May 28, 2016

Service of Amendment Number One to Drinking Water Enforcement Order DC-120112-1

Brighton MHP LLC (the “Supplier”) is hereby issued the enclosed Amendment Number One to Enforcement Order Number DC-120112-1 (the “Order”), which was issued on January 12, 2012.

Please contact Amy Schultz by phone at (303) 691-4927 or via e-mail at amy.schultz@state.co.us with any questions regarding the content of the Order.

Enclosure: Amendment Number One - Drinking Water Enforcement Order DC-120112-1

ec: Mark Cleaveland, Administrative Contact, julie@treatmenttech.net
Elaine Hassinger, Water Specialist, Tri-County Health Department, ehassinger@tchd.org
Brian Hlavacek, Tri-County Health Department, bhlavacek@tchd.org
Michael Weakley - Water Program Supervisor, mweakley@tchd.org
Kathelene Brainich, EPA Region VIII, brainich.kathelene@epa.gov
Sean Scott, Division of Environmental Health and Sustainability, CDPHE
CONSULTANT, BRIGHTON MHP LLC
AS OWNER AND/OR OPERATOR OF
PUBLIC WATER SYSTEM IDENTIFICATION NUMBER: CO0101030
ADAMS COUNTY, COLORADO

Pursuant to the authority vested in the Colorado Department of Public Health and Environment (the “Department”) by sections 25-1.5-203 and 25-1-114.1 and 25-9-110 of the Colorado Revised Statutes (“C.R.S.”), and section 11.1(6)(c), 5 CCR 1002-11, which authority is implemented through the Department’s Water Quality Control Division (the “Division”), the Department hereby makes the following findings and issues the following Amendment of Enforcement Order:

COLORADO PRIMARY DRINKING WATER REGULATIONS

1. The Water Quality Control Commission (the “Commission”) adopted Regulation 11 effective March 1, 2014 that replaced Regulation 5 CCR 1003-1, with the objective of improving clarity and readability. All enforcement orders issued after March 1, 2014 cite Regulation 11, 5 CCR 1002-11.

2. The Colorado Primary Drinking Water Regulations are published in the Code of Colorado Regulations at 5 CCR 1002-11 and are collectively referred to in this order as “Regulation 11.”

3. The Water and Wastewater Facility Operators Certification Requirements, Regulation No. 100 are published in the Code of Colorado Regulations at 5 CCR 1003-2 and are referred to in this Enforcement Order Amendment as “Regulation 100”.

GENERAL FINDINGS

4. On January 12, 2012, the Department issued Enforcement Order Number DC-120112-1 to Brighton MHP LLC (the “Supplier”) citing violations of the Colorado Primary Drinking Water Regulations (Regulation 11) for exceedances of the maximum contaminant level (MCL) for nitrate. The Enforcement Order is attached hereto as Exhibit A and is incorporated herein by reference.

5. On February 20, 2012, the Supplier completed installation of an ion exchange treatment system to
comply with the nitrate maximum contaminant level as approved by the Department on December 14, 2011.

6. Since installation the ion exchange treatment system, the Supplier has failed to comply with nitrate MCL during the Second Quarter of 2012, First, Second, and Third Quarter of 2013, Fourth Quarter of 2014, and First Quarter of 2016 as noted in Paragraph 10(a) of this Enforcement Order Amendment.

   a. Paragraph 26 of the Enforcement Order required the Supplier to immediately comply with Colorado Primary Drinking Water Regulations (Regulation 11). As a result, the Supplier is in violation of Enforcement Order Number DC-120112-1.

7. In a Compliance Advisory dated May 11, 2015, the Department notified the Supplier of its failure to comply with the Enforcement Order DC-120112-1 due to its ongoing exceedences of the nitrate MCL despite installation of the ion exchange treatment system.

8. In response to the May 11, 2015 Compliance Advisory, the Supplier submitted invoices indicating that components of the ion exchange treatment system had been upgraded and/or replaced to optimize performance of the treatment.

9. The Supplier continues to exceed the nitrate MCL in 2016. The ion exchange treatment system installed by the Supplier’s is not providing consistent and adequate removal of nitrate. As a result, Enforcement Order Number DC-120112-1 is hereby amended as follows:

**AMENDMENT NUMBER ONE**

10. Effective as of the issued date of this Amendment Number One, Enforcement Order Number DC-120112-1 is therefore amended as follows:

   a. Paragraph 22, as contained in the Enforcement Order DC-120112-1, is hereby amended with the following additional drinking water nitrate MCL exceedances.

