

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

1595 Wynkoop Street  
DENVER, CO 80202-1129  
Phone 800-227-8917  
<http://www.epa.gov/region080>



MAY 22 2008

Ref: 8ENF-W

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Town of Dixon  
Attn: Matthew Feldmann, Mayor  
P.O. Box 26  
Dixon, WY 82323

RE: Emergency Administrative Order  
under Section 1431 SDWA  
Docket No. SDWA-08-2008-0060  
PWS ID #5600059

Dear Mayor Feldmann:

Enclosed is an Emergency Administrative Order (Order) issued by the U.S. Environmental Protection Agency (EPA) under section 1431 of the Safe Drinking Water Act (the Act), 42 U.S.C. § 300i. This Order is based on high turbidity samples collected from the Town of Dixon on May 20, 2008. The System's water may pose an imminent and substantial endangerment to the health of persons served by the system.

Pursuant to its authority set forth at section 1431 of the Act, 42 U.S.C. § 300i, EPA is authorized to take whatever actions it finds necessary to protect human health. This Order and the requirements set forth herein are necessary to ensure adequate protection of public health based on EPA's primary enforcement responsibility for the Act in the State of Wyoming.

The enclosed Order sets forth the compliance actions that must be taken to ensure that the people served by the water supply are provided with safe drinking water. The Order requires, in part, that the system issue a Boil Order and public notice until notified by EPA to discontinue, provide alternate water, and submit a plan for interim compliance until the new treatment plant is online. The penalties for failing to comply are set forth in the Order.

If you have any questions or wish to discuss this Order, please contact Melanie Wasco at (800) 227-8917 X6540 or 303-312-6540 or Kathelene Brainich at (800) 227-8917 X6481 or 303-312-6481. If you are represented by an attorney, please feel free to ask your attorney to call

Peggy Livingston, Enforcement Attorney, at the above 800 number, extension 6858, or at (303) 312- 6858.

Sincerely,

A handwritten signature in cursive script, appearing to read "Diane L. Sipe".

Diane L. Sipe, Director  
Technical Enforcement Program  
Office of Enforcement, Compliance and  
Environmental Justice

Enclosure

cc: WY DOH & DEQ (via email)  
Carbon County Commissioners (FYI only)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

IN THE MATTER OF )  
 )  
Town of Dixon, Wyoming )  
PWS ID #WY5600059 )  
 )  
Respondent )  
 )  
Proceedings under section 1431 )  
of the Safe Drinking Water Act, )  
42 U.S.C. § 300g-3(g) )

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EMERGENCY  
ADMINISTRATIVE  
ORDER

Docket No. SDWA-08-2008-0060

STATUTORY AUTHORITY

The following Findings are made and Order issued under the authority vested in the Administrator of the U.S. Environmental Protection Agency (EPA) by section 1431 of the Safe Drinking Water Act (the Act), 42 U.S.C. § 300i, as properly delegated to the Supervisors of the Technical and Legal Enforcement Programs of the Office of Enforcement, Compliance and Environmental Justice, EPA Region 8.

JURISDICTION

1. EPA has jurisdiction to issue emergency orders pursuant to section 1431 of the Act, 42 U.S.C. § 300i.
2. EPA has primary enforcement responsibility for the Act in the State of Wyoming.

FINDINGS

1. The Town of Dixon ("Respondent") is a municipality and is therefore a "person" within the meaning of section 1401(12) of the Act, 42 U.S.C. § 300f(12), and 40 C.F.R. § 141.2.
2. Respondent owns and/or operates the Town of Dixon Water System (the "System"), located in Carbon County, Wyoming for the provision to the public of piped water for human consumption.

