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**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

2009 JUL 16 AM 11:32

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**In the Matter of:**

**Wayne Metals LLC  
Markle, Indiana**

**Respondent**  
\_\_\_\_\_

)  
) **Docket No. CAA-05-2009-0014**  
)

) **Honorable Susan L. Biro**  
) **Chief Administrative Law Judge**  
)

**Motion to Withdraw Complaint Without Prejudice**

Since the filing of the administrative complaint in this matter, the United States Environmental Protection Agency, Region 5 (Complainant), received documentation that Wayne Metals LLC (Respondent) uncovered oversights in its initial calculation, and was mistaken in its conclusion that it was out of compliance with National Emission Standards for Hazardous Air Pollutants for Surface Coating of Miscellaneous Metal Parts and Products. Respondent has since submitted an Amended Initial Notice of Compliance Status, and provided a copy to EPA. Accordingly, Complainant respectfully requests that the Chief Administrative Law Judge allow the Complainant to withdraw the complaint filed in this matter, without prejudice, and to dismiss this matter at this time.

**In the Matter of Wayne Metals, LLC**  
**Docket No. CAA-05-2009-0014**

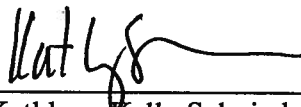
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Complainant understands that Respondent is not opposed to Complainant's motion seeking permission to withdraw the complaint without prejudice.

Respectfully submitted,

U.S. Environmental Protection Agency



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Kathleen Kelly Schnieders  
Associate Regional Counsel  
U.S. Environmental Protection Agency  
Region 5 (C-14J)  
77 West Jackson Blvd.  
Chicago, IL 60604  
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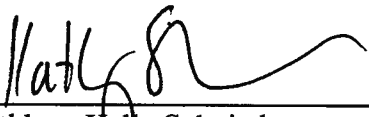
**CERTIFICATE OF SERVICE**

I hereby certify that on the 16th of July, 2009, I filed the original and one copy of Complainant's Motion to Withdraw Complaint Without Prejudice with the Regional Hearing Clerk, U.S. EPA Region 5, 77 West Jackson Blvd., Chicago, Illinois 60604, and placed for pickup to be mailed a copy of Complainant's Motion to Withdraw Complaint Without Prejudice, by Pouch Mail to:

The Honorable Susan L. Biro  
Administrative Law Judge  
Office of the Administrative Law Judges  
U.S. Environmental Protection Agency  
Mail Code 1900L  
1200 Pennsylvania Avenue, N.W.  
Washington, D.C. 20460-2001

and placed for pickup to be mailed a copy of Complainant's Motion to Withdraw Complaint Without Prejudice to:

Anthony C. Sullivan  
Attorney at Law  
Barnes & Thornberg, LLP  
11 South Meridian Street  
Indianapolis, Indiana 46204-7433

  
\_\_\_\_\_  
Kathleen Kelly Schnieders  
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U.S. Environmental Protection Agency  
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