<table>
<thead>
<tr>
<th>Compliance Quarter</th>
<th>Original Sample</th>
<th>Confirmation Sample</th>
<th>Compliance Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>2nd Quarter 2012</td>
<td>4/2/2012 - 18.1 mg/L</td>
<td>4/9/2012 - 3.9 mg/L</td>
<td>11 mg/L</td>
</tr>
<tr>
<td>1st Quarter 2013</td>
<td>2/28/2013 - 10.8 mg/L</td>
<td>3/6/2013 - 16 mg/L</td>
<td>13 mg/L</td>
</tr>
<tr>
<td>2nd Quarter 2013</td>
<td>5/23/2013 - 10 mg/L</td>
<td>5/30/2013 - 22.9 mg/L</td>
<td>16 mg/L</td>
</tr>
<tr>
<td>3rd Quarter 2013</td>
<td>8/21/2013 - 11 mg/L</td>
<td>8/27/2013 - 17.4 mg/L</td>
<td>14 mg/L</td>
</tr>
<tr>
<td>1st Quarter 2014</td>
<td>3/20/2014 - 15.9 mg/L</td>
<td>4/2/2014 - 14.3 mg/L</td>
<td>15 mg/L</td>
</tr>
<tr>
<td>4th Quarter 2014</td>
<td>11/12/2014 - 14.5 mg/L</td>
<td>11/14/2014 - 20.2 mg/L</td>
<td>17 mg/L</td>
</tr>
<tr>
<td>1st Quarter 2016</td>
<td>1/4/2016 - 16.7 mg/L</td>
<td>1/8/2016 - 6.8 mg/L</td>
<td>12 mg/L</td>
</tr>
<tr>
<td></td>
<td>2/9/2016 - 20.5 mg/L</td>
<td>2/12/2016 - 12.1 mg/L</td>
<td>16 mg/L</td>
</tr>
</tbody>
</table>

   b. Paragraph 27, as contained in Enforcement Order DC-120112-1, is hereby removed, superseded and replaced with the following new paragraphs:
1. In order to achieve long-term compliance with the Regulations, specifically including the nitrate maximum contaminant level for public water supplies, the Supplier shall evaluate and alter or upgrade, as needed, the System’s water sources and/or treatment processes in accordance with the following:

   a. Perform an engineering evaluation and prepare an engineering report in accordance with the following:
      
      i. All work must be performed by a qualified Professional Engineer (licensed in Colorado and experienced in drinking water treatment).

      ii. Perform an engineering evaluation of the Supplier’s existing water sources, treatment processes and finished water distribution and storage system and identify treatment and/or operational improvements and/or alternate water sources that will enable the Supplier to address its nitrate issues and to maintain consistent, long-term compliance with the nitrate MCL.

      iii. Prepare the engineering evaluation report that includes the following:

          1. A summary of the activities undertaken in performing the engineering evaluation work.

          2. Detailed analysis of reasonable alternatives that were considered. This must include capital, operational and maintenance costs and a summary of the advantages and disadvantages for each.

          3. Identification of the selected alternative with supporting justification.

      iv. **By September 30, 2016,** submit the engineering evaluation report to the Department for review and decision regarding adequacy.

         1. If the Department provides comments on the report, the Supplier must provide a written response **within (30) calendar days** that addresses all comments.

   b. **By December 31, 2016,** submit complete design plans and specifications (the design) for System improvements to comply with the nitrate MCL in accordance with the *State of Colorado Design Criteria for Potable Water Systems* for Department review and approval.

      i. **Within thirty (30) calendar days** of issuance of Department comments on the design, the Supplier shall resolve those comments and respond to the Department in writing.

   c. **Within thirty (30) calendar days** of Department approval of the design, the Supplier shall submit a construction completion schedule for the System improvements.
i. At a minimum, the schedule must address, but is not limited to the following:

1. The date by which the Supplier will begin construction/implementation of the System improvements. If the Supplier requires more than three (3) months to begin construction of the System improvements from the date of Department approval of the complete design, the Supplier shall include a rationale for the delay (e.g. contractor bids, weather).

2. The date by which the Supplier will complete construction/implementation of the System improvements. If the Supplier requires more than six (6) months to complete construction of the System improvements from the date of beginning construction, the Supplier shall include a rationale for the additional time.

ii. Upon the Department’s written approval of the Supplier’s construction completion schedule, all associated activities and schedule milestones shall become conditions of this Order.

iii. If the Supplier does not submit an adequate, proposed construction completion schedule and/or does not fully address Department comments, then the Department shall impose alternative activities and/or an alternate implementation schedule that shall become conditions of this Order.

iv. Within fourteen (14) calendar days of construction/implementation of System improvements, the Supplier shall submit a completed Construction As Approved Certification Form certifying that the System improvements were constructed/installed as approved by the Department. This form is available at:

https://www.colorado.gov/pacific/cdphe/wq-facility-design-and-approval-forms

c. Paragraphs 30 and 31, as contained in the Enforcement Order DC-120112-1, are hereby removed, superseded and replaced with the following new paragraph:

30. All documents, plans, records, reports and replies required to be submitted by this order shall be submitted by the Supplier to the Department in accordance with one (1) of the following:

Electronically - via the Drinking Water Portal
- Files submitted electronically under this Order must be in PDF format.
- Files are submitted using the Department’s Drinking Water Portal
- The Portal is an easy-to-use, online way for water systems and laboratories to submit drinking water compliance data, reports and other information.
- First-time users must create an account. The Portal is located at http://wqcdcompliance.com/login.

