



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

SEP 16 2011

VIA CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Kanchanalal Patel  
2403 Barnesdale Way  
Albany, Georgia 31707

Re: Administrative Complaint and Compliance Order  
Docket No: RCRA-UST-04-2010-0002

Dear Mr. Patel:

On March 23, 2010, the United States Environmental Protection Agency Region 4 Resource Conservation and Recovery Act Division Director filed an Administrative Complaint, Compliance Order, and Notice of Opportunity for Hearing (Complaint) in the above styled manner. The enclosed Status Update notifies the Regional Judicial Officer of the status of the case. Please note that I am now the attorney assigned to this matter.

If you have any questions regarding this matter, please do not hesitate to contact me at (404) 562-9441 or [dixit.naeha@epa.gov](mailto:dixit.naeha@epa.gov).

Sincerely,

A handwritten signature in cursive script that reads "Naeha Dixit".

Naeha Dixit  
Assistant Regional Counsel  
U.S. EPA, Region 4

Enclosure

cc: Regional Hearing Clerk, U.S. EPA, Region 4

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4**

IN THE MATTER OF:	)	Docket Number: RCRA-UST-04-2010-0002
	)	
Kanchanalal Patel	)	Proceeding under Section 9006
2403 Barnesdale Way	)	of the Resource Conservation and
Albany, Georgia 31707	)	Recovery Act, 42 U.S.C. § 6991e
	)	
Respondent	)	
	)	

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2011 SEP 16 PM 2:03  
HEARING CLERK

**STATUS UPDATE**

On March 23, 2010, the United States Environmental Protection Agency Region 4 Resource Conservation and Recovery Act Division Director filed an Administrative Complaint and Compliance Order (Complaint) in the above styled manner. Copies of the Complaint and a cover letter were sent to Respondent via first class certified mail, return receipt requested, on March 23, 2010.

Pursuant to 40 C.F.R. § 22.15(a), an Answer must be filed with the Regional Hearing Clerk within thirty (30) days after service of the Complaint. Respondent was served on March 30, 2010 but has not filed an answer to the March 23, 2010 Complaint. Respondent was required to reply to the Complaint by April 29, 2010.

On March 29, 2010, the undersigned filed an Amendment to the Complaint correcting the docket number noted on the Complaint. A cover letter and the Amendment were sent via first class certified mail, return receipt requested, on March 29, 2010. On or about April 30, 2010, the United States Postal Service returned to the undersigned the copy of the Amendment that was sent to Respondent on March 29, 2010, as "unclaimed" mail.<sup>1</sup>

On or about May 2, 2010, the undersigned re-sent Respondent the returned unclaimed copy of the March 29, 2010 cover letter and the Amendment via commercial two-day delivery.<sup>2</sup> On May 4, 2010, the United Parcel Service confirmed delivery of the Amendment.<sup>3</sup>

Complainant wishes to inform the Presiding Officer and Regional Hearing Clerk that the undersigned will replace Alfred R. Politzer as the Counsel of Record for this matter.

<sup>1</sup> The Amendment was sent to Respondent at the same address of record at which Respondent has previously signed for an accepted certified mail in this matter.

<sup>2</sup> The Amendment was re-sent to Respondent at the same address of record at which Respondent has previously signed for and accepted certified mail in this matter.

<sup>3</sup> It appears that the United Parcel Service did not require a signature for the package and instead left the package at the front door of Respondent's address of record.

Although Complainant has met the notice requirements of 40 C.F.R. § 22.5(b)(1), Complainant plans to renew efforts to contact the Respondent and give him another opportunity to file an Answer. After the renewed contact, if the Respondent still fails to file an Answer, Complainant will file Motion for Default to resolve this matter.

Sept. 16, 2011  
Date

Naeha Dixit  
Naeha Dixit  
Counsel for Complainant

**IN THE MATTER OF: Kanchanlal Patel, RCRA-UST-04-2010-0002**

**CERTIFICATE OF SERVICE**

I certify that a cover letter and a copy of the Status Update for the above referenced matter were sent this day, September 16, 2011, to the following person in the following manner:

Certified Mail – Return Receipt Requested

Kanchanlal Patel  
2403 Barnesdale Way  
Albany, Georgia 31707

I further certify that two copies of the cover letter and the Status Update were filed this day, September 16, 2011, with the Regional Hearing Clerk, as specified as below:

Hand Delivery – Original and One Copy

Belinda Johnson  
Acting Regional Hearing Clerk  
U.S. EPA - Region 4  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303

Date: Sept. 16, 2011

  
\_\_\_\_\_  
Naeha Dixit  
Assistant Regional Counsel  
U.S. EPA - Region 4  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303