

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

08 MAY -5 AM 9:33  
ENVIRONMENTAL PROTECTION  
AGENCY-REGION VII  
REGIONAL HEARING CLERK

BEFORE THE ADMINISTRATOR

IN THE MATTER OF )

City of Hays Water Softening Plant )  
1000 Vine Street )  
Hays, Kansas 67601 )

Docket No. CAA-07-2008-0020

Respondent )

SUPPLEMENTAL INFORMATION IN SUPPORT OF SEP

Respondent, City of Hays Water Softening Plant, has proposed a Supplemental Environmental Project (SEP) as part of a settlement for alleged violations of the Risk Management Program regulations, 40 C.F.R. Part 68, which implements Section 112(r) of the Clean Air Act.

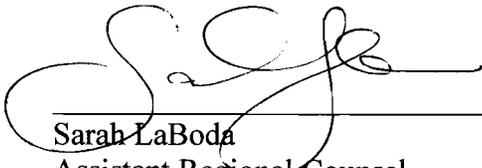
The Respondent's SEP proposal is to purchase a laptop computer, printer, and software for use on-board the City's Hazmat truck for use in responding to emergencies and chemical accidents. The software (Cameo, Aloha and Marplot) is designed to assist first responders and emergency planners, providing access chemical property and response information, modeling potential chemical releases, displaying results on a map, and managing planning data. This equipment will allow Hazmat Team members to view and print chemical information prior to entry into an affected area.

A proposed project must have a nexus to the underlying violation. The SEP Policy provides that nexus can be established if "the project reduces the adverse impact to public health or the environment to which the violation at issue contributes."

In this case, the adverse impact to public health and the environment from a failure to comply with the Risk Management Program is an increased likelihood of a chemical release or accident which places the public, environment, and emergency response personnel at risk for exposure to regulated chemicals. By arming local emergency responders with a portable computer, relevant software, and printing capability, it provides the responders the necessary information to analyze chemical information en route to an affected area, plan for a more effective response, and mitigate risks to themselves and the community from the accident, fire, or chemical release. Given that the proposed SEP could potentially reduce the impact to emergency responders and the community from a chemical accident, there is a nexus between the proposed project and the underlying violation.

EPA has identified seven specific categories of projects which may qualify as SEPs. This proposed SEP falls into the seventh category, "Emergency Planning and Preparedness." The SEP Policy describes an emergency planning and preparedness project as one that "provides assistance – such as computers and software...to a responsible state or local emergency response or planning entity." The Policy states that "[t]his type of SEP is allowable when the SEP involves non-cash assistance and there are violations under...CAA § 112(r)." Here, the procurement of the computer is non-cash assistance, and the purchase is being made in response to alleged violations of CAA § 112(r).

The final requirement for this category of SEP, pursuant to the Policy, is that "the primary impact of the project is within the same emergency planning district or state affected by the violations." Here, the computer system is intended for use by the City's local Hazmat team, and would be used in the case of an emergency or chemical accident in their own emergency planning district.



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Sarah LaBoda  
Assistant Regional Counsel  
Office of Regional Counsel

IN THE MATTER OF City of Hays, Kansas, Respondent  
Docket No. CAA-07-2008-0020

CERTIFICATE OF SERVICE

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

Copy hand delivered to  
Attorney for Complainant:

Sarah LaBoda  
Assistant Regional Counsel  
Region VII  
United States Environmental Protection Agency  
901 N. 5<sup>th</sup> Street  
Kansas City, Kansas 66101

Copy by Certified Mail Return Receipt to:

Ms. Brenda G. Herrman  
Director of Public Works  
City of Hays, Public Works Department  
1002 Vine Street  
Hays, Kansas 67601

Dated:

<sup>KR</sup>  
5/8/08



Kathy Robinson  
Hearing Clerk, Region 7