

CITY CLERK'S ORIGINAL
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Approved / Accepted By City Council

This 7-17-07

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION VII
901 NORTH FIFTH STREET
KANSAS CITY, KANSAS 66101

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ENVIRONMENTAL PROTECTION
AGENCY REGION VII
REGIONAL HEARING CLERK

BEFORE THE ADMINISTRATOR

In the Matter of)
)
City of Wichita)
Water Treatment Plant)
1815 W. Pine Street)
Wichita, Kansas 67203)
)
Respondent)

Docket No. CAA-07-2007-0040

CONSENT AGREEMENT AND FINAL ORDER

The United States Environmental Protection Agency, Region VII (EPA) and the City of Wichita Water Treatment Plant (Respondent), have agreed to a settlement of this action before filing of a complaint, and thus this action is simultaneously commenced and concluded pursuant to Rules 22.13(b) and 22.18(b)(2) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits (Consolidated Rules), 40 C.F.R. §§ 22.13(b), 22.18(b)(2).

FACTUAL ALLEGATIONS

Jurisdiction

1. This is an administrative action for the assessment of civil penalties instituted pursuant to Section 113(d) of the Clean Air Act, 42 U.S.C. § 7413(d). Pursuant to Section 113(d) of the Clean Air Act, 42 U.S.C. § 7413(d), the Administrator and the Attorney General jointly determined that this matter, where the first date of alleged violation occurred more than 12

#10

months prior to the initiation of the administrative action, was appropriate for administrative penalty action.

2. This Consent Agreement and Final Order serves as notice that EPA has reason to believe that Respondent has violated the provisions governing Chemical Accident Prevention, and specifically the requirement to implement a Risk Management Plan as required by 40 C.F.R. Part 68 and Section 112(r) of the Clean Air Act, 42 U.S.C. § 7412(r), and that Respondent is therefore in violation of Section 112(r) of the Clean Air Act, 42 U.S.C. § 7412(r). Furthermore, this Consent Agreement and Final Order serves as notice pursuant to Section 113(d)(2)(A) of the Act, 42 U.S.C. § 7413(d)(2)(A), of EPA's intent to issue an order assessing penalties for this violation.

Parties

3. The Complainant, by delegation from the Administrator of the EPA, and the Regional Administrator, EPA, Region VII, is the Director, Air, RCRA and Toxics Division, EPA, Region VII.

4. The Respondent is the City of Wichita Water Treatment Plant located at 1815 W. Pine Street, Wichita, Kansas 67203. Respondent stores and uses anhydrous ammonia and chlorine at its facility.

Statutory and Regulatory Requirements

5. On November 15, 1990, the President signed into law the Clean Air Act Amendments of 1990. The Amendments added Section 112(r) to the Clean Air Act, 42 U.S.C. § 7412(r), which requires the Administrator of EPA to, among other things, promulgate regulations in order to prevent accidental releases of certain regulated substances. Section 112(r)(3), 42 U.S.C.

§ 7412(r)(3) mandates the Administrator to promulgate a list of regulated substances, with threshold quantities, and defines the stationary sources that will be subject to the accident prevention regulations mandated by Section 112(r)(7). Specifically, Section 112(r)(7) requires the Administrator to promulgate regulations that address release prevention, detection and correction requirements for these listed regulated substances, 42 U.S.C. § 7412(r)(7).

6. On June 20, 1996, EPA promulgated a final rule known as the Risk Management Program, 40 C.F.R. Part 68, which implements Section 112(r)(7), 42 U.S.C. § 7412(r)(7), of the Clean Air Act. These regulations require owners and operators of stationary sources to develop and implement a risk management program that includes a hazard assessment, a prevention program, and an emergency response program.

7. The regulations at 40 C.F.R. Part 68, set forth the requirements of a risk management program that must be established at each stationary source. The risk management program is described in a risk management plan (RMP) that must be submitted to EPA.

8. Pursuant to Section 112(r)(7) of the Clean Air Act, 42 U.S.C. § 7412(r)(7), and 40 C.F.R. § 68.150, the RMP must be submitted by an owner or operator of a stationary source that has more than a threshold quantity of a regulated substance in a process no later than June 21, 1999; or the date on which a regulated substance is first present above the threshold quantity in a process.

