

UNITED STATES ENVIRONMENTAL AGENCY
REGION 5

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IN THE MATTER OF)
)
Hanson's Window and Construction, Inc.) Docket No. TSCA-05-2011-0006
Madison Heights, Michigan 48071) Joint Motion to
) Consolidate
Respondent,)
)
_____)

Complainant, the United States Environmental Protection Agency, Region 5, and Respondent Hanson's Window and Construction, Inc., respectfully and jointly move the Presiding Officer to consolidate *In the Matter of Hanson's Window and Construction, Inc.*, Docket No. TSCA-05-2010-0013, with this case.

Because Respondent has not yet filed an Answer in *In the Matter of Hanson's Window and Construction, Inc.*, Docket No. TSCA-05-2011-0006, Complainant and Respondent are filing two Joint Motions to Consolidate—one with each of the Presiding Officers in each aforementioned case. The grounds for this Motion are as follows:

1. In this case, the Complainant filed an administrative Complaint against Respondent alleging that Respondent violated the Requirements for Hazard Education Before Renovation of Target Housing codified at 40 Code of Federal Regulations ("C.F.R.") Part 745, Subpart E, implementing Section 406(b) of Title IV of the Toxic Substances Control Act ("TSCA"), 15 U.S.C. §2686(b).

2. In *In the Matter of Hanson's Window and Construction, Inc.*, Docket No. TSCA-05-2010-0013, the Complainant also filed an administrative Amended Complaint against Respondent alleging that Respondent violated the Requirements for Hazard


Education Before Renovation of Target Housing codified at 40 C.F.R. Part 745, Subpart E, implementing Section 406(b) of Title IV of TSCA, 15 U.S.C. §2686(b).

3. The Consolidated Rules of Practice §22.12 permit the Presiding Officer or the Environmental Appeals Board to consolidate any or all matters at issue in two or more proceedings subject to the Consolidated Rules of Practice where there exist common parties or common questions of fact or law; consolidation would expedite and simplify consideration of the issues; and consolidation would not adversely affect the rights of parties engaged in otherwise separate proceedings.

4. In light of the fact that the two aforementioned administrative complaints involve common parties and common questions of fact or law, and consolidation would expedite and simplify consideration of the issues and not adversely affect the rights of the parties, Complainant and Respondent respectfully and jointly request that the Presiding Officer consolidate the two aforementioned administrative complaints for disposition on the merits.

WHEREFORE, Complainant and Respondent request that this Court enter an Order granting this Motion to Consolidate.

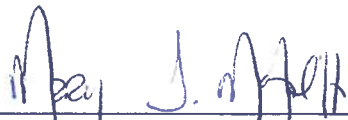
Respectfully submitted for
Hanson's Window and Construction, Inc.

By: 

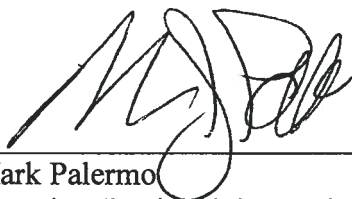
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Respectfully submitted,

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In the Matter of Hanson's Window and Construction, Inc., Respondent
Docket No. TSCA-05-2011-0006

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CERTIFICATE OF SERVICE

I certify that the foregoing **Joint Motion to Consolidate**, dated April 13, 2011, was filed and sent this day in the following manner to the addressees listed below:

Original and One Copy Hand-Delivered to:

LaDawn Whitehead (E-19J)
Regional Hearing Clerk
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77 W. Jackson Blvd.
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Copy by Intra-Office Mail to:

Marcy Toney, Regional Judicial Officer (C-14J)
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Copy by Pouch Mail to:

The Honorable Susan L. Biro, Chief Administrative Law Judge
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U.S. Environmental Protection Agency
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Dated: April 13, 2011



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