

**FILED**

**2/12/2024**

**8:33 AM**

**U.S. EPA REGION 8  
HEARING CLERK**

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

IN THE MATTER OF: )  
) Docket No. SDWA-08-2024-0016  
Town of Dixon, )  
) **ADMINISTRATIVE ORDER**  
)  
Respondent. )  
)  
Town of Dixon Public Water System )  
PWS ID #WY5600059 )

1. This Order is issued under the authority vested in the Administrator of the United States Environmental Protection Agency (EPA) by section 1414(g) of the Safe Drinking Water Act (Act), 42 U.S.C. § 300g-3(g), as properly delegated to the undersigned official.
2. The Town of Dixon, Wyoming (Respondent), is a municipality that owns and/or operates the Town of Dixon Public Water System (System), which provides piped water to the public in Carbon County, Wyoming, for human consumption.
3. The System is supplied by a groundwater source under influence of surface water accessed via an infiltration gallery located beneath the Little Snake River. As of the 2021 sanitary survey, the water is treated by pumping through an ultrafiltration membrane skid, disinfected with sodium hypochlorite, directed to a baffled clear well, and pumped into the distribution system. The System also maintains a coagulant addition point, static mixer, aeration tank with disc diffusers, settling tank, and parallel pressure sand filters that were not in operation at the time of the 2021 sanitary survey.
3. The System has approximately 81 service connections used by year-round residents and regularly serves an average of approximately 97 year-round residents. Therefore, the System is a “public water system” and a “community water system” as defined in 40 C.F.R. § 141.2 and section 1401 of the Act, 42 U.S.C. § 300f.
4. Respondent is a “person” as defined in section 1401(12) of the Act, 42 U.S.C. § 300f(12), and is subject to the Act and 40 C.F.R. part 141 (Part 141). Part 141 is an “applicable requirement” as defined in section 1414(i) of the Act, 42 U.S.C. § 300g-3(i).

**VIOLATIONS**

5. The maximum contaminant levels (MCLs) for total trihalomethanes (TTHM) and haloacetic acids (HAA5) are 0.080 and 0.060 milligrams per liter (mg/L), respectively, based on the locational running annual average (LRAA) of four consecutive quarterly samples at each sampling location. 40 C.F.R. §§ 141.64 and 141.620(d). Respondent has submitted samples from the 301 Cottonwood sampling location that result in LRAAs exceeding the MCLs as listed below:

Initial monitoring quarter	Final monitoring quarter	TTHM LRAA	HAA5 LRAA
Q3 2019	Q2 2020	N/A	0.066 mg/L
Q1 2022	Q4 2022	0.082 mg/L <sup>†</sup>	0.061 mg/L
Q2 2022	Q1 2023	0.095 mg/L	0.075 mg/L
Q3 2022	Q2 2023	0.143 mg/L	0.139 mg/L
Q4 2022	Q3 2023	0.137 mg/L <sup>‡</sup>	0.143 mg/L <sup>‡</sup>
Q1 2023	Q4 2023	0.106 mg/L	0.111 mg/L

“N/A” indicates the LRAA did not exceed the MCL

† The EPA has revised its calculation of the LRAA from the March 2, 2023, notice of violation letter.

‡ The EPA has revised its calculation of the LRAA from the November 25, 2023, notice of violation letter.

Therefore, Respondent has violated the TTHM and HAA5 MCLs.

6. Following detection of a synthetic organic contaminant, systems are required to monitor quarterly at each sampling point which resulted in a detection. 40 C.F.R. § 141.24(h)(7)(i). The detection limit for hexachlorocyclopentadiene (HEX) is 0.1 micrograms per liter (ug/L). 40 C.F.R. § 141.24(h)(18). Respondent detected 0.13 ug/L HEX at the contact chamber/first tap sampling point (ST01/SP01) in a sample collected on June 8, 2022. Respondent failed to collect a sample at ST01/SP01 during the third quarter of 2022 and therefore violated this requirement. (Note: Respondent subsequently monitored the System’s water for HEX at ST01/SP01 during the fourth quarter of 2022, first quarter of 2023, and second quarter of 2023. The sampling frequency for HEX was reduced to annual monitoring in the EPA letter dated May 25, 2023.)

7. Respondent is required to report any failure to comply with Part 141 to the EPA within 48 hours (except where Part 141 specifies a different time period). 40 C.F.R. § 141.31(b). Respondent failed to report the violation cited in paragraph 6, above, to the EPA and therefore violated this requirement.

