



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

In the Matter of:)
WAYNE METALS, LLC,) Docket No. CAA-05-2009-0014
Respondent.)

ORDER GRANTING MOTION TO WITHDRAW COMPLAINT

This matter was initiated by Administrative Complaint filed on March 25, 2009. On April 22, 2009, Respondent filed an Answer to the Complaint. By Motion filed July 16, 2009, Complainant moved to withdraw the Complaint without prejudice. Complainant's stated basis for the withdrawal is that, after initiating this action, the Respondent proffered certain new information regarding compliance with the regulations at issue based upon which Complainant is now of the opinion that the Complaint in this matter is no longer warranted. To date, Respondent has not replied to the Motion.

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 unopposed Motion, the Motion to Withdraw is hereby GRANTED, and Administrative Complaint filed in this action is deemed withdrawn, without prejudice. Each party shall bear their own costs.

[Handwritten signature]
Susan L. Biro
Chief Administrative Law Judge

Dated: July 30, 2009
Washington, D.C.

In the Matter of Wayne Metals, LLC, Respondent
Docket No.CAA-05-2009-0014

CERTIFICATE OF SERVICE

I certify that the foregoing **Order Granting Motion To Withdraw Complaint**, dated July 30, 2009, was sent this day in the following manner to the addressees listed below.


Maria Whiting-Beale
Staff Assistant

Dated: July 30, 2009

Original And One Copy By Pouch Mail To:

La Dawn Whitehead
Regional Hearing Clerk
U.S. EPA
77 West Jackson Boulevard, E-19J
Chicago, IL 60604-3590

Copy By Pouch Mail To:

Kathleen Schnieders, Esquire
Assistant Regional Counsel
U.S. EPA
77 West Jackson Boulevard, C-14J
Chicago, IL 60604-3590

Copy By Regular Mail To:

Anthony C. Sullivan, Esquire
Barnes & Thornburg, LLP
11 South Meridian Street
Indianapolis, IN 46204-3535