

APR Z I 2009

## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 6

Dallas, Texas

Regional Hearing Clerk
EPA R\_ion 6

In the Matter of:

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Aberdeen Apartments,

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Docket No. TSCA-06-2008-6099

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Respondent.

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## Notice of Withdrawal of the Complaint without Prejudice

COMES NOW COMPLAINANT, Director of the Compliance Assurance and Enforcement Division, United States Environmental Protection Agency, Region 6, by and through his enforcement officer, and provides notice of withdrawal of the Complaint in the above-captioned proceeding. Pursuant to 40 C.F.R. 22.14(d) of the Consolidated Rules of Practice, the Complainant may withdraw the complaint, or any part thereof, without prejudice one time before the answer has been filed. Here, the answer has not been filed. Therefore, the Complainant hereby gives notice that it is withdrawing the Complaint in the matter without prejudice.

Respectfully submitted,

Pat Weatherly

Regional Lead-Based Paint Enforcement Coordinator

U.S. EPA, RegIOn 6

1445 Ross Avenue, Suite 1200

Weatherly

Dallas, Texas 75202-2733

Tel: (214) 665-2165 Fax: (214) 665-3177

## Certificate of Service

I certify that the original and a copy of the foregoing Notice of Withdrawal of the Complaint without Prejudice was filed with the **Regional Hearing** CIerI" U.S. EPA Region 6, 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202-2733, and a true and correct copy was sent to the following address:

First Class Mail to:

Mr. Kurt Gillin Property Manager Aberdeen Apartments 3400 Woodchase Drive Houston, Texas 77042-5500

Date: 4ph/2 1 2 0 09

Pat Weatherly