9. Section 113(d) of the Clean Air Act, 42 U.S.C. § 7413(d), states that the Administrator may issue an administrative order against any person assessing a civil administrative penalty of up to \$25,000 per day of violation whenever, on the basis of any available information, the Administrator finds that such person has violated or is violating any requirement or prohibition

of the Clean Air Act referenced therein, including Section 112(r)(7). Section 113(d) of the Clean Air Act, 42 U.S.C. § 7413(d), as amended by the Debt Collection Improvement Act of 1996, authorizes the United States assess civil administrative penalties of not more than \$27,500 per day for each violation that occurs after January 30, 1997 through March 15, 2004, and \$32,500 per day for each violation that occurs after March 15, 2004.

Definitions

10. The regulations at 40 C.F.R. § 68.3 define “stationary source” in part, as any buildings, structures, equipment, installations or substance emitting stationary activities which belong to the same industrial group, which are located on one or more contiguous properties, which are under the control of the same person (or persons under common control) and from which an accidental release may occur.

11. The regulations at 40 C.F.R. § 68.3 define “threshold quantity” as the quantity specified for regulated substances pursuant to Section 112(r)(5) of the CAA, as amended, listed in 40 C.F.R. § 68.130, Table 1, and determined to be present at a stationary source as specified in 40 C.F.R. § 68.115.

12. The regulations at 40 C.F.R. § 68.3 define “regulated substance” as any substance listed pursuant to Section 112(r)(3) of the CAA, as amended, in 40 C.F.R. § 68.130.

13. The regulations at 40 C.F.R. § 68.3 define “process” as any activity involving a regulated substance including any use, storage, manufacturing, handling or on-site movement of such substances, or combination of these activities. For the purposes of this definition, any group of vessels that are interconnected, or separate vessels that are located such that a regulated substance could be involved in a potential release, shall be considered a single process.

Alleged Violations

14. EPA alleges that Respondent has violated the Clean Air Act and federal regulations, promulgated pursuant to the Clean Air Act, as follows:

15. Respondent is, and was at all times referred to herein, a “person” as defined by Section 302(e) of the Clean Air Act, 42 U.S.C. § 7602(e).

16. Respondent’s facility located at 1815 W. Pine Street, Wichita, Kansas 67203, is a “stationary source” pursuant to 40 C.F.R. § 68.3.

17. Anhydrous ammonia and chlorine are regulated substances pursuant to 40 C.F.R. § 68.3. The threshold quantity for anhydrous ammonia, as listed in 40 C.F.R. § 68.130, Table 1, is 10,000 pounds. The threshold quantity for chlorine, as listed in 40 C.F.R. § 68.130, Table 1, is 2500 pounds.

18. On or about January 24, 2006, EPA conducted an inspection of Respondent’s facility to determine compliance with Section 112(r) of the Clean Air Act and 40 C.F.R. Part 68.

19. Records collected during the inspection showed that Respondent has exceeded the threshold quantity for anhydrous ammonia and chlorine. Respondent originally filed an RMP in June of 1999.

20. Respondent is subject to the requirements of Section 112(r) of the Clean Air Act, 42 U.S.C. § 7412(r), and 40 C.F.R. Part 68, Subpart G, because it is an owner and operator of a stationary source that had more than a threshold quantity of a regulated substance in a process.

21. Respondent was required under Section 112(r) of the Clean Air Act, 42 U.S.C. § 7412(r), and 40 C.F.R. Part 68, to develop and implement a risk management program that includes a hazard assessment, a prevention program, and an emergency response program.

22. Records collected during the inspection showed that Respondent failed to implement a risk management program that included all the requirements of a management system and a prevention program. Specifically, Respondent failed to implement a prevention program by failing to: (1) develop a management system as required by 40 C.F.R. § 68.15; (2) update the off-site consequence analysis as required by 40 C.F.R. § 68.36; (3) compile the required safety information as required by 40 C.F.R. § 68.48(a)(1) and (a)(5); (4) conduct a review of the hazards associated with the regulated substances, processes, and procedures as required by 40 C.F.R. § 68.50(c) and (d); (5) prepare written operating procedures that provide clear instructions or steps for safely conducting activities associated with each covered process as required by 40 C.F.R. § 68.52; (6) establish and perform inspection and testing procedures on process equipment as required by 40 C.F.R. § 68.56(a), (b), and (d); (7) certify that they have evaluated compliance with the provisions of 40 C.F.R. Part 68, Subpart C, at least every three years required by 40 C.F.R. § 68.58; (8) update emergency contact information as required by 40 C.F.R. § 68.160 and 68.195; (9) list contractor who prepared the RMP as required by 40 C.F.R. § 68.160; and (10) revise and update the risk management plan within five years of the initial submission as required by 40 C.F.R. § 68.190.