By Fax or Mail
Fax: (303) 758-1398
(For facsimile transmittals, please include a cover sheet addressed to Amy Schultz.)

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

REQUEST FOR HEARING OR APPEAL

7. Pursuant to section 11.1(6)(c)(iv), Regulation 11, a recipient of an Enforcement Order may request a hearing contesting such order. Requests for such a hearing shall be filed in writing with the Department within thirty (30) calendar days after service of the order. Such requests, at a minimum, shall contain the information specified in section 11.1(6)(c)(iv), Regulation 11 and, section 21.4(B)(2), 5 CCR 1002-21. Hearings on Enforcement Orders shall be held in accordance with applicable provisions of the State Administrative Procedure Act, Article 4 of Title 24, C.R.S. and the procedural rules promulgated in 5 CCR 1002-21.

SCOPE OF AMENDMENT NUMBER ONE

The scope of this Amendment Number One to Enforcement Order Number DC-120112-1 is limited to the revisions outlined above. All other terms and conditions of the Enforcement Order remain unchanged and in effect.

FOR THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

2016.05.28 18:02:14 -06'00'

Jennifer Robinett, Section Manager
Drinking Water Compliance Assurance Section
Water Quality Control Division
January 12, 2012

PWSID# CO-0101030
Paracorp of California Incorporated, Registered Agent
Brighton MHP LLC
95 Emerson Street, Suite 601
Denver, CO 80218

RE: Service of Drinking Water Enforcement Order, Number: DC-120112-1

Dear Paracorp of California Incorporated:

Brighton MHP LLC is hereby issued the enclosed Enforcement Order (the “Order”). This Order is issued by the Colorado Department of Public Health and Environment, Water Quality Control Division (the "Department") pursuant to the authority given to the Department by §25-1.5-203 of the Colorado Revised Statutes (“C.R.S.”). The Department bases this Order upon findings that Brighton MHP LLC has violated the Colorado Primary Drinking Water Regulations (the “Regulations”) as described in the enclosed Order.

As a recipient of an Order, Brighton MHP LLC may request a formal hearing to contest the Order in accordance with the Regulations, 5 CCR 1003-1, §1.6.7(g). Requests for such a hearing shall be filed in writing with the Department within thirty (30) calendar days after service of the Order. Such requests, at a minimum shall contain the information specified in 5 CCR 1003-1, §1.6.7(g), and 5 CCR 1002-21, §21.4(B)(2). Hearings on Orders shall be held in accordance with applicable provisions of the State Administrative Procedure Act, Article 4 of Title 24, C.R.S., and the procedural rules promulgated in 5 CCR 1002-21.

This action could result in the imposition of administrative or civil penalties. The Department or a State District Court is authorized pursuant to §25-1-114.1, C.R.S., to impose a penalty of up to $1,000 per violation per day. Please be advised that the Department is continuing its investigation into this matter and the Department may identify supplementary violations that warrant amendments to this Order or the issuance of additional enforcement actions.
Should you desire to informally discuss this matter with the Department or if Brighton MHP LLC has any questions regarding the Order, please don’t hesitate to contact Lauren Worley at (303) 692-3547 or by electronic mail at lauren.worley@state.co.us.

Sincerely,

[Signature]

Russell Zigler, Legal Assistant
Enforcement Unit
Compliance Assurance Section
WATER QUALITY CONTROL DIVISION

Enclosure

cc: Tri-County Health Department
    Benson Smith, ORC, Treatment Technologies, Inc., P.O. Box 668, Evergreen, CO 80437
    Drinking Water Enforcement File

cc: Amy Zimmerman, Engineering Section, CDPHE
    Dick Parachini, Watershed Program, CDPHE
    Lori Moore, Facility Operators Program, CDPHE
    Shawn McCaffrey, EPA Region VIII
    Nicole Grisham, Division of Environmental Health and Sustainability, CDPHE
    Lauren Worley, Case Lead, CDPHE
COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
WATER QUALITY CONTROL DIVISION

ENFORCEMENT ORDER

IN THE MATTER OF: BRIGHTON MHP LLC
PUBLIC WATER SYSTEM IDENTIFICATION NUMBER: CO-0101030
ADAMS COUNTY, COLORADO

Pursuant to the authority vested in the Colorado Department of Public Health and Environment (the "Department") by §25-1-109 and §25-1.5-203 of the Colorado Revised Statutes ("C.R.S."), which authority is implemented through the Department’s Water Quality Control Division (the "Division"), the Division hereby makes the following findings and issues the following Enforcement Order:

GENERAL FINDINGS

1. At all times relevant to the violations cited herein, Brighton MHP LLC ("Brighton MHP") was a foreign limited liability company in good standing and registered to conduct business in the State of Colorado (Colorado Secretary of State ID Number: 20091175511).

