

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4

RECEIVED  
EPA REGION IV  
2014 MAY 22 PM 2:55  
HEARING CLERK

IN THE MATTER OF: )  
)  
) MOTION TO WITHDRAWAL  
) ADMINISTRATIVE COMPLAINT  
Louise Jones )  
Foley, Alabama )  
) FOR CLASS II PENALTY  
) UNDER SECTION 309(g)  
RESPONDENT )  
) OF THE CLEAN WATER ACT,  
) 33 U.S.C. § 1319(g)  
) Docket No. CWA-04-2009-5503  
)  
\_\_\_\_\_ )

**MOTION TO WITHDRAWAL ADMINISTRATIVE COMPLAINT**

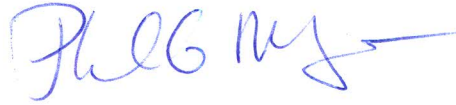
The United States Environmental Protection Agency, by and through the undersigned attorney, hereby submits this Motion to Withdrawal Administrative Complaint pursuant to 40 CFR §22.14(d). This pertains to the Attached Class II Penalty Action EPA issued on March 6, 2009, which was never served. Under 40 CFR §22.14(d), “the Complainant may withdraw the complaint, or any part thereof, without prejudice one time before the answer has been filed.” In support of this motion, EPA offers that although multiple attempts were made to perfect service, the complaint was never served. EPA attempted to serve respondent by certified mail/returned receipt requested on multiple occasions and on each occasion the mail was returned. EPA also attempted to serve Respondent personally through the Federal Bureau of Investigation. An FBI agent staked out her house in Alabama during a three week period and could not find Respondent in order to perfect service. EPA also tried to serve her counsel in

Accordingly, consistent with 40 CFR §22.14(d), EPA is filing this Motion to Withdrawal

Administrative Complaint in this matter. A draft proposed order is attached.

5/22/14

Respectfully Submitted,



Philip Mancusi-Ungaro  
Attorney-Advisor  
EPA Region 4  
61 Forsyth Street, SW  
Atlanta, Georgia 30303  
(404) 562-9519

