



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

Nov 18 2015

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. H. Norman Davies, Jr.
Executive Vice President of Operations
Hawaiian Airlines, Inc.
3375 Koapaka Street, G-350
Honolulu, HI 96819

Dear Mr. Davies:

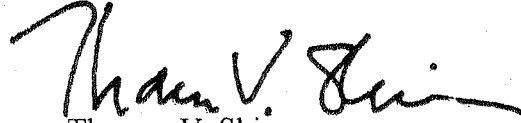
Please find enclosed the final and executed Administrative Order on Consent and Request For Information (Order) that resolves Hawaiian Airlines, Inc.'s non-compliance with the Safe Drinking Water Act (Act) and the National Primary Drinking Water Regulations. We appreciate the high level of cooperation demonstrated by your airline throughout the process of developing and finalizing the terms of the Order.

As you know, in previous correspondence and throughout the negotiation process, EPA assured the airlines that it would address instances of noncompliance with the Act through the negotiated Order. In consideration of your willingness to address your non-compliance issues, EPA, in its enforcement discretion, agrees not to pursue additional enforcement action against Hawaiian Airlines for past violations of the Act addressed by this Order or for penalties for such violations as long as Hawaiian Airlines is in compliance with all the terms of the Order. This exercise of EPA's enforcement discretion applies only to the period of time the Order is in effect.

Again, I want to commend you for your cooperation in this process and for recognition of the importance of protecting public health and meeting the requirements of the National Primary Drinking Water Regulations pursuant to the Safe Drinking Water Act.

Please contact Laurie Dubriel at (202) 564-4031 or Lourdes Bufill at (202) 564-5128, both of my my staff if you have any additional questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas V. Skinner". The signature is fluid and cursive, with a large initial "T" and a long, sweeping underline.

Thomas V. Skinner
Acting Assistant Administrator

Enclosure

promulgated pursuant thereto, in particular the monitoring, analytical, public notice, and reporting requirements at 40 CFR 141 subparts C, D, H, Q, and T.

2. Respondent agrees not to contest the EPA's jurisdiction or authority to enter into or enforce this ORDER. Respondent also agrees not to contest the validity of any terms and conditions of this ORDER in any action to enforce, or in any action arising from this ORDER and specifically waives any such defenses.
3. The EPA's decision or actions in entering into and pursuant to this ORDER are not subject to judicial review prior to the United States's initiation of judicial action to compel Respondent's compliance with this ORDER or to assess civil penalties for non-compliance with this ORDER.
4. The scope of this ORDER is limited to Respondent's actions with respect to the aircraft in its operating fleet that are subject to this ORDER.

III. DEFINITIONS

5. A "watering point" means a facility where water is transferred from a water supply to the aircraft. These facilities may include water trucks, carts, cabinets, and hoses.
6. A "sample" means a volume of water collected from a cold water tap and/or spigot from the aircraft lavatory or galley. If the only sampling point in the galley is the coffee maker and/or hot water tap, a "sample" includes a volume of water from this location. Although the quality or result of the sample may be altered by collecting it from a coffee maker or hot water tap, EPA may consider these sample results in conjunction with the evaluation of the data collected in the first twelve months of monitoring.
7. A "repeat sample" in accordance with 40 CFR 141.21(b) means the collection of samples

defined in Section 1401(5) of the Act, 42 USC Section 300f-5.

25. Respondent owns and/or operates aircraft public water systems, and therefore Respondent is a “supplier of water” as defined in Section 1401(5) of the SDWA, 42 U.S.C. Section 300f-5, and 40 CFR 141.2.
26. A “non-community water system” means a public water system that is not a community water system, as defined in Section 1401(16) of the Act, 42 USC Section 300f-16. A “community water system” is a public water system which serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents, as defined in Section 1401(15) of the Act, 42 USC Section 300f-15.
27. Based upon the nature of the population served by each aircraft as described in Paragraph 20, each of Respondent’s aircraft subject to this ORDER is a non-community water system because each does not have at least fifteen service connections used by year round residents or serve at least 25 year-round residents.
28. A “transient non-community water system” means a non-community water system that does not regularly serve at least 25 of the same persons over six months per year, as defined within the meaning of 40 CFR 141.2.
29. Based upon the nature of the population served by each aircraft as described in Paragraph 20, each of Respondent’s aircraft subject to this ORDER is a public water system that does not regularly serve at least 25 of the same persons over six months per year; therefore, each aircraft is further defined as a “transient non-community water system” within the meaning of 40 CFR 141.2.
30. Respondent obtains its water from public water systems regulated and monitored by

concentration at the same points in the distribution system and at the same time as total coliforms are sampled as specified in §141.21, except as otherwise provided by Part 141.

40. Respondent did not measure and report residual disinfectant concentrations for each aircraft in its operating fleet as required by 40 CFR 141.74(a)(2) and 141.74(b)(6)(i) and/or (c)(3)(i) and 141.31 for the five year period proceeding the date of this ORDER.
41. Public water systems are required by 40 CFR 141 subpart Q to provide public notification for failure to perform any water quality monitoring required by the NPDWRs.
42. Respondent did not provide public notification or provide EPA with certification and copies of the public notices as required under 40 CFR 141 subpart Q and 141.31 for the five year period proceeding the date of this ORDER.

V. ORDER

Based upon the foregoing FINDINGS, EPA issues this ORDER. Respondent, without admitting to or denying these findings, consents to the issuance of this ORDER and is hereby ORDERED to comply with the following provisions for each of its aircraft:

43. Within forty-five (45) calendar days of receipt of the electronic formatting instructions from EPA and Appendix A, which are hereby incorporated by reference as an enforceable part of this ORDER, Respondent shall provide EPA with an inventory of the operating fleet, identifying each individual aircraft by tail or nose number, serial number, make and model in accordance with the formatting instructions and Appendix A. In addition, for each individual aircraft in the operating fleet, Respondent shall provide the following information to EPA in the abovementioned format:

