

**U.S. ENVIRONMENTAL PROTECTION AGENCY  
REGION 7  
11201 RENNER BOULEVARD  
LENEXA, KANSAS 66219**

IN THE MATTER OF:	)	
	)	
Radiation- Former Air Capitol Dial Site	)	
	)	
Wichita, Sedgwick County, Kansas	)	U.S. EPA Region 7
	)	CERCLA-07-2011-0005
	)	
	)	
Air Capitol Dial, Inc.	)	
	)	
SETTLING PARTY	)	PROCEEDING UNDER SECTION
	)	122(h)(1) and 122(i) OF CERCLA
	)	42 U.S.C. §§ 9622(h)(1) and 9622(i)

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NOTICE THAT PUBLIC COMMENT PERIOD HAS CLOSED

Section 122(i) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (“CERCLA”), 42 U.S.C. § 9622(i), requires EPA to publish, in the Federal Register, notice of proposed administrative settlements entered under Section 122(h) of CERCLA, 42 U.S.C. § 9622(h), and, for a 30-day period beginning on the date of publication, to provide an opportunity for persons who are not parties to the proposed settlement to file written comments relating to the proposed settlement. Section 122(i) further requires EPA to consider any comments filed during the 30-day period and permits EPA to withdraw or withhold consent to the proposed settlement if such comments disclose facts or considerations which indicate the proposed settlement is inappropriate, improper, or inadequate.

In accordance with Section 122(i) of CERCLA, EPA published notice of a proposed administrative settlement, EPA Docket No. CERCLA-07-2011-0005, concerning the Radiation-Former Air Capitol Dial Site located in Wichita, Sedgwick County, Kansas in the Federal Register on December 12, 2012, 77 Fed. Reg. 74006. Mark Sokolow, Attorney at Law, 338 Wedgerock, Webster, Texas 77598, submitted comments recommending that Air Capitol Dial pay \$600,000. He also stated he would recommend a deferred payment program of five years if Air Capitol Dial could show it could avoid future contamination. The comments received on this proposed settlement did not disclose to EPA facts or considerations which indicate the proposed settlement is inappropriate, improper, or inadequate.

The settlement is, therefore, final and effective upon the date of signature of the Settlement Agreement by the Director of the Superfund Division and this Responsiveness

Summary. In accordance with Paragraph 11(Payment of Response Costs) of the Settlement Agreement, payment of the first installment is due within 30 days of the date of signature of this Responsiveness Summary, and the final two installments are due on each day of the anniversary of the Effective Date with interest as stated in Paragraph 11.

  
\_\_\_\_\_  
Cecilia Tapia  
Director  
Superfund Division

  
\_\_\_\_\_  
Date

IN THE MATTER OF Radiation - Former Air Capitol Dial Site  
Docket No. CERCLA-07-2011-0005

CERTIFICATE OF SERVICE

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

Copy hand delivered to  
Attorney for Complainant:

Denise L. Roberts  
Senior Assistant Regional Counsel  
Region 7  
United States Environmental Protection Agency  
11201 Renner Blvd.  
Lenexa, Kansas 66219

Copy by First Class Mail to:

Mark Sokolow  
Attorney at Law  
338 Wedgerock  
Webster, Texas 77598

Dated: 2/25/13



Kathy Robinson  
Hearing Clerk, Region 7

