

10/26

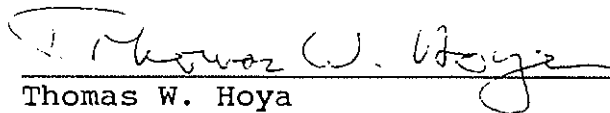
UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR

In the Matter of)
)
John Cornell, d/b/a Cornell) Docket No. EPCRA-III-142
Fuel Co.,)
)
Respondent)

ORDER GRANTING MOTION TO DISMISS COMPLAINT
WITH PREJUDICE

The parties' joint motion to dismiss the Complaint is granted. The motion stated that Respondent had advanced a reason why it was not subject to the statutory requirements that it was charged by the Complaint with having violated, but that it has agreed voluntarily to comply with them in the future. These statements provide an adequate ground for granting the parties' motion to dismiss the Complaint.

Counsel for each party confirmed in October 20, 1994 telephone calls to this Office that the dismissal should be with prejudice. Accordingly, as stated in the title of this Order, the Complaint is dismissed with prejudice.


Thomas W. Hoya
Administrative Law Judge

Dated: October 26, 1994

In the Matter of John Cornell, d/b/a Cornell Fuel Co., Respondent
Docket No. EPCRA-III-142

Certificate of Service

I certify that the foregoing **Order Granting Motion To Dismiss Complaint With Prejudice**, dated October 26, 1994, was sent this day in the following manner to the addressees listed below.

Original by Regular Mail to:

Lydia A. Guy
Regional Hearing Clerk
U.S. EPA
841 Chestnut Building
Philadelphia, PA 19107

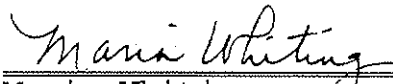
Copy by Regular Mail to:

Attorney for Complainant:

Lori G. Kier, Esquire
Assistant Regional Counsel
U.S. EPA
841 Chestnut Building (3RC13)
Philadelphia, PA 19107

Attorney for Respondent:

Alfred D. Whitman, Esquire
2226 Land Title Building
Broad & Chestnut Streets
Philadelphia, PA 19110



Maria Whiting
Legal Staff Assistant

Dated: October 26, 1994