

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

UNITED STATES OF AMERICA,

*Plaintiff,*

v.

BAYER CROPSCIENCE LP,

*Defendant.*

Civ. No. 2:15-cv-13331

**SECOND MODIFICATION OF CONSENT DECREE**

WHEREAS, on August 9, 2016 the Court approved and entered a Consent Decree (ECF No. 19) between the Parties in the above-captioned case;

WHEREAS, the Consent Decree requires Defendant to implement Supplemental Environmental Projects (“SEPs”) as more fully described in Appendices B through O (*id.* ¶ 23);

WHEREAS, on March 30, 2017, the Parties filed an Agreed Non-Material Modification of Consent Decree (ECF No. 21) because the needs of SEP recipients changed and communities requested additional services during the period between execution of and entry of the Consent Decree;

WHEREAS, the Agreed Non-Material Modification of Consent Decree replaced Appendices B, D-2, E, F, G, H, J, K, L, M and O with revised documents that fully describe the substantive and scheduling modifications, which resulted in an increase in Defendant’s higher good faith estimates of SEP costs, from \$4,203,813 to \$4,422,978, and higher credit mitigation percentages;

WHEREAS, Appendix B required Defendant to perform a SEP involving construction of a West Sump Expansion to provide additional storage capacity to prevent untreated process

wastewater from overflowing into the Kanawha River during heavy rain events, fire-fighting emergencies, and process upsets;

WHEREAS, Defendant has made other modifications to the West Sump that appear to have substantially reduced or eliminated overflows of untreated process wastewater and Defendant has provided Plaintiff with evidence demonstrating that no overflows have occurred since late 2013;

WHEREAS, while excavating for the West Sump Expansion, Defendant encountered soil contamination that threatened the health and safety of the workers constructing the West Sump Expansion along with other conditions that significantly complicated the construction activities, and that Defendant reported the conditions to the site owner, who in turn reported the contamination to United States Environmental Protection Agency (“EPA”);

WHEREAS, the Parties wish to replace the West Sump Expansion SEP with new alternative SEPs intended to improve the ability of local firefighting companies to address industrial and chemical fires;

WHEREAS, the new alternative SEPs better advance the objectives of chemical accident prevention laws that form the underlying basis of the enforcement action;

WHEREAS, because the new alternative SEPs more effectively achieve and promote one or more of the critical factors EPA uses to evaluate projects under the EPA SEP policy, EPA approved a higher mitigation credit than the credit assigned to the West Sump Expansion SEP; and

WHEREAS, the Consent Decree states that the Parties may modify the Consent Decree only by written agreement signed by all the Parties. Material changes are effective only upon approval by the Court (*id.* ¶ 84).

NOW, THEREFORE, the Parties agree:

1. The text of subparagraph 23.a of the Consent Decree is deleted and replaced in its entirety with the following:

“The Volunteer Fire Department (VFD) Equipment SEPs (Appendices B-1 and B-2) will enhance the ability and capacity of emergency responders to address releases and respond to chemical emergencies in Kanawha County by providing to the Jefferson Volunteer Fire Department and Institute Volunteer Fire Department: fire trucks; modern, specialized chemical fire-fighting equipment; base and mobile radios; and individual air packs with thermal imaging cameras built in.”

2. In subparagraph 25.a, the number “\$4,230,813” (which was replaced by \$4,422,978 in the Agreed Non-Material Modification of the Consent Decree) is deleted and replaced with the number “\$3,050,770.”

3. The text of subparagraph 25.a.i. is deleted in its entirety and replaced with the following: “Volunteer Fire Department Equipment SEPs: \$1,727,792.”

4. In Paragraph 94, the text “‘Appendix B’ is the West Sump Expansion SEP, and its milestones/schedule” is replaced with the text “‘Appendices B-1 and B-2 are the Volunteer Fire Department Equipment SEPs and their milestones/schedules.’”

5. Appendix B to the Consent Decree shall be replaced with the Appendices B-1 and B-2 attached hereto.

6. Except as expressly stated herein, no other provisions of the Consent Decree are modified, superseded, or altered in any way by this Modification.

7. This Modification may be executed in counterparts.

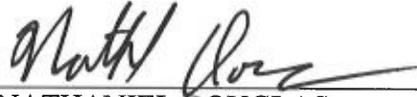
SO ORDERED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_

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UNITED STATES DISTRICT JUDGE  
Southern District of West Virginia

THE UNDERSIGNED PARTIES enter into this Second Modification of the Consent Decree in the matter of *United States v. Bayer CropScience, LP*.

