



REGION 6

DALLAS, TX 75270

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**REGIONAL HEARING CLERK
EPA REGION 6**

1/31/2025

SENT BY ELECTRONIC MAIL

jedgar@h2enviro.com

Joseph Edgar
H2Enviro Upstream LLC
3323 North Midland Drive, Suite 113 #219
Midland, Texas 79707

Re: Notice of Warning for a Late/Non-Reported Pesticide Production Report
EPA Docket No. FIFRA-06-2025-0343

Dear Mr. Edgar:

This letter constitutes a warning pursuant to Section 9(c)(3) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. § 136g(c)(3). The U.S. Environmental Protection Agency (EPA) is hereby alleging that H2Enviro Upstream LLC is in violation of Section 12(a)(2)(L) of FIFRA, 7 U.S.C. § 136j(a)(2)(L), for failure to file a pesticide production report (EPA Form 3540-16) for an EPA-registered establishment as required by Section 7(c) of FIFRA, 7 U.S.C. § 136e(c).

Specifically, EPA records indicate that an annual report was not filed for the establishment by the March 1 due date.

EPA Est. No.	Report Year	Postmarked Date	Status
93484-TX-1	2023	n/a	Non-reported

You are hereby advised to submit pesticide production reports, including all identified as non-reported, pursuant to the regulations promulgated at 40 C.F.R. § 167.85(d) which states that a producer operating an establishment must submit an initial report no later than 30 days after the first registration of each establishment the producer operates. Thereafter, the producer must submit an annual report on or before March 1 of each year, even if the producer has produced no pesticidal product for that reporting year.

Reports can be submitted electronically through EPA's Central Data Exchange (CDX) website. Please see the following link for additional information about electronic reporting for pesticide establishments: <https://www.epa.gov/compliance/electronic-reporting-pesticide-establishments>. Alternatively, a hard copy version of the form (for submission via conventional mail) is available at the following link: <https://www.epa.gov/compliance/epa-form-3540-16->

[pesticide-report-pesticide-producing-and-device-producing.](#)

EPA has determined this Notice of Warning is an appropriate enforcement response for the apparent violation of FIFRA. Subsequent violations of Section 7(c) of FIFRA, 7 U.S.C. § 136e(c), may subject you to an administrative civil penalty of up to \$24,885¹ per violation and/or termination of your registration as a pesticide producing establishment.

If you have any questions concerning this matter, please contact Kiera Hancock by phone at 214-665-3176 or by email at Hancock.Kiera@epa.gov.

Sincerely,

JEFFREY YURK

Digitally signed by JEFFREY YURK
Date: 2025.01.31 11:47:20 -06'00'

Jeffrey Yurk, Manager

Waste and Chemical Enforcement Branch

¹ This amount is revised yearly through the Civil Monetary Penalty Inflation Adjustment Rule.