

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

IN THE MATTER OF:)
)
Sunoco, Inc.,) EPA Docket No. CERCLA-02-2008-2004
Eagle Point Facility)
Route 130 and I-295 South)
Westville, N.J.)
Respondent.)

ORDER GRANTING MOTION TO WITHDRAW COMPLAINT

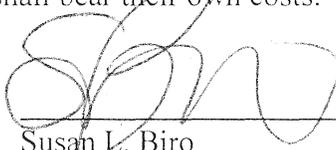
This matter was initiated by Administrative Complaint filed on November 7, 2007. On December 13, 2007, Respondent filed an Answer to the Complaint. By Motion dated March 5, 2008, Complainant moved to withdraw the Complaint without prejudice. Complainant's stated basis for the withdrawal is that, after initiating this action, the Respondent proffered certain new information regarding compliance with the regulations at issue based upon which Complainant is now of the opinion that the Complaint in this matter is no longer warranted. Complainant reports that Respondent agrees with its decision to withdraw the Complaint 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 in Complainant's unopposed Motion, the Motion to Withdraw is hereby **GRANTED**, and Administrative Complaint filed in this action is deemed withdrawn, *without prejudice*. Each party shall bear their own costs.



Susan L. Biro
Chief Administrative Law Judge

Dated: March 6, 2008
Washington, D.C.

In the Matter of Sunoco, Inc., Respondent
Docket No. CERCLA-02-2008-2004

CERTIFICATE OF SERVICE

I certify that the foregoing **Order Granting Motion To Withdraw Complaint**, dated March 6, 2008, was sent this day in the following manner to the addressees listed below.



Maria Whiting-Beale
Legal Staff Assistant

Dated: March 6, 2008

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