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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III 2009 FEB 25 PM 2: 06
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

In the Matter of:)
) Motion to Withdraw
Euclid of Virginia, Inc.)
4225 Connecticut Avenue) U.S. EPA Docket Number
Washington, DC 20008) RCRA-03-2009-0067
)
RESPONDENT)
)
)
)
)
)

MOTION TO WITHDRAW

Complainant hereby moves for leave to withdraw the Complaint in the above-captioned matter. The Complaint in this matter sought a Compliance Order requiring Euclid of Virginia, Inc. ("Respondent") to provide certain information to the United States Environmental Protection Agency, Region III ("EPA"). Respondent's Answer to the Complaint provided the information sought by EPA, and thus the matter is now moot.

On June 27, 2008, EPA sent to Respondent an Information Request Letter requiring Respondent to provide information regarding certain underground storage tanks ("USTs") currently and/or formerly owned and operated by Respondent. This Information Request Letter relied on EPA's information gathering authority provided in Section 9005(a) of the Solid Waste Disposal Act, commonly referred to as the Resource Conservation and Recovery Act of 1976, as amended by the Hazardous and Solid Waste Amendments of 1984 (collectively referred to hereafter as "RCRA"), 42 U.S.C. § 6991d(a). Respondent did not provide a response to EPA's June 27, 2008 Information Request Letter, despite the mandatory nature of such a Request. On

December 24, 2008. Complainant filed the Complaint in this matter, seeking a Compliance Order requiring Respondent to provide the information sought in the June 27, 2008 Information Request Letter. The Complaint did not seek a civil penalty.

Respondent's Answer to the Complaint denied liability for the violations alleged in the Complaint, and requested a hearing. However, Respondent's Answer also provided documents which were responsive to EPA's June 27, 2008 Information Request. This matter is therefore moot.

For the above reasons, Complainant requests permission to withdraw the above-captioned matter.

Respectfully submitted,



Benjamin D. Fields
Senior Assistant Regional Counsel

2/25/09
Date

CERTIFICATE OF SERVICE

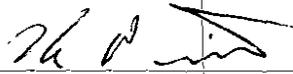
I hereby certify that on the date below I hand-delivered the original and one copy of the attached Motion to withdraw to the Regional Hearing Clerk, and caused true and correct copies to be sent as follows:

Va Federal Express to: KooYuen, President
Euclid of Virginia, Inc
4225 Connecticut Avenue, N.W.
Washington, D.C. 20008

Thomas F. DeCaro, Jr.
DeCaro & Howell, P.C.
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14406 Old Mill Road
Upper Marlboro, Maryland 20772-3029

Via Pouch Mail to: Judge Susan L. Biro
U.S. Environmental Protection Agency
Office of Administrative Law Judges
1200 Pennsylvania Ave., N.W.
Mail Code 1900L
Washington, D.C. 20005

2/25/09
Date


Benjamin D. Fields
Senior Assistant Regional Counsel