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ENVIRONMENTAL PROTECTION AGENCY REGIONAL OFFICE REGION VII
REGIONAL HEARING CLERK
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION VII
901 NORTH 5th STREET
KANSAS CITY, KANSAS 66101

BEFORE THE ADMINISTRATOR

IN THE MATTER OF)	
)	
Main Street Lumber Company, Inc.)	Docket No. FIFRA 07-2008-0010
409 Main Street)	
Southwest City, MO 64863)	
)	
)	
Respondent)	

SUPPLEMENTAL INFORMATION IN SUPPORT OF SEP

Respondent, Main Street Lumber Company, Inc. (Mainstreet), has proposed a Supplemental Environmental Project (SEP) as part of a settlement for alleged violations of Section 12 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. § 136j. Main Street was holding for sale cans of a product containing the active ingredient diazinon, the registration of which was cancelled in 2004. As part of the settlement, Main Street agreed to perform a Supplemental Environmental Project (SEP)

Main Street is located in a rural, farming community in the southwest corner of Missouri. Fire protection is provided by the Southwest City Volunteer Fire Department. Discussions with the fire chief indicate that the department often responds to fires or spills involving pesticides at farms, co-ops and other facilities where pesticides are stored, but that the department lacks basic equipment that would protect the volunteer firefighters themselves and would allow the volunteer firefighters to minimize the potential human health and environmental impacts from pesticide-related incidents.

The SEP Policy provides that a nexus exists between the violation and the project if “the project reduces the overall risk to the public health or the environment potentially affected by the violation at issue.”

The project in this case is to provide the local volunteer fire department with spill control hazmat spill kits and special batteries for the communication radios used by the department. The response equipment to be provided will both protect the volunteers responding to pesticide-related incidents as well as enable those volunteers to minimize the potential public health and environmental consequences from such incidents. This effectively reduces the pollution caused by pesticide-related incidents, and is protective

of the public health and environment which would have been affected by the sale of a cancelled pesticide in the local community. As a result, the project has a nexus to the violation because the project reduces the overall risk to the public health or the environment potentially affected by the violation at issue.

Respectfully submitted,



Kent Johnson
Assistant Regional Counsel

4/11/08

Date

CERTIFICATE OF SERVICE

I certify that on the date noted below I hand delivered the original and one true copy of the Supplemental Information in support of SEP to the Regional Hearing Clerk, United States Environmental Protection Agency, 901 North 5th Street, Kansas City, Kansas 66101.

I further certify that on the date noted below I sent a copy of the foregoing document by first class mail to:

Mr. Randy Chandler
Main Street Lumber Co., Inc.
409 Main Street
Southwest City, MO 64863

4/11/08
Date

