



COLORADO
Department of Public
Health & Environment

July 28, 2021

David Chapman
City of Englewood
1500 W Layton Ave
Englewood, CO 80110

Subject: Backflow Prevention and Cross-Connection Control Violation Notice
City of Englewood, Public Water System Identification No. C00103045, Arapahoe County

Dear Mr. Chapman:

On July 7, 2021, the City of Englewood (supplier) notified the Colorado Department of Public Health & Environment (department) of violation of the *Colorado Primary Drinking Water Regulations, 5 CCR 1002-11* (Regulation 11) backflow prevention and cross-connection control (BPCCC) rule for the 2020 calendar year via submittal of the BPCCC report. Violations remain open until the supplier demonstrates the violations are resolved.

This letter serves to provide the supplier with written notification of the following violation of Regulation 11, which is a treatment technique violation.

Table 1: BPCCC Violations

Severity Category	Tier Public Notice	Violation Description
Violation	2	<i>Failed Backflow Assembly Testing Compliance Ratio</i>

In order to resolve the violation, the supplier must provide a written response documenting resolution of the violations. Additionally, the supplier must comply with the public notification requirements described in Section II, below. Table 1 summarizes the findings.

Section I: Violations

1. M614 - Management:

Backflow Assembly Testing Compliance Ratio (T2): Supplier has not met the annual backflow assembly testing compliance ratio. This is a BPCCC treatment technique violation of Regulation 11 Section 11.39(6)(a)(v).

In accordance with Regulation 11, Section 11.39(3)(d), suppliers of water must ensure that backflow prevention assemblies used to control cross-connections are tested annually by a certified cross-connection control technician and must achieve the backflow prevention assembly annual testing compliance ratios specified in Regulation 11, Table 11.39-II. For the calendar year 2020, the backflow prevention assembly annual testing compliance ratio must be greater than 0.80.

The supplier submitted an updated copy of the 2020 annual BPCCC report on July 7, 2021. The supplier demonstrated that it achieved an annual backflow assembly testing compliance ratio of 0.60. The supplier did not achieve the backflow prevention assembly annual testing compliance ratio by the previous compliance date, which constitutes a BPCCC treatment technique violation in accordance with Regulation 11, Section 11.39(6)(a)(iv). The department expects that the supplier meet the backflow prevention assembly testing annual compliance ratio requirements. To resolve this violation, the supplier is expected to submit a 2021 BPCCC report demonstrating that an adequate assembly ratio has been met; the supplier may submit an interim 2021 report if an adequate assembly ratio is met prior to the deadline for the 2021 report.

Additional information on cross-connection control is available on the department's website at:
<https://cdphe.colorado.gov/bpccc>.

This violation of Regulation 11 requires Tier 2 public notice in accordance with Regulation 11, Section 11.33 (Public Notification Rule) as directed in the public notice instructions section below.



Section II: Public Notification Instructions for Violations

The public notice requirements are dependent upon the severity of the violation and any potential public health effects, pursuant to Regulation 11, Sections 11.33(1)(a,b), 11.33(2)(a), 11.33(3)(a) and 11.33(4)(a). All issued notifications must comply with the general content and distribution requirements and notice reporting requirements that are included in Regulation 11, Sections 11.33(5), (6) and (7). Please be advised of the following:

1. For all violations that require Tier 2 public notice, the supplier must distribute the public notice as soon as possible but no later than **August 27, 2021** to all of the supplier's consumers. If the supplier posts the public notice, the notice must remain in place for as long as the violation persists or for seven days, whichever is longer. The supplier must repeat the distribution of the public notice every three months as long as the violation persists. If the violations remain unresolved and additional years of noncompliance occur, the supplier must continue to comply with the public notice requirements and update the public notice language to accurately reflect the period of noncompliance.
2. The public notice and certification template is provided at <https://cdphe.colorado.gov/dwforms> under Public Notification.
3. No later than 10 calendar days after completing the initial and repeat public notice (if applicable), the supplier must submit a certification that states the supplier has fully complied with the public notice requirements. The supplier must include a representative copy of each distributed notice to the department.
4. The supplier's public notice and the certification form must be submitted to the department electronically through the drinking water portal at <https://wqcdcompliance.com/login>, by mail or by fax at 303-758-1398 (attention to Tim Jones).

Please direct questions regarding the public notice requirements directly to Tim Jones at 303-692-2085 or timothy.jones@state.co.us.

This violation notice does not constitute an enforcement order and is not subject to appeal. The department may pursue formal enforcement action with penalties concerning the above violation, including issuing the supplier an enforcement order or amending a current order.

If you have any questions, please contact me at 970-248-7199 or kristina.quick@state.co.us. Thank you for your time and cooperation.

Sincerely,

Kristina Quick, EIT, Staff Field Engineer
Field Services Section
Water Quality Control Division
Colorado Department of Public Health & Environment

cc: Tri-County Health Department
Drinking Water File, PWSID No. CO0103045 / Alt Plan Case No. FS.21.ALTPLAN.041
Angela Goodman
Emily Clark, CDPHE-DWCAS, Enforcement & Field Findings Compliance Lead
Tim Jones, CDPHE-DWCAS, Field Violation Compliance Specialist
Jorge Delgado, CDPHE-DWCAS, Unit Managers
Dan Romero, CDPHE-FSS, Sanitary Survey Follow-up Technician, Field Services Section
Bob Pohl, Compliance Officer, CDPHE-WQCD-Compliance Assurance Section
Heather Young, Section Manager, CDPHE-WQCD-Field Services Section
Cameron Wilkins, Unit Manager, CDPHE-WQCD-Field Services Section
Tyson Ingels, Lead Drinking Water Engineer, CDPHE-WQCD-Engineering Section