

STATE OF COLORADO

John W. Hickenlooper, Governor
Karin McGowan
Interim Executive Director

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

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Colorado Department
of Public Health
and Environment

August 20, 2013

Wolf Creek Ranch Ski Lodge, LLC
P.O. Box 242
South Fork, CO 81154

Certified Mail Number: 7007 0220 0001 0163 1053

Erich Schwiesow, Registered Agent
Wolf Creek Ranch Cabins Owners Association
P.O. Box 1270
Alamosa, CO 81101

Certified Mail Number: 7007 0220 0001 0163 1077

**RE: Service of Notice of Violation/Cease and Desist Order, Number: DO-130820-1
 Service of Operator Certification Notice of Violation, Number: OW-130820-1**

Dear Sirs,

Wolf Creek Ranch Ski Lodge, LLC and Wolf Creek Ranch Cabins Owners Association are hereby jointly served with the enclosed Notice of Violation / Cease and Desist Order (the "NOV/CDO"). The 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 the NOV/CDO upon findings that Wolf Creek Ranch Ski Lodge, LLC and Wolf Creek Ranch Cabins Owners Association have 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., Wolf Creek Ranch Ski Lodge, LLC and Wolf Creek Ranch Cabins Owners Association are required, within thirty (30) calendar days of receipt of this NOV/CDO, to submit to the Division an answer admitting or denying each paragraph of the Findings of Fact and responding to the Notice of Violation.

This action could result in the imposition of civil penalties. The Division is authorized pursuant to §25-8-608, C.R.S., to impose a penalty of \$10,000 per day for each day during which such violation occurs. Please be advised that the Division is continuing its investigation into this matter and the Division may identify supplementary violations that warrant amendments to this NOV/CDO or the issuance of additional enforcement actions.

Additionally, Wolf Creek Ranch Ski Lodge, LLC and Wolf Creek Ranch Cabins Owners Association are hereby jointly served with the enclosed Operator Certification Notice of Violation (the "OCNOV"). This OCNOV is issued by the Division pursuant to the authority

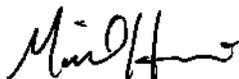
given to the Division by §25-9-110(3), C.R.S., of the *Water and Wastewater Facility Operators Certification Statute* (the "Statute"). The Division bases this OCNOV upon findings that Wolf Creek Ranch Ski Lodge, LLC and Wolf Creek Ranch Cabins Owners Association have violated the Statute and 5 CCR 1003-2, §100, the *Water and Wastewater Facility Operators Certification Requirements*, as described in the enclosed OCNOV.

Pursuant to §25-9-110(3), C.R.S., Wolf Creek Ranch Ski Lodge, LLC and Wolf Creek Ranch Cabins Owners Association are required, within thirty (30) calendar days of receipt of this OCNOV, to submit to the Division an answer to each alleged violation.

This operator certification action could result in the imposition of civil penalties. The Division is authorized pursuant to §25-9-110(5), C.R.S., to impose a penalty of up to \$300 per day for each day during which such violation occurs. Please be advised that the Division is continuing its investigation into this matter and the Division may identify supplementary violations that warrant amendments to this OCNOV or the issuance of additional enforcement actions.

Should Wolf Creek Ranch Ski Lodge, LLC and/or Wolf Creek Ranch Cabins Owners Association desire to discuss the NOV/CDO or the OCNOV with the Division, or if you have any questions regarding the NOV/CDO or the OCNOV, please don't hesitate to contact me at (303) 692-3598 or by electronic mail at michael.harris@state.co.us.

Sincerely,



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

Enclosure(s)

cc: Enforcement File

ec: Natasha Davis, EPA Region VIII
Mineral County Public Health Agency
Jimmy Burns, Wolf Creek Ranch Ski Lodge (jimmy.burns@wsadvisors.com)
Michael Beck, Grants and Loans Unit, CDPHE
Bret Icenogle, Engineering Section, CDPHE
Heather Drissel, Field Services Section, CDPHE
Nathan Moore, Permits Section, CDPHE
Tania Watson, Compliance & Enforcement Unit, CDPHE
Jackie Whelan, Facility Operators Program, CDPHE



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

NOTICE OF VIOLATION / CEASE AND DESIST ORDER

NUMBER: DO-130820-1

IN THE MATTER OF: WOLF CREEK RANCH SKI LODGE, LLC and
WOLF CREEK RANCH CABINS OWNERS ASSOCIATION
UNPERMITTED
MINERAL COUNTY, COLORADO

