



UNITED STATES
 ENVIRONMENTAL PROTECTION AGENCY
 REGION 8

2008 DEC 23 10:45 AM

IN THE MATTER OF:)	DOCKET NO.: CWA-08-2008-0033
)	
FARMERS UNION OIL COMPANY)	ORDER GRANTING MOTION
of RELIANCE, PRESHO, and)	TO WITHDRAW COMPLAINT
DRAPER, SOUTH DAKOTA)	WITHOUT PREJUDICE
)	
Respondent)	
_____)	

Pursuant to 40 C.F.R., §22.14(d) of EPA’s Consolidated Rules of Practice, on December 23, 2008, the Complainant filed a “Motion to Withdraw Penalty Complaint and Notice of Opportunity for Hearing” in the matter of **FARMERS UNION OIL COMPANY OF RELIANCE, PRESHO, AND DRAPER, SOUTH DAKOTA**. The Complainant states in its motion that based on a re-inspection of the facility and Respondent’s engineer’s statements that a release would not cause harm to Reliance Lake as stated in the Complaint filed on September 30, 2008. Therefore, withdrawal of the Complaint without Prejudice is appropriate.

“Motion to Withdraw Penalty Complaint and Notice of Opportunity for Hearing”
against Farmers Union Oil Company is hereby **GRANTED**.

SO ORDERED THIS 23rd day of December, 2008

A handwritten signature in black ink, appearing to read 'Elyana R. Sutin', written over a horizontal line.

Elyana R. Sutin
Regional Judicial Officer


CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached **ORDER GRANTING MOTION TO WITHDRAW COMPLAINT WITHOUT PREJUDICE** in the matter of **FARMERS UNION OIL COMPANY OF RELIANCE, PRESHO, AND DRAPER SOUTH DAKOTA; DOCKET NO.: CWA-08-2008-0033** was filed with the Regional Hearing Clerk was filed on December 23, 2008.

Further, the undersigned certifies that a true and correct copy of the document was delivered to Brenda Morris, Enforcement Attorney, U. S. EPA – Region 8, 1595 Wynkoop Street, Denver, CO 80202-1129. True and correct copies of the aforementioned document was placed in the United States mail certified/return receipt requested on December 23, 2008, to:

David Larson
Larson Law PC
131 Main Street – P. O. Box 131
Chamberlain, SD 57325

December 23, 2008


Tina Artemis
Paralegal/Regional Hearing Clerk