2. Brighton MHP owns and/or operates a drinking water system located in the vicinity of 371 South Main Street, City of Brighton, Adams County, Colorado (the "System").

3. Brighton MHP is a person as defined by 5 CCR 1003-1, §1.5.2(98).

4. Brighton MHP is a supplier of water within the meaning of §25-1.5-201(2), C.R.S., and its implementing regulation, 5 CCR 1003-1, §1.5.2(128).

5. The System is a public water system as defined by §25-1.5-201(1), C.R.S., and its implementing regulation, 5 CCR 1003-1, §1.5.2(107).

6. The Public Water System Identification Number ("PWSID") assigned to the System by the Division is PWSID #: CO-0101030.

7. Pursuant to 5 CCR 1003-1, §1.2, the System is subject to the Colorado Primary Drinking Water Regulations (the "Regulations"), which were adopted pursuant to §25-1.5-203, C.R.S.
8. Pursuant to 5 CCR 1003-1, §1.5.2(15), if a system provides piped water for human consumption to at least fifteen (15) service connections used by year-round residents of the area served by the system and/or regularly serves at least twenty-five (25) year-round residents it is classified as a “community water system.” Division records establish that Brighton MHP serves 112 residents and the System is therefore classified as a community water system.

9. The System’s source of water is groundwater as defined by 5 CCR 1003-1, §1.5.2(63).

10. In an email dated August 11, 2011 sent to Brighton MHP’s Operator in Responsible Charge (Benson Smith, Treatment Technology, Inc.), the Division notified Brighton MHP that it was in violation of the maximum contaminant level for Nitrate and that it must submit a compliance schedule outlining activities to be performed to bring the System back into compliance with the maximum contaminant level for Nitrate.

11. On August 15, 2011, the Division received a compliance schedule from JVA, Incorporated on Brighton MHP’s behalf for the construction of System improvements to comply with the maximum contaminant level for Nitrate.

12. In a letter dated December 13, 2011, JVA, Incorporated submitted an updated compliance schedule on Brighton MHP’s behalf for the approval and construction of Nitrate treatment System improvements. The December 13, 2011 letter is incorporated herein by reference and enclosed as Exhibit A. The updated compliance schedule provided the following dates for completion of the Nitrate treatment System improvements:

13. In a letter dated December 14, 2011, the Division notified Brighton MHP of its approval of Brighton MHP’s Nitrate ion exchange treatment system design plans and specifications for compliance with the maximum contaminant level for Nitrate. The December 14, 2011 letter is incorporated herein by reference and as Exhibit B.

14. On January 11, 2012, Brighton MHP’s Operator in Responsible Charge (Benson Smith, Treatment Technology, Inc.) confirmed that the construction of the Division approved Nitrate ion exchange treatment system has not begun. The December 21, 2011 deadline established by the updated compliance schedule submitted to the Division for construction commencement has not been met and Brighton MHP is in violation of the compliance schedule.

First Violation
(Exceedance of the Maximum Contaminant Level for Nitrate)

15. Pursuant to 5 CCR 1003-1, §2.2, Table 2-3(11), all public water systems are subject to the Nitrate maximum contaminant levels of 10 mg/L (as Nitrogen).
16. Pursuant to 5 CCR 1003-1, §6.1.3(a), compliance with the Nitrate maximum contaminant level shall be determined by evaluating the analytical results of the System’s distributed water for Nitrate.

17. Pursuant to 5 CCR 1003-1, §6.1.5(b)(1), groundwater systems shall take a minimum of one sample at every entry point to the distribution system which is representative of each groundwater source after treatment (hereafter called a sampling point). Sampling shall be done at the same sampling point unless conditions make another sampling point more representative.

18. Pursuant to 5 CCR 1003-1, §6.1.5(e)(1), beginning in the initial compliance period, community groundwater systems shall monitor annually for Nitrate or combined Nitrate/Nitrite.

19. Pursuant to 5 CCR 1003-1, §6.1.5(h), the Department may require more frequent monitoring than specified in 5 CCR 1003-1, §6.1.5(c), (d), (e) and (f) or may require confirmation samples for positive and negative results at its discretion.

20. The Official 2011 Drinking Water Monitoring Schedule provided to the System by the Division outlines that the System was required to monitor for Nitrate at the entry point (Sampling Point 002) to the distribution system (after treatment) during each month of calendar year 2011.

21. Pursuant to 5 CCR 1003-1, §§1.6.4 and 6.1.2, the supplier of water shall report to the Department the results of their Nitrate monitoring within (a) the first ten days following the month in which the result is received, or (b) the first ten days following the end of the required monitoring period as stipulated by the Department, whichever of these is shorter.

