

9/29/98

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

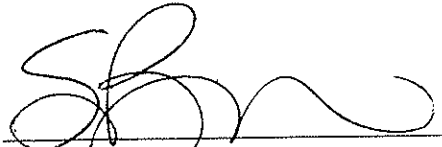
In the Matter of )  
 )  
Mr. Al Jones d/b/a Llano Grande ) Docket No. SDWA-C930033  
Golf Course )  
 )  
Respondent )

ORDER GRANTING MOTION TO WITHDRAW COMPLAINT

The Complaint in this matter was filed by the Director of Compliance Assurance and Enforcement Division, U.S. Environmental Protection Agency, Region 6, on September 14, 1993, under Section 1414 of the Safe Drinking Water Act, 42 U.S.C. § 300g-3. The Complaint alleged violations of an Administrative Order issued to Respondent on October 3, 1991, requiring compliance with the National Primary Drinking Water Regulations, specifically the Total Coliform Rule maximum contaminant level, and the monitoring and reporting requirements for coliform bacteria. Respondent answered the Complaint, denying some of the allegations in the Complaint and requesting a hearing. Thereafter, the case file shows no activity or submissions from either party for almost four years, until August 29, 1997, when Complainant filed a Notice of Substitution of Counsel and a Motion to Withdraw the Complaint Without Prejudice. One year later, the case file was sent by the Regional Hearing Clerk to the undersigned for assignment of an Administrative Law Judge.

As grounds for its Motion to Withdraw the Complaint, Complainant asserts that since October 1993, the Respondent has not had any violations of the National Primary Drinking Water Regulations, and no contaminant which could have any adverse health effects has been detected at Respondent's public water system. The Rules of Practice provide, at 40 C.F.R. § 22.14(e), "after the filing of an answer, the complainant may withdraw the complaint . . . without prejudice, only upon motion granted by the Presiding Officer. . . ."

For good cause shown, the Complaint is hereby DISMISSED without prejudice.

  
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Susan L. Biro  
Chief Administrative Law Judge

Dated: September 29, 1998  
Washington, D.C.

In the Matter of Mr. Al Jones d/b/a Llano Grande Golf Course, Respondent  
Docket No. SDWA-C930033

CERTIFICATE OF SERVICE

I certify that the foregoing **Order Granting Motion To Withdraw Complaint**, dated September 29, 1996, was sent this day in the following manner to the addressees listed below.

Original by Regular Mail to: Lorena Vaughn  
Regional Hearing Clerk  
U.S. EPA  
1445 Ross Avenue, Suite 1200  
Dallas, TX 75202-2733

Copy by Regular Mail to:

Attorney for Complainant: Carlos A. Zequeira, Esquire  
Assistant Regional Counsel  
U.S. EPA  
1445 Ross Avenue, Suite 1200  
Dallas, TX 75202-2733

Attorney for Respondent: Mr. Al Jones  
Llano Grande Golf Course  
P.O. Box 1002  
Mercedes, TX 78570

  
Maria Whiting Beale  
Legal Staff Assistant

Dated: September 29, 1996