18.5, Beverly Ernst shall operate the Facility with an operator-in-responsible-charge certified at or above the Class D Wastewater Treatment certification.

7. Pursuant to 5 CCR 1003-2, §100.18.4(a), each owner of a wastewater facility shall submit in writing to the Division, no later than thirty (30) days following the date the facility is initially placed on-line and, thereafter, no later than thirty (30) days after changes to any of the following information:
 - a. Name, mailing address, phone number, and email address (if available) of the facility representative providing the information;
 - b. Name, mailing address, phone number, email address (if available) and the classification and expiration of certification of all operator(s)-in-responsible-charge employed by the owner;
 - c. Identification of the facility or facilities for which each operator-in-responsible-charge employed or contracted by the owner has responsibility;
 - d. The Colorado Discharge Permit System (CDPS) permit or certification number for all facilities listed.
8. Division records to-date establish that Beverly Ernst has failed to provide the Division with information or documents demonstrating that the Facility is operated under the direct supervision of an operator-in-responsible-charge, certified in classification equivalent to or higher than Class D Wastewater Treatment certification.
9. Beverly Ernst's failure to operate its domestic wastewater treatment facility under the supervision of a certified operator with the proper classification constitutes violation(s) of §25-9-110(2)(a), C.R.S., and 5 CCR 1003-2, §100.18.1(a) and §100.18.5.

REQUIRED ACTION

The Division hereby orders the Beverly Ernst to comply with the following specific terms and conditions of this Operator Certification Notice of Violation:

10. Within thirty (30) calendar days from the date of this Notice of Violation, Beverly Ernst shall retain an operator-in-responsible-charge certified in classifications equivalent to or higher than the classifications of the Facility as specified in the *Water and Wastewater Facility Operators Certification Requirements*, 5 CCR 1003-2.
11. Within forty-five (45) calendar days from the date of this Notice of Violation, Beverly Ernst shall submit to the Division the information specified in 5 CCR 1003-2, §100.18.4, documenting that the Facility is being operated under the supervision of an operator with the proper certification(s). The attached Wastewater Operator in Responsible Charge Report form may be used to report the required information. *(Please note that the Facility's classification(s) may change upon completion of any Facility improvements.)*

NOTICES AND SUBMITTALS

For all documents, plans, records, reports and replies required to be submitted by this Operator Certification Notice of Violation, Beverly Ernst 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: Eric T. Mink
4300 Cherry Creek Drive South
Denver, Colorado 80246-1530
Telephone: (303) 692-2312
Email: eric.mink@state.co.us

For any person submitting documents pursuant to this Operator Certification Notice of Violation, 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.”

POTENTIAL CIVIL PENALTIES

You are also advised that any owner of a water treatment facility, a domestic or industrial wastewater treatment facility, a wastewater collection system, or a water distribution system in the State of Colorado who violates the Water and Wastewater Facility Operators Certification Statute (the “Act”) at §25-9-110(2), C.R.S., shall be subject to a civil penalty of not more than three hundred dollars (\$300) per day for each day during which such violation occurs. By virtue of issuing this Operator Certification Notice of Violation, the State has not waived its right to bring an action for civil penalties under the Act at §25-9-110(5), C.R.S., and may bring such action in the future.

OBLIGATION TO ANSWER AND REQUEST FOR HEARING

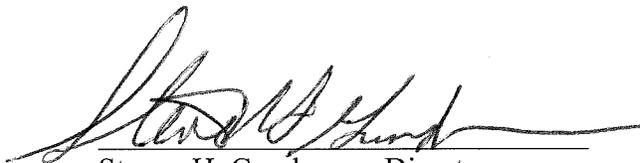
Pursuant to §25-9-110(3), C.R.S., you are required to submit to the Division an answer to each alleged violation. The answer shall be filed no later than thirty (30) calendar days after receipt of this action.

Pursuant to §25-9-110(4), C.R.S., and 5 CCR 1003-2, §100.21.1, an alleged violator of the Act at §25-9-110(2)(a), C.R.S., may request a public hearing to contest the contents of this Notice of Violation. Such request shall be filed in writing with the Division no later than thirty (30) days after service of this action, and shall contain, at a minimum, the information specified in 5 CCR 1003-2, §100.21.1(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 §24-4-105, C.R.S. The filing of an answer does not constitute a request for hearing.

Issued at Denver, Colorado, this 25th day of March, 2014.

FOR THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

A handwritten signature in black ink, appearing to read "Steven H. Gunderson", written over a horizontal line.

Steven H. Gunderson, Director
WATER QUALITY CONTROL DIVISION



WASTEWATER OPERATOR IN RESPONSIBLE CHARGE REPORT

Return Form To:

Facility Operator Certification - WQCD

Colorado Department of Public Health and Environment

4300 Cherry Creek Drive South

Denver, CO 80246-1530

PLEASE Use Ink or Type

Classification of Treatment Facility: A B C D

Classification of Collection System: 1 2 3 4

Customers Served (Population): _____

Discharge Permit or Certification #: _____

Permit Name: _____

Permittee Name: _____

Telephone: _____ E-mail: _____

ORC Wastewater Treatment

Operator ID#: _____ WW Cert #: _____ Level: ____ Exp.Date: _____

Name: _____ WW Cert #: _____ Level: ____ Exp.Date: _____

Mailing Address: _____

City, State Zip Code: _____

Telephone: _____ E-mail: _____

ORC Signature (Treatment): _____

ORC Wastewater Collection

Operator ID#: _____ WW Cert #: _____ Level: ____ Exp.Date: _____

Name: _____ WW Cert #: _____ Level: ____ Exp.Date: _____

Mailing Address: _____

City, State Zip Code: _____

Telephone: _____ E-mail: _____

ORC Signature (Collection System): _____

"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."

Name (please print): _____

Position: _____

Authorized Signature: _____

Date: _____

PERMITTEE RESPONSIBILITIES

Article 9 of Title 25, C.R.S., requires that every domestic or industrial wastewater treatment facility and collection system 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. A permittee who fails to comply with this requirement is subject to a penalty of \$300 per day per violation.

“Direct supervision” means that the operator in responsible charge has supervisory responsibility and authority with respect to the operation of the wastewater facility and for the activities and functions of other facility operators.

The operator in responsible charge (ORC) is the person designated by the permittee of a wastewater facility to be the certified operator(s) who has ultimate responsibility for decisions regarding the daily operational activities of the facility that will directly impact the quality and/or quantity of treated wastewater or treated effluent.”

There must be a designated operator in responsible charge or another designated operator certified at or above the level of the facility available for all operating shifts. “Available” means that the designated certified operator must either be on-site or must be able to be contacted as needed to make decisions and to initiate appropriate actions in a timely manner.

Section 100.18.4, Regulation 100, requires the owner(s) of each facility or system to formally designate the Operator in Responsible Charge and to report to the Division any changes no later than thirty days following any changes.