

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

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U.S. EPA REGION 5

2011 JAN 10 PH 4:00

In the Matter of:) **Docket No. EPCRA-05-2011-0002**
)
McQuay International) **Proceeding to Assess a Civil Penalty**
Fairbault, Minnesota) **Under Section 325(c) of the Emergency**
) **Planning and Community Right-to-Know**
Respondent.) **Act of 1986, 42 U.S.C. § 11045(c)**
)
_____)

NOTICE OF WITHDRAWAL OF COMPLAINT WITHOUT PREJUDICE

Section 22.14(d) of the "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and Revocation/Termination or Suspension of Permits"

(Consolidated Rules), 40 C.F.R. § 22.14(d) provides that "the complainant may withdraw the complaint, or any part thereof, without prejudice one time before the answer has been filed."

EPA filed its Complaint against McQuay International on October 27, 2010. Respondent has not filed an Answer. Pursuant to 40 C.F.R. § 22.14(d), Complainant is withdrawing the Complaint filed in the above-captioned matter without prejudice.

Complainant intends to re-commence an action, and it is both parties' intention to settle this matter.

Respectfully Submitted,

Date: 1-10-11


Tamara Carnovsky
Associate Regional Counsel
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77 West Jackson Blvd. (C-14J)
Chicago, Illinois 60604
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In the Matter of McQuay International
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CERTIFICATE OF SERVICE

I certify that the foregoing Notice of Withdrawal of Complaint without Prejudice, dated January 10, 2011, was sent this day in the following manner:

Original hand delivered to:

Judge Marcy A. Toney
Regional Judicial Officer
U.S. Environmental Protection
Agency, Region 5
77 West Jackson Boulevard
Chicago, IL 60604-3590

Regional Hearing Clerk
U.S. Environmental Protection
Agency, Region 5
77 West Jackson Boulevard
Chicago, IL 60604-3590

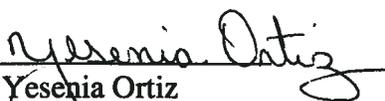
Maynard Shaw
Pesticides and Toxics Compliance Section
U.S. Environmental Protection
Agency, Region 5
77 West Jackson Boulevard
Chicago, IL 60604-3590

Copy by U.S. Mail First Class and fax to:

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Dated: 1-10-11

By: 
Yesenia Ortiz
Legal Assitant