3. The System has at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents and is therefore a "public water system" within the meaning of Section 1401(4) of the Act, 42 U.S.C. § 300f(4), and a "community water system" within the meaning of 40 C.F.R. § 141.2.
4. Respondent owns and/or operates a public water system and is therefore a "supplier of water" within the meaning of section 1401(5) of the Act, 42 U.S.C. § 300f(5) and 40 C.F.R. § 141.2. Respondent is therefore subject to the requirements of part B of the Act, 42 U.S.C. § 300g, and its implementing regulations, 40 C.F.R. part 141, and section 1431 of the Act, 42 U.S.C. § 300i.
5. According to a November 3, 2003, sanitary survey conducted by an agent for EPA, the System is supplied by an infiltration gallery in the Little Snake River that has been determined to be groundwater under the direct influence of surface water. The System's treatment consists of a media filter followed by bag filters and disinfection, which EPA considers an "alternative" type of filtration for purposes of 40 C.F.R. § 141.551(b) cited below. The System serves an average daily population of 78 people through 53 service connections.
6. EPA has determined, based on the turbidity level of samples of filtered water taken on May 20, 2008 that were above the maximum limit of 5 Nephelometric Turbidity Units (NTU), established by 40 C.F.R. § 141.551(b) for alternative filtration, that the filtered water currently available to the System may present an

imminent and substantial endangerment to the health of persons. The Little Snake River turbidities increased above normal and the final bag filter was determined to be split, causing the filtered water in the clearwell to be 34 NTU.

7. This Order and the requirements set forth herein are necessary to ensure adequate protection of public health based on EPA's primary enforcement responsibility for the Act in Wyoming.
8. EPA has provided technical assistance to the System and State and local officials have been notified.
9. By issuing this Order, EPA supports and seeks to continue the initial efforts to protect public health by State and local officials.

#### FINDINGS OF VIOLATIONS

1. Because the System uses an alternative filtration technology (media followed by bag/cartridge), the System is subject to a filtered water turbidity maximum of 5 NTU, which the System may at no time exceed during the month. (40 C.F.R. § 141.551(a)).
2. Respondent's filtered water turbidity level exceeded 5 NTU during the month of May 2008 and therefore violated this requirement.

#### EMERGENCY ADMINISTRATIVE ORDER

Based on the forgoing Findings, and pursuant to section 1431 of the Act, IT IS ORDERED:

**A. INTENT TO COMPLY**

Within 24 hours of receipt of this Order, Respondent shall notify EPA in writing of its intention to comply with the terms of this Order. The written response shall include a general plan for compliance with each of the elements of this Order.

**B. BOIL ORDER AND PUBLIC NOTICE**

1. Respondent shall provide public notice as set forth in this Order. No later than 24 hours after the date of this Order, Respondent shall provide a notice to the public of the conditions which resulted in a potential threat to public health. This public notice shall be posted in conspicuous locations throughout the area served by the water System and hand delivered to persons served by the System. Respondent shall submit a copy of the public notice to EPA within 24 hours of completion of the public notice. The public notice shall include the following information:

- a. All requirements as specified in 40 C.F.R. § 141.205 including:
  - (1) A description of the emergency situation and potential contaminants of concern, and (as applicable) the contaminant level;
  - (2) When the violation or situation occurred;
  - (3) Any potential adverse health effects from the violation or situation (see section b. below);
  - (4) The population at risk, including subpopulations particularly vulnerable if exposed to the contaminant in their drinking water;
  - (5) Whether alternative water supplies should be used;

- (6) What actions consumers should take, including when they should seek medical help;
- (7) What the System is doing to correct the violation or situation;
- (8) When the System expects to return to compliance or resolve the situation;
- (9) The name, business address, and phone number of the System owner, operator, or designee of the public water system as a source of additional information concerning the notice; and
- (10) A statement to encourage the notice recipients to distribute the public notice to other persons served.

b. Mandatory health effects language specified in 40 C.F.R. § 141.205(d)(1),

Appendix B to subpart Q of part 141. This language is as follows:

Turbidity has no health effects. However, turbidity can interfere with disinfection and provide a medium for microbial growth. Turbidity may indicate the presence of disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea and associated headaches. People with severely compromised immune systems, infants, and some elderly may be at increased risk. These people should seek advice from their health care providers about the drinking water.