23. Respondent's failure to comply with 40 C.F.R. Part 68, as set forth above are all violations of Section 112(r) of the Clean Air Act, 42 U.S.C. § 7412(r).

CONSENT AGREEMENT

24. Respondent and EPA agree to the terms of this Consent Agreement and Final Order and Respondent agrees to comply with the terms of the Final Order portion of this Consent Agreement and Final Order.

25. For purposes of this proceeding, Respondent admits the jurisdictional allegations set forth above, and agrees not to contest EPA's jurisdiction in this proceeding or any subsequent proceeding to enforce the terms of the Final Order portion of this Consent Agreement and Final Order.

26. Respondent neither admits nor denies the factual allegations set forth above.

27. Respondent waives its right to a judicial or administrative hearing on any issue of fact or law set forth above and its right to appeal the Final Order portion of this Consent Agreement and Final Order.

28. Respondent and EPA agree to conciliate this matter without the necessity of a formal hearing and to bear their respective costs and attorney's fees incurred as a result of this action.

29. This Consent Agreement and Final Order addresses all civil and administrative claims for the CAA violations identified above, existing through the effective date of this Consent Agreement and Final Order. Complainant reserves the right to take enforcement action with respect to any other violations of the CAA or other applicable law.

30. Respondent certifies by the signing of this Consent Agreement and Final Order that to the best of its knowledge, Respondent's facility is in compliance with all requirements of Section 112(r) of the CAA, 42 U.S.C. § 7412(r), and all regulations promulgated thereunder.

31. The effect of settlement described in paragraph 29 is conditional upon the accuracy of the Respondent's representations to EPA, as memorialized in paragraph 30, above, of this Consent Agreement and Final Order.

32. The undersigned representative of Respondent certifies that he or she is fully authorized to enter the terms and conditions of the Consent Agreement and Final Order and to legally bind Respondent to it.

33. Pursuant to Section 113 of the CAA, nature of the violations, Respondent's agreement to perform a Supplemental Environmental Project (SEP), and other relevant factors, EPA has determined that an appropriate civil penalty to settle this action is in the amount of Five Thousand Seven Hundred Dollars (\$5,700) to be paid within thirty (30) days of the effective date of the Final Order.

34. The penalty specified in paragraph 33, above, shall represent civil penalties assessed by EPA and shall not be deductible for purposes of Federal taxes.

35. Respondent consents to the issuance of this Consent Agreement and consents for the purposes of settlement to the payment of the civil penalty cited in paragraph 33, above, and to the performance of the SEP.

36. In settlement of this matter, Respondent agrees to complete the following SEP, which the parties agree is intended to secure significant environmental and/or public health protection benefits.

37. Respondent shall complete the SEP as follows: Purchase for the Wichita Fire Department additional equipment and procure training to enhance its response to actual and threatened releases at the Water Treatment Plant and other facilities. The distribution of the referenced purchases and procurement for the SEP is more specifically described in the attached Appendix A. All the work required to complete the SEP shall be performed in compliance with all Federal, State, and local laws and regulations.

38. The total expenditure for the SEP shall be not less than Seventy Thousand Five Hundred Fifty Dollars (\$70,550) and the SEP shall be completed no later than December 31, 2007. Respondent shall include documentation of the expenditures made in connection with the SEP as part of the SEP Completion Report.

39. Respondent certified that it is not required to perform or develop the SEP by any Federal, State, or local law or regulations; nor is Respondent required to perform or develop the SEP by agreement, grant, or as injunctive relief in this or any other case or to comply with State or local requirements. Respondent further certifies that Respondent has not received, and is not presently negotiating to receive, credit in any other enforcement action for the SEP.

40. Within sixty (60) days of completion of the SEP, Respondent shall submit a SEP Completion Report to EPA. The SEP Completion Report shall contain the following: (i) a detailed description of the SEP as implemented; ii) a description of any operating problems encountered and the solutions thereto; (iii) itemized costs, documented by copies of purchase orders, receipts, or canceled checks; (iv) certification that the SEP has been fully implemented pursuant to the provisions of this Consent Agreement and Final Order. The SEP Completion Report shall be submitted to the following:

George Hess (ARTD/CRIB)
United States Environmental Protection Agency - Region VII
901 N. Fifth Street
Kansas City, Kansas 66101.

41. In itemizing its costs in the SEP Completion Report, Respondent shall clearly identify and provide acceptable documentation for all eligible SEP costs. Where the SEP Completion Report includes costs not eligible for SEP credit, those costs must be clearly

identified as such. For purposes of this paragraph, "acceptable documentation" includes invoices, purchase orders, or other documentation that specifically identifies and itemizes the individual costs of the goods and/or services for which payment is being made. Canceled drafts do not constitute acceptable documentation unless such drafts specifically identify and itemize the individual costs of the goods and/or services for which payment is being made.

42. After receipt of the SEP Completion Report described in paragraph 40, above, EPA will notify Respondent, in writing, regarding: (i) any deficiencies in the SEP report itself along with a grant of an additional thirty (30) days for Respondent to correct any deficiencies; or (ii) indicate that EPA concludes that the project has been completed satisfactorily; or (iii) determine that the project has not been completed satisfactorily and seek stipulated penalties in accordance with paragraph 44 herein. If EPA elects to exercise option (i) above, i.e., if the SEP report is determined to be deficient, but EPA has not yet made a final determination about the adequacy of SEP completion itself, EPA shall permit Respondent the opportunity to object in writing to the notification of deficiency given pursuant to this paragraph within ten (10) days from the receipt of such notification. The EPA and Respondent shall have an additional thirty (30) days from the receipt by EPA of the notification of objection to reach agreement on changes necessary to the SEP report. If agreement cannot be reached on any such issue within this thirty (30) day period, EPA shall provide a written statement of its decision on adequacy of the completion of the SEP to Respondent, which decision shall be final and binding upon Respondent. Respondent agrees to comply with any requirements imposed by EPA as a result of any failure to comply with the terms of this Consent Agreement and Final Order. In the event the SEP is not completed

as contemplated herein, as determined by EPA, stipulated penalties shall be due and payable by Respondent in accordance with paragraph 44 herein.

43. Respondent agrees that failure to submit the SEP Completion Report required by paragraph 50, above, shall be deemed a violation of this Consent Agreement and Final Order and Respondent shall become liable for stipulated penalties pursuant to paragraph 44, below.

44. Stipulated Penalties:

a. In the event that Respondent fails to comply with any of the terms or provision of this Consent Agreement and Final Order relating to the performance of the SEP described in paragraph 37, above, and/or to the extent that actual expenditures for the SEP do not equal or exceed the cost of the SEP described in paragraph 38, above, Respondent shall be liable for stipulated penalties according to the provisions set forth below:

- (i) Except as provided in subparagraph (ii), for a SEP which has not been completed satisfactorily pursuant to this Consent Agreement and Final Order, Respondent shall pay a stipulated penalty to the United States in the amount of \$17,100.
- (ii) If the SEP is not completed in accordance with paragraph 38, but the Complainant determines that the Respondent: a) made good faith and timely efforts to complete the project; and b) certifies, with supporting documentation, that at least 90 percent of the amount of money which was required to be spent was expended on the SEP, Respondent shall not be liable for any stipulated penalty.
- (iii) If the SEP is completed in accordance with paragraph 38, but the Respondent spent less than 90 percent of the amount of money required to be spent for the project, Respondent shall pay a stipulated penalty to the United States in the amount of \$17,100.
- (iv) If the SEP is completed in accordance with paragraph 38, and the Respondent spent at least 90 percent of the amount of money required to be spent for the project, Respondent shall not be liable for any stipulated penalty.
- (v) For failure to submit the SEP Completion Report required by paragraph 40, above, Respondent shall pay a stipulated penalty in the amount of \$100 for

each day after the due date of the Completion Report stated in paragraph 50, above, until the report is submitted.

b. The determinations of whether the SEP has been satisfactorily completed and whether the Respondent has made a good faith, timely effort to implement the SEP shall be in the sole discretion of EPA.

c. Stipulated penalties for paragraph (v), above, shall begin to accrue on the day after performance is due, and shall continue through the final day of the completion of the activity.

d. Respondent shall pay stipulated penalties not more than fifteen (15) days after receipt of written demand by EPA for such penalties. Method of payment shall be in accordance with the provisions of paragraph 46, below. Interest and late charges shall be paid as stated in paragraph 46 herein.

