



# COLORADO

## Department of Public Health & Environment

### WATER QUALITY CONTROL DIVISION

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OPERATOR CERTIFICATION NOTICE OF VIOLATION

NUMBER: OC-151204-1

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IN THE MATTER OF:           KRELAE, LLC  
  d/b/a SAN SOUCI MOBILE HOME PARK  
  CDPS PERMIT NO. COG588000  
  CERTIFICATION NO. COG588101  
  BOULDER COUNTY, COLORADO

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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), 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.
2. 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").
3. The Facility is subject to the Colorado Discharge Permit System General Permit Number: COG588000 (the "Permit"). The current Permit became effective on June 1, 2013. Krelae, LLC, doing business as San Souci Mobile Home Park, obtained authorization to discharge under the Permit via Certification Number: COG588101 (the "Certification").
4. 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).
5. 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

6. 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.

7. 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.
8. 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.
9. On December 18, 2013, representatives from the Division conducted an on-site inspection of the Facility pursuant to the Division's authority under §25-8-306, C.R.S.
10. During the December 18, 2013 inspection, it was determined that Krelae, LLC did not have a certified operator with adequate certification. The Facility requires a Class C operator for treatment. At the time of the inspection the operator-in-responsible-charge held only a Wastewater Treatment Class D certification, which does not meet the certification level required by 5 CCR 1003-2, §100.18.5.
11. Division records 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.
12. 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.

#### **Failure to Comply with Operator Certification Notice of Violation**

13. On April 3, 2013, the Division issued Operator Certification Notice of Violation, Number OC-130403-1 (the "2013 OCNOV") to Krelae, LLC. The 2013 OCNOV included findings that Krelae, LLC failed to operate its domestic wastewater treatment facility under the supervision of a certified operator with proper classification. The 2013 OCNOV included required corrective actions for Krelae, LLC to undertake, which were included as paragraphs 24-25 of the 2013 OCNOV. A copy of the 2013 OCNOV is attached hereto as Exhibit A and is incorporated herein by reference.
14. Pursuant to §25-9-110(3), C.R.S., Krelae, LLC was required to submit an answer to each alleged violation contained in the 2013 OCNOV no later than thirty (30) calendar days after receipt of the action.

15. Pursuant to §25-9-110(4), C.R.S., and 5 CCR 1003-2, §100.21.1, Krelae, LLC was allowed thirty (30) calendar days to file a request for a public hearing to determine the validity of the OCNOV. As further outlined in the 2013 OCNOV, absent a request for a hearing, the validity of the factual allegations and the 2013 OCNOV shall be deemed established in any subsequent proceeding.
16. The Division did not receive a request for a hearing from Krelae, LLC, nor the required answer to the 2013 OCNOV. Additionally, the Division did not receive the submittals required by paragraphs 24-25 of OCNOV.
17. Krelae, LLC's forfeiture of a hearing request constitutes a waiver of its right to hearing, including a waiver of its right to contest the findings and conclusions set forth in the 2013 OCNOV. As such, the 2013 OCNOV constitutes a final agency action.
18. Krelae, LLC is in violation of the 2013 OCNOV as a result of its failure to submit the required answer and its failure to comply with the corrective action requirements outlined in paragraphs 24-25 of the 2013 OCNOV.

### 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:

19. 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 Facility as specified in the *Water and Wastewater Facility Operators Certification Requirements*, 5 CCR 1003-2.
20. 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, 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 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, Krelae, LLC shall submit an original and an electronic copy to the Division at the following address:

Aly Moores  
Colorado Department of Public Health and Environment  
Water Quality Control Division  
Mail Code: WQCD-CWE-B2  
4300 Cherry Creek Drive South  
Denver, Colorado 80246-1530  
Telephone: 303-692-3163  
Email: [alysia.moores@state.co.us](mailto: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 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 "Statute") 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 Statute 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 Statute 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 4th day of December, 2015.

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



Nicole Rowan, P.E.  
Clean Water Program Manager  
WATER QUALITY CONTROL DIVISION

# EXHIBIT A



COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT  
WATER QUALITY CONTROL DIVISION

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**OPERATOR CERTIFICATION NOTICE OF VIOLATION**

**NUMBER: OC-130403-1**

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**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**

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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.

# EXHIBIT A

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.

## **EXHIBIT A**

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

# **EXHIBIT A**

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](mailto: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

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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 3<sup>rd</sup> day of April, 2013.

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



Steven H. Gunderson, Director  
WATER QUALITY CONTROL DIVISION



For Agency Use Only  
Date Received \_\_\_/\_\_\_/\_\_\_

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

## WASTEWATER OPERATOR IN RESPONSIBLE CHARGE REPORT

**NOTE: This form is to be used only for initial reporting of Operator in Responsible charge (“ORC”) information. Any updates and/or changes should be reported on the Division’s [Change of Contacts Form](#)**

### 1. PERMIT, CERTIFICATION, OR AUTHORIZATION NUMBER:

- Individual Permit: CO00\_\_\_\_\_
- General Permit (begins with COG or COX): CO\_\_\_\_\_ (this number does not end in 0000)
- Collection Only Facility (please skip to number 3)

### 2. PERMIT/CERTIFICATION INFORMATION:

Facility Name \_\_\_\_\_

Permittee Name \_\_\_\_\_

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

Telephone # \_\_\_\_\_ Email Address \_\_\_\_\_

### 3. COLLECTION ONLY FACILITY INFORMATION:

Legal name of collection system owner \_\_\_\_\_

Name of permit holder for the waste receiving facility \_\_\_\_\_

Permit number of waste receiving facility \_\_\_\_\_

### 4. FACILITY ORC INFORMATION:

#### WASTEWATER TREATMENT ORC

Operator Id# \_\_\_\_\_ Legal Name \_\_\_\_\_

#### COLLECTION SYSTEM ORC

Operator Id# \_\_\_\_\_ Legal Name \_\_\_\_\_

### 5. LEGAL CONTACT COMPLETING THIS FORM:

Signature (Legally Responsible Party) \_\_\_\_\_ Date \_\_\_\_\_

Name (printed) \_\_\_\_\_ Title \_\_\_\_\_