**UNTIL FURTHER NOTIFIED, ALL WATER DERIVED FROM THE PUBLIC WATER SYSTEM USED FOR DRINKING, BRUSHING TEETH, COOKING, MAKING ICE, WASHING DISHES, OR USED FOR HUMAN CONSUMPTION, ETC., SHALL BE BOILED FOR AT LEAST THREE (3) MINUTES, AT A ROLLING BOIL, BEFORE USE, ALL STORED WATER, DRINK OR ICE MADE RECENTLY FROM THIS SUPPLY SHALL BE DISCARDED.**

2. Respondent shall continue the public notice as set forth above until EPA Region 8 provides written notification to discontinue public notice.
3. Upon the effective date of this Order, Respondent shall comply with the public

notification requirements at 40 C.F.R. § 141.201 et seq. following any future National Primary Drinking Water Regulations (NPDWRs) violation.

**C. ALTERNATE WATER SUPPLY**

Upon the effective date of this Order, Respondent shall notify all water users of the System that an alternative potable water supply is available. The alternative water supply shall be from an EPA-regulated drinking water supply that meets the NPDWRs or a licensed water distributor, and must be made available at no cost as needed for drinking and cooking until Respondent receives written notification from EPA that alternative water is no longer necessary. Respondent shall provide the alternative water at a central location that is accessible to all persons served by the System. Respondent shall provide a sufficient quantity of water for reasonable domestic uses, at a minimum, two liters daily per person served by the System.

**D. NOTIFY EPA OF SITUATIONS WITH POTENTIAL ADVERSE EFFECTS ON PUBLIC HEALTH**

Notify EPA as soon as practicable, but within 24 hours after Respondent learns of a violation or situation with the potential to have serious adverse effects on human health as a result of short term exposure to contaminants, as determined in the regulations or by EPA on a case-by-case basis (40 C.F.R. § 141.202(b)(2) and 141.202 (a)(9)). The System must comply with this regulation in any future similar emergency situation.

**E. COMPLIANCE MEASURES**

1. Once the plant is online, Respondent shall clean and flush the System including disinfection of the distribution system and storage tank(s).



2. The System is in the process of installing a package membrane plant under the requirements of an Administrative Order, Docket Number SDWA-08-2006-0046, issued to the System on June 27, 2006. The Administrative Order was issued due to, among other things, the System's failure to stay below the maximum turbidity level in at least 95 percent of the monthly measurements and maintain at least 0.2 mg/L residual disinfection concentration for more than 4 hours in the water entering the distribution system. The plant is scheduled to be completed in November 2008. All current issues contributing to this emergency must be addressed in the completion of the plant. EPA recommends, at a minimum, including a filtered water turbidity alarm with automatic shut off of water supply to the storage tank and distribution system, at a set turbidity level. The requirements in this Order enhance, but do not replace, the requirements of the Administrative Order.
3. Within 24 hours of receipt of this Order, Respondent shall notify EPA in writing of interim plans that will be undertaken by the System to prevent future emergency situations until the new plant is online.
4. Upon the effective date of this Order, Respondent shall comply with the turbidity limits set forth in 40 C.F.R. §§ 141.73 and 141.551(b), specifying that water served by the System must at no time exceed 5 NTU and that 95% of the monthly samples be 1 NTU or less.

