



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103

In Reply Refer To Mail Code: 3LC61

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

AUG 18 2010

His Excellency Most Reverend W. Francis Malooly, Bishop of Wilmington
Diocese of Wilmington, Delaware
P.O. Box 2030
Wilmington, DE 19806

Re: *Notice of Withdrawal* of Clean Air Act Complaint and Notice
of Opportunity for Hearing
EPA Docket No. CAA-03-2010-0312

Dear Most Reverend Malooly:

In consideration of your Counsel's letter dated August 13, 2010, and pursuant to the Consolidated Rules of Practice, 40 C.F.R. § 22.14(d), EPA's Land and Chemicals Division is hereby withdrawing the above caption Complaint without prejudice. This notice of withdrawal is being provided to EPA's Regional Hearing Clerk so that she may close the file accordingly.

Sincerely,

A handwritten signature in cursive script, appearing to read "Abraham Ferdas".

Abraham Ferdas, Director
Land and Chemicals Division

Enclosures



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103

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Reverend Arthur B. Fiore, Pastor
Father John C. Klevence
St. Peter's Church
521 Harmony Street
New Castle, DE 19720

PHILADELPHIA, PA
2010

Re: *Notice of Withdrawal* of Clean Air Act Complaint and Notice
of Opportunity for Hearing
EPA Docket No. CAA-03-2010-0312

Dear Reverend Fiore and Father Klevence:

Pursuant to the Consolidated Rules of Practice, 40 C.F.R. § 22.14(d), EPA's Land and Chemicals Division is hereby withdrawing the above caption Complaint without prejudice. This notice of withdrawal is being provided to EPA's Regional Hearing Clerk so that she may close the file accordingly.

Sincerely,

A handwritten signature in cursive script, appearing to read "Abraham Ferdas".

Abraham Ferdas, Director
Land and Chemicals Division

Enclosures

CERTIFICATE OF SERVICE

I hereby certify that the original and one copy of the foregoing *Notice of Withdrawal of Administrative Complaint and Notice of Opportunity for Hearing* (re: **Docket No. CAA-03-2010-0312**) was hand-delivered to the Regional Hearing Clerk, EPA Region III on August 19, 2010, and that a true and correct copy of same was **mailed** via certified return receipt requested first-class U.S. Mail, to the following persons on the date noted below:

His Excellency Most Reverend W. Francis Malooly, Bishop of Wilmington
Diocese of Wilmington, Delaware
P.O. Box 2030
Wilmington, DE 19806

Reverend Arthur B. Fiore, Pastor
Father John C. Klevence
St. Peter's Church
521 Harmony Street
New Castle, DE 19720

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The Brandywine Building
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John Andrade, Esq.
116 West Water street
Dover, DE 19903

8/19/10

Date


Benjamin M. Cohan
Sr. Assistant Regional Counsel

FILED
DELAWARE
AUG 19 2010

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August 13, 2010

VIA FACSIMILE AND FEDERAL EXPRESS

Mr. Benjamin M. Cohan
U.S. Environmental Protection Agency
Region III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

Re: *In re Catholic Diocese of Wilmington, Inc.;*
Case No. 09-13560 (CSS)

Dear Mr. Cohan:

On October 18, 2009, the Catholic Diocese of Wilmington, Inc., a Delaware corporation (the "Debtor"), filed a voluntary petition for relief under chapter 11 of title 11 of the United States Code, 11 U.S.C. §§ 101, *et seq.*, as amended from time to time (the "Bankruptcy Code"), in the United States Bankruptcy Court for the District of Delaware (the "Bankruptcy Court"). Our law firm represents the Debtor in its bankruptcy case.

As of July 20, 2010, we are in receipt of your Administrative Complaint and Notice of Opportunity to be Heard (the "Complaint"), dated June 18, 2010, by which the Division Director of the Land and Chemicals Division, United States Environmental Protection Agency, Region III (the "EPA") initiated an administrative action (the "Action") against the Debtor and St. Peter's Church.

Pursuant to section 362 of the Bankruptcy Code, upon the filing of a chapter 11 petition, an injunction is placed into effect which stays, among other things, any act to collect, assess or recover claims against the Debtors. Please be advised that the EPA's filing of the

YOUNG CONAWAY STARGATT & TAYLOR, LLP

Mr. Benjamin M. Cohan
August 13, 2010
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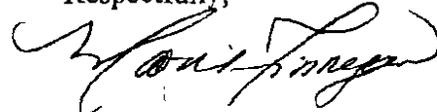
Action against the Debtor is considered an effort to collect or recover claims against the Debtor and violates the automatic stay.

The automatic stay under the Bankruptcy Code provides broad protection to the Debtor and its property, enjoining the commencement or continuation of all proceedings or collection actions against the Debtor and its estate. Violators of the automatic stay provisions of the Bankruptcy Code may be subject to sanctions.

Any further action taken by your office to proceed against the Debtor or its property is in direct violation of the automatic stay provisions of the Bankruptcy Code. If you refuse to cooperate in this matter, the Debtor is prepared to seek relief from the Bankruptcy Court, including, but not limited to, a request for damages for violation of the automatic stay.

If you have any questions or concerns, please do not hesitate to contact me.

Respectfully,



Maris J. Finnegan