

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

April 4, 2013

Certified Mail Number: 7012 1010 0002 1774 4986

Krelae, LLC
d/b/a: San Souci Mobile Home Park
Kevin R. Ehrlick
410 Centennial Drive
Louisville, CO 80027

**RE: Service of Notice of Violation/Cease and Desist Order, Number: DO-130403-1, and
Service of Operator Certification Notice of Violation, Number: OC-130403-1**

Dear Kevin R. Ehrlick:

Krelae, LLC is 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 Krelae, LLC 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., Krelae, LLC 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.

Moreover, Krelae, LLC 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. The Division bases this OCNOV upon findings that Krelae, LLC has violated 5 CCR 1003-2, §100 ("Regulation 100") – *Water and Wastewater Facility Operators Certification Requirements* – as described in the enclosed OCNOV.

Pursuant to §25-9-110(3), C.R.S., Krelae, LLC 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 violation 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 Krelae, LLC desire to discuss the NOV/CDO or the OCNOV with the Division, or if you have any questions regarding NOV/CDO or the OCNOV, please don't hesitate to contact Aly Moores at (303) 692-3163 or by electronic mail at alysia.moores@state.co.us

Sincerely,



Michael Harris, Unit Manager
Clean Water Compliance & Enforcement Unit
WATER QUALITY CONTROL DIVISION

Enclosure

cc: Enforcement File

ec: Natasha Davis, EPA Region VIII
Boulder County Health Department
Michael Beck, Grants and Loans Unit, CDPHE
Doug Camrud, Engineering Section, CDPHE
Kelly Jacques, Field Services Section, CDPHE
Erin Scott, Permits Section, CDPHE
Aly Moores, Compliance & Enforcement Unit, CDPHE
Tania Watson, Compliance & Enforcement Unit, CDPHE
Olive Hofstader, EPA Region VIII
Jackie Whelan, Facility Operators Program, CDPHE
Barry Cress, DOLA



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-130403-1

IN THE MATTER OF: KRELAE, LLC
d/b/a: SAN SOUCI MOBILE HOME PARK
CDPS PERMIT NO. COG-588000
CERTIFICATION NO. COG-588101
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, 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 violations cited herein, Krelae, LLC was a Colorado limited liability company in good standing and registered to conduct business in the State of Colorado.
2. Krelae, LLC 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. Krelae, LLC owns and/or operates San Souci Mobile Home Park wastewater treatment facility, located at 1561 S. Foothills Hwy., in or near the City of Boulder, Boulder County, Colorado, (the "Facility").
4. The Facility is subject to the Colorado Discharge Permit System General Permit Number: COG-588000 (the "Permit"). The current Permit became effective on June 1, 2005, and was set to expire on May 31, 2010, but is currently administratively continued until issuance of a renewal permit. Krelae, LLC, doing business as San Souci Mobile Home Park, obtained authorization to discharge under the Permit via Certification Number: COG-588101 (the "Certification").

5. The Permit and Certification authorizes Krelae, LLC to discharge treated wastewater from the Facility through Outfall 001A into South Boulder Creek. The discharge is subject to the specific effluent limitations and other conditions of the Permit and Certification.
6. South Boulder Creek 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).
7. Pursuant to 5 CCR 1002-61, §61.8, Krelae, LLC must comply with all the terms and conditions of the Permit and Certification, and violations of such terms and conditions as specified in the Permit and Certification 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

8. Pursuant to Part I. C. 1. of the Permit, regardless of whether or not effluent discharge occurs at the Facility, Krelae, LLC is required to monitor influent parameters at specified frequencies and report the results on a Discharge Monitoring Report (“DMR”).
9. Pursuant to Part I. C. 2. of the Permit, Krelae, LLC is required to monitor effluent parameters at specified frequencies and report the results on a DMR.
10. Pursuant to Part I. F. 2. of the Permit, Krelae, LLC is required to report all monitoring results on a monthly basis using Division approved DMRs. Krelae, LLC is required to ensure the DMRs are mailed to the Division so that they are received no later than the 28th day of the month following the monitoring period. The Permit specifies that if no discharge occurs during the monitoring period, “No Discharge” shall be reported.
11. Division records establish that Krelae, LLC failed to submit influent DMRs to the Division for monitoring point 300I at the Facility for the reporting periods of March 2012 through February 2013.
12. Division records establish that Krelae, LLC failed to submit effluent DMRs to the Division for monitoring point 001A at the Facility for the reporting periods of March 2012 through February 2013.
13. Krelae, LLC’s failure to submit DMRs to the Division by the 28th day of the month following each monitoring period constitutes violations of Part I. F. 2. of the Permit.