**ORDER**

Respondent is ordered to perform the following actions upon Respondent’s receipt of this Order (unless a different deadline is specified below):

8. Respondent is ordered to comply with all provisions of the Act and Part 141, including but not limited to each requirement cited above.

9. Within 30 calendar days after receipt of this Order, Respondent shall submit to the EPA a proposed schedule (Schedule) and plan to bring the System into compliance with the TTHM and HAA5 MCLs as identified in 40 C.F.R. § 141.64(b).
- a. The plan shall include proposed modifications to the System and estimated costs of such modifications.
  - b. The Schedule shall include a project start date, interim milestone deadlines, and a final compliance deadline (which shall be within six months of the project start date). Respondent shall not begin construction or modifications to the System before the EPA has approved Respondent's Schedule.
  - c. Each milestone in the Schedule shall be incorporated into this Order as an enforceable requirement upon written approval by the EPA.
  - d. Within 90 calendar days after receipt of the EPA's approval of the Schedule, Respondent shall begin to provide the EPA with quarterly reports on the progress made toward bringing the System into compliance with the TTHM and HAA5 MCLs. Each quarterly report is due by the 10th day of the month following the relevant calendar quarters (e.g., April 10 for the first calendar quarter).
  - e. Within 10 calendar days after completing all tasks included in the Schedule, Respondent shall notify the EPA of the project's completion.
10. The System shall achieve compliance with the TTHM and HAA5 MCLs by the final compliance deadline specified in the EPA-approved Schedule. If the Respondent's plan fails to achieve permanent compliance, the EPA may order further steps and/or seek penalties for noncompliance.
11. Respondent shall monitor the System's water for hexachlorocyclopentadiene at the entry point to the distribution system (ST01/SP01) as required by Part 141(h). Systems which monitor annually must monitor during the quarter that previously yielded the highest analytical result. 40 C.F.R. § 141.24(h)(7)(iii). As described in the EPA letter dated May 25, 2023, Respondent is next required to sample for hexachlorocyclopentadiene between April 1 and June 30, 2024. Respondent shall report results to the EPA within the first 10 calendar days following the end of the required monitoring period. 40 C.F.R. § 141.31(a).
12. If Respondent has not already done so, within 30 calendar days after receipt of this Order, and quarterly thereafter as long as the violations cited in paragraph 5, above, persist, Respondent shall notify the public of the violations. 40 C.F.R. § 141.203. Thereafter, following any future violation of Part 141, Respondent shall comply with any applicable public notice provisions of 40 C.F.R. part 141, subpart Q. Within 10 calendar days after providing public notice, Respondent shall submit a copy of the

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notice and certification to the EPA. 40 C.F.R. § 141.31(d). Templates and instructions are available at: <https://www.epa.gov/region8-waterops/reporting-forms-drinking-water-systems-wyoming-and-tribal-lands-epa-region-8#pn>.

13. For any future violation of Part 141 for which this Order does not specify a reporting period, Respondent must report the violation to the EPA within 48 hours of the violation occurring, as required by 40 C.F.R. § 141.31(b). However, if Part 141 specifies a different time period for reporting the particular violation, Respondent must report the violation to the EPA within that different period.

14. If Respondent (a) leases or sells the System to another person or entity, or (b) contracts with or hires any other person or entity to operate the System, Respondent must, within 10 calendar days, provide a copy of this Order to the lessee, purchaser, or contractor and notify the EPA in writing of the change. In either of these circumstances, Respondent will remain obligated to comply with this Order.

15. Respondent must send all reporting and notifications required by this Order to the EPA at:

Email: R8DWU@epa.gov, and  
brown.christopher.t@epa.gov

#### **GENERAL PROVISIONS**

16. This Order is binding on Respondent and any person (*e.g.*, employee, contractor, or other agent) acting in concert with Respondent.

17. This Order does not constitute a waiver, suspension, or modification of any requirement of the Act or Part 141. Issuance of this Order is not an election by the EPA to forgo any civil or criminal action.

18. Violation of any part of this Order, the Act, or Part 141 may subject Respondent to a civil penalty of up to \$69,733 (as adjusted for inflation) per day of violation, a court injunction ordering compliance, or both. 42 U.S.C. § 300g-3; 40 C.F.R. part 19; 88 Fed. Reg. at 89309 (December 27, 2023).

19. Respondent may seek federal judicial review of this Order pursuant to section 1448(a) of the Act, 42 U.S.C. § 300j-7(a).

Issued: February 12, 2024.

Colleen Rathbone, Manager  
Water Enforcement Branch  
Enforcement and Compliance Assurance Division