

UNITED STATES  
ENVIRONMENTAL PROTECTION  
AGENCY-REGION 7  
2017 APR 19 AM 9:02

U. S. ENVIRONMENTAL PROTECTION AGENCY  
REGION 7  
11201 RENNER BOULEVARD  
LENEXA, KANSAS 66219

BEFORE THE ADMINISTRATOR

In the Matter of:

AMERICA'S CHOICE  
CONSTRUCTION INC.,

Respondent

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Docket No. TSCA-07-2016-0039

**NOTICE OF WITHDRAWAL OF COMPLAINT WITHOUT PREJUDICE**

1. Complainant, the Chief of the Toxics and Pesticides Branch at EPA, Region 7, provides notice of withdrawal without prejudice of the Complaint and Notice of Opportunity for Hearing ("Complaint") in this matter, as follows:

2. Pursuant to the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits, 40 C.F.R. § 22.14(d), the complainant may withdraw the complaint, or any part thereof, without prejudice one time before the answer has been filed.

3. On January 24, 2017, Complainant filed its Complaint in this matter.

4. Although Complainant diligently attempted to serve Respondent with its Complaint, Complainant was unsuccessful.

5. Based upon Complainant's recent investigation, it appears that further attempts to serve Respondent with this Complaint at the present time would be futile.

6. Respondent has to date not filed an answer to the Complaint.

7. Complainant has not previously filed any withdrawal of the Complaint, or any part thereof, in this matter.

8. Pursuant to 40 C.F.R. § 22.14(d), Complainant hereby withdraws its Complaint without prejudice.

Date: 4/12/2017

  
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Jamie Green  
Chief  
Toxics and Pesticides Branch  
Water, Wetlands and Pesticides Division

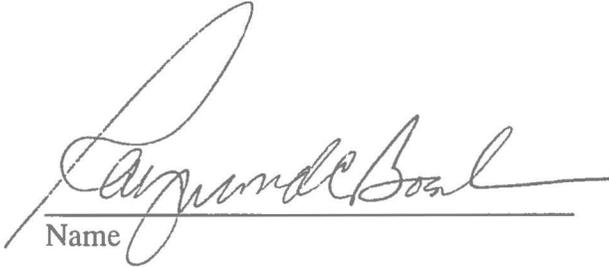
Date: 4/19/2017

  
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Raymond C. Bosch  
Attorney  
Office of Regional Counsel

CERTIFICATE OF SERVICE

I hereby certify that on this 19<sup>th</sup> day of April, 2017, the original and one true and correct copy of the foregoing Notice of Withdrawal of Complaint Without Prejudice were hand delivered to the Regional Hearing Clerk, U.S. Environmental Protection Agency, Region 7, 11201 Renner Boulevard, Lenexa, Kansas 66219; and that a true and correct copy of the foregoing Notice of Withdrawal of Complaint Without Prejudice was sent by certified mail, return receipt requested, to:

Kelly Mullins  
Registered Agent  
America's Choice Construction, LLC  
1515 Warson Road, Suite 262  
St. Louis, Missouri 63132

  
Name \_\_\_\_\_