



UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR

In the Matter of:

Apex Tool Group, LLC

Respondent.

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Docket No. EPCRA-06-2016-0500

**ORDER ON COMPLAINANT’S UNOPPOSED MOTION TO
WITHDRAW PART OF COMPLAINT**

Complainant initiated this proceeding on December 15, 2015, by filing a Complaint against Respondent, alleging 29 counts of violation of 42 U.S.C. § 11023 and 40 C.F.R. § 372.30. On March 21, 2016, Complainant filed an Unopposed Motion to Withdraw Part of Complaint (“Motion to Withdraw”), seeking to withdraw Counts 1-5, 6-10, 16-20, and 22-24 of the Complaint based upon new information provided by Respondent. In its Motion to Withdraw, Complainant asserts that the requested withdrawal of Counts in the Complaint serves the public interest and ends of justice, and will not prejudice Respondent. Further, Complainant states that Respondent does not oppose its Motion to Withdraw. Notably, Complainant indicates that the parties have reached an agreement resolving the remainder of the allegations in the Complaint, and anticipate filing a Consent Agreement and Final Order.

The procedural rules governing this proceeding, set forth at 40 C.F.R. Part 22, provide that following filing of an answer, a complainant may withdraw any part of a complaint without prejudice only upon motion granted by the Presiding Officer. 40 C.F.R. § 22.14(d). In the present matter, Complainant seeks to withdraw counts of the Complaint based upon new information, and there is no reason to believe that granting this request will prejudice any party. Further, Respondent does not oppose Complainant’s Motion to Withdraw. As a result, it is appropriate to grant Complainant’s Motion to Withdraw. Accordingly, Complainant’s Motion to Withdraw is hereby **GRANTED**. Counts 1-5, 6-10, 16-20, and 22-24 of the Complaint are withdrawn without prejudice.

SO ORDERED.

Christine Donelian Coughlin
Administrative Law Judge

Dated: March 28, 2016
Washington, D.C.

In the Matter of *Apex Tool Group, LLC*, Respondent.
Docket No. EPCRA-06-2016-0500

Certificate of Service

I hereby certify that copies of the foregoing **Order on Complainant's Unopposed Motion to Withdraw Part of Complaint**, issued by Christine Donelian Coughlin, Administrative Law Judge, on this 28th day of March 2016, were sent to the following in the manner indicated.

Mary Angeles
Paralegal

Original and One Copy by Hand Delivery

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**Dated: March 28, 2016
Washington, D.C.**