

**UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION III**

<b>In the matter of:</b>	<b>: Administrative Complaint</b>
	:
<b>Frederick Gentile</b>	<b>: U.S. EPA Docket No.</b>
d/b/a	<b>: TSCA-03-2018-0092</b>
Gentile Construction and General Contracting	:
2527 South 11th Street	: Proceeding Under Section 16(a) of the
Philadelphia, PA 19148-4405	: Toxic Substances Control Act
Respondent,	: 15 U.S.C. § 2615(a).
	:
	:
Stoneleigh Apartments	:
4524-4538 Walnut Street	:
Philadelphia, PA 19139	:
<b>Target Housing.</b>	:
	:

**MOTION FOR WITHDRAWAL OF COMPLAINT WITHOUT PREJUDICE**

1. Under the authority of 40 C.F.R. § 22.14(d), Complainant moves for the withdrawal without prejudice of the Administrative Complaint, Compliance Order and Notice of Opportunity for Hearing ("Complaint") filed in the above-captioned matter.
2. On May 17, 2018, the Director of the Land and Chemicals Division for U.S. EPA Region III as the Complainant filed the Complaint in this matter pursuant to 40 C.F.R. Part 22 and Section 16(a) of TSCA.
3. In order to drop one of the counts from the Complaint, on November 8, 2018,

- the Region filed a Partial Withdrawal of the Complaint (“original Partial Withdrawal”).
4. Pursuant to 40 C.F.R. § 22.14(d), the Region filed the original Partial Withdrawal as of right because the Respondent had not filed an answer to the Complaint.
  5. On April 15, 2019, the authority to file administrative complaints for U.S. EPA Region III pursuant to 40 C.F.R. Part 22 and Section 16(a) of TSCA was transferred to the Director of U.S. EPA Region III’s Enforcement and Compliance Assurance Division (“Director”).
  6. On May 3, 2019, the Region re-filed the Partial Withdrawal to correct typographical errors in the original Partial Withdrawal and to reflect that the Director is now the complainant for the purposes of 40 C.F.R. Part 22 and Section 16(a) of TSCA.
  7. As of the date of re-filing of the Partial Withdrawal, the Respondent had not filed a reply to the Complaint.
  8. In accordance with 40 C.F.R. § 22.14(d), because the Complainant has already filed a partial withdrawal as of right, to withdraw the Complaint, the Complainant is filing this motion.
  9. The Respondent has not filed an answer to the Complaint as of June 11, 2021.

10. To the best of the Region's knowledge, the Respondent is no longer in business. Obtaining a penalty in this matter is not likely to be a successful endeavor. As a result, continuing this matter would not be a proper use of the Agency's resources and would not serve a useful enforcement purpose. Therefore, the Complainant asks that the Court grant this withdrawal motion. Further, the Complainant asks that the withdrawal be without prejudice so that, if the Respondent resumes his business in the remodeling/construction trade, the Complaint could be refiled.

Respectfully submitted,

\_\_\_\_\_  
Date

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Karen Melvin, Director  
Enforcement & Compliance  
Assurance Division