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

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. At all times relevant to the alleged violations identified herein, Wolf Creek Ranch Ski Lodge, LLC (the "Ski Lodge") was an Alabama limited liability company in good standing and registered to conduct business in the State of Colorado.
2. At all times relevant to the alleged violations identified herein, Wolf Creek Ranch Cabins Owners Association (the "Association") was a Colorado nonprofit corporation in good standing and registered to conduct business in the State of Colorado.
3. The Ski Lodge and Association are "persons" as defined under the Water Quality Control Act, §25-8-103(13), C.R.S. and its implementing permit regulation, 5 CCR 1002-61, §61.2(73).
4. The Ski Lodge and/or Association own and operate a wastewater treatment facility located at or near geographic coordinates 37.57884°, -106.74434°, approximately five miles southwest of the Town of South Fork, Mineral County, Colorado, (the "Facility").
5. The Facility includes two wastewater lagoons that receive sewage (domestic wastewater) from the Ski Lodge and Association. The Facility was originally designed to accept and treat an average wastewater flow of 9,980 gallons/day and discharge treated effluent to the South Fork of the Rio Grande River.

6. The Facility's wastewater treatment system is a "domestic wastewater treatment works" as defined by §25-8-103(5), C.R.S.
7. Pursuant to §25-8-501(1), C.R.S. and 5 CCR 1002-61, §61.3(1)(a), no person shall discharge any pollutant into any state water from a point source without first having obtained a permit from the Division for such discharge, and no person shall discharge into a ditch or man-made conveyance for the purpose of evading the requirement to obtain a permit under this article.
8. Pursuant to 5 CCR 1002-61, §61.14(1)(a), a permit is required for all discharges from impoundments unless:
 - a. The discharge is exempted under 5 CCR 1002-61, §61.14(1)(b);
 - b. The discharge is subject to regulation by one of the implementing agencies described in 5 CCR 1002-61, §61.14(2); or
 - c. The impoundment has received a waiver from the Division pursuant to §61.14(9)(a).
9. On October 5, 2011, representatives from the Division (the "Inspectors") conducted an on-site inspection of the Facility pursuant to the Division's authority under §25-8-306, C.R.S., to determine the Ski Lodge's and/or Association's compliance with the Water Quality Control Act and its implementing regulations. During the inspection, the Inspectors met with representatives of the Ski Lodge and/or Association and performed a physical inspection of the Facility.
10. During the October 5, 2011 inspection, the Inspectors identified that the lagoons at the Facility were constructed within, and discharging domestic wastewater to, the alluvium of the South Fork of the Rio Grande River.
11. The alluvium of the South Fork of the Rio Grande River contains groundwater that is tributary to the South Fork of the Rio Grande River.
12. Groundwater in the alluvium of the South Fork of the Rio Grande River 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).
13. The South Fork of the Rio Grande River is "state waters" as defined by §25-8-103(19), C.R.S. and its implementing permit regulation, 5 CCR 1002-61, §61.2 (102).
14. Domestic wastewater, including treated and partially treated sewage, is a "pollutant" as defined by §25-8-103(15), C.R.S. and its implementing permit regulation, 5 CCR 1002-61, §61.2 (76).
15. The Facility's wastewater lagoons are "impoundments" as defined by 5 CCR 1002-61, §61.2(43).
16. The Facility's domestic wastewater treatment works, including its lagoons, are a "point source" as defined by §25-8-103(14), C.R.S. and its implementing permit regulation, 5 CCR 1002-61, §61.2 (75).
17. The Ski Lodge's and Association's discharge of domestic wastewater from the Facility's lagoons does not meet any of the exemption criteria of 5 CCR 1002-61, §61.14(1)(a) and, therefore, is required to be permitted.

18. The Ski Lodge's and Association's discharge of domestic wastewater from the Facility into state waters constitutes a "discharge of pollutants" as defined by §25-8-103(3), C.R.S.
19. Division records establish that the Ski Lodge and/or Association do not have any permits authorizing discharges of pollutants from the Facility into state waters.
20. The Ski Lodge's and Association's discharges of domestic wastewater from the Facility constitutes an unauthorized discharge of pollutants from a point source into state waters in violation of §25-8-501(1), C.R.S., 5 CCR 1002-61, §61.3(1)(a), and 5 CCR 1002-61, §61.14(1)(a).

NOTICE OF VIOLATION

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

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

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

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

REQUIRED CORRECTIVE ACTION

Based upon the foregoing factual and legal determinations and pursuant to §25-8-602 and §25-8-605, C.R.S., the Ski Lodge and Association are hereby ordered to:

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

Furthermore, the Division hereby orders the Ski Lodge and Association to comply with the following specific terms and conditions of this Order:

23. The Ski Lodge and Association shall immediately initiate measures to evaluate the design and operation of the Facility's domestic wastewater treatment works and to seek coverage for the Facility under a Colorado Discharge Permit System ("CDPS") permit, including but not limited to the corrective actions identified below.