**F. MONITORING REQUIREMENTS**

1. Once the distribution system and storage tank have been flushed and disinfected, and the system is in compliance with the 1 NTU limit for alternative filtration, in addition to daily turbidity sampling of the filtered water after the filters, Respondent shall collect consecutive daily (one sample per day) special purpose total coliform samples of the water from the distribution system to determine compliance with the Maximum Contaminant Level (MCL) as set forth in 40 C.F.R. § 141.63. This daily sample in the distribution system shall also be monitored for turbidity and chlorine residual, to reflect water leaving the storage tank. Respondent shall continue special daily total coliform monitoring until receiving written notice from EPA that Respondent may discontinue special daily sampling. Respondent shall report daily monitoring and sampling results to EPA by telephone or fax immediately upon receiving the results.
2. After Respondent collects a sufficient number of consecutive daily total coliform samples from the System that are negative and receives written notification from EPA to discontinue daily sampling, Respondent shall conduct weekly bacteriological sampling to determine compliance with the MCLs for total coliform bacteria as stated in 40 C.F.R. § 141.63. Respondent shall report weekly total coliform sampling results to EPA by telephone or fax immediately upon receiving the laboratory results.
3. Respondent shall continue weekly bacteriological monitoring from the distribution system until Respondent receives notification from EPA to

discontinue weekly bacteriological sampling. Respondent shall thereafter resume monthly total coliform sampling as required by 40 C.F.R. § 141.21 to determine compliance with the MCLs for total coliform bacteria as stated in 40 C.F.R. § 141.63. Respondent shall report analytical results to EPA within the first 10 days of the end of the monitoring period, as required by 40 C.F.R. § 141.31(a).

4. By providing oral or written notification, EPA may require Respondent to increase and/or decrease turbidity, chlorine residual, and/or total coliform sampling any time while the Order is in effect.
5. If any one of the sample results is total coliform-positive, Respondent shall conduct repeat sampling as required by 40 C.F.R. § 141.21(b), which requires public water systems that collect five or fewer total coliform samples to collect a minimum of four repeat samples within 24 hours of being notified of the total coliform-positive sample. Furthermore, Respondent shall comply with 40 C.F.R. § 141.21(b)(5), which requires public water systems that collect five or fewer total coliform samples to collect a total of 5 routine total coliform samples the month following a total coliform-positive sample result.

**G. REPORTING**

1. Respondent shall give daily updates to EPA on progress until EPA notifies the System that reports may be discontinued. These reports may be submitted via phone, fax, or e-mail.

2. All reports and notifications herein required shall be submitted to:

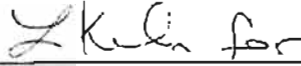
Melanie Wasco or Kathelene Brainich, 8ENF-W  
US Environmental Protection Agency  
1595 Wynkoop Street  
Denver, Colorado 80202-1129  
Telephone (800) 227-8917 X 6540 or 6481 or (303) 312-6540 or (303) 312-6481  
Fax (303) 312-7518  
Email: [wasco.melanie@epa.gov](mailto:wasco.melanie@epa.gov) or [brainich.kathelene@epa.gov](mailto:brainich.kathelene@epa.gov)

#### GENERAL PROVISIONS

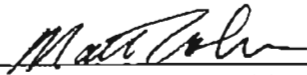
1. This Order does not constitute a waiver, suspension, or modification of the requirements of 40 C.F.R. § 141.1 et seq., or the Safe Drinking Water Act, which remain in full force and effect. Issuance of this Order is not an election by EPA to forgo any civil or criminal action otherwise authorized under the Act.
2. Violation of any term of this Order may subject the Respondent to a civil penalty not to exceed \$16,500 for each day in which such violation occurs or failure to comply continues, assessed by an appropriate U.S. District Court under section 1431(b) of the Act, 42 U.S.C. § 300i(b).
3. Violation of any requirement of the SDWA or its implementing regulations may subject Respondent to a civil penalty of not more than \$32,500 per day of violation assessed by an appropriate U.S. District Court under section 1414(b) of the Act, 42 U.S.C. § 300g-3(b).
4. This Order constitutes a final agency action.

5. The effective date of this Order shall be the date of issuance.

Issued this 22<sup>nd</sup> day of May, 2008.



Diane L. Sipe, Director  
Technical Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice



David J. Janik, Acting Director  
Matthew Cohn, Acting Supervisory Attorney  
Legal Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice