1/24/94

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

IN THE MATTER OF	)	
	)	
HAZTOX INC.,	)	DOCKET NO. TSCA-(PCB)-VIII-93-26
	)	TSCA-(PCB)-VIII-93-08
	)	TSCA-(PCB)-VIII-93-25
Respondent	)	

ORDER RULING ON OUTSTANDING MOTIONS

There is currently pending a motion by the Complainant in Docket No. TSCA-(PCB)-VIII-93-26, to withdraw certain allegations from the Complaint. In that motion, the Complainant asks to withdraw, without prejudice, all allegations in the Complaint relating to the homogeneous area of acoustical texture in the boy's dormitory. This would have the effect of lowering the unadjusted penalty to $140,000, although the adjusted proposed penalty of $25,000 would not be affected. This motion is unopposed and is granted.

Complainant has also filed a motion to consolidate the above captioned proceedings and has requested that the Prehearing Exchange and other deadlines be extended to conform in these cases. The deadline relief has already been granted and that request, therefore, is moot. With regard to consolidation, it would appear that good cause exists for this action, since the parties are the same in the three proceedings and all the Complaints allege violations of the same statute.

IN THE MATTER OF HAZTOX, INC., Respondent
Docket No. TSCA-(PCB)-VIII-93-25
TSCA-(PCB)-VIII-93-26
TSCA-(PCB)-VIII-93-08

CERTIFICATE OF SERVICE

I certify that the foregoing Order Ruling on Outstanding Motions, dated January 24, 1994, was sent in the following manner to the addressees listed below:

Original by Regular Mail to:

Joanne McKinstry
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region VIII
999 18th Street
Denver, CO 80202-2405

Copy by Certified Mail, Return Receipt Requested to:

Counsel for Complainant:

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Representative of Respondent:

Mr. Wayne Dorband
Management Planner
HAZTOX, Inc.
820 North Linder Road
Meridian, Idaho 83642

Aurora Jennings
Aurora Jennings
Legal Staff Assistant
Office of the Administrative Law Judges

Dated: January 24, 1994
Washington, D.C.

Moreover, this request for consolidation is unopposed. Since good cause has been shown, the motion to consolidate is granted.

SO ORDERED.

Daniel M. Head
Administrative Law Judge

Dated: January 24, 1991
Washington, DC