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 Krelae, LLC has violated the following sections of the Permit.

Part I. F. 2. of the Permit which states in part, “Monitoring results shall be summarized for each month and reported on the DMR forms (EPA form 3320-1). The forms shall be mailed to the agencies listed below so that the DMR is received by the agencies no later than the 28th day

of the following month. If no discharge occurs during the reporting period, "No Discharge" shall be reported. The DMR forms shall be filled out accurately and completely in accordance with requirements of this permit and the instructions on the forms..."

REQUIRED CORRECTIVE ACTION

Based upon the foregoing factual and legal determinations and pursuant to §25-8-602 and §25-8-605, C.R.S., Krelae, LLC 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 Krelae, LLC to comply with the following specific terms and conditions of this Order:

16. Within thirty (30) calendar days of receipt of this Order, Krelae, LLC shall submit all records of its influent and effluent discharge monitoring at the Facility for all monitoring periods in which DMRs have not been submitted to the Division through the date of this Order. The records shall include all laboratory data reports, all field measurement reports, and all calibration and maintenance records, including all other information required to be retained by Part I. E. 4. of the Permit.
17. Within thirty (30) calendar days of receipt of this Order, Krelae, LLC shall review the requirements of the Permit and Certification with its 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 and Certification, 2) the effluent and influent 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, Krelae, LLC shall submit a written certification to the Division stating that it has completed the review of the Permit and Certification with its responsible staff.

ORDER FOR CIVIL PENALTY

18. 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.
19. 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 Krelae, LLC 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.

20. If Krelae, LLC 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: Aly Moores
4300 Cherry Creek Drive South
Denver, Colorado 80246-1530

NOTICES AND SUBMITTALS

For all documents, plans, records, reports and replies required to be submitted by this Notice of Violation / Cease and Desist Order / Order for Civil Penalty, Krelae, LLC 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: Aly Moores
4300 Cherry Creek Drive South
Denver, Colorado 80246-1530

Telephone: (303) 692-3163
Email: alysia.moores@state.co.us

For any person submitting documents, plans, records and reports pursuant to this Notice of Violation / Cease and Desist Order / Order for Civil Penalty, 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.

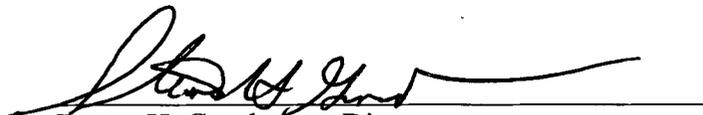
EFFECT OF ORDER

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 3rd day of April 2013.

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: Krelae, LLC d/b/a: San Souci Mobile Home Park	Permit Number: COG-588000 Certification Number: COG-588101
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Beneficial Use Classification: Boulder Creek Basin Segment 4b – Aquatic Life Cold 1, Recreation E, Water Supply, Agriculture
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Type of Facility: Domestic - Minor, Municipal, Mechanical System	Flow: 0.018 MGD
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Part I – Administrative Violations Penalty Determination

	Violation Type	Adjustment	Amount in Dollars
Line 1	Delinquent and/or Late DMRs	+/- 0%	\$6,000.00
	<p><i>Calculation:</i> Krelae, LLC failed to submit DMRs for monitoring locations 001A and 300I by the due date described in the permit for the reporting periods of March 2012 thru February 2013, for a total of 12 monitoring periods and 24 delinquent DMRs.</p> <p>In accordance with 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 increase will be based on the period during which these violations have occurred and the severity of the violations.</p> <p>In instances where the permittee has failed to complete a DMR because of the unavailability of analytical effluent results, or where all available data have not been reported, the Division will set the penalty as follows:</p> <p>In situations where a DMR is not submitted (or an incomplete DMR is submitted), the penalty for violations cited in the first NOV will consist of a base penalty per DMR of up to \$500 plus the cost of analysis for each missing parameter.</p>		