22. Division records establish that the System has reported the following Nitrate monitoring data to the Division:

<table>
<thead>
<tr>
<th>Quarter</th>
<th>Sample Date (Sample Point 002)</th>
<th>Nitrate Sampling Results in mg/L (as nitrogen)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1st Q 2011</td>
<td>2-24-2011 (initial)</td>
<td>12.35</td>
</tr>
<tr>
<td></td>
<td>3-3-2011 (confirmation)</td>
<td>11.77</td>
</tr>
<tr>
<td></td>
<td>1st Q 2011 Average:</td>
<td>12.16</td>
</tr>
<tr>
<td>4th Q 2011</td>
<td>10-14-2011 (initial)</td>
<td>12.6</td>
</tr>
<tr>
<td></td>
<td>10-27-2011 (confirmation)</td>
<td>18.7</td>
</tr>
<tr>
<td></td>
<td>4th Q 2011 Average:</td>
<td>15.7</td>
</tr>
<tr>
<td>1st Q 2012</td>
<td>1-4-2012 (initial)</td>
<td>19.6</td>
</tr>
<tr>
<td></td>
<td>Not Collected (confirmation)</td>
<td>N/A</td>
</tr>
<tr>
<td></td>
<td>1st Q 2012 Average:</td>
<td>19.6</td>
</tr>
</tbody>
</table>

23. Pursuant to 5 CCR 1003-1, §6.1.3(a)(3), compliance with the maximum contaminant level for Nitrate is determined based on one sample if the Nitrate level is below the maximum contaminant level. If the level of Nitrate exceeds the maximum contaminant level in the initial sample, a confirmation sample is required in accordance with §6.1.5(g)(2), and compliance shall be determined based on the average of the initial and confirmation samples.
24. Division records establish that the average of the Brighton MHP’s initial and confirmation Nitrate samples taken at Sample Point 002 during the first quarter of 2011 equal 12.16 mg/L and during fourth quarter of 2011 equal 15.7 mg/L, both levels are in exceedance of the 10 mg/L (as Nitrogen) Nitrate maximum contaminant level. Division records further establish that the Brighton MHP’s initial Nitrate sample taken at Sample Point 002 during the first quarter of 2011 was 19.6 mg/L, a level in exceedance of the 10 mg/L (as Nitrogen) Nitrate maximum contaminant level.

25. Brighton MHP’s failure to comply with the Nitrate maximum contaminant levels constitutes violation(s) of 5 CCR 1003-1, §§2.2, Table 2-3(11), and 6.1.3(a)(3).

COMPLIANCE REQUIREMENTS

Based upon the foregoing factual and legal determinations and pursuant to 5 CCR 1003-1, §1.6.7, Brighton MHP is hereby ordered to:

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

Further, the Division hereby orders Brighton MHP to comply with the following specific terms and conditions of this Enforcement Order.

27. In order to achieve long-term compliance with the Colorado Primary Drinking Water Regulations, specifically including the Nitrate maximum contaminant level for public water supplies, the Brighton MHP shall evaluate the System’s water sources, distribution system and operational practices, and/or treatment processes and modify, alter or upgrade them, as needed, in accordance with the following schedule:

a. By February 27, 2012, complete construction/implementation of the Nitrate ion exchange treatment system approved by the Division on December 14, 2011.

b. Within ten (10) calendar days of completion/implementation of the System improvements, submit a completed Construction As Approved Certification Form certifying that the System improvements to comply with the Nitrate maximum contaminant level were constructed/installed as approved by the Department. This form is available at:


28. Within twenty four (24) hours after receipt of this Order, Brighton MHP shall issue a Nitrate public notice, in accordance with 5 CCR 1003-1, §9.2, as required by the Division in the most recent Nitrate maximum contaminant level Compliance Advisory. Brighton MHP shall maintain a continuous posting of its Nitrate public notice until it has been notified in writing by the Division that the System has returned to compliance with the maximum contaminant levels for Nitrate. Brighton MHP shall submit to the Department, along with the mandatory certification, a representative copy of each type of notice distributed, published, posted, and/or made available to the persons served by the system and/or to the media in accordance with the most recent Nitrate maximum contaminant level Compliance Advisory. Additional guidance for proper public notification can be viewed at the following Internet location:

29. All documents submitted under this Order shall use the same titles as stated in the Order and shall reference both the Order number and the paragraph number pursuant to which the document is required.

NOTICES AND SUBMITTALS

30. For all documents, plans, records, reports and replies required to be submitted by this order, Brighton MHP shall submit an original and one copy (electronic is preferred) to the Division at the following address:

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

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

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

31. All reports, notices, summaries, and certifications required to be submitted to the Division by the public water system must bear the original signature of the owner or the owner’s authorized representative.

NOTICE OF COMPLETION

32. Brighton MHP shall submit a Notice of Completion to the Division upon satisfactory completion of all requirements of this Enforcement Order. The Division shall either accept or reject the Notice of Completion in writing. If the Division rejects the Notice of Completion, it shall include in its notice a statement identifying the requirements that the Division considers incomplete or not satisfactorily performed and a schedule for completion. If Brighton MHP wishes to dispute the Division’s rejection of its Notice of Completion, it shall, within fifteen (15) calendar days of receipt of the Division’s rejection, submit a written statement as to its belief of full compliance, addressing in detail all concerns the Division raised in the rejection letter to the System’s Notice of Completion.

