



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

SEP 21 2005

ASSISTANT ADMINISTRATOR  
FOR ENFORCEMENT AND  
COMPLIANCE ASSURANCE

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Thomas J. Ostendorp  
Vice President, Maintenance  
Miami Air International, Inc.  
5000 NW 36<sup>th</sup> Street, Suite 307  
Miami, FL 33122

Dear Mr. Ostendorp:

Please find enclosed the final and executed Administrative Order on Consent and Request For Information (Order) that resolves Miami Air International, 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 Miami Air International, Inc. for past violations of the Act addressed by this Order or for penalties for such violations as long as Miami Air International, Inc. 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.

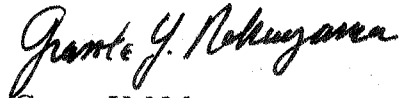
Again, I want to commend you for your cooperation in this process and for recognition of the importance of protecting public health and meeting the requirements of the National Primary Drinking Water Regulations pursuant to the Safe Drinking Water Act.



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

Sincerely,

A handwritten signature in cursive script that reads "Granta Y. Nakayama".

Granta Y. Nakayama  
Assistant Administrator

Enclosure



the importance of protecting public health; Miami Air and EPA have agreed to enter into the following REQUEST FOR INFORMATION and ADMINISTRATIVE ORDER ON CONSENT which is intended to address Miami Air's alleged noncompliance with the Safe Drinking Water Act and National Primary Drinking Water Regulations via a phased monitoring program.

### **I. STATUTORY AUTHORITY**

Enforcement authority over public water systems on carriers that convey passengers in interstate commerce is solely vested with the United States Environmental Protection Agency (EPA) under 40 CFR Section 142.3(b)(1). Under the authority vested in the Administrator of the EPA by Sections 1445(a) and 1414(g) of the Safe Drinking Water Act (the Act or SDWA), 42 U.S.C. Sections 300j-4(a) and 300g-3(g), the following FINDINGS are made and the following REQUESTS FOR INFORMATION and ADMINISTRATIVE ORDER ON CONSENT (ORDER) are issued. The Administrator of the U.S. EPA has delegated the authority to take these actions to the Assistant Administrator for the Office of Enforcement and Compliance Assurance who in turn has re-delegated this authority to the Division Director of the Water Enforcement Division.

### **II. INTRODUCTION**

1. This ORDER is issued upon consent of Miami Air International, Inc. (Respondent). The EPA alleges that Respondent has failed to fully comply with the Act, and the regulations 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







Section 1401(12) of the Act, 42 U.S.C. Section 300f-12.

20. Respondent is a corporation and is therefore a “person” as defined in Section 1401(12) of the SDWA, 42 U.S.C. Section 300f-12 and 40 CFR 141.2.
21. Respondent is a passenger airline company in the United States which as of May 2005 conveys passengers in interstate commerce with a fleet of five (5) aircraft. Respondent transports more than 400,000 million passengers a year to approximately 450 airports in 450 U.S. cities and 45 foreign countries at an average rate of approximately 10 flights per day.
22. Respondent provides water on its aircraft to passengers and crew for human consumption.
23. A “public water system” means a system for the provision to the public of water for human consumption through pipes or, after August 5, 1998, other constructed conveyances, if such system has at least fifteen service connections or regularly serves an average of at least twenty-five individuals daily at least 60 days out of the year as defined in Section 1401(4) of the Act, 42 U.S.C. Section 300f-4 and 40 CFR 141.2.
24. Each of Respondent’s aircraft subject to this ORDER provides water for human consumption to the public and regularly serves an average of twenty-five individuals daily at least 60 days out of the year, and thus each is a “public water system” as defined in Section 1401(4) of the SDWA, 42 U.S.C. Section 300f-4, and 40 CFR 141.2.
25. A “supplier of water” means any person who owns or operates a public water system as defined in Section 1401(5) of the Act, 42 U.S.C. Section 300f-5.
26. Respondent owns and/or operates aircraft public water systems, and therefore













































































































