



**UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
BEFORE THE ADMINISTRATOR**

**In the Matter of:** )  
 )  
**Nicor Gas,** ) **Docket No. TSCA-HQ-2015-5017**  
 )  
**Respondent.** )

**ORDER ON COMPLAINANT’S UNOPPOSED MOTION TO  
WITHDRAW COMPLAINT WITH PREJUDICE**

Complainant initiated this proceeding against Respondent by filing a Complaint on September 15, 2015, alleging three counts of violation of Section 15(1)(C) of the Toxic Substances Control Act, 15 U.S.C. § 2614(1)(C). For the alleged violations, the Complaint seeks the imposition of civil penalties against Respondent in the total amount of \$311,454.50. Respondent, through counsel, filed an Answer on October 21, 2015, denying each of the three counts of violation alleged in the Complaint, and requesting a hearing. The parties participated in this Tribunal’s alternative dispute resolution process from November 9, 2015, until March 29, 2016. I was designated to preside over this matter on April 13, 2016.

I issued a Prehearing Order on April 18, 2016, directing the parties to file and serve their prehearing exchanges, and subsequently extended the filing deadlines for the parties’ prehearing exchanges by orders issued on May 20, 2016, and September 7, 2016, upon motions from the parties. The parties timely filed and served their prehearing exchanges. Following submission of the parties’ prehearing exchanges, on February 17, 2017, Complainant filed an Unopposed Motion to Withdraw Complaint with Prejudice (“Motion to Withdraw”), requesting to withdraw the Complaint with prejudice. In its Motion to Withdraw, Complainant represents that its request is in the best interest of both parties, serves the public interest, and is not opposed by Respondent.

The rules that govern this proceeding (“Rules of Practice”), set forth at 40 C.F.R. Part 22, provide that a complainant may withdraw a complaint without prejudice following the filing of an answer only upon motion granted by the Presiding Officer. 40 C.F.R. § 22.14(d). The Rules of Practice do not expressly address withdrawal of a complaint with prejudice, but otherwise authorize the Presiding Officer to “take all measures necessary for the maintenance of order and for the efficient, fair and impartial adjudication of issues arising in proceedings.” 40 C.F.R. § 22.4(c)(10). Pursuant to this authority, and in consideration of the representations made by Complainant in its Motion to Withdraw, Complainant’s unopposed request to withdraw the Complaint with prejudice is hereby **GRANTED**. Accordingly, this matter will be closed and removed from the docket.

**SO ORDERED.**

*Christine Donelian Coughlin*

Christine Donelian Coughlin  
Administrative Law Judge

Dated: February 22, 2017  
Washington, D.C.

In the Matter of *Nicor Gas*, Respondent.  
Docket No. TSCA-HQ-2015-5017

CERTIFICATE OF SERVICE

I certify that the foregoing Order on Complainant's Unopposed Motion to Withdraw Complaint with Prejudice, dated and issued by Administrative Law Judge Christine Donelian Coughlin on February 22, 2017, was sent this day to the following parties in the manner indicated below.

  
\_\_\_\_\_  
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**Dated: February 22, 2017**  
**Washington, D.C.**