PRIOR APPROVAL REQUIRED

33. Pursuant to 5 CCR 1003-1, §1.11.2, no person shall commence construction of any new waterworks, or make improvements to or modify the treatment process of an existing waterworks, or initiate use of a new source, until plans and specifications for such construction, improvements, modifications or use have been submitted to, and approved by the Department. A Professional Engineer registered in the State of Colorado shall design all treatment systems serving a community water supply. The Department shall grant such approval when it finds that the proposed facilities are capable of complying, on a continuous basis, with all applicable laws, standards, rules and regulations.
POTENTIAL ADMINISTRATIVE/CIVIL AND CRIMINAL PENALTIES

34. You are also advised, pursuant to §25-1-114.1, C.R.S., that violators of the Regulations or final Enforcement Orders issued by the Department are subject to civil or administrative penalties of up to one thousand dollars ($1,000) per violation per day, to be imposed by the Department or a State District Court. Further, pursuant to §25-1-114(4), C.R.S., any person, association, or corporation, or the officers thereof, who violates, disobeys, or disregards any provision of the Regulations or an Enforcement Order is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than one thousand dollars ($1,000), or by imprisonment in the county jail for not more than one (1) year, or by both such fine and imprisonment and, in addition to such fine and imprisonment, shall be liable for any expense incurred by health authorities in removing any nuisance, source of filth, or cause of sickness. By virtue of issuing this Enforcement Order, the Department has not waived its right to bring an action for administrative, civil or criminal penalties and may bring such action in the future.

REQUEST FOR HEARING OR APPEAL

35. You are further advised, pursuant to 5 CCR 1003-1, §1.6.7(g), that a recipient of an Enforcement Order may request a hearing contesting such order. Requests for such a hearing shall be filed in writing with the Department within thirty (30) calendar days after service of the order. Such requests, at a minimum, shall contain the information specified in 5 CCR 1003-1, §1.6.7(g) and 5 CCR 1002-21, §21.4(B)(2). Hearings on Enforcement Orders shall be held in accordance with applicable provisions of the State Administrative Procedure Act, Article 4 of Title 24, C.R.S. and the procedural rules promulgated in 5 CCR 1002-21.

ADDITIONAL ACTION

36. You are further advised that under §25-1-114.1(1), C.R.S., the Department may institute a civil action against any person who violates a final Enforcement Order of the Department issued for violation of any minimum general sanitary standard or regulation adopted pursuant to §25-1.5-203, C.R.S.

37. Additionally, the Department may request the Attorney General to seek a temporary restraining order or permanent injunction to prevent or abate any violation of a minimum general sanitary standard or regulation adopted pursuant to §25-1.5-203, C.R.S. Further information concerning the aforementioned action is contained in §25-1-114.1(3), C.R.S.

Issued at Denver, Colorado, this 12th day of January 2012.

FOR THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Lori M. Gerzina, Section/Manager
Compliance Assurance Section
Water Quality Control Division
December 13, 2011

Ms. Lauren Worley, Enforcement Officer
Compliance Assurance Section / Drinking Water Enforcement
Water Quality Control Division WQCD-WQP-B2
4300 Cherry Creek Drive South
Denver, CO 80246-1530

RE: Brighton Mobile Home Park Water Treatment Facility (PWSID#: CO0101030)
JVA Job Number: 1877c

Dear Ms. Worley:

On behalf of Brighton Mobile Home Park (Brighton MHP), JVA is informing CDPHE of the status of the Brighton MHP Water System Improvements and compliance with the Compliance Advisory dated March 7, 2011. This letter also serves as a progress report.

The existing Water Treatment Facility is currently out of compliance with the Colorado Primary Drinking Water Regulations due to elevated nitrate levels in their groundwater supply. In July 2011, Brighton MHP hired JVA, Inc. to complete a construction application and Drinking Water Engineering Report. Upon review of this report, CDPHE sent two Requests For Information (RFI); one on October 20, 2011, and one on November 29, 2011. Responses to those RFIs were sent on November 14, 2011 and November 29, 2011, respectively. The following is an updated compliance schedule. The anticipated CDPHE review timeframe is based on the Design Criteria for Potable Water Systems published by CDPHE. Any delays in approval may require additional time for compliance.

<table>
<thead>
<tr>
<th>Action required by Brighton MHP</th>
<th>Proposed Deadline</th>
</tr>
</thead>
<tbody>
<tr>
<td>CDPHE Construction Approval</td>
<td>December 20, 2011</td>
</tr>
<tr>
<td>Commence Construction</td>
<td>December 21, 2011</td>
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<tr>
<td>Complete Construction</td>
<td>January 20, 2012</td>
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Please note, the proposed compliance schedule assumes the latest CDPHE review will be completed within the week. The owners of Brighton MHP are prepared to commence construction immediately following CDPHE approval. If the review is delayed, the compliance schedule will need to be adjusted accordingly. Please call me at (303) 444-1951 if you have any questions or need additional information.

