



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

DEC 06 2010

REPLY TO THE ATTENTION OF:

Certified Mail: 7009 1680 0000 7643 0555

Mr. Mark J. Byrne,
Member
Basic Chemical Solutions, LLC
525 Seaport Blvd.
Redwood City, California 94063

C-14J

Re: Notice of Withdrawal of Complaint Without Prejudice against Basic Chemical Solutions, LLC (CA) – Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) Case

Dear Mr. Byrne:

Enclosed please find a copy of the U.S. Environmental Protection Agency's (EPA's) 'Complainant's Notice of Withdrawal of Complaint Without Prejudice', pursuant to 40 CFR Part 22, at 22.14(d). This is sent to you in reference to the telephone conversation held today, Monday, December 6, 2010, between Mr. Joseph Lukascyk of EPA and Mr. Chris Shores of Basic Chemical Solutions, LLC.

On December 3, 2010, EPA inadvertently filed and sent this Complaint to you. EPA is now withdrawing the Complaint, and requests that you only respond to the December 3, 2010 Notice of Intent to File Civil Administrative Complaint against Basic Chemical Solutions, LLC (NOI letter). The December 3, 2010 NOI letter explains the information that Basic Chemical Solutions, LLC may wish to provide to and discuss with EPA, prior to any determination being made concerning the filing of an administrative complaint.

Please feel free to contact me with any comments or questions concerning this matter by e-mail ('turner.thomas@epa.gov') or telephone 312/886-6613.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Turner".

Tom Turner
Associate Regional Counsel

cc: J.Lukascyk, Env. Scientist
LCDiv., FIFRA Enf. (LC-8J)

M.Toney, Esq., Regional Judicial Officer
ORC, Region 5 (C-14J)

Regional Hearing Clerk
U.S. EPA, Region 5 (C-19J)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION V

RECEIVED

DEC 06 2010

REGIONAL HEARING CLERK
U.S. ENVIRONMENTAL
PROTECTION AGENCY

IN THE MATTER OF:)
)
Basic Chemical Solutions, LLC)
Redwood City, California,)
)
Respondent.)
_____)

FIFRA DOCKET No. 05-2011-0003

NOTICE OF WITHDRAWAL OF COMPLAINT WITHOUT PREJUDICE

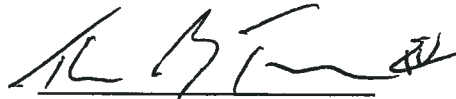
COMES NOW the Complainant, the Director, Land and Chemicals Division, U.S. Environmental Protection Agency, Region 5 (EPA), by its attorney, and pursuant to 40 CFR 22.14(d), files this Notice of Withdrawal of the Complaint without Prejudice. In reference to this Notice, the Complainant states as follows:

1. This matter was initiated when Complainant inadvertently filed its Complaint on December 3, 2010, and mailed it to Respondent along with a pre-requisite letter of Notice of Intent to File Civil Administrative Complaint (NOI letter) based on Section 12(a)(1)(E), 7 USC § 136j(a)(1)(E), of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA). (See, Complaint, at Paragraphs 1-33).
2. Complainant only intended to file the above referenced NOI letter, in order to properly allow for the opportunity for Complainant and Respondent to exchange any information that would be relevant to evidence that Respondent may not have violated FIFRA; evidence that Respondent may have relied upon compliance assistance from EPA or a state agency, evidence that the wrong party may have been identified as Respondent, or financial data bearing on Respondent's ability to pay a potential proposed penalty.
3. Respondent has not yet filed its Answer.
4. Complainant has not previously filed a Notice to Withdraw the Complaint.

5. Pursuant to the Consolidated Rules of Practice Governing The Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits, 40 CFR Part 22, Subpart C – Prehearing Procedures, at 22.14(d) (“*Withdrawal of Complaint*”), “The complainant may withdraw the complaint, or any part thereof, without prejudice one time before the answer has been filed.”

WHEREFORE, Complainant respectfully Notifies all relevant Parties of its intent to Withdraw the above referenced December 3, 2010 Complaint without Prejudice. Complainant also requests an opportunity to file a written reply to any response that Respondent may make to this Notice.

Respectfully Submitted,



Tom Turner
Associate Regional Counsel
U.S. EPA
C-14J
77 W. Jackson Blvd.
Chicago, Illinois 60604
Telephone: (312) 886-6613
Facsimile: (312) 692-2961
turner.thomas@epa.gov

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PROTECTION AGENCY

In the Matter of Basic Chemical Solutions, LLC
Docket No. FIFRA-05-2011-0003

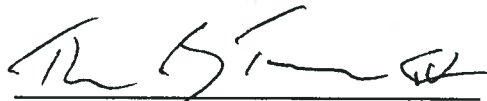
CERTIFICATE OF SERVICE

I hereby certify that on the 6th of December, 2010, I filed the original and one copy of Complainant's Notice of Withdrawal of Complaint Without Prejudice with the Regional Hearing Clerk, U.S. EPA Region 5, 77 West Jackson Blvd., Chicago, Illinois 60604, and placed for pickup to be mailed by Inter-office mail a copy of Complainant's Notice of Withdrawal of Complaint Without Prejudice to:

Marcy Toney, Esq.
Regional Judicial Officer
U.S. EPA, Region 5 (mail code: C-14J)
77 W. Jackson Blvd.
Chicago, IL 60604

and placed for pickup to be mailed by certified mail a copy of Complainant's Notice of Withdrawal of Complaint Without Prejudice to:

Mr. Mark J. Byrne
Member
Basic Chemical Solutions, LLC
535 Seaport Blvd.
Redwood City, California 94063



Tom Turner
Associate Regional Counsel
U.S. Environmental Protection Agency
Region 5 (C-14J)
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