24. Within seven (7) calendar days of receipt of this Order, the Ski Lodge and Association shall retain the services of a professional engineer registered in the State of Colorado and experienced in domestic wastewater treatment to perform an evaluation of the Facility, and/or a review of any existing or ongoing engineering evaluations, and recommend measures to ensure a fully functioning, permitted, and approved wastewater treatment system is in place that complies with all requirements of the Water Quality Control Act and its implementing regulations. The evaluation shall consider, but not be limited to:
- a. An evaluation of the Facility's lagoons and other treatment processes to identify any deficiencies in the current design, operation, and/or maintenance of the Facility. This should include, but not be limited to, an evaluation of the capacity of the current system, the seepage rate from the lagoons, and the use and acceptability of the current aeration, chlorination, and other treatment processes, if installed.
 - b. An evaluation, recommendation, and plan for upgrades or expansion of the domestic wastewater treatment works, if determined necessary, that will ensure the Facility has adequate hydraulic and organic loading capacity, can meet the Preliminary Effluent Limitations that were provided for the Facility on August 15, 2011, and can obtain any necessary site location and design approval from the Division in accordance with §25-8-702, C.R.S. and 5 CCR 1002-22.
25. Within fourteen (14) calendar days of the receipt of this Order, the Ski Lodge and Association shall provide documentation to the Division that it has retained the services of the qualified individual or entity described in paragraph 24. The documentation shall include at, a minimum, a copy of the individual or entity's qualifications and a copy of the written contract or agreement for services, including a copy of the scope of services to be provided.
26. Within forty five (45) calendar days of receipt of this Order, the Ski Lodge and Association shall submit to the Division a report summarizing the results of the engineering evaluation/review identified in paragraph 24 above. The report shall include an aggressive plan and time schedule for the implementation of specific interim and long-term measures that the Ski Lodge and Association will complete to address the deficiencies identified through the evaluation/review. This includes a specific plan and time schedule for (1) obtaining coverage under a CDPS permit, (2) seeking and obtaining site location and design approval from the Division in accordance with §25-8-702, C.R.S. and 5 CCR 1002-22 for any necessary treatment improvements, and (3) commencing and completing construction of a Facility expansion and/or upgrades, if necessary. The submitted plan and time schedule shall become a condition of this Order and the Ski Lodge and Association shall implement the plan and time schedule as submitted unless notified by the Division, in writing, that an alternate plan or time schedule is appropriate. If the Division imposes an alternate plan or time schedule, it shall also become a condition of this Order.

- 27. The Ski Lodge and Association shall submit written bi-monthly progress reports to the Division outlining the Ski Lodge's and Association's activities and efforts to obtain CDPS permit coverage for the Facility and to achieve and maintain compliance with this Order. The first report shall be due by November 15, 2013, and subsequent reports shall be due every two months thereafter on the 15th day of the associated month. At a minimum, each report shall describe the activities undertaken since the last report and shall specify what activities will be undertaken within the next bi-monthly reporting period. The progress reports shall be required until closure of this Order or until the issuance of written notice from the Division that the reports are no longer necessary.
- 28. All documents submitted under this Order shall reference both the number of this Order and the number of the paragraph for which the submittal is required. Within thirty (30) calendar days of receiving Division comments on submitted documents, the Ski Lodge and Association shall revise the submitted document(s) to properly address the Division's comments and resubmit the document(s) for Division review.

NOTICES AND SUBMITTALS

For all documents, plans, records, reports and replies required to be submitted by this Notice of Violation / Cease and Desist Order, the Ski Lodge and Association 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: Michael Harris
4300 Cherry Creek Drive South
Denver, Colorado 80246-1530
Telephone: (303) 692-3598
Email: michael.harris@state.co.us

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

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

OBLIGATION TO ANSWER AND REQUEST FOR HEARING

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

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

FALSIFICATION AND TAMPERING

Be advised, in accord with §25-8-610, C.R.S., that any person who knowingly makes any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under the Colorado Water Quality Control Act or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this article is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than ten thousand dollars, or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment.

POTENTIAL CIVIL AND CRIMINAL PENALTIES

You are also advised that any person who violates any provision of the Colorado Water Quality Control Act (the "Act"), §§25-8-101 to 803, C.R.S., or of any permit issued under the Act, or any control regulation promulgated pursuant to the Act, or any final cease and desist order or clean-up order issued by the Division shall be subject to a civil penalty of not more than ten thousand dollars per day for each day during which such violation occurs. Further, any person who recklessly, knowingly, intentionally, or with criminal negligence discharges any pollutant into any state waters commits criminal pollution if such discharge is made without a permit, if a permit is required by the Act for such discharge, or if such discharge is made in violation of any permit issued under the Act or in violation of any Cease and Desist Order or Clean-up Order issued by the Division. By virtue of issuing this Notice of Violation / Cease and Desist Order, the State has not waived its right to bring an action for penalties under §§25-8-608 and 609, C.R.S., and may bring such action in the future.

