



**REGION 8**  
DENVER, CO 80202

**FILED**

**Jan 16, 2025**

**8:59 am**

**U.S. EPA REGION 8  
HEARING CLERK**

**DOCKET NO.: RCRA-08-2024-0004**

<b>IN THE MATTER OF:</b>  <b>Joseph Kary, Owner/Operator</b>  <b>Kary's Service Center</b> <b>502 Main Street</b> <b>Parmelee, SD 57566</b>  <b>RESPONDENT</b>	<b>ORDER GRANTING MOTION TO WITHDRAW COMPLAINT WITH PREJUDICE</b>
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On January 22, 2024, Complainant, the United States Environmental Protection Agency, Region 8, filed a Complaint, Compliance Order, and Opportunity to Confer in this matter. On December 17<sup>th</sup>, 2024, Complainant filed its Motion to Withdraw Complaint With Prejudice pursuant to 40 C.F.R. § 22.14(d). In its motion, Complainant states that Respondent has complied with the terms of the Compliance Order and returned the subject underground storage tanks system to compliance. Respondent does not oppose the motion.

The Motion is hereby **GRANTED** and the Complaint is withdrawn with prejudice.

**SO ORDERED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.**

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Barbara Nann  
Regional Judicial Officer

## CERTIFICATE OF SERVICE

The undersigned certifies that the attached **ORDER GRANTING MOTION TO WITHDRAW COMPLAINT WITH PREJUDICE** in the matter of **Joseph Kary, Owner/Operator, Kary's Service Center; DOCKET NO.: RCRA-08-2024-0004** were sent via certified mail to:

Respondent

Joseph Kary, Owner/Operator  
25238 274<sup>th</sup> Street  
Parmelee, SD 57566

And by email to

EPA Region 8

Colleen Adams  
Enforcement Attorney  
Office of Regional Counsel  
[adams.colleen@epa.gov](mailto:adams.colleen@epa.gov)

DATE \_\_\_\_\_

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Kate Tribbett  
Regional Hearing Clerk