

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR**

In the Matter of:)	
)	DOCKET NO. FIFRA-07-2023-0135
)	
Timothy Wilson, d/b/a Wilson's Pest Control)	
)	COMPLAINANT'S REBUTTAL PREHEARING EXCHANGE
)	
Respondent.)	
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COMPLAINANT'S REBUTTAL PREHEARING EXCHANGE

The United States Environmental Protection Agency ("EPA" or "Complainant"), pursuant to the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits, 40 C.F.R. §§ 22.1 to 22.45, and Administrative Law Judge Susan L Biro's Prehearing Order of March 20, 2024, submits this Rebuttal Prehearing Exchange.

1 EXHIBITS

CX #	Description
25	Email from EPA to Melvin Raymond, April 16, 2024
26	Emails between EPA and Melvin Raymond, April-June 2023

2 STATEMENT IN RESPONSE TO RESPONDENT'S PREHEARING EXCHANGE

Respondent's exhibit RX1 appears to be a letter or statement addressed to the EPA, dated February 22, 2024. Complainant notes that there is no address or addressee on RX1. Additionally, RX1 provides no probative evidence or support of Respondent's position that it is not liable for the violations alleged in the Complaint. Rather, the letter reiterates the point Respondent makes in its Answer, which is that Respondent has submitted an EPA Form 3540-16 detailing the pesticides it distributes, sells, and/or offers for sale. *See* Answer at 3. Complainant reiterates from its Initial Prehearing Exchange that submitting an EPA Form 3540-16 is insufficient to comply with the requirements of FIFRA and its implementing regulations.

RX2 appears to be a copy of a Form 3540-16 for Respondent for reporting year 2021. Complainant emphasizes that this exhibit likewise provides no probative evidence or support of Respondent's position that it is not liable for the violations alleged in the Complaint.

RESPECTFULLY SUBMITTED this 4th day of June 2024.

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In the Matter of *Timothy Wilson, d/b/a Wilson's Pest Control*, Respondent.
Docket No. FIFRA-07-2023-0135

CERTIFICATE OF SERVICE

I certify that the foregoing Complainant's Rebuttal Prehearing Exchange in the matter of Timothy Wilson d/b/a Wilson's Pest Control, Docket No. FIFRA-07-2023-0135, has been submitted electronically using the OALJ E-Filing System.

A copy was sent via email to Mr. Melvin Raymond, counsel for Respondent, at *mraymondattorney1@att.net*.

Date: June 4, 2024

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