



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

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In the Matter of:)
Bradford Printing and Finishing, LLC,) Docket No. RCRA-01-2012-0019
Respondent.) Dated: February 14, 2013

ORDER GRANTING MOTION TO REQUEST WITHDRAWAL OF COMPLAINT WITHOUT PREJUDICE

This proceeding was initiated by Complainant filing a Complaint, Compliance Order, Notice of Opportunity for Hearing, and Notice of Opportunity to Confer ("Complaint") on February 7, 2012 under the Resource Conservation and Recovery Act (the "Act" or "RCRA"), 42 U.S.C. §§ 6901-6987. The Complaint alleged that Respondent Bradford Printing and Finishing, LLC, (1) failed to make hazardous waste determinations; (2) failed to separate or protect containers holding hazardous waste that are incompatible with any waste or other materials stored nearby in other containers; (3) failed to provide adequate hazardous waste training; (4) failed to have a hazardous waste contingency plan; and (5) failed to properly manage universal waste, in violation of Section 3002 of the Act and certain regulations promulgated thereunder. On May 2, 2012, Respondent submitted its Answer to the Complaint.

The parties participated in an Alternative Dispute Resolution process from May 22, 2012 to September 24, 2012, but a settlement could not be reached.

On November 28, 2012, Complainant submitted a Motion to Request Withdrawal of Complaint without Prejudice ("Motion"). In its Motion Complainant asserts that it "was informed before the end of the ADR process that Respondent had dissolved, and Respondent was subsequently placed into receivership by the Rhode Island Superior Court on September 27, 2012." Mot. at 2. On the weekend of October 27, 2012, Complainant performed an "emergency response removal action" at Respondent's facility due to the "imminent predicted landfall of Hurricane Sandy." Id. at 3. Complainant seeks to withdraw the Complaint without prejudice on grounds that the emergency response removal action achieved compliance measures related to the storage of hazardous wastes at Respondent's facility. However, Complainant asserts that compliance measures it sought regarding "Respondent's implementation of its hazardous waste program remain unresolved." Id. at 3. Complainant further asserts that it is unknown whether Respondent will conduct operations in the future at its facility. Thus, Complainant requests that the Motion be granted without prejudice, so that a new action may be filed against Respondent

regarding implementation of a hazardous waste program should Respondent resume operations at its facility.


Complainant states in the Motion that it “inquired whether Respondent had any objection to the relief sought herein, and Respondent informed Complainant that it could not provide a response because a Rhode Island Superior Court placed Respondent into receivership on September 27, 2012.” Mot. at 1.

On January 7, 2013, the undersigned ALJ’s staff attorney sent a copy of Complainant’s Motion to the Clerk of the Rhode Island Superior Court via first class mail. As of the date of this Order, Respondent has failed to respond to the Motion.

The Rules of Practice governing this proceeding, 40 C.F.R. Part 22, provide that “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 good cause shown, Complainant’s Motion to Request Withdrawal of Complaint Without Prejudice is hereby **GRANTED**. Accordingly, the Complaint in this matter is hereby **WITHDRAWN** without prejudice.

SO ORDERED.


M. Lisa Buschmann
Administrative Law Judge

**In the ADR Matter of *Bradford Printing and Finishing, LLC*, Respondent.
Docket No. RCRA-01-2012-0019**

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Order Granting Motion to Request Withdrawal of Complaint Without Prejudice** dated February 14, 2013, was sent this day in the following manner to the addressees listed below.



Knolyn R. Jones
Staff Assistant

Original and One Copy by Regular Mail to:

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**Dated: February 15, 2013
Washington, D.C.**