Exhibit A

	<p>In a conservative effort to calculate the Administrative Penalty for the delinquent DMR violations, the Division has chosen to assess a single \$500 penalty per monitoring period as opposed to a \$500 penalty for each DMR. Additionally, while a long history of correspondence addressing late and missing DMRs exists, the Division has conservatively decided not to increase the penalty by the allowed 100% per occurrence.</p> <p 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: Krelae, LLC 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, Krelae, LLC likely avoided the cost of sampling and analyzing its permit-required influent and effluent parameters. 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 has conservatively chosen 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



COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
WATER QUALITY CONTROL DIVISION

OPERATOR CERTIFICATION NOTICE OF VIOLATION

NUMBER: OC-130403-1

IN THE MATTER OF: KRELAE, LLC
d/b/a: SAN SOUCI MOBILE HOME PARK
PWSID NO. CO-0107702
CDPS PERMIT NO. COG-588000
CERTIFICATION NO. COG-588101
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, Krelae, LLC was a Colorado limited liability company in good standing and registered to conduct business in the State of Colorado.

Drinking Water Treatment Facility/Distribution System

2. Krelae, LLC owns San Souci Mobile Home Park and its associated drinking water system located in the vicinity of 1561 S. Foothills Hwy., in or near the City of Boulder, Boulder County, Colorado (the "System").
3. The System is a public water system as defined by Colorado's drinking water statute, §25-1.5-201(1), C.R.S., and its implementing regulation, 5 CCR 1003-1, §1.5.2(107).
4. The Public Water System Identification Number ("PWSID") assigned to the System by the Division is PWSID #: CO-0107702.
5. The System's source of water is groundwater under the direct influence of surface water ("GWUDI"), as defined by 5 CCR 1003-1, §1.5.2(65).
6. Division records establish that the System serves fewer than 3,300 persons.

7. The System includes a water treatment facility as defined by the Colorado Water and Wastewater Treatment Facility Operators Act (the "Act") at §25-9-102(7), C.R.S., and its implementing regulation, 5 CCR 1003-2, §100.2(32).
8. The System includes a water distribution system as defined by the Act at §25-9-102(6), C.R.S., and its implementing regulation, 5 CCR 1003-2, §100.2(31).
9. Pursuant to 5 CCR 1003-2, §100.4.2, the System's water treatment facility is classified as "Class D."
10. Pursuant to 5 CCR 1003-2, §100.7.2, the System's distribution system is classified as "Class 1."

Domestic Wastewater Treatment Facility

11. Krelae, LLC owns San Souci Mobile Home Park and its associated wastewater treatment facility, located at 1561 S. Foothills Hwy., in or near the City of Boulder, Boulder County, Colorado, (the "Facility").
12. The Facility is subject to the Colorado Discharge Permit System General Permit Number: COG-588000 (the "Permit"). The current Permit became effective on June 1, 2005, and was set to expire on May 31, 2010, but is currently administratively continued until issuance of a renewal permit. Krelae, LLC, doing business as San Souci Mobile Home Park, obtained authorization to discharge under the Permit via Certification Number: COG-588101 (the "Certification").
13. The Facility includes a domestic wastewater treatment facility as defined by the Act at §25-9-102(4.5), C.R.S., and its implementing regulation, 5 CCR 1003-2, §100.2(11).
14. Pursuant to 5 CCR 1003-2, §100.5.2, the Facility's domestic wastewater treatment facility is classified as "Class C."