Sincerely,

JVA, INCORPORATED

By:  
Judah Gaioni
Design Engineer
December 14, 2011

Benson Smith
Brighton Mobile Home Park
P.O. Box 668
Evergreen, CO-80437

RE: Approval of Drinking Water Final Plans and Specifications for Construction
Nitrate Ion Exchange Treatment System, Brighton Mobile Home Park
Ground Water Treatment Plant Disinfection System
Public Water System Identification (PWSID) No. CO0101030, Adams County

Dear Mr. Smith:

The Water Quality Control Division (the Division), Engineering Section has received and reviewed the Final Plans and Specifications for the Brighton Mobile Home Park’s Nitrate Ion Exchange Treatment System in accordance with Article 1.11.2 of the Colorado Primary Drinking Water Regulations (CPDWR). The design meets or exceeds the requirements of the State of Colorado Design Criteria For Potable Water Systems (Design Criteria) and is hereby approved.

This approval is limited to the following:

- Improvements to GW Treatment Plant (TP002)
  - Treatment for No. 1 Well (WL001), Maximum flow rate of 12.0 gallons per minute (gpm).
  - Ion Exchange Media Replacement for nitrate (MCL violations) and total dissolved solids (TDS)/hardness (secondary standard):
    - Installation of two parallel cation exchange vessels (one in operation at all times):
      - Cation Resin – design basis LEWATIT C-249 NS.
      - 21” x 62” cation exchange vessels (design basis Pentair Water Model CH31343: 21x62 COMP 4’T). 7 cu-ft of resin per vessel.
      - One cation exchange vessel in operation at all times.
      - 1.7 gpm/cubic foot of resin or 12 gpm per vessel.
      - Regeneration with NaCl. Regeneration cycle will be regeneration following treatment of 7,500 gallons per vessel (10,430 gallons anticipated hardness breakthrough).
      - 1.5 inch blending bypass line around softening units in the event that stabilization for corrosion control is required.
      - Three 1.5 inch totalizing flow meters downstream of each cation vessel and on the bypass line (design basis Signet paddle Fleck Brass Electronic).
    - Installation of two parallel, two in series (4 vessels total) anion exchange vessels (one train in operation at all times):
      - Anion Resin – design basis DOWEX SAR.
      - 18” x 65” anion exchange vessels (design basis Pentair Water Model CH31343: 18x65 COMP 4’T4”B). 5 cu-ft of resin per vessel.
- One train of dual anion exchange vessels in series in operation at all times.
- 2.4 gpm/cubic foot of resin or 12 gpm per vessel.
- Regeneration with NaCl. Regeneration cycle will be regeneration following treatment of 11,500 gallons per train (12,620 gallons anticipated breakthrough).
- Two 1.5 inch totalizing flow meters - one downstream of each anion vessel train (design basis Signet Paddle Wheel with PVC Flow Tee)
  - Installation of three corrosion resistant polyethylene brine tanks.
  - One 24"x50" brine tank for cation softener vessels.
  - Two 24"x50" brine tanks - one for each twin anion vessel nitrate filter.
  - Ion Exchange brine sent to sanitary sewer (current practice).
- Treatment appurtenances.
  - Flow limited to 12 gallons per minute by 1" PVC 12 gpm control valve located downstream of the anion exchange tanks. Design basis Plast-O-Matic FC100EP-012-PV.
  - Associated piping and appurtenances.
- Existing treatment processes to remain in place (Approved on May 16, 2006)
  - Existing raw water sampling tap.
  - Existing finished water sampling tap.
  - Sodium hypochlorite treatment (D421): Sodium hypochlorite injection point prior to contact tanks. Residual chlorine monitoring location is after distribution system pumps.
  - Existing storage tanks located within treatment building: Two 300 gallon tanks in series (222 gallons minimum operating level) with a baffling factor of 0.3 for a treatment facility flowrate of 12 gpm. Third 1,390 gallon tank utilized for contact time and distribution system storage (1,000 gallons minimum) with a baffling factor of 0.3 for a treatment facility effluent flowrate of 25 gpm. Dual distribution system pumps located within treatment plant. Existing salt storage area.

The approval is subject to the following conditions:

- The public water system has elected to perform triggered source water monitoring. Therefore, the system does not need to maintain 4-log virus inactivation on a continuous basis. However, the system is required to have the capability of providing 4-log inactivation before or at the first customer. The system has provided evidence that successfully demonstrates the disinfection provided is capable of achieving 4-log virus inactivation. The conditions as outlined in the engineering plans and specifications which must exist for 4-log inactivation of viruses to be achieved are as follows:
  - To achieve continuous, 4-Log inactivation of viruses, the system would have to continuously maintain a chlorine residual of 0.40 mg/L at the treated water sampling tap assuming a flow rate of 12.0 gpm through the two 300 gallon tanks (minimum 222 gallons each) and 25.0 gpm through the one 1,390 tank (minimum 1,000 gallons) and a pH of 7.0 as specified in the engineering plans and specifications.

