



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

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Via UPS Overnight Delivery

REPLY TO THE ATTENTION OF:
C-14J

August 19, 2011

The Honorable Susan L. Biro
Office of Administrative Law Judges
U.S. Environmental Protection Agency
Mail Code 1900L
1099 14th Street, NW, Suite 350
Franklin Court
Washington, D.C. 20005

Re: **In the Matter of Liphatech, Inc.**
Docket No. FIFRA-05-2010-0116

Dear Chief Judge Biro:

Enclosed please find copies of Complainant's Third Supplemental Prehearing Exchange with Exhibits 139-146 and Complainant's Fourth Supplemental Prehearing Exchange with Exhibit 147, which were filed today in accordance with your Order on Complainant's Unopposed Motions to Supplement dated August 2, 2011. The originals of Complainant's Third Supplemental Prehearing Exchange with Exhibits 139-146 and Complainant's Fourth Supplemental Prehearing Exchange with Exhibit 147 were filed with Complainant's unopposed motions for leave to file the same, which were filed on July 25, 2011 and August 2, 2011.

Sincerely,

A handwritten signature in blue ink, appearing to read "G. Steinbauer".

Gary E. Steinbauer
Assistant Regional Counsel

Enclosures

cc: Mr. Michael H. Simpson
Reinhart Boerner Van Deuren s.c.
1000 North Water Street, Suite 1700
Milwaukee, WI 53202
(*via UPS overnight delivery*)

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR

In the Matter of:)
)
Liphatech, Inc.) Docket No. FIFRA-05-2010-0016
Milwaukee, Wisconsin)
) Hon. Susan L. Biro
Respondent.)

COMPLAINANT'S THIRD SUPPLEMENTAL PREHEARING EXCHANGE

Complainant, the U.S. Environmental Protection Agency, Region 5 (Complainant), hereby files the instant *Complainant's Third Supplemental Prehearing Exchange* pursuant to Sections 22.16(a) and 22.19(f) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits (Consolidated Rules), codified at 40 C.F.R. §§ 22.16(a) and 22.19(f).

I. Additional Exhibits

CX No.	Title of Document	Date of Document	Bates No.
139.	Colorado SLN packet for 7173-286	June 22, 2011	3325-3334
140.	Kansas SLN packet for 7173-286	December 14, 2010	3335-3346
141.	Letter from J. Hebert to Kansas Department of Agriculture	February 4, 2011	3347-3348
142.	Letter from Kansas Department of Agriculture to J. Hebert	February 22, 2011	3349-3351
143.	Excerpts from www.liphatech.com (printed on July 12, 2011)	July 12, 2011	3352-3477
144.	Excerpts from www.integreadvertising.com	July 7, 2011	3478-3515


145.	Email forwarding to Claudia Niess the list of distributors who received the "destroy/destroy" letter from Liphatech, Inc.	March 10, 2010	3516-3522
146.	PR Notice 93-11	September 7, 1993	3523-3555

II. Reservation of Rights

Complainant respectfully reserves the right to supplement its list of witnesses and/or its list of exhibits upon reasonable notice to the Tribunal and Respondent, or by order of the Presiding Officer, as allowed by the Consolidated Rules. Complainant further reserves the right to call any of the witnesses listed in and documents provided with its prehearing exchange in its case in chief and/or in any rebuttal.

Respectfully submitted,

DATED: July 25, 2011


 Nidhi K. O'Meara
 Erik H. Olson
 Associate Regional Counsels
 Gary E. Steinbauer
 Assistant Regional Counsel
 United States EPA – ORC Region 5
 77 W. Jackson Blvd. (C14-J)
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 (312) 886-0568
 Attorneys for Complainant

In the Matter of Liphatech, Inc.
Docket No. FIFRA-05-2010-0016

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CERTIFICATE OF SERVICE

I hereby certify that true, accurate and complete copies of *Complainant's Third Supplemental Prehearing Exchange*, together with true, accurate and complete copies of Exhibits 139-146 thereto, and *Complainant's Fourth Supplemental Prehearing Exchange*, together with a true, accurate and complete copy of Exhibit 147, were filed with the Regional Hearing Clerk, U.S. EPA, Region 5, on the date indicated below. True, accurate and complete copies of the foregoing were sent to Honorable Susan Biro, Administrative Law Judge (via UPS overnight delivery) at the following address:

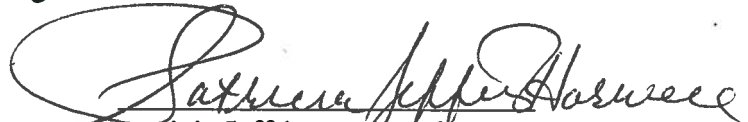
Honorable Susan L. Biro
Office of Administrative Law Judges
U.S. Environmental Protection Agency
Mail Code 1900L
1099 14th Street, NW, Suite 350
Franklin Court
Washington, D.C. 20005

and to Mr. Michael H. Simpson, Counsel for Respondent, Liphatech, Inc., (via UPS overnight delivery), at the following address:

Mr. Michael H. Simpson
Reinhart Boerner Van Deuren s.c.
1000 North Water Street, Suite 1700
Milwaukee, WI 53202

on the date indicated below:

Dated in Chicago, Illinois, this 19th day of August, 2011.



Patricia Jeffries - Harwell
Legal Technician
U.S. EPA, Region 5
Mail Code C-14J
77 West Jackson Blvd.
Chicago, IL 60604
(312) 353-7464