45. Respondent understands that the failure to pay any portion of the mitigated civil penalty as stated in paragraph 33, or any portion of a stipulated penalty as stated in paragraph 44, in accordance with the provisions of this order may result in commencement of a civil action in Federal District Court to recover the total penalty, together with interest at the applicable statutory rate.

46. Pursuant to 31 U.S.C. § 3717, EPA is entitled to assess interest and penalties on debts owed to the United States and charge to cover the costs of processing and handling delinquent claims. Interest will therefore begin to accrue on a civil or stipulated penalty if it is not paid by the last date required. Interest will be assessed at the rate of the United States tax and loan rate in accordance with 4 C.F.R. § 102.13(c). A charge will be assessed to cover the debt collection, including processing and handling costs and attorney's fees. In addition, a non-

payment penalty charge of six (6) percent per year compounded annually will be assessed on any portion of the debt which remains delinquent more than ninety (90) days after payment is due. Any such non-payment penalty charge on the debt will be accrued from the date the penalty becomes due and is not paid, 40 C.F.R. §§ 102.13(d) and (e).

47. Any public statement, oral or written, in print, film, or other media, made by Respondent making reference to the SEP shall include the following language: "This project was undertaken in connection with the settlement of an enforcement action taken by the United States Environmental Protection Agency."

48. This Consent Agreement and Final Order shall not relieve Respondent of its obligation to comply with all applicable Federal, State, and local laws, nor shall it be construed to be a ruling on, or determination of any issue related to any Federal, State, or local permit, nor shall it be construed to constitute EPA approval of the equipment or technology installed by Respondent in connection with the SEP undertaken pursuant to this Consent Agreement and Final Order.

49. The Final Order portion of this Consent Agreement and Final Order shall apply to and be binding upon Respondent and Respondent's agents, successors, and/or assigns. Respondent shall ensure that all contractors, employees, consultants, firms, or other persons or entities acting for Respondent with respect to matters included herein comply with the terms of this Consent Agreement and Final Order.

FINAL ORDER

Pursuant to the provisions of the CAA, 42 U.S.C. § 7401, and based upon the information set forth in this Consent Agreement, IT IS HEREBY ORDERED THAT:

1. Respondent shall pay a mitigated civil penalty of Five Thousand Seven Hundred Dollars (\$5,700) within thirty days of entry of this Final Order. Payment shall be by cashier's or certified check made payable to the "United States Treasury" and shall be remitted to:

EPA-Region VII
P.O. Box 371099M
Pittsburgh, Pennsylvania 15251.

This payment shall reference docket number CAA-07-2007-0040.

2. A copy of the check shall be sent to:

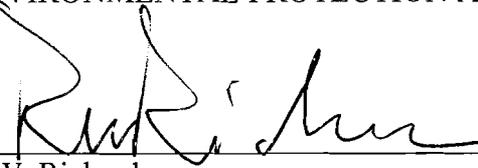
Regional Hearing Clerk
United States Environmental Protection Agency - Region VII
901 N. Fifth Street
Kansas City, Kansas 66101; and

Robert W. Richards
Assistant Regional Counsel
United States Environmental Protection Agency - Region VII
901 N. Fifth Street
Kansas City, Kansas 66101.

3. The original, executed Consent Agreement and Final Order shall be returned to the Regional Hearing Clerk, U.S. Environmental Protection Agency, 901 North 5th Street, Kansas City, Kansas 66101.

4. Respondent shall complete the Supplemental Environmental Project in accordance with the provisions set forth in the Consent Agreement and shall be liable for any stipulated penalty for failure to complete such project, as specified in the Consent Agreement.

COMPLAINANT:
U.S. ENVIRONMENTAL PROTECTION AGENCY

By 
Robert W. Richards
Assistant Regional Counsel

Date 7/24/07

By 
Becky Weber
Director
Air, RCRA and Toxics Division

Date 7/24/07

RESPONDENT:
CITY OF WICHITA, KANSAS
WATER TREATMENT PLANT

By 

Title **Carl Brewer** Mayor

Date July 17, 2007

Attest: *Kevin Sublett, CMC*

Approved as to Form

Dary E Rabenslaw JTC
att, Attorney

IT IS SO ORDERED. This Final Order shall become effective immediately.

