

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

2008 DEC 11 AM 10:11  
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Docket No. FIFRA-08-2008-0028

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	)	
Pipestone Products,	)	
EPA Est. No. 003536-SD-001	)	<b>MOTION TO WITHDRAW COMPLAINT</b>
Yankton, SD,	)	<b>WITHOUT PREJUDICE</b>
	)	
Respondent.	)	
	)	
_____	)	

COMES NOW the Complainant, the United States Environmental Protection Agency, Region 8 ("EPA"), by and through its attorney Eduardo Quintana, and submits the following MOTION TO WITHDRAW COMPLAINT.

This motion is made pursuant to 40 C.F.R. sections 22.14 (d) and 22.16 of the Consolidated Rules of Practice (CROP), 40 C.F.R. Part 22. Under CROP, a motion must be in writing, state the grounds for the motion with particularity, set forth the relief or order sought, and be accompanied by any evidence or legal memorandum relied upon.

1. Complainant filed an administrative complaint in this matter against Pipestone Products ("Respondent") pursuant to Section 14(a) of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) on September 17, 2008.
2. Respondent demonstrated that it had submitted a pesticide production information on or about March 3, 2008, however the information was not submitted in the form required by regulation
3. At the request of Complainant, Respondent (who is pro se) submitted to EPA a pesticide production report in its proper form.
4. Respondent has not filed an answer.
5. 40 C.F.R. section 22.14 (d) to withdraw the complaint without prejudice one time before the answer has been filed. Complainant's motion meets this requirement.

**PRAYER FOR RELIEF**

The Complainant prays the Presiding Officer to grant Complainant's Motion to Withdraw the Complaint Without Prejudice.

Respectfully submitted,

UNITED STATES ENVIRONMENTAL  
PROTECTION AGENCY, REGION 8,  
Complainant

Date:

12/11/2008



By: \_\_\_\_\_  
Eduardo Quintana,  
Senior Enforcement Attorney  
Legal Enforcement Program  
EPA Region 8 (8ENF-L)  
1595 Wynkoop Street  
Denver, Colorado 80202  
Telephone: (303) 312-6924  
Fax: (303) 312-7519

**IN THE MATTER OF:     Pipestone Products**  
**DOCKET NUMBER:     FIFRA-08-2008-0028**

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**CERTIFICATE OF SERVICE**

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The undersigned hereby certifies that the original and one copy of the attached MOTION TO WITHDRAW COMPLAINT WITHOUT PREJUDICE was hand-carried to the Regional Hearing Clerk, EPA, 1595 Wynkoop Street, Denver, Colorado, 80202, and that a true copy of the same was sent via regular mail to:

Craig Swensen, President  
Pipestone Products Co., Inc.  
303 West 31<sup>st</sup> Street  
P.O. Box 84  
Yankton, SD 57078

and

Vince Tramp  
301 W. 31st Street  
Apt. #201  
Yankton, SD 57078

12/11/2008  
Date

  
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