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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION VII  
901 NORTH FIFTH STREET  
KANSAS CITY, KANSAS 66101  
ENVIRONMENTAL PROTECTION  
AGENCY-REGION VII  
REGIONAL HEARING CLERK

BEFORE THE ADMINISTRATOR

IN THE MATTER OF )  
)  
Bayer CropScience )  
17745 South Metcalf Avenue ) Docket No. CAA-07-2008-0011  
Stilwell, KS 66085-9104 )  
)  
)  
Respondent )

SUPPLEMENTAL INFORMATION IN SUPPORT OF SEP

Respondent, Bayer CropScience, has proposed a Supplemental Environmental Project (SEP) as part of a settlement for alleged violations of the Federal Plan Requirements for Commercial and Industrial Solid Waste Incinerators (CISWI), 40 C.F.R. Part 62, Subpart III.

The Bayer CropScience SEP proposal is to perform a comprehensive fluorescent lamp change-out in one of the major buildings at the Bayer Research Park in Stilwell, Kansas. This building was constructed in 1987, and as such, is equipped with T-12 type fluorescent lamps. Bayer's proposal is to change-out existing light fixtures and lamps from T-12 for more energy efficient T-5 and T-8 technology.

The projected energy savings of 274,240 kWh / \$13,712 annually results from both direct energy efficiency of the lighting and some secondary savings in air conditioning costs during the summer months. According to the air emissions calculator on the EPA Clean Energy website, the pollutant reductions which will be realized as a result of this project are as follows: 1,196 pounds of Nitrogen Oxides (NO<sub>x</sub>), 1,823 pounds of Sulfur Dioxides (SO<sub>x</sub>), 589,166 pounds of Carbon Dioxide (CO<sub>2</sub>).

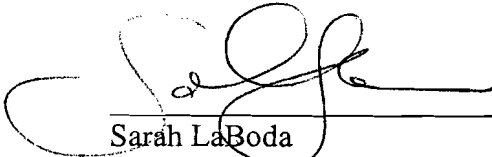
Nexus Analysis

The alleged CAA violations in the present case do not specifically involve violations of emissions limits for NO<sub>x</sub>, SO<sub>x</sub> or CO<sub>2</sub>. However, the SEP Policy provides that nexus can still be established if "the project reduces the overall risk to the public health or the environment potentially affected by the violation." This approach to nexus still requires a tie to the underlying violation itself.

Here, the alleged CAA violations stemmed from Respondent's failure to comply with all of the CISWI regulations, including failure to: comply with operator training and inspection requirements, submit a waste management plan, conduct an initial performance test, and submit an initial testing report.

Both NO<sub>x</sub> and SO<sub>2</sub> are regulated under the Clean Air Act CISWI regulations and it is possible that emissions violations for NO<sub>x</sub> and SO<sub>2</sub> potentially occurred at the facility; however, because Respondent allegedly failed to conduct an initial performance test and submit an initial test report, it is impossible to determine whether there were actual emissions violations for NO<sub>x</sub> and SO<sub>2</sub> at the Respondent's facility.

However, the CISWI unit at the Bayer Research Park, in incinerating agricultural wastes, does produce both CO<sub>2</sub> and particulate matter emissions. Given that the proposed SEP would significantly reduce CO<sub>2</sub> emissions and particulate emissions from the generation of electric power, there is a nexus between the pollutant reductions from the project and the impact to the public health and the environment caused by the continued operation of the facility.



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Sarah LaBoda  
Assistant Regional Counsel  
Office of Regional Counsel

CERTIFICATE OF SERVICE

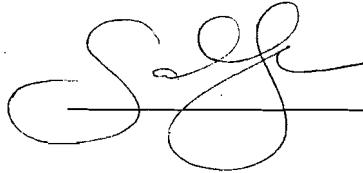
I certify that on the date noted below I hand delivered the original and one true copy of this Supplemental Information in Support of SEP to the Regional Hearing Clerk, United States Environmental Protection Agency, 901 North Fifth Street, Kansas City, Kansas 66101.

I further certify that on the date noted below I sent a copy of the foregoing Order for Compliance by first class certified mail, return receipt requested, to:

Robert Lambrechts, Esq.  
Lathrop & Gage L.C.  
10851 Mastin Boulevard  
Building 82, Suite 1000  
Overland Park, Kansas 66210-1669

4/11/08

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Date

  
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