

NP275089X01



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY BEFORE THE ADMINISTRATOR

2008 JAN 29 PM 12:30 REGIONAL ADMINISTRATOR

In the Matter of: )
JOHN STRONG, ) Docket No. TSCA-05-2008-0001
Respondent. )

ORDER GRANTING MOTION TO WITHDRAW COMPLAINT

This matter was initiated by Administrative Complaint filed on October 17, 2007. On November 16, 2007, Respondent filed an Answer to the Complaint. By Motion dated January 17, 2008, Complainant moved to withdraw the Complaint without prejudice. Complainant's stated basis for the withdrawal is that, after initiating this action, the Respondent proffered certain new information regarding compliance with the regulations at issue based upon which Complainant is now of the opinion that the Complaint in this matter is no longer warranted. To date, Respondent has not filed a written reply to the Motion and upon being contacted indicated that he consented to the relief sought therein.

Rule 22.14(d) of the Consolidated Rules of Practice provides as follows:

Withdrawal of the complaint. . . after the filing of an answer, the complainant may withdraw the complaint, or any part thereof, without prejudice only upon motion granted by the Presiding Officer.

40 C.F.R. § 22.14(d).

For the reasons set forth in Complainant's unopposed Motion, the Motion to Withdraw is hereby GRANTED, and Administrative Complaint filed in this action is deemed withdrawn, without prejudice. Each party shall bear their own costs.

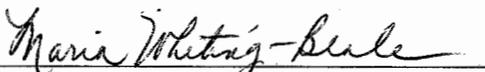
[Signature]
Susan L. Biro
Chief Administrative Law Judge

Dated: January 24, 2008
Washington, D.C.

In the Matter of John Strong, Respondent  
Docket No. TSCA-05-2008-0001

CERTIFICATE OF SERVICE

I certify that the foregoing **Order Granting Motion To Withdraw Complaint**, dated January 24, 2008, was sent this day in the following manner to the addressees listed below.

  
\_\_\_\_\_  
Maria Whiting-Beale  
Legal Staff Assistant

Dated: January 24, 2008

Original And One Copy By Pouch Mail To:

Sonja Brooks-Woodard  
Regional Hearing Clerk  
U.S. EPA  
77 West Jackson Boulevard, E-13J  
Chicago, IL 60604-3590

Copy By Pouch Mail To:

Reginald A. Pallesen, Esquire  
Associate Regional Counsel  
U.S. EPA  
77 West Jackson Boulevard, C-14J  
Chicago, IL 60604-3590

Copy By Regular Mail To:

John Strong, Esquire  
1523 Eastern Avenue, SE  
Grand Rapids, MI 49507

REGIONAL HEARING CLERK  
2008 JAN 20 PM 12:33