

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

IN THE MATTER OF:)

Hintz Excavating & Blacktop,)
Tim and Walter Hintz, Owners,)

RESPONDENT.)
_____)

DOCKET NO. CWA-05-2010-0009

PROCEEDING TO ASSESS
CLASS II ADMINISTRATIVE
PENALTY PURSUANT TO
SECTION 309(g)
OF THE CLEAN WATER ACT,
33 U.S.C. § 1319(g)

RECEIVED
MAY 05 2010

WITHDRAWAL OF COMPLAINT

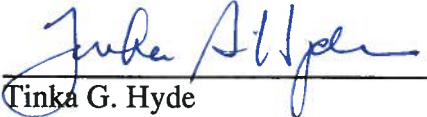
REGIONAL HEARING CLERK
U.S. ENVIRONMENTAL
PROTECTION AGENCY

1. Comes now the Complainant, the Director of the Water Division, U.S. EPA, Region 5, 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. Part 22, and hereby withdraws, without prejudice, the Administrative Complaint filed in the above-captioned matter on April 9, 2010.

2. 40 C.F.R. § 22.14(d) (Withdrawal of the complaint) provides, in part, that "[t]he complainant may withdraw the complaint ... one time without prejudice before the answer has been filed." Such a one-time withdrawal of the Complaint before an Answer has been filed is as of right, without need of a motion granted by the Presiding Officer.

3. No Answer has yet been filed in this matter.

4. Accordingly, Complainant considers the Administrative Complaint previously filed in this matter to be withdrawn without prejudice upon filing of this Notice with the Regional Hearing Clerk.



Tinka G. Hyde
Director, Water Division
U.S. Environmental Protection
Agency, Region 5
Chicago, Illinois 60604

5-5-2010
Date

**IN THE MATTER OF:
Hintz Excavating & Blacktop,
DOCKET NO. CWA-05-2010-0009**

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CERTIFICATE OF SERVICE

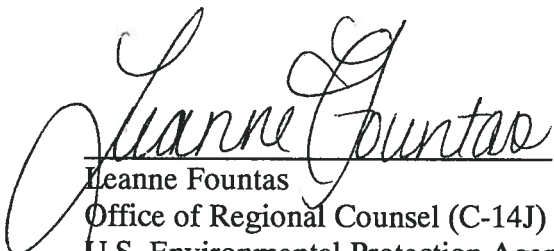
This is to certify that the original and one copy of this Withdrawal of Complaint was filed with the Regional Hearing Clerk on 05/05/10, 2010, and that a true and correct copy was sent by U.S. Mail, on 05/05/10, 2010, to:

Walter and Tim Hintz,
Hintz Excavating and Blacktop
P.O. Box 39
Adams, Wisconsin 53910

and to:

Elizabeth Rich
Elizabeth Gamsky Rich & Associates SC
637 Walton Drive, Suite 1
Plymouth, WI 53073

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U.S. ENVIRONMENTAL
PROTECTION AGENCY



Leanne Fountas
Office of Regional Counsel (C-14J)
U.S. Environmental Protection Agency
77 West Jackson Boulevard
Chicago, Illinois 60604

05/05/10

Date