RELEASE OR DISCHARGE NOTIFICATION

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

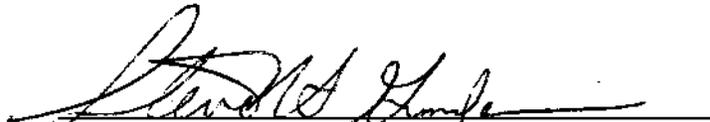
EFFECT OF ORDER

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

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

Issued at Denver, Colorado, this 20th day of August, 2013.

FOR THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT


Steven H. Gunderson, Director
WATER QUALITY CONTROL DIVISION



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

OPERATOR CERTIFICATION NOTICE OF VIOLATION

NUMBER: OW-130820-1

**IN THE MATTER OF: WOLF CREEK RANCH SKI LODGE, LLC and
 WOLF CREEK RANCH CABINS OWNERS ASSOCIATION
 UNPERMITTED
 MINERAL 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 alleged violations identified herein, Wolf Creek Ranch Ski Lodge, LLC (the "Ski Lodge") was an Alabama limited liability company in good standing and registered to conduct business in the State of Colorado.
2. At all times relevant to the alleged violations identified herein, Wolf Creek Ranch Cabins Owners Association (the "Association") was a Colorado nonprofit corporation in good standing and registered to conduct business in the State of Colorado.
3. The Ski Lodge and/or Association own and operate a wastewater treatment facility located at or near geographic coordinates 37.57884°, -106.74434°, approximately five miles southwest of the Town of South Fork, Mineral County, Colorado, (the "Facility").
4. The Facility includes a "domestic wastewater treatment facility" as defined by §25-9-102(4.5), C.R.S., and its implementing regulation, 5 CCR 1003-2, §100.2(13).
5. The Facility includes a "wastewater collection system" as defined by §25-9-102(4.9), C.R.S., and its implementing regulation, 5 CCR 1003-2, §100.2(28).
6. Pursuant to 5 CCR 1003-2, §100.5.2, the Facility's domestic wastewater treatment facility is classified as "Class D."
7. Pursuant to 5 CCR 1003-2, §100.8.2, the Facility's domestic wastewater collection system is classified as "Class 1."

Failure to Have a Certified Operator in Responsible Charge

8. Pursuant to §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.
9. In accordance with 5 CCR 1003-2, §100.18.5, the Ski Lodge and/or Association shall operate the Facility with an operator-in-responsible-charge certified at or above the Class D wastewater treatment and Class 1 wastewater collection certifications.
10. 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.
11. Division records establish that the the Ski Lodge and/or Association 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 the Class D wastewater treatment and Class 1 wastewater collection certifications.
12. The Ski Lodge's and/or Association'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.
13. The Ski Lodge's and/or Association's failure to operate its wastewater collection 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.

REQUIRED ACTION

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

14. Within thirty (30) calendar days from the date of this Notice of Violation, the Ski Lodge and/or Association 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.
15. Within forty-five (45) calendar days from the date of this Notice of Violation, the Ski Lodge and/or Association shall submit to the Division the information specified in 5 CCR 1003-2, §100.18.4, documenting that the Facility is being operated under the supervision of an operator with the proper certification(s). The attached Wastewater Operator in Responsible Charge Report form may be used to report the required information. *(Please note that the Facility's classification(s) may change upon completion of any Facility improvements.)*

NOTICES AND SUBMITTALS

For all documents, plans, records, reports and replies required to be submitted by this Operator Certification Notice of Violation, the Ski Lodge and/or Association 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: Michael Harris
4300 Cherry Creek Drive South
Denver, Colorado 80246-1530
Telephone: 303-692-3598
Email: michael.harris@state.co.us
Fax: (303) 782-0390

For any person submitting documents, pursuant to this Operator Certification Notice of Violation, that person shall make the following certification with each submittal:

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

POTENTIAL CIVIL PENALTIES

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

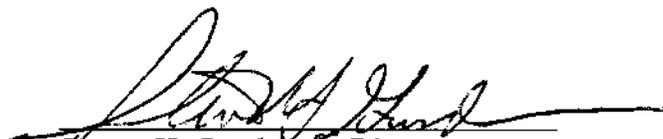
OBLIGATION TO ANSWER AND REQUEST FOR HEARING

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 20th day of August, 2013.

FOR THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT


Steven H. Gunderson, Director
WATER QUALITY CONTROL DIVISION