- In the event the system has a routine positive total coliform sample, the system will be required to monitor the source water for fecal indicators. If it is determined that fecal contamination exists within the source, the system may be required to meet the above conditions on a continuous basis until the source of contamination can be identified and removed if the system continues to use the source. If the system is required to maintain 4-log virus inactivation, the system will be required to monitor for chlorine residual at the location indicated above.
  - The Brighton Mobile Home Park is a Groundwater System with a population less than or equal to 3,300, therefore Article 13 of the CPDWR requires daily chlorine monitoring at the entry point for systems required to meet 4-log virus inactivation. The system will be required to work with the Division's Compliance Assurance Section to determine appropriate monitoring at that time.

- Additional raw water quality monitoring will be required to determine source water classification. This request will follow under separate cover from the Compliance Assurance Section. The Division evaluates groundwater wells for potential direct influence from surface water as established in CPDWR Articles 1.5.2(65) and 7.1.3(d). Subject to the results of the source water classification, additional treatment may be required. Any additional treatment requirements will be communicated by the Division in writing.
Part 1.2.11 of the *State of Colorado Design Criteria For Potable Water Systems* requires all chemicals and materials that come in contact with water to be ANSI/NSF 60 and 61 certified, respectively, for potable water use.

- The submitted NSF information indicated conditions for the DOWEX SAR media. All NSF conditions must be followed for the certification to be valid.

- All change orders or addenda that address treatment or piping must be submitted to this office in duplicate for review and approval by the Division.

- Upon completion of construction and prior to commencement of operation, a completed “Construction Completion Certification ‘As Built’ Form” from the design engineer stating that the system was constructed as approved and the operational starting date must be submitted to the Division. The Construction Completion Certification Form is available online at: http://www.cdphe.state.co.us/wq/engineering/pdf/2010/ConstructionCertFormDrinkingWater.pdf

- Section 1.1.2.3 of the CPDWR requires that systems submit any revisions to the Monitoring Plan within 30 days of the effective date of the change. Information on monitoring plans is available online at: http://www.cdphe.state.co.us/wq/drinkingwater/PublicWaterSystemReportingForms.html

- As required by Part 1.1.12 of the *State of Colorado Design Criteria for Potable Water Systems*, if construction of the treatment facility is not commenced within 365 days of this letter, this approval will expire and all information will be required to be updated and resubmitted for review and approval by the Division.

The documents reviewed were:


- Letter and attachments dated December 5, 2011 titled “Response to a Request for Information. Brighton Mobile Home Park; PWSID# CO0101030; Adams County” Prepared by JVA. Inc for Brighton Mobile Home Park.

- Electronic mail from Judah Gaioni with JVA dated December 17, 2011 including a revised flow schematic, loading rate, and equipment information.

The following notifications and requirements may apply to the project:

- Approval of this project is based only upon engineering design to provide safe potable water, as required by the CPDWR and shall in no way influence local building department or local health department decisions on this project. This review does not relieve the owner from compliance with all Federal, State, and local regulations and requirements prior to construction nor from responsibility for proper engineering, construction, and operation of the facility.

- In accordance with the current Colorado Operators Certification Board regulations, the Brighton Mobile Home Park water supply system is required to be under the responsible control of a Class “C” water treatment operator and a Class “1” distribution system operator. According to our records, the plant is under the responsible charge of Jeremy Wheeler. Our records state that Jeremy Wheeler currently holds a Class “C” water treatment plant certification and a Class “1” distribution system operator certification. Therefore the operator certification requirements are being met.

- Any point source discharges of water from the facility are potentially subject to a discharge permit under the State Discharge Permit System. Any point source discharges to state waters without a permit are subject to civil or criminal enforcement action. If you have any questions regarding permit requirements contact the Permits Unit at (303) 692-3500.
Please direct any further correspondence regarding the technical approval (plans and specifications/design review) to:

Melanie Criswell, P.E.
Colorado Department of Public Health and Environment
Water Quality Control Division – Engineering Section
4300 Cherry Creek Drive South
Denver, CO 80246-1530

Thank you for your time and cooperation in this matter. Please contact me by telephone at 303-692-3603 or by electronic mail at melanie.criswell@state.co.us if you have any questions.

Sincerely,

Melanie Criswell, P.E.
Senior Review Engineer
Engineering Section
Water Quality Control Division
Colorado Department of Public Health and Environment

cc: Blake Comfort
JVA, Inc.
Adams County Health Department
Drinking Water File

Bret Icenogle, WQCD ES Engineering Review Unit Manager
Jon Erickson, WQCD ES Field Based Technical Engineer
Jackie Whelan, WQCD Operator Program
Bryan Pihon, WQCD Compliance Assurance
Mike Sherry, WQCD Compliance Assurance
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