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UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

IN THE MATTER OF )  
 )  
SALINA INVESTMENT, INC., ) Docket No. RCRA-(9006) VIII-  
 ) 94-05  
Respondent )

ORDER DISMISSING PROCEEDING

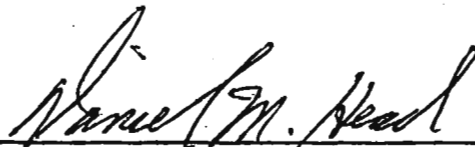
On June 4, 1996, the U.S. Environmental Protection Agency, Region VIII (Complainant) filed a motion to dismiss the above captioned proceeding without prejudice. As grounds therefor, Complainant states that Respondent filed for bankruptcy protection under Chapter 11 of the Bankruptcy Code. As part of the plan of reorganization by the Bankruptcy Court that became effective April 1, 1996, Respondent has escrowed funds to perform any necessary environmental remediation at the facility that is the subject of this proceeding.

Since the Respondent is insolvent and unable to pay penalties, but has committed funds for environmental clean up, Complainant suggests that the interest of judicial economy will be served by dismissing this action without prejudice and giving the Complainant leave to refile the proceeding if, in the future, Respondent should fail to meet its environmental responsibilities.

Respondent has not filed any answer to the motion to dismiss and, since good cause is shown, the motion is hereby granted.

Accordingly, the Complaint filed in the proceeding is dismissed without prejudice.

SO ORDERED.

  
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Daniel M. Head  
Administrative Law Judge

Dated: July 9, 1996  
Washington, DC

**IN THE MATTER OF SALINA INVESTMENT, INC., Respondent**  
**Docket No. RCRA-(3008)-VIII-94-05**

**CERTIFICATE OF SERVICE**


I certify that the foregoing Order Dismissing Proceeding, dated July 9, 1996, was sent in the following manner to the addressees listed below:

Original by Pouch Mail to:           Regional Hearing Clerk  
  U.S. Environmental Protection  
  Agency, Region VIII  
  999 18th Street - Suite 500  
  Denver, CO 80202-2405

Copy by Certified Mail, Return  
Receipt Requested to:

Counsel for Complainant:           Elizabeth T. Wald, Esquire  
  Enforcement Attorney  
  U.S. Environmental Protection  
  Agency, Region VIII  
  999 18th Street, (8ENF-L)  
  Denver, CO 80202-2405

Counsel for Respondent:           Rand Ellison, Esquire  
  Salina Investment, Inc.  
  455 East 500 South  
  Salt Lake City, UT 84111

  
Aurora Jennings  
Legal Staff Assistant  
Office of Admin Law Judges  
Environmental Protection Agency  
401 M Street, SW  
Washington, DC 20460

Dated: July 9, 1996  
          Washington, DC