By Karina Borromeo
Karina Borromeo
Regional Judicial Officer

Date Aug. 14, 2007

APPENDIX A

DEPARTMENT: WICHITA FIRE (By Category)			Contact Person: MIKE GONZALEZ Revised 05/31/07 (epa fine revised 053107)				5/31/2007
Category	Manufacturer	Contact #	Item Description	Part #	Quantity	Total Cost	Received
		****	Technology and	Reference	****		
chnology	Brother (Best Buy)	1-888-237-8289	Compact Laser Printer	HL-2040	1	\$124.99	
chnology	Toshiba (Best Buy)	1-888-237-8289	15" Flat Panel / DVD Combo	15DLV77	1	\$399.99	
ference Material	Dell	1-888-694-1402	Latitude D620 ATG	Latitude D620 ATG	1	\$3,662.25	
ference Material	Optimetrics, Inc.	1-800-734-6596	Decision Making Software	ADASHI First Response w/ESRI	2	\$4,150.00	
aining	Pocket Mobility Inc.	1-800-481-4894	Computer Program	HazMat Tool Kit	1	\$107.00	
her Authorized Equipment	Galls	1-800-477-7766	Pelican Cases (24.25 x 8.06 x 19.42)	BG-013	4 @ 209.99	\$419.98	
ference Material	Firefighter Bookstore	1-714-375-4888	Emerg. Care for Hazardous Materials Exposure	1110	1	\$31.95	
ference Material	Firefighter Bookstore	1-714-375-4888	Confined Space Rescue	1088	1	\$49.95	
ference Material	Firefighter Bookstore	1-714-375-4888	Complete Confined Spaces Handbook	1077	1	\$175.95	
ference Material	Firefighter Bookstore	1-714-375-4888	NFPA Fire Protection Guide to Hazardous Materials 13th	2001	1	\$149.95	
ference Material	Firefighter Bookstore	1-714-375-4888	Hazardous Chemicals Desk Reference	227	1	\$259.95	
ference Material	Firefighter Bookstore	1-714-375-4888	Hawley's Condensed Chemical Dictionary 14th ed.	231	1	\$180.95	
ference Material	Firefighter Bookstore	1-714-375-4888	Hazardous Materials emerg. Involving intermodal containers	35924	1	\$19.00	
ference Material	Firefighter Bookstore	1-714-375-4888	Jane's Unconventional Weapons Response Handbook	#2023	1	\$39.95	
aining	NFPA	1-800-344-3555	Virtual Terrorist Response Training program	RES-26106	2	\$70.00	
ference Material	LSS Weather Monitor II	1-800-356-0783	Nine Measurement weather monitor	6BN-31126	1	\$295.00	
ference Material	Weather Monitor	1-800-356-0783	External cable - 40'	6BN-31130	1	\$126.00	
ference Material	Barnes & Noble	www.bn.com	2004 Sax's Dangerous properties 3 Volume Set W/CD rom	471701335	1	\$1,050.00	
ference Material	Merck Publishing	1-732-5944600	Merck Index/book and CD	0-911910-13-1	1	\$125.00	
ference Material	Meister Publishing	Bordersstores.com	Meisterpro Crop Protection Handbook	1892829126	1	\$139.00	
ference Material	Trimble		GeoXH Handheld GPS Receiver	P/N 61000-00	1	\$5,295.00	
		****	PPE	***			
PPE	Trelleborg TrelChem	1-800-344-4458	Reusable Level A Suit XL	VPS-VP1	3	\$7,200.00	
PPE	Trelleborg TrelChem	1-800-344-4458	Reusable Level A Suit L	VPS-VP1	2	\$4,800.00	
PPE	Trelleborg TrelChem	1-800-344-4458	Reusable Level A Suit XXL	VPS-VP1	2	\$4,800.00	
PPE	PMI	1-888-764-1437	Yellow Kevlar shell w/Eye prot.	HL 3044	6	984.00	
PPE	Yates @ Rescue Direct	1-888-580-5510	Voyager Full Body Harness Padded	0380V-Medium	2	\$648.00	
PPE	Yates @ Rescue Direct	1-888-580-5510	Voyager Full Body Harness Padded	0380V-Large	4	\$1,296.00	
PPE	Yates @ Rescue Direct	1-888-580-5510	Voyager Full Body Harness Padded	0380V- Xlarge	2	\$648.00	
PPE	LSS	1-800-356-0783	Armor Knit Cut resistant gloves	105543L	10 @ 10.70	\$107.00	

