

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

IN THE MATTER OF: )  
 )  
EUCLID OF VIRGINIA, INC., ) Docket No. RCRA-03-2009-0067  
 )  
Respondent. )

ORDER GRANTING MOTION TO WITHDRAW COMPLAINT

On December 24, 2008, the U.S. Environmental Protection Agency, Region III (Complainant) initiated this matter by filing an Administrative Complaint seeking a Compliance Order requiring Respondent, Euclid of Virginia, Inc., to provide it with certain information allegedly previously requested by the Complainant pursuant to Section 9005(a) of the Resource Conservation and Recovery Act, 42 U.S.C. 6991d(a). Respondent filed an Answer to the Complaint on or about January 28, 2009, to which it attached certain documents. By Motion dated February 25, 2009, Complainant moves to withdraw the Complaint and as reason therefor states that the documents Respondent provided with its Answer were responsive to the Complainant's prior information request and "[t]his matter is therefore moot."

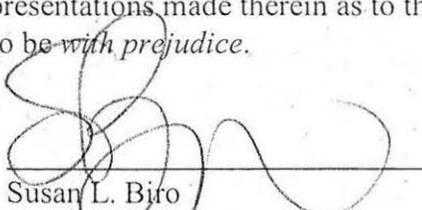
The Motion does not indicate whether the Respondent consents to the relief sought and to date no response to the Motion has been received. It also fails to indicate whether the Complainant seeks to withdraw the Complaint with or without prejudice.

Rule 22.14(d) of the Consolidated Rules of Practice provides as follows:

(d) Withdrawal of the complaint. . . . after the filing of an answer, the complainant may withdraw the complaint, or any part thereof, without prejudice only upon motion granted by the Presiding Officer.

40 C.F.R. § 22.14(d).

For the reasons set forth therein, the Motion to Withdraw the Complaint is hereby **GRANTED**, and further, based upon the representations made therein as to the matter being "moot," such withdrawal is hereby deemed to be *with prejudice*.

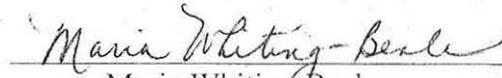
  
Susan L. Bifo  
Chief Administrative Law Judge

Dated: March 2, 2009  
Washington, D.C.

In the Matter of Euclid Of Virginia, Inc.. Respondent  
Docket No. RCRA-03-2009-0067

Certificate of Service

I certify that the foregoing **Order Granting Motion To Withdraw Complaint**, dated March 2, 2009, was sent this day in the following manner to the addressees listed below.

  
Maria Whiting-Beale  
Staff Assistant

Dated: March 3, 2009

Original And One Copy By Pouch Mail to:

Lydia A. Guy  
Regional Hearing Clerk (3RC00)  
U.S. EPA  
1650 Arch Street  
Philadelphia, PA 19103-2029

Copy By Pouch Mail to:

Benjamin D. Fields, Esquire  
Assistant Regional Counsel (3RC30)  
U.S. EPA  
1650 Arch Street  
Philadelphia, PA 19103-2029

Copy By Regular Mail To:

Thomas F. DeCaro, Jr., Esquire  
DeCaro & Howell, P.C.  
Suite 201  
14406 Old Mill Road  
Upper Marlboro, MD 20772-3029