

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**REGION III****1650 Arch Street****Philadelphia, Pennsylvania 19103-2029**

In the Matter of:)

Warriach Brothers International LLC)

2 W. Rolling Crossroad)

Suite 106)

Baltimore, MD 21228)

RESPONDENT)

S & P All Stop Gas)

102 E. Main Street)

Cecilton, MD 21913)

FACILITY.)

Administrative Complaint, Compliance
Order and Notice of Opportunity for
Hearing

U.S. EPA Docket Number

RCRA-03-2019-0094

Proceeding Under Section 9006 of the
Resource Conservation and Recovery
Act, as amended, 42 U.S.C. Section
6991e**NOTICE OF WITHDRAWAL WITHOUT PREJUDICE**

Complainant hereby serves notice that the United States Environmental Protection Agency, Region III ("EPA") is withdrawing the Complaint without prejudice in the above-captioned matter under the authority of 40 C.F.R. § 22.14(d). The Complaint in this matter sought a Compliance Order requiring Warriach Brothers International LLC ("Respondent") to provide certain information to EPA. However, the underground storage tanks ("USTs") at that facility, known as S & P All Stop Gas, located at 102 E. Main Street, Cecilton, Maryland that are subject to EPA's jurisdiction are no longer in operation, and tagged for delivery prohibition as of September 27, 2019 and thus the matter is ripe for withdrawal.

On August 8, 2018, EPA sent to Respondent an Information Request Letter requiring Respondent to provide information regarding certain USTs located at the facility owned 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 August 8, 2018 Information Request Letter, despite the mandatory nature of such a Request and numerous subsequent attempts by EPA to elicit a response.

On May 22, 2019, Complainant filed the Complaint in this matter, seeking a Compliance Order requiring Respondent to provide the information sought in the August 8, 2018 Information Request Letter. The Complaint did not seek a civil penalty. Respondent did not file an Answer to the Complaint, but upon further investigation, the USTS subject to EPA's jurisdiction located at 102 E. Main Street, Cecilton, Maryland are no longer in operation tagged for delivery prohibition as of September 27, 2019.

For the above reasons, Complainant hereby withdraws without prejudice the above-captioned matter.

Date: _____

By: _____

Karen Melvin, Director
Enforcement and Compliance Assurance Division
U.S. EPA – Region III
Complainant