



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10

1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140

C. Kennedy

SEP - 9 2009

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EPA -- REGION 10

Reply To: OCE-133

CERTIFIED MAIL, RETURN RECEIPT REQUESTED:

Mr. Robert L. Franklin, III
Franklin United, Inc.
P.O. Box 405
Twin Falls, ID 83303-0405

Re: Franklin United, Inc., Docket No. CWA-10-2009-0004
Supplemental Environmental Project (SEP) Completion Report

Dear Mr. Franklin:

I am writing in regard to the Supplemental Environmental Project (SEP) Completion Report Franklin Oil submitted on June 12, 2009. I have reviewed your Report, and the activities completed by Franklin appear to meet the requirements of the settlement agreement, with the following exception. According to your report, Franklin spent \$84,836.09 on the SEPs set out in the settlement agreement. Under paragraph 4.15 of the agreement, Franklin was to have spent \$90,600. Paragraph 4.15(a) states if the Respondent spent less than \$90,600, it shall pay a stipulated penalty equal to the difference between the amount of total eligible SEP costs incurred by Respondent and the amount set forth in Paragraph 4.15.

As you are aware, the difference between these two costs is \$5,763.91. Payment of this remaining difference shall be made by cashier's check or certified check, payable to "Environmental Protection Agency," and bearing the notation "OSLTF - 311". Please include the above-listed docket number and CAFO title on the check, and send it to:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, Missouri 63197-9000

Please send photocopies of the check described above to the following two addresses:

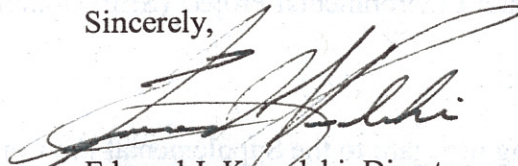
Carol Kennedy
Regional Hearing Clerk
U.S. Environmental Protection Agency
1200 Sixth Avenue, Suite 900
Mail Stop: ORC-158
Seattle, Washington 98101

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CLERK
and to:

Kate Spaulding
U.S. Environmental Protection Agency
1200 Sixth Avenue, Suite 900
Mail Stop: OCE-133
Seattle, Washington 98101-3140

Payment is due within thirty (30) days of your receipt of this letter. Failure to pay the remaining stipulated penalty will result in actions outlined in the settlement agreement. If you have any questions about this payment or other EPA matters, please contact Mark Ryan, Assistant Regional Counsel, at (208) 378-5768 or Kate Spaulding at (206) 553-5429. Thank you for your cooperation in this matter.

Sincerely,



Edward J. Kowalski, Director
Office of Compliance and Enforcement

cc: Peter Barton, Givens Pursely, LLP