E	LSS	1-800-356-0783	Armor Knit Cut resistant gloves	105543XL	10 @ 10.70	\$107.00
E	LSS	1-800-356-0783	Body Cooling Jacket	4CT-35691	4 @ 239.00	\$956.00
E	LSS	1-800-356-0783	Four Piece Bladder set of Cooling jacket	4CT-35692	4 @ 204	\$816.00
E	Princeton Tec @ CMC	1-800-235-8951	Tec Yukon HL Helmet Light	130515	6	\$396.00
E	Petzl @ CMC	1-800-235-8951	Gloves	25023	10	\$350.00
E	Petzl @ CMC	1-800-235-8951	Gloves	25024	10	\$350.00
E	Petzl @ CMC	1-800-235-8951	Gloves	25025	10	\$350.00
E	LSS	1-800-356-0783	Tingley HazProff Boots	34246-11	6	\$462.60
E	LSS	1-800-356-0783	Tingley HazProff Boots	34246-13	6	\$462.60
E	LSS	1-800-356-0783	Tingley HazProff Boots	34246-12	6	\$462.60
Other Authorized Equipment	Welch Allyn Medical	1-800-330-3591	Spot Vital Signs Monitor	Welch 42NOB-E1	1	\$2,137.00
PE	Mid Continent Fire and Safety	316-522-0900	Remote Microphones for suits	AFGARX50TSM001CR	4 @ 465.00	\$1,860.00
PE	LSS	1-800-356-0783	Hazmat smart Strip chemical agent detector	125-203	20 @ 20.00	\$400.00
Bill Containment	Interstate Products Inc.	1-800-474-7294	Drum Magnet	2010	1	\$209.00
Bill Containment	Interstate Products Inc.	1-800-474-7294	Tanker Magnet	2000	1	\$659.00
Bill Control	LSS	1-800-356-0783	Pop Up Pools	6BK-39617	3 @ 183.	\$488.00
Other Authorized Equipment	Instrument Depot	1-800-731-7071	CDS set 1	8103140	1	\$201.95
Other Authorized Equipment	Instrument Depot	1-800-731-7071	CDS Set V	8103200	1	\$201.95
Other Authorized Equipment	Instrument Depot	1-800-731-7071	Hazmat Detection Kit Drager	4057185	1	\$2,159.00
Other Authorized Equipment	Mid-Continent Safety	316-522-0900	Static Grounding Reels	BWR-50	3 @ 182.50	\$547.50
Bill Control	LSS	1-800-356-0783	PH Paper Jumbo rolls	2153	20 @ 11.10	\$222.00
Monitoring Equipment	RaeSales	1-877-723-2878	Calibration Gas HCN	600-0057-00	3 @ 280.00	\$840.00
Monitoring Equipment	RaeSales	1-877-723-2878	Calibration Gas NH3	600-0058-000	3 @ 280.00	\$840.00
Monitoring Equipment	RaeSales	1-877-723-2878	Calibration Gas Kit Regulator	008-3052-00	1	\$370.00
Detection	Labware direct	1-800-356-0783	Chlor N Oil Test kit	8x-27668	20	\$212.00
PE	LSS	1-800-356-0783	Decon Grate	6BN-125307	3 @ 69.40	\$208.20
PE	LSS	1-800-356-0783	Three Compartment Decon Burn	6BN-125306	1	\$1,150.00
Leak Control	LSS	1-800-356-0783	Drum and Tank Repair Kits (Non-Sparking)	6BN-35155	2 @ 684.00	\$1,368.00
Bill Control	LSS	1-800-356-0783	Ultra Drain Seals (36x36)	6BN-84292	4 @ 230.00	\$920.00
Other Authorized Equipment	Galls	1-800-477-7766	Bayco Heavy Duty twin stand work lite.	G-SL085	2 @ 89.99	\$179.98
Spill Control	LSS	1-800-356-0783	Spill Berm	6BK-123013	3 @ 368.	\$1,104.00
Spill Control	LSS	1-800-356-0783	Plug Rugs	6BK-39826	2 @ 132.	\$264.00
Spill Control	LSS	1-800-356-0783	Universal sorbant pads 16X20	42939	2 @ 87.20	\$174.40
Spill Control	LSS	1-800-356-0783	Oil Up Absorbant	8049	2 @	\$1,422.00
Spill Control	LSS	1-800-356-0783	Oil Absorbant Boom	10788	4 @ 236	\$944.00
Spill Control	LSS	1-800-356-0783	Mercury Spill kits	6BK-20759	2 @ 110.	\$220.00
Spill Control	CMC	1-800-235-5741	Litter Wheels	330700	1	\$640.00
Zone Markers	LSS	1-800-356-0783	Red traffic cones to outline Hot Zone	42356	3 @ 18.80	\$56.40

