

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

In the Matter of:)	
)	Notice of Withdrawal
Bertmar, Inc.)	
c/o John B. Campbell)	U.S. EPA Docket Number
Agent for Service)	RCRA-03-2014-0102
13951 Boydton Plank Road)	
Dinwiddie, VA 23841)	
)	
RESPONDENT,)	
)	
Dinwiddie Corner Market)	
11820 Boydton Plank Road)	
Dinwiddie, VA 23841)	
)	
)	
FACILITY.)	

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EPA REGION III
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NOTICE OF WITHDRAWAL WITHOUT PREJUDICE

Complainant hereby serves notice of that the United States Environmental Protection Agency, Region III ("EPA") is withdrawing the Complaint 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 Bertmar, Inc. ("Respondent") to provide certain information to EPA. However, the facility located at 11820 Boydton Plank Road, Dinwiddie, Virginia is closed and abandoned, and thus the matter is ripe for withdrawal.

On December 18, 2013, EPA sent to Respondent an Information Request Letter requiring Respondent to provide information regarding certain underground storage tanks ("USTs") formerly owned and operated 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

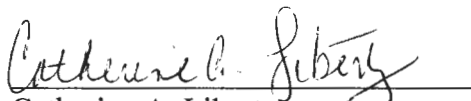
RCRA-03-2014-0102

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 December 18, 2013 Information Request Letter, despite the mandatory nature of such a Request. On August 29, 2014, Complainant filed the Complaint in this matter, seeking a Compliance Order requiring Respondent to provide the information sought in the December 18, 2013 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 property located at 11820 Boydton Plank Road, Dinwiddie, Virginia is currently closed and abandoned by its current