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UNITED STATES
ENVIRONMENTAL PROTECTION
AGENCY-REGION 7

ENVIR. APPEALS BOARD

REGION 7

2012 OCT 29 AM 10:50

IN THE MATTER OF:)
)
ARMBRUST REALTY RENTALS)
OMAHA, NE)
)
Respondent)

DOCKET NO. TSCA-07-2008-0022

ORDER ON COMPLAINANT'S MOTION TO WITHDRAW COMPLAINT
AND SET ASIDE A DEFAULT ORDER

On September 12, 2012, Complainant filed a Motion to Withdraw Complaint and Set Aside a Default Order citing Rules 22.14(d) and 22.27(c)(3) of the Consolidated Rules of Practice, 40 C.F.R. §§ 22.14(d) and 22.27(c)(3). Complainant further states that Respondent is unable to accept service of the Initial Decision and Default Order.

No appeal was filed in this matter and the Environmental Appeals Board elected not to review the case *sua sponte*. Therefore, pursuant to Rule 22.27(c) of the Consolidated Rules of Practice, 40 C.F.R. § 22.27(c), the Initial Decision and Default Order issued on January 3, 2012 became a final order forty-five (45) days after its service upon the parties.

Based on the foregoing, Complainant's Motion to Withdraw Complaint and Set Aside a Default Order is untimely filed and said Motion is hereby denied. Complainant may wish to consult the Agency's Claims Collection Standards at 40 C.F.R. Part 13.

SO ORDERED, this 29th day of October, 2012.

Karina Borromeo
KARINA BORROMEEO
Regional Judicial Officer
Region 7

IN THE MATTER OF Armbrust Realty Rentals, Respondent
Docket No. TSCA-07-2008-0022

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Order was sent this day in the following manner to the addressees:

Copy hand delivered to
Attorney for Complainant:

Demetra Salisbury
Assistant Regional Counsel
Region 7
United States Environmental Protection Agency
11201 Renner Blvd.
Lenexa, Kansas 66219

Copy by First Class Mail to:

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Armbrust Realty Rentals
3163 Leavenworth Street
Omaha, Nebraska 68105

Herbert J Armbrust
3728 Paddock Road
Omaha, Nebraska 68105

U.S. Environmental Protection Agency
Clerk of the Board
Environmental Appeals Board (1103B)
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460-0001

U.S. Environmental Protection Agency
Assistant Administrator
Office of Enforcement and Compliance Assurance
1200 Pennsylvania Avenue
Washington, DC 20460

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Omaha, Nebraska 68105

Herbert J Armbrust
3728 Paddock Road
Omaha, Nebraska 68105

Dated: 10/29/12



Kathy Robinson
Hearing Clerk, Region 7