Failure to Have a Certified Operator in Responsible Charge

15. Pursuant to the Act at §25-9-110(2)(a), C.R.S., and 5 CCR 1003-2, §100.18.1(a), no owner of a water treatment facility, water distribution system, 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.
16. In accordance with 5 CCR 1003-2, §100.18.5, Krelae, LLC shall operate the System with an operator-in-responsible-charge certified at or above the Class D Water Treatment and Class 1 Water Distribution certifications.
17. In accordance with 5 CCR 1003-2, §100.18.5, Krelae, LLC shall operate the Facility with an operator-in-responsible-charge certified at or above the Class C Wastewater Treatment certification.

18. Pursuant to 5 CCR 1003-2, §100.18.4(a), each owner of a water or 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 Public Water System Identification (PWSID) number and the Colorado Discharge Permit System (CDPS) permit or certification number for all facilities listed.
19. Division records to-date establish that Krelae, LLC has failed to provide the Division with information or documents demonstrating that the System is operated under the direct supervision of an operator-in-responsible-charge, certified in a classification equivalent to or higher than Class 1 Water Distribution certification.
20. Division records to-date establish that Krelae, LLC 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 C Wastewater Treatment.
21. Krelae, LLC's failure to operate its water 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.
22. Krelae, LLC's failure to operate its water distribution system 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.
23. Krelae, LLC'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 Krelae, LLC to comply with the following specific terms and conditions of this Operator Certification Notice of Violation:

24. Within thirty (30) calendar days from the date of this Notice of Violation, Krelae, LLC shall retain an operator-in-responsible-charge certified in classifications equivalent to or higher than the classifications of the System, and 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.

25. Within forty-five (45) calendar days from the date of this Notice of Violation, Krelae, LLC shall submit to the Division the information specified in 5 CCR 1003-2, §100.18.4(a), documenting that the System and the Facility are being operated under the supervision of an operator with the proper certification(s). The attached Contact Information form (for the drinking water System's operator-in-responsible-charge) and Wastewater Operator in Responsible Charge Report form (for the wastewater Facilities' operator-in-responsible charge) may be used to report the required information. *(Please note that the System's and/or the Facility's classification(s) may change upon completion of any System/Facility improvements.)*

NOTICES AND SUBMITTALS

For all documents, plans, records, reports and replies required to be submitted by this Operator Certification Notice of Violation, Krelae, LLC 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
Clean Water Compliance and Enforcement Unit
Attention: Aly Moores
4300 Cherry Creek Drive South
Denver, Colorado 80246-1530
Telephone: 303-692-3163
Email: alysia.moores@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 water distribution system, a domestic or industrial wastewater treatment facility, or a wastewater collection system in the State of Colorado who violates 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 Department 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 the Act at §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 the Act at §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 the Act at §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 3rd day of April, 2013.

FOR THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT



Steven H. Gunderson, Director
WATER QUALITY CONTROL DIVISION

System Name: _____ PWSID#: _____

Contact Information

Revision? Actual date of changes described: _____

Signature: _____ Date: _____

System Physical Address (Not Mailing):

City: _____ County: _____ State: _____ Zip: _____

System Phone: _____ Ext: _____ Fax: _____

System E-mail: _____

Administrative Contact (AC) Name:

(The administrative contact is the primary contact person for all Department mail or other communications regarding drinking water compliance)

Mailing Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Ext: _____ Fax: _____

E-mail: _____

Legally Responsible Water System Owner Name:

(The legal owner is an individual, corporation, partnership, association, state or political subdivision thereof, municipality, or other legal entity)

Mailing Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Ext: _____ Fax: _____

E-mail: _____

Emergency Contact Name:

(The emergency contact should be someone the Department can contact in an emergency if the administrative contact is unavailable)

Mailing Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Ext: _____ Fax: _____

E-mail: _____

Distribution System (DS) Operator Name:

(A certified operator designated by the owner to have ultimate responsibility for decisions regarding operational activities)

Operator ID#: _____ (not the certificate number)

Mailing Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Ext: _____ Fax: _____

E-mail: _____

DS Operator Signature: _____

Treatment Operator Name: Same as DS?

(A certified operator designated by the owner to have ultimate responsibility for decisions regarding operational activities)

Operator ID#: _____ (not the certificate number)

Mailing Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Ext: _____ Fax: _____

E-mail: _____

Treatment Operator Signature: _____



Colorado Department of Public Health and Environment

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.