

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
BEFORE THE ADMINISTRATOR

IN THE MATTER OF: )  
 )  
Laclede Steel Company ) Docket No. RCRA-5-99-003  
 )  
 )  
 )  
Respondent )

ORDER GRANTING MOTION TO WITHDRAW COMPLAINT  
WITHOUT PREJUDICE

On November 2, 2001, Complainant filed a Motion to Withdraw Complaint Without Prejudice in the above-stated proceeding. As grounds for the Motion, Complainant asserts that Respondent has previously signed a Consent Agreement and Final Order (CAFO) which would have resolved Counts 1, 2 and 3 of the Amended Complaint, but would not have resolved Count 4 of the Complaint. Since that time Respondent has filed for protection under the Bankruptcy Code in the U.S. Bankruptcy Court for the Eastern District of Missouri. EPA understands that Respondent is no longer conducting active, ongoing business operations at its Alton, Illinois facility, which was the subject of the Amended Complaint.

As a condition of the withdrawal of the Complaint without prejudice, if the bankruptcy status of Respondent's facility changes, Complainant retains the right to re-file allegations of any or all of the violations alleged in the Amended Complaint. In case of such re-filing, Complainant asserts that the original filing date of the Complaint or Amended Complaint in which the facts were originally alleged should apply for any statute of limitations or similar analysis. By correspondence received on November 19, 2001, Respondent indicated that it has no opposition to the granting of the request, provided that the dismissal is consistent with the conditions set forth in Complainant's Motion.

Accordingly, pursuant to the conditions set forth by Complainant, its Motion to Withdraw Complaint Without Prejudice is GRANTED.

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Stephen J. McGuire  
United States Administrative Law Judge

November 19, 2001  
Washington, D.C.