Containment

Detection

One Markers	LSS	1-800-356-0783	Yellow Traffic cones to outline Warm Zone	42357	3 @ 18.80	\$56.40	
One Markers	LSS	1-800-356-0783	Green Traffic cones to outline Cold Zone	42358	3 @ 18.80	\$56.40	
	*****	Confined	Space	Equipment	****		
PE	CMC	1-800-235-8951	Rescue radio Holster	240027	6	\$151.50	
PE	PMI	1-888-764-1437	Knee Pad	SG51130	4	\$89.50	
PE	PMI	1-888-764-1437	Elbow Pads	SG51178	4	\$116.00	
PE	CMC	1-800-235-8951	TMI Aluminum Locking Carabiner	300213	6	\$114.00	
PE	CMC	1-800-235-8951	Omega Pacific Locking "D" Carabiner	300115	24	\$528.00	
PE	CMC	1-800-235-8951	Kelty Strike 3500 Pack for confined space equipment	452102	2	\$340.00	
PE	Mallon Rapide	1-800-235-8951	1/2" Stainless Steel Delta Link 3 3/16"	382122	6	\$161.70	
PE	Mallon Rapide	1-800-235-8951	7/16" Galvanized Steel Delta Link 2 5/8"	382101	10	\$60.00	
PE	CMC	1-800-235-8951	Pro Series Spreader Bar	202200	2	\$198.00	
PE	PMI	1-888-764-1437	Anchor Strap 12'	SK 91112	2	\$85.80	
PE	PMI	1-888-764-1437	Anchor Strap 20'	SK 91120	2	\$111.10	
PE	PMI	1-888-764-1437	SMC Double Pully	SM152801N	4	\$311.40	
PE	SMC	1-888-580-5510	NFPA Rigging Plate	NFPA 130005	2	\$93.00	
PE	PMI	1-888-764-1437	SMC Rescue Swivel	SM136000N	2	\$152.50	
PE	PMI	1-888-764-1437	SMC Single Pully	SM152701N	8	\$398.80	
PE	PMI	1-888-764-1437	SMC XL D Carabiner	SM20003N	4	\$128.00	
PE	New England KM III	1-800-235-8951	Rescue Rope Blue/White	K03160	600'	\$570.00	
PE	New England KM III	1-800-235-8951	Rescue Rope Red/White	K01160	600'	\$570.00	
Other Authorized	SKEDCO	1-800-235-8951	Sked Rescue System	752001	1	\$521.40	
Other Authorized	SKEDCO	1-800-235-8951	Sked Rescue System Pediatric	754001	1	\$433.40	
Other Authorized	DBI / Sala	1-800-235-8951	Salalift II Winch	392003	1	\$1,348.50	
Other Authorized Equipment	CMC	1-800-235-5741	Carrying Bag tri-pod	757010	1	\$90.85	
Other Authorized	SKEDCO	1-800-235-8951	Sked Tripod Bracket	300410	2	\$370.00	
Other Authorized	SKEDCO	1-800-235-8951	Sked-Evac Tripod	SK700	1	\$1,195.00	
PE	HagMeyer	By	Snap Lights	908004	200 (2 cases)	\$233.34	
					TOTAL	\$70,550.63	

IN THE MATTER OF City of Wichita, Water Treatment Plant, Respondent
Docket No. CAA-07-2007-0040

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Consent Agreement and Final Order was sent this day in the following manner to the addressees:

Copy hand delivered to
Attorney for Complainant:

Robert W. Richards
Assistant Regional Counsel
Region VII
United States Environmental Protection Agency
901 N. 5th Street
Kansas City, Kansas 66101

Copy by Certified Mail Return Receipt to:

Mr. Joe Allen Lang
Chief Deputy City Attorney
City Hall 13th Floor
455 North Main
Wichita, Kansas 67202-1635

Dated: 8/16/07


Kathy Robinson
Hearing Clerk, Region 7