



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 7
901 NORTH 5TH STREET
KANSAS CITY, KANSAS 66101

FEB 24 2010

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Edward L. Robinson
Joseph & Hollander, PA
500 North Market Street
Wichita, Kansas 67214-3514

RE: In the Matter of Sedan Farm Supply, Inc.
Docket No. FIFRA 07-2008-0034

Dear Mr. Robinson:

The Environmental Protection Agency (EPA) has reviewed the Supplemental Environmental Project (SEP) Completion Report submitted pursuant to the Consent Agreement and Final Order (CAFO), entered September 30, 2008, in the above matter. Based on that review EPA has determined that the performance of the SEP was not conducted satisfactorily for the following reasons:

- a) According to Paragraph 10 of the Final Order, costs associated in the performance of the SEP must be approved by EPA. Therefore, prior to any changes in costs to perform the SEP, Sedan Farm Supply should have sought approval.
- b) Paragraph 8 of the Final Order required Sedan Farm Supply to spend no less than \$11,240. According to the SEP Completion Report, only \$8,894.84 was expended which is less than 90% of the amount required to be spent.
- c) Paragraph 12(c) of the Final Order requires a signed affidavit from the Boy Scouts. In the SEP Completion Report, Sedan Farm Supply indicated that it was attempting to procure this affidavit. To date, EPA has received no such document.

In accordance with the Paragraphs 20 and 22 of the Final Order, within 30 days of receipt of this letter Sedan Farm Supply must submit the required affidavit from the Boy Scouts to:

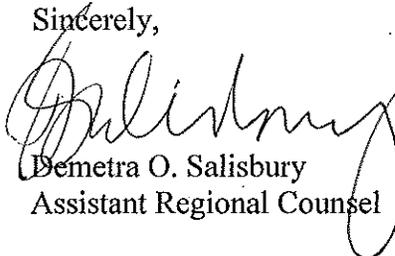
Joy Haff, Compliance Officer
WWPD/TOPE
901 North 5th Street
Kansas City, Kansas 66101.

EPA is also concerned that an aerial application was made which may have presented unnecessary harm to human health. Therefore, please provide an affidavit from Warner Ag Air, L.C. that each of the three applications was conducted consistent with the label requirements. This affidavit may also be submitted to Ms. Haff within 30 days.

In accordance with the Paragraphs 20, 21, 22, and 23 of the Final Order, within 15 days of receipt of this letter Sedan Farm Supply must pay the remainder of the required SEP costs which total \$2,346. The method of payment shall be in accordance with the provisions of Paragraphs 3 and 4 of the Final Order.

If you have any questions please do not hesitate to contact me at 913-551-7369 or salisbury.demetra@epa.gov.

Sincerely,



Demetra O. Salisbury
Assistant Regional Counsel

cc: Joy Haff, WWPD/TOPE
Kathy Robinson, Regional Hearing Clerk
Lori Weidner, Cincinnati Finance Center