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U. S. ENVIRONMENTAL PROTECTION AGENCY REGION 7

11201 RENNER BOULEVARD LENEXA, KANSAS 66219

BEFORE THE ADMINISTRATOR

In the Matter of)	
Mr. Jose Garcia 1405 Osage Trail)	Docket No.: TSCA-07-2014-0010
Independence, Missouri 64058)	
Respondent)	

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 May 16, 2014, Complainant filed its Complaint in this matter.
- 4. Complainant was unable to serve said Complaint. The certified complaint package that was returned to EPA's Region 7 office indicated that the Complaint could not be delivered, and that respondent had moved and left no forwarding address.
 - 5. Respondent has to date not filed an answer to the Complaint.
- 6. Complainant has not previously filed any withdrawal of the Complaint, or any part thereof, in this matter.

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

Date:

Jamie Green

Chief

Toxics and Pesticides Branch

Water, Wetlands and Pesticides Division

Date:

Jennifer Trotter

Attorney

Office of Regional Counsel

CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of 3ctober, 2016, 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:

Mr. Jose Garcia 1405 Osage Trail Independence, Missouri 64058

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ENVIRONMENTAL PROTECTION AGENCY-REGION 7

U. S. ENVIRONMENTAL PROTECTION AGENCY REGION 7 2014 MAY 16 PM 2: 07 11201 RENNER BOULEVARD LENEXA, KANSAS 66219

BEFORE THE ADMINISTRATOR

In the Matter of)	
)	Docket No. TSCA-07-2014-0010
Jose Garcia)	
1405 Osage Trail)	
Independence, Missouri 64058)	
)	
)	
Respondent)	COMPLAINT AND NOTICE OF
)	OPPORTUNITY FOR HEARING

COMPLAINT

Jurisdiction

- 1. This Complaint and Notice of Opportunity for Hearing (Complaint) serves as notice that the United States Environmental Protection Agency (EPA), Region 7 has reason to believe that Respondent has violated Section 409 of the Toxic Substances Control Act (TSCA), 15 U.S.C. 2689, by failing to comply with the regulatory requirements of 40 C.F.R. Part 745, Subpart E, Residential Property Renovation, promulgated pursuant to 15 U.S.C. 2682, 2686, and 2687.
- 2. This administrative action for the assessment of civil penalties is instituted pursuant to Section 16(a) of TSCA, 15 U.S.C. 2615(a), and in accordance with the EPA's Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits, 40 C.F.R. Part 22 (Consolidated Rules), a copy of which is enclosed along with this Complaint.