UNITED STATES ENVIRONMENTAL PROTECTION AGENCY FILED

REGION 6 DALLAS, TEXAS

2011 JUL 27 PM 2: 40

IN THE MATTER OF:

\$ Docket No. CWA-06-2011-1731

SUNRISE PLASTIC ENTERPRISE, INC.

REGIOMAL REARRING CLERK
EPA REGION VI

S Docket No. CWA-06-2011-1731

SUNRISE PLASTIC ENTERPRISE, INC.

Respondent

MOTION TO WITHDRAW ADMINISTRATIVE COMPLAINT

NOW COMES Complainant, the Director of the Compliance Assurance and Enforcement Division, United States Environmental Protection Agency ("EPA"), Region 6, through his attorney, and pursuant to 40 C.F.R. § 22.14(d) respectfully requests leave to withdraw the Administrative Complaint issued against Sunrise Plastic Enterprise, Inc., and states as follows:

- 1. This proceeding for the assessment of a civil penalty was instituted pursuant to Section 309(g) of the Clean Water Act (herein "the Act"), 33 U.S.C. § 1319(g) by the issuance of an Administrative Complaint on June 3, 2011.
- 2. The Complaint was served upon Sunrise Plastic Enterprise, Inc., located in Houston, Texas (hereinafter the "Respondent") by the Complainant, the Director of the Compliance Assurance and Enforcement Division, United States Environmental Protection Agency, Region 6 (hereinafter the "Complainant").
 - 3. On June 28, 2011, Respondent timely filed its Answer and Request for Hearing.
- 4. Under 40 C.F.R. § 22.14(d), leave of Court is required for the withdrawal of a Complaint, or any part thereof, after the filing of an answer to the Complaint.

- 5. As a result of information provided by Respondent to EPA regarding the violations cited in the Administrative Complaint, Complainant seeks to withdraw the Administrative Complaint.
 - 6. No party will be prejudiced by the filing of this Motion to Withdraw the Complaint.

THEREFORE, pursuant to 40 C.F.R. § 22.14(d), Complainant prays that the Court grant this Motion to withdraw the Complaint.

RESPECTFULLY SUBMITTED:

Efren Ordoñez

Senior Enforcement Attorney (6RC-EW)

U.S. Environmental Protection

Agency, Region 6

1445 Ross Avenue

Dallas, Texas 75202-2733

Tel.: (214) 665-2181

COUNSEL FOR COMPLAINANT

CERTIFICATE OF SERVICE

I certify that the foregoing MOTION TO WITHDRAW ADMINISTRATIVE

<u>COMPLAINT</u> was hand-delivered to the Regional Hearing Clerk, EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733, and was sent by U.S. first class mail, on July 27, 2011 addressed to the following:

VIA FIRST CLASS U.S. MAIL:

James Austin Pinedo, Esq. 5120 Woodway, Suite 8002 Houston, Texas 77056