FOR PLAINTIFF THE UNITED STATES:



NATHANIEL DOUGLAS  
Deputy Chief  
Environmental Enforcement Section  
Environment and Natural Resources Division  
U.S. Department of Justice

8/31/2017  
Dated



DANIEL S. SMITH  
Senior Counsel  
Environmental Enforcement Section  
Environment and Natural Resources Division  
U.S. Department of Justice  
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CAROL A. CASTO  
U.S. Attorney  
U.S. Attorney's Office, Southern District of  
West Virginia

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THE UNDERSIGNED PARTIES enter into this Second Modification of the Consent Decree in the matter of *United States v. Bayer CropScience, LP*.

FOR PLAINTIFF THE UNITED STATES:

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NATHANIEL DOUGLAS  
Deputy Chief  
Environmental Enforcement Section  
Environment and Natural Resources Division  
U.S. Department of Justice

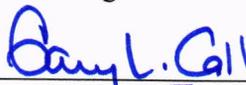
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Dated

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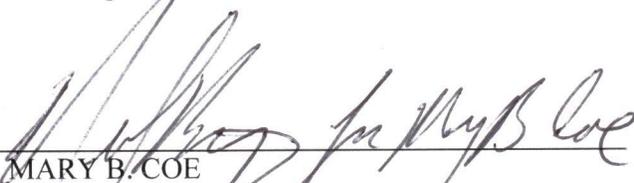
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FOR PLAINTIFF UNITED STATES OF AMERICA:



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CECIL RODRIGUES  
Acting Regional Administrator  
U.S. EPA Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029



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MARY B. COE  
Regional Counsel  
U.S. EPA Region III  
1650 Arch Street  
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CYNTHIA T. WEISS  
Senior Assistant Regional Counsel  
U.S. EPA Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029

THE UNDERSIGNED PARTIES enter into this Second Modification of the Consent Decree in the matter of *United States v. Bayer CropScience, LP*.

FOR DEFENDANT BAYER CROPSCIENCE LP:

\_\_\_\_\_  
Dated



\_\_\_\_\_  
PAT LOZON  
Vice President  
Bayer CropScience LP

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[aemch@jacksonkelly.com](mailto:aemch@jacksonkelly.com)

THE UNDERSIGNED PARTIES enter into this Second Modification of the Consent Decree in the matter of *United States v. Bayer CropScience, LP*.

FOR DEFENDANT BAYER CROPSCIENCE LP:

\_\_\_\_\_  
Dated

\_\_\_\_\_  
PAT LOZON  
Vice President  
Bayer CropScience LP



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FOR DEFENDANT BAYER CROPSCIENCE LP:

\_\_\_\_\_  
Dated

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PAT LOZON  
Vice President  
Bayer CropScience LP

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## **APPENDIX B-1**

### **STATEMENT OF WORK SUPPLEMENTAL ENVIRONMENTAL PROJECT**

#### **Project:**

This project, providing Jefferson Volunteer Fire Department (JVFD) with fire apparatus — a pumper truck, thermal imaging cameras, face pieces, and mobile radios — will expand and enhance JVFD's capability to better respond to emergencies, including hazardous material fires in Jefferson, West Virginia and throughout the Kanawha Valley. Bayer CropScience LP (BCS) will donate to JVFD modern fire-fighting equipment that meets the standards of the National Fire Protection Association (NFPA).

The NFPA establishes criteria for buildings and fire equipment to minimize the risk and effects of fire, establishes standards for equipment utilized by firefighters while engaging in hazardous material (hazmat) response, rescue response, and some firefighting, and is responsible for building and equipment codes and standards that help ensure the adequacy and availability of local volunteer fire departments.

#### **Nexus to Clean Air Act (CAA) 42 U.S.C. § 7412 (r):**

This Supplemental Environmental Project (SEP) expands and enhances the capabilities of local emergency responders, and will facilitate quicker and more efficient responses to releases associated with emergency events. Adequate nexus is deemed to exist using categories F and G contained in the March 2015 Update to the 1988 SEP Policy. Category F is environmental compliance promotion, and category G is emergency planning and preparedness. Accordingly, BCS satisfies two of the seven specific SEP Policy project categories.

The BCS-donated equipment will provide technical support to members of the regulated community thereby identifying, achieving and maintaining compliance with applicable statutory and regulatory requirements. The donated equipment will do this by enabling organizations to more satisfactorily fulfill their obligations under the Emergency Planning and Community Right to Know Act (EPCRA) to assess the dangers of hazardous chemicals present, to develop emergency response plans to better respond to chemical incidents and to better implement those plans. This SEP is appropriate because the primary impact of responding to emergencies with improved equipment during emergency events benefits the same emergency planning district as the Institute facility, and violations of Section 112(r) of the Clean Air Act are alleged in the complaint.

### **Description of the Project:**

BCS will purchase equipment and donate it to the Jefferson Volunteer Fire Department (JVFD), which is located across the Kanawha River from the Institute Plant and in the same emergency planning district. In fact, only the Institute Volunteer Fire Department is closer to the plant. JVFD's only current truck is a failing and leaking 1982 model year truck with open cab jump seats that poses a danger to responding firefighters. A new pumper truck would meet NFPA standards, and will provide a quicker and more efficient response. NFPA 1911 Annex D recommends that fire trucks be replaced every 25 years, and the existing JVFD truck is 35 years old. The new pumper truck, equipped with a 4-door cab, would be fully enclosed, with updated seat belts and restraining systems, thereby providing additional safety to firefighters in the event of a rollover accident. The existing truck has no capacity for on-board chemical foam and requires hooking lines up to five gallon buckets of foam. In contrast, the proposed replacement truck has on-board capacity to provide foam directly. Moreover, the new pumper truck will meet all NFPA standards for automotive fire apparatus. The NFPA Standards for Automotive Fire apparatus are attached here as a supplement.\*

JVFD's location means it is often required to fight chemical fires. The cost of the pumper truck proposed includes additional optional equipment and foam. In addition, JVFD will share foam with the IVFD as needed. BCS will donate foam for the purpose of improving JVFD's ability to fight chemical fires, thereby providing minimizing the consequences of any accidental release, and providing a necessary and discrete measurable benefit to the surrounding community.

JVFD currently has two thermal imaging cameras devices that are required to be shared by the entire fleet of volunteer firefighters. BCS will donate 16 SCBA/Thermal imaging cameras capable of reading temperature differences at up to 1,000 ft. away and able to identify a person at 200 ft. from the camera. BCS will also donate carbon cylinders, and face pieces with voice amplifiers that will support the thermal imaging cameras.

BCS will also donate 1 Kenwood mobile or base radio attached to the fire truck with speakers capable of being heard outside of the vehicle cab, and 6 portable hand held radios. The mobile units run at 5-40 watts of power, and the portable units run at 1-5 watts of power. The mobile unit's higher wattage enables them to communicate with other vehicles responding to the same incident from a distance, and the mobile radios are capable of communicating in congested areas where signal absorption is a problem. Due to the constraints of the current city budget, these mobile units are equipment that the JVFD would not otherwise be able to purchase. The mobile radio bases in vehicles will expand the capabilities of radios that are currently used. The mobile radios are designed for use with a central command location and to communicate with portable

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\* Attached as supplement to this statement of work are additions to the 1901 NFPA standards for new trucks. Pierce is the make of the pumper trucks, and Finley Fire Equipment in Ohio is the manufacturer.

radios of emergency responders. These radios expand countywide communication and assist tremendously in chemical emergencies when the JVFD must rely on all communication units at the same time to assist with traffic control and other vital and necessary emergency measures.

In addition, BCS will donate equipment to support the firefighting apparatuses donated to the JVFD.

**Scheduling:**

BCS's goal is to place the order for equipment for the Jefferson Volunteer Fire Department 90 days following the entry of the Major Modification to the Consent Decree. Dependent upon supplier capabilities, BCS expects delivery within a reasonable time after the order is placed.

**Cost :Equipment breakdown**

A. Pumper truck \$536,000.00

BCS will donate to JVFD a new pumper truck that meets all NFPA standards.

B. Buckets of Class "A" foam \$ (included in pumper truck cost)

Foam is included in the price of the donated JVFD pumper truck, and JVFD will share foam donated to Institute Volunteer Fire Department.

C. 16 SCBA/Thermal Imaging cameras \$132,560.00

Thermal imaging cameras are capable of reading temperature differences at up to 1,000 ft. away and identify a person at 200 ft. from the camera.

D. 16 carbon cylinders for SCBA's \$14,480.00

E. 10 spare face pieces with voice amplifiers \$6,510.00

F. 6 Kenwood portable radios \$9,500.00

G. 1 Kenwood mobile/base (for pumper truck) \$1,600.00

**Total Cost:** Approximately \$700, 650.00

## **National Fire Protection Association Standard for Automotive Fire Apparatus\***

### **D.3 Upgrading or Refurbishing Fire Apparatus:**

Any apparatus, whether in first line or reserve service, should be upgraded as necessary to ensure the following features are included at a minimum:

1. Fully enclosed seating is provided for all members riding on the fire apparatus
2. Warning lights meet the current standard
3. Reflective striping meets the current standard
4. Slip resistance of walking surfaces and handrails meets the current standard
5. A low voltage electrical system load manager is installed if the total continuous load exceeds the alternator output
6. Where the GVWR is 36,000 pounds or more, an auxiliary braking system is installed and operating correctly
7. Ground and step lights meet the current standard
8. Noise levels in the driving and crew compartment(s) meet the current standard  
*(See NFPA 1500)*
9. Engine belts, fuel lines, and filters have been replaced in accordance with the manufacturers maintenance schedule(s)
10. Brakes, brake lines and wheel seals have been replaced or serviced in accordance with the manufacturers' maintenance schedule
11. Tires and suspension are in serviceable condition
12. All horns and sirens are relocated from the roof to a position as low and far forward as possible
13. Seat belts are available for every seat and are new or in serviceable condition
14. Sign plates are present stating no riding on open areas
15. A complete weight analysis shows the fire apparatus is not over individual axle or total GVW (gross vehicle weight) ratings

## **National Fire Protection Association Standard for Automotive Fire Apparatus\***

16. The fire pump meets or exceeds its original pump rating
17. Alternator output meets its rating
18. Water tank and baffles are not corroded or distorted
19. A transmission shift pump interlock is present and working properly on vehicles equipped with an automatic transmission
20. All loose equipment in the driving and crew areas is securely mounted to prevent its movement in case of an accident
21. The radiator has been serviced in accordance with the manufacturers' maintenance schedule and all cooling system hoses are new or in serviceable condition
22. If so equipped, the generator and line voltage accessories have been tested and meet the current standard
23. If equipped with an aerial device, a complete test to original specifications has been conducted and certified by a certified testing laboratory

Fire department administrators and fire chiefs should exercise special care when evaluating the cost of refurbishing or updating an apparatus verses the cost of a new fire apparatus. A thorough cost/benefit analysis of the "value" of upgrading or refurbishing a fire apparatus should be conducted. In many instances it will be found that refurbishing costs will greatly exceed the current value of similar apparatus. Apparatus not built to NFPA apparatus standards or manufactured prior to 1979 (over 24 years old) should be considered for upgrading or replacement.

**From:** Jason Wurster [<mailto:jasonwurster1910@gmail.com>]

**Sent:** Friday, June 23, 2017 8:55 AM

**To:** Vince McCormick

**Subject:** Re: Needed information

The new truck would increase our capabilities to provide foam faster with the onboard system rather than having to get out a foam inductor, set it up in a five gallon bucket then attach the hoseline to it. With this new system all we would have to do is stretch the hoseline and press a button then it would apply the foam. The new truck would also have a better electrical system allowing us to carry more and better equipment. Having the equipment readily accessible to the firefighters rather than having a delay in response with having to get the equipment from the table in the station where it is charging. Having an enclosed cab also would provide more and better safety to the firefighters in the event of a rollover accident. The new supplemental restraint system requires all on board firefighters to have their seatbelts fastened or it will alert the driver when engaging the transmission into drive. Our department would be up to all NFPA codes with apparatus and SCBA.

On Jun 23, 2017 8:33 AM, "Jason Wurster" <[jasonwurster1910@gmail.com](mailto:jasonwurster1910@gmail.com)> wrote:

hey vince regarding the truck, the apparatus now is a 1982 model with open cab jump seats. these pose a danger to responding firefighters by not being fully enclosed in a secure truck with updated seat belts and restraint systems. this truck being old in age is now becoming a more expensive to fix with finding parts. our current truck is not meeting NFPA standards for front line apparatus. NFPA 1911 annex D from what i can read states that any truck over the age of 20 years and in bad shape needs to be either moved to reserve status or replaced. the pump on the truck is currently in failing status with numerous leaks and parts currently going bad. it also doesn't have on board foam capabilities, electrical system is currently going bad. new standards show that any equipment inside the cab needs secured in mounts, this truck doesn't have the space capacity inside the cab to mount necessary equipment needed for front line apparatus therefore having to keep it off the truck.

**PAUL JORDAN**  
REGIONAL SALES MANAGER  
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Williamstown, WV 26187  
Cell: 304-481-9989  
Email: [pjordan@finleyfire.com](mailto:pjordan@finleyfire.com)



**CORPORATE COMPLEX**  
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Fax: 740-962-5422  
Web: [www.finleyfire.com](http://www.finleyfire.com)

## QUOTATION

May 5, 2017

Bayer Crop Science  
Po Box 1005  
Rt 25  
Institute WV, 25112  
Ref Jefferson Vol Fire Department Pumper Project

Attn Stan Cooper

1 EA PIERCE SABER PUMPER ALUM BODY SABER FR CHASSIS PER ATTACHED SPEC LIST AND PROPOSAL BID SPEC WITH OPTIONS PROVIDED AND ADDED BY THE FIRE DEPT. PUMPER TO COME EQUIPED WITH HOSE AND NOZZLES AND NFPA EQUIPMENT

TOTAL PRICE \$ 486,207.00

\*\*\* THIS IS A DELIVERED PRICE TO CUSTOMER  
\*\*\* PUMPER IS AVAIL WITH A 30 DAY DELIVER DATE

IF PIERCE SABER JOB # 30207 NOT UTILIZED AND PUMPER WOULD HAVE TO BUILT TO ACCOMIDATE CURRENT OPTIONS AND FEATURES ADD TO THE TOTAL PRICE THE AMMOUNT OF \$49,788.00 AND UNIT WOULD HAVE A 6 TO 8 MONTH DELIVERY TIME FRAME.

### THE FOLLOWING ITEMS WILL BE ON THE PUMPER AS EQUIPMENT PER NFPA

PIKE POLES NFPA  
FIRE EXTINGUISHERS MOUNTED ABC 20 LBS  
FIRE EXTINGUISHERS MOUNTED WATER CAN 2 V2  
FIRE EXTINGUISHERS MOUNTED CO2 10 LBS MOUNTED  
12 VOLT LIGHTING ADDED TO PUMP PANEL  
1000 FT 5 INCH SUPPLY HOSE YELLOW 100 FT SECTIONS  
600 FT 3 INCH DBL JACKET WHITE HOSE  
400 FT 2 INCH DBL JACKET YELLOW FIRE HOSE  
400 FT 1 1/4 RED DBL JACKET FIRE HOSE  
400 2.5 IN DBL JACKET FIRE HOSE WHITE  
100 FT 1 DBL JACKET FIRE HOSE GREEN  
1 EA MONITOR 2.5 BLITZ FIRE  
2 EA TFT VORTEX HAND LINE NOZZLES  
LETTERING TO MATCH CURRENT VEHICLES IN FLEET

## **APPENDIX B-2**

### **STATEMENT OF WORK SUPPLEMENTAL ENVIRONMENTAL PROJECT**

#### **Project:**

This project, providing the Institute Volunteer Fire Department (IVFD) with fire apparatus — two pumper trucks, Class “A” foam, thermal imaging cameras, face pieces, and bunker gear, mobile radios, pagers, and hose lines and other supporting equipment — will expand and enhance IVFD’s capability to better respond to emergencies, including hazardous material fires at the Institute facility in West Virginia and throughout the Kanawha Valley. The equipment donated by Bayer CropScience (BCS) will augment IVFD ability to fulfill their obligations to develop emergency response plans, by improving their technical equipment. This modern fire-fighting equipment donated by BCS meets the standards of the National Fire Protection Association (NFPA).

The NFPA establishes criteria for buildings and fire equipment to minimize the risk and effects of fire, establishes standards for equipment utilized by firefighters while engaging in hazardous material (hazmat) response, rescue response, and some firefighting, and is responsible for building and equipment codes and standards that help ensure the adequacy and availability of local volunteer fire departments.

#### **Nexus to Clean Air Act (CAA) 42 U.S.C. § 7412 (r):**

This Supplemental Environmental Project (SEP) expands and enhances the capabilities of local emergency responders and will facilitate quicker and more efficient responses to releases associated with emergency events. Adequate nexus is deemed to exist using categories F and G contained in the March 2015 Update to the 1988 SEP Policy. Category F is environmental compliance promotion and category G is emergency planning and preparedness. Accordingly BCS satisfies two of the seven specific SEP Policy project categories.

The BCS-donated equipment will provide technical support to members of the regulated community thereby identifying, achieving and maintaining compliance with applicable statutory and regulatory requirements. The donated equipment will do this by enabling organizations to more satisfactorily fulfill their obligations under the Emergency Planning and Community Right to Know Act (EPCRA) to assess the dangers of hazardous chemicals present, to develop emergency response plans to better respond to chemical incidents and to better implement those plans. This SEP is appropriate because the primary impact of responding to emergencies with improved equipment during emergency events benefits the same emergency planning district as the Institute facility, and violations of Section 112(r) of the Clean Air Act are alleged in the complaint.

### **Description of the Project:**

BCS will purchase and donate equipment to the IVFD, which serves the same community where the Institute Plant is located. IVFD requested the replacement of two trucks, one 2005 model and one 2012 model, with two new pumper trucks that meet current NFPA vehicle safety standards. The NFPA Standards for Automotive Fire apparatus are attached here as a supplement.\* The revised standards require air bags, rollover protection, updated seatbelts and a restraining system to reduce danger to responding firefighters, and the vehicles must comply with current braking standards. The 2005 model, used for larger, longer lasting fires, no longer pumps water reliably, and is now used for carrying hose. The 2012 model is the only pumper truck in current use by IVFD. The IVFD Chief wishes to increase the squad capability by utilizing two shorter fire trucks with two man cabs and improved turning radii, permitting better navigation in some of the tight industrial areas of the industrial facilities. The two replacement trucks are capable of providing a quicker and more efficient response, substituting for one larger less maneuverable vehicle.

IVFD's location means it is often required to fight chemical fires. Significantly, the new pumper trucks will support on-board chemical foam, where foam can be provided directly from a hose line instead of being required to use a foam inductor fed from a five-gallon bucket. BCS will also donate foam to improve IVFD's ability to fight chemical fires, minimizing the consequences of any accidental release and providing a necessary and discrete measurable benefit to the surrounding community.

BCS will also donate 25 SCBA/Thermal imaging cameras capable of reading temperature differences at up to 1,000 ft. away and able to identify a person at 200 ft. from the camera. BCS will also donate carbon cylinders, and face pieces with voice amplifiers that will support the thermal imaging cameras. Institute's current air packs are approaching the 15-year mark this year. According to NFPA standards for breathing apparatus, air packs should be replaced every 15 years.

BCS will also donate 2 Kenwood mobile or base radios attached to the fire trucks with speakers capable of being heard outside of the vehicle cab, and 20 portable hand held radios. The mobile units run at 5-40 watts of power, and the portable units run at 1-5 watts of power. The mobile unit's higher wattage enables them to communicate with other vehicles responding to the same incident from a distance, and the mobile radios are capable of communicating in congested areas where signal absorption is a problem. Due to the constraints of the current community budget, these mobile units represent equipment that the IVFD would not otherwise be able to purchase. The mobile radio

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bases in vehicles will expand the capabilities of radios that are currently used. The mobile radios are designed for use with a central command location and to communicate with portable radios of emergency responders. These radios expand countywide communication and assist tremendously in a chemical emergency when the IVFD must rely on all communication units at the same time to assist with traffic control and other vital and necessary emergency measures.

In addition, BCS will donate set of bunker gear, mobile radios, hoses and goggles with lights to support firefighting apparatuses.

### **Scheduling:**

BCS's goal is to place the order for equipment for the Institute Volunteer Fire Department 90 days following the entry of the Major Modification to the Consent Decree. Dependent upon supplier capabilities, BCS expects delivery within a reasonable time after the order is placed.

### **Cost : Equipment breakdown**

A. Two Pumper trucks	\$600,000.00
B. 50 Buckets of Class "A" foam	\$7,400.00
C. 25 SCBA/Thermal Imaging cameras	\$207,000.00
D. 25-45 min carbon cylinders for SCBA's**	\$22,625.00
E. 10-spare face pieces with voice amplifiers	\$6,510.00
F. 3-RIT Pack 3 4.5**	\$8,313.00
G. 3-carbon cylinders for RIT**	\$3,630.00
H. 25-Sets of bunker gear (to include coat, pant, boots, gloves, hat with goggles and light & pacII hoods)	\$72,500.00
I. 20-Kenwood portable radios	\$31,600.00
J. 2- Kenwood base radios (for Pumper trucks)	\$3,200.00
K. 25- Motorola Monitor VI Pagers	\$10,000.00
L. 3000'- 5 inch hose (red)	\$20,970.00
M. 2500'- 3 inch hose (orange)	\$11,250.00
N. 1200'- 1 ¾ inch hose (red)	\$4,728.00
O. 1200'- 1 ¾ inch hose (blue)	\$4,728.00
P. 2000'- 2 ½ inch hose (Yellow)	\$10,000.00
Q. 800'- Carry light 1 ¾ inch (Green)	\$2,688.00
	<hr/>
	<b>Total Cost:</b>
Approximately	\$1,027,142.00

\* Attached as a supplement to this statement of work are more detailed descriptions of the items "D", "F", and "G" in the Equipment Breakdown.

## **National Fire Protection Association Standard for Automotive Fire Apparatus\***

### D.3 Upgrading or Refurbishing Fire Apparatus:

Any apparatus, whether in first line or reserve service, should be upgraded as necessary to ensure the following features are included at a minimum:

1. Fully enclosed seating is provided for all members riding on the fire apparatus
2. Warning lights meet the current standard
3. Reflective striping meets the current standard
4. Slip resistance of walking surfaces and handrails meets the current standard
5. A low voltage electrical system load manager is installed if the total continuous load exceeds the alternator output
6. Where the GVWR is 36,000 pounds or more, an auxiliary braking system is installed and operating correctly
7. Ground and step lights meet the current standard
8. Noise levels in the driving and crew compartment(s) meet the current standard  
*(See NFPA 1500)*
9. Engine belts, fuel lines, and filters have been replaced in accordance with the manufacturers maintenance schedule(s)
10. Brakes, brake lines and wheel seals have been replaced or serviced in accordance with the manufacturers' maintenance schedule
11. Tires and suspension are in serviceable condition
12. All horns and sirens are relocated from the roof to a position as low and far forward as possible
13. Seat belts are available for every seat and are new or in serviceable condition
14. Sign plates are present stating no riding on open areas
15. A complete weight analysis shows the fire apparatus is not over individual axle or total GVW (gross vehicle weight) ratings

## **National Fire Protection Association Standard for Automotive Fire Apparatus\***

16. The fire pump meets or exceeds its original pump rating
17. Alternator output meets its rating
18. Water tank and baffles are not corroded or distorted
19. A transmission shift pump interlock is present and working properly on vehicles equipped with an automatic transmission
20. All loose equipment in the driving and crew areas is securely mounted to prevent its movement in case of an accident
21. The radiator has been serviced in accordance with the manufacturers' maintenance schedule and all cooling system hoses are new or in serviceable condition
22. If so equipped, the generator and line voltage accessories have been tested and meet the current standard
23. If equipped with an aerial device, a complete test to original specifications has been conducted and certified by a certified testing laboratory

Fire department administrators and fire chiefs should exercise special care when evaluating the cost of refurbishing or updating an apparatus verses the cost of a new fire apparatus. A thorough cost/benefit analysis of the "value" of upgrading or refurbishing a fire apparatus should be conducted. In many instances it will be found that refurbishing costs will greatly exceed the current value of similar apparatus. Apparatus not built to NFPA apparatus standards or manufactured prior to 1979 (over 24 years old) should be considered for upgrading or replacement.

## INSTITUTE VOLUNTEER FIRE DEPARTMENT

### Cost: Equipment breakdown\*\*

#### Additional detail/explanation

- **D. 25-45 min carbon cylinders for SCBA's:**  
carbon cylinders to fit self- contained breathing apparatus (SCBA's);
  
- **F. RIT Pack 3 4.5:**  
Rapid Intervention Team packs. Rapid Intervention teams are on standby and oversee the emergency responders in harm's way. If an emergency responders self-contained breathing apparatus malfunctions, these teams would use a RIT Pack III for a rescue. These are portable self-contained breathing systems that have a variety of fittings to hook up to various SCBA to provide emergency air in a hazardous atmosphere. They typically also have a variety of tools to be used to break or tighten fittings and make quick repairs to a unit. All designed to save an emergency responder in distress due to a breathing device failure
  
- **G. 25 SCBA/Thermal Imaging cameras:**  
Training material for cameras:
  - The vendor representative normally provides remedial training;
  - The Institute VFD Chief Moyers has spoken the Scott Air rep who services Scott products, and he will train each member on the new air packs and thermal imaging masks. Also, Institute has a certified state regional Education Services Agency (RESA) fire instructor that conducts their yearly in-service training on their hand-held thermal imaging cameras;
  - Institute will also host an in-house session on the proper use of thermal imaging for fire suppression, and has agreed to contact an instructor and set up the classes.

Eileen,

Here is the document requested from the Institute Fire Chief and Finley Fire.

Freundliche Grüße / Best regards,

*Vince McCormick*

QHSE/Utilities Manager

Bayer: Science for a Better Life

Bayer U.S.

Institute, WV,

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E-mail: [vince.mccormick@bayer.com](mailto:vince.mccormick@bayer.com)

Web: <http://www.bayer.com>

**From:** William Moyers [<mailto:chiefmoyers@outlook.com>]  
**Sent:** Monday, June 26, 2017 12:31 PM  
**To:** Vince McCormick  
**Subject:** Fw: Info on new trucks

Vince,

Attached is an email from Paul Jordan the regional sales manager and the one that specked our new trucks thru Finley Fire Equipment. He will be the one that I will be dealing with when they are purchased and while they are being built. He has attached me some info on what you requested on the new trucks, he can also give you information on the old trucks as to what the new ones have per NFPA and the safety features.

Paul's contact info is listed below

The air packs we are currently using are reaching the 15 year mark this year and are MSA SCBA's and Bottles. Per NFPA on breathing apparatuses they are to be replaced after 15 years of usage.

I will be out of town this week, however I will be available by cellphone (304) 552-6760 and will be checking my email.

**Chief W.C. Moyers**

email: [chiefmoyers@outlook.com](mailto:chiefmoyers@outlook.com)

**Institute Fire Department**  
Mailing Address: Po Box 192  
Institute, West Virginia 25112

Station: (304) 768-6678 Fax: (304) 768-6915

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**From:** Paul Jordan <[pjordan@finleyfire.com](mailto:pjordan@finleyfire.com)>  
**Sent:** Monday, June 26, 2017 8:12 AM  
**To:** William Moyers  
**Subject:** Document1

Chris look this over and let me know if you need me to do anything more on this

Thanks

**Paul Jordan**  
**Regional Sales Manager**  
**Cell 304-481-9989**  
**740.962.4328 Finley Office**  
**800.545.3280 Finley Toll Free**  
**304-375-2514 Fax**



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Chief Moyers

In reference to your request, by reviewing what you currently have here is where I feel you are..

By being able to purchase these new units it would allow the Fire Department to bring themselves up to current NFPA 1901 safety standards which means new air bags, roll over protection and braking standards which your current units when purchased was not available or required. The braking systems and safety features will bring your department up to a safety level that meets all current features available today.

The newer options and features would also allow better turning radiuses which would allow the department to better negotiate the area for which your department covers and would let you negotiate areas of the plants and industrial sites and tight areas within your city.

The units being purchased will also bring your foam and industrial capabilities up to a level needed with the industrial area you cover in the Kanawha valley. The Huskie system specified will allow you to work with Class B foam agents along with Class A to be able to work with all areas of chemicals that you may have to work within your area. It will increase your rolling storage that at this point you don't have and allow you to carry foam on the units to be able to respond more efficiently and safely.

Hope this all helps with giving you some points that will benefit your department and community needs I think with the specifications and options you have chosen being able to purchase this type of apparatus will bring a safety level to your department and city that would not be available without this purchase or receiving these units.

Take care let me know if you need anything else

**PAUL JORDAN**  
REGIONAL SALES MANAGER  
23 Painters Crossing  
Williamstown, WV 26187  
Cell: 304-481-9989  
Email: [pjordan@finleytire.com](mailto:pjordan@finleytire.com)



**CORPORATE COMPLEX**  
5255 N State Route 60 NW  
McConnelsville, OH 43756  
Phone: 740-962-4328  
Fax: 740-962-5422  
Web: [www.finleyfire.com](http://www.finleyfire.com)

## QUOTATION

May 11, 2017

Institute Fire Department  
Attn Chief Moyers  
Ref FRTLiner/ Pierce 1250 pumper unit

TWO PIERCE 2017 PIERCE FXP FRTLINER 2 DOOR PUMPER 1250 PUMP PER SPECS AND  
OPTIONS PER FIRE DEPARTMENT

\*\*\* PRICE IS A DELIVERED PRICE TO DEPARTMENT

\$598,930.00

All prices are firm for 30 days from above date and are quoted plus freight. If you should have any questions please feel free to give me a call.

Hoping this is to your satisfaction, I remain

Respectfully yours,

**Paul L. Jordan**  
Regional Sales Manager