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ENVIRONMENTAL PROTECTION AGENCY

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HEARINGS CLERK  
EPA--REGION 10

BEFORE THE ADMINISTRATOR


In the Matter of )  
)  
Steven Tuttle, Tuttle Tool )  
Engineering, and Tuttle Apiary )  
Laboratories, )  
)  
Respondents )

Docket No. FIFRA 10-2004-0056

**Order Granting Motion For Leave To Amend Complaint**

On September 30, 2004, Complainant, Region 10 of the Environmental Protection Agency, moved to amend its complaint and against Steven Tuttle, Tuttle Engineering, and Tuttle Apiary Laboratories, seeking to remove "Tuttle Engineering" and "Tuttle Apiary Laboratories" as respondents, and leaving Steven Tuttle as the sole respondent. EPA states that the reason for removing those respondents is that "neither is a legal entity." Motion at 1. The Consolidated Rules of Practice applicable to this proceeding provides that, once an answer has been filed, an amendment to the complaint requires that the judge grant such a request upon motion. 40 C.F.R. 22.14(c). The Environmental Appeals Board has stated that it "adheres to the generally accepted legal principle that 'administrative pleadings are liberally construed and easily amended' and that permission to amend a complaint will ordinarily be freely granted." *In re Port of Oakland and Great Lakes Dredge and Dock Company*, 4 E.A.D. 170, 205 (EAB 1992), quoting *Yaffe Iron and Metal Co., Inc. v. U.S. Environmental Protection Agency*, 774 F.2d 1008, 1012 (10<sup>th</sup> Cir.1985).

None of the named Respondents filed an opposition to the motion, and no reason to deny the motion is apparent. Therefore, upon consideration, the Motion for Leave to Amend Complaint is **GRANTED.**<sup>1</sup>

  
William B. Moran  
United States Administrative Law Judge

Issued: May 6, 2005  
Washington, D.C.

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<sup>1</sup>In anticipation of the Court's granting of the motion, EPA filed an Amended Prehearing Exchange, which amended exchange is accepted by the Court. The Rules of Practice provide for the supplementing of prior exchanges where, among other reasons, the information has become outdated. See 40 C.F.R. § 22.19(f).

In the Matter of Steven Tuttle, Tuttle Tool Engineering and Tuttle Apiary Laboratories,  
Docket No. FIFRA-10-2004-0056

CERTIFICATE OF SERVICE

I certify that the foregoing **Order Granting Motion for Leave to Amend Complaint**, dated May 6, 2005, was sent this day in the following manner to the addressees listed below:

Original and copy by Pouch Mail to:

Carol Kennedy  
Regional Hearing Clerk  
U.S. EPA  
1200 Sixth Avenue  
Seattle, WA 98101

Copy by Facsimile and Regular Mail to:

Mark A. Ryan, Esq.  
Assistant Regional Counsel  
EPA Region 10, Idaho Office  
1435 N. Orchard Street  
Boise, Idaho 83706

Copy sent Certified and Regular Mail:

Mr. Steven L. Tuttle  
3030 Lewis River Road  
Woodland, WA 98674



Nelida Torres  
Legal Staff Assistant

Dated: May 6, 2005