



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

SEP 29 2005

ASSISTANT ADMINISTRATOR  
FOR ENFORCEMENT AND  
COMPLIANCE ASSURANCE

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

Jon Wilson  
Ryan International Airlines, Inc.  
c/o Charles C. Steincamp  
Depew Gillen Rathbun & McInteer, LC  
8301 East 21<sup>st</sup> Street North, Suite 450  
Wichita, KS 67206-2936

Dear Mr. Wilson:

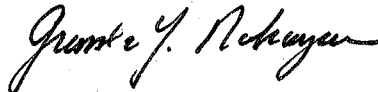
Please find enclosed the final and executed Administrative Order on Consent and Request For Information (Order) that resolves Ryan International Airlines, Inc.'s noncompliance with the Safe Drinking Water Act (Act) and the National Primary Drinking Water Regulations. We appreciate the high level of cooperation 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 noncompliance issues, EPA, in its enforcement discretion, agrees not to pursue additional enforcement action against Ryan International Airlines, Inc. for past violations of the Act addressed by this Order or for penalties for such violations as long as Ryan International Airlines, 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.

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

Sincerely,

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

Granta Y. Nakayama

Enclosure





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 from onboard the aircraft after an initial total coliform positive sample result and prior to disinfection.
8. A "foreign water source" means a water supply located outside of the United States or its













coliforms are sampled as specified in §141.21, except as otherwise provided by Part 141.

41. 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 preceding the date of this ORDER.
42. 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.
43. 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 preceding 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:

44. Within sixty (60) 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 registration number (*e.g.*, 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:
  - a. Seating capacity;















56, which is hereby incorporated by reference as an enforceable part of this ORDER, to satisfy 40 CFR 141.21(b). If Respondent elects to not collect repeat samples, Respondent agrees not to challenge any of the initial total coliform positive sample results for data purposes. The four samples shall include the tap where the initial positive sample was collected, one other lavatory tap, one other galley tap, and one other tap on the aircraft. If there are fewer than four sampling points on the aircraft, samples are to be collected from each available sampling point for a total volume of 400 ml. If there is only one sampling point on the aircraft a 400 ml sample is to be collected from that tap.

62. In Monitoring Period I, Respondent shall disinfect the water system on each aircraft in the operating fleet at a frequency of no less than quarterly and disinfect the watering points, excluding water cabinets and associated cabinet hoses, owned and/or operated by Respondent at a frequency of no less than monthly and in accordance with the O&M plan submitted in Paragraph 48 provided it is demonstrated and documented to be no less effective than the practices set forth in Appendix I, which is hereby incorporated by reference as an enforceable part of this ORDER.
63. In Monitoring Period I, Respondent must report all sample results from its monitoring to EPA on a quarterly basis, with each report due ten (10) business days following the end of each monitoring quarter in accordance with 40 CFR 141.31. Respondent shall also submit the maintenance record (*i.e.*, the date of the most recent disinfection, disinfection procedure used, facility where the disinfection was performed) for each aircraft that had a total coliform positive test result during that quarter.
64. To satisfy the reporting requirements in Paragraph 63, either Respondent or the





















































































