



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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BEFORE THE ADMINISTRATOR

REGIONAL HEARING CLERK U.S. ENVIRONMENTAL PROTECTION AGENCY

In the Matter of: )
Hanson's Window and Construction, Inc., )
Respondent. )
Docket No. TSCA-05-2010-0013
Docket No. TSCA-05-2011-0006

ORDER OF DISMISSAL

Per Orders dated June 14, 2011, and July 15, 2011, the undersigned granted motions for extensions of time to file prehearing documents based on the parties' progress towards settlement of this matter. On August 4, 2011, this Tribunal was asked for a further extension of time, stating that Respondent had signed a consent decree, which would be "filed shortly." The undersigned issued an Order dated August 5, 2011, granting an extension until September 6, 2011, for Complainant to file the consent decree.

On August 22, 2011, Complainant filed a Response to Order Granting Motion For Extension of Time, wherein it "requests that this Court dismiss the underlying administrative complaints in this matter . . . without prejudice." As grounds therefor, Complainant attached a copy of a proposed Consent Decree executed by authorized representatives of the United States, the State of Michigan, and Hanson's Window and Construction, Inc., and filed with the United States District Court for the Eastern District of Michigan, Southern Division. Complainant also attached the United States' Notice of Lodging of Consent Decree, which states that the U.S. Department of Justice will publish notice to the public that it has an opportunity to comment on the proposed Consent Decree, after which the United States will move the District Court to either enter or withdraw the Consent Decree.

The Rules of Practice governing this proceeding, 40 C.F.R. Part 22, provide at Rule 22.14(d) that "after the filing of an answer, the complainant may withdraw the complaint, or any part thereof, without prejudice only upon motion granted by the Presiding Officer." For good cause shown, Complainant's request to dismiss the administrative complaints in this matter is GRANTED, and this proceeding is DISMISSED, without prejudice.

[Handwritten signature]

Susan L. Biro
Chief Administrative Law Judge

Dated: August 24, 2011
Washington, D.C.

In the Matter of Hanson's Window and Construction, Inc., Respondent  
Docket No. TSCA-05-2010-0013 & Docket No. TSCA-05-2011-0006

CERTIFICATE OF SERVICE

I certify that the foregoing **Order Of Dismissal**, dated August 24, 2011, was sent this day in the following manner to the addressees listed below.

  
Maria Whiting-Beale  
Staff Assistant

Dated: August 24, 2011

Original And One Copy By Regular Mail To:

La Dawn Whitehead  
Regional Hearing Clerk  
U.S. EPA  
77 West Jackson Boulevard, E-19J  
Chicago, IL 60604-3590

  
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Copy By Regular Mail To:

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