

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

IN THE MATTER OF:)
)
OLD ORCHARD LLC,) Docket No. CWA-08-2009-0015
 and)
MERIDIAN COMMERCIAL)
 CONSTRUCTION, LLC,)
)
 Respondents.)

ORDER GRANTING UNCONTESTED MOTION TO WITHDRAW

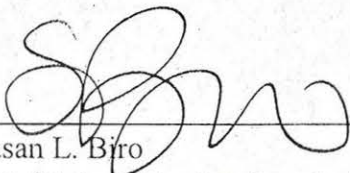
This matter was initiated by an Administrative Complaint filed on June 3, 2009. Respondent Meridian Commercial Construction, LLC filed its Answer on June 29, 2009 and on July 16, 2009, Respondent Old Orchard LLC filed its Answer. By Motion dated October 9, 2009, Complainant moved to withdraw those portions of the Complaint setting forth allegations against Old Orchard. The reason given by Complainant for the withdrawal is that after the Complaint was filed Old Orchard LLC provided evidence indicating that it was not the owner of the property at the time of the alleged violations. The Motion indicates that the relief sought is uncontested.

Rule 22.14(d) of the Consolidated Rules of Practice provides as follows:

(d) Withdrawal of the complaint. . . . 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.

40 C.F.R. § 22.14(d).

For the reasons set forth in Complainant's Uncontested Motion, the Motion to Withdraw is hereby **GRANTED**.



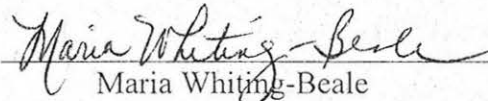
Susan L. Biro
Chief Administrative Law Judge

Dated: November 3, 2009
Washington, D.C.

In the Matter of Old Orchard, LLC and Meridian Commercial Construction, LLC, Respondent
Docket No. CWA-08-2009-0015

CERTIFICATE OF SERVICE

I certify that the foregoing **Order Granting Uncontested Motion To Withdraw**, dated November 3, 2009, was sent this day in the following manner to the addressees listed below:



Maria Whiting-Beale
Staff Assistant

Dated: November 3, 2009

Original And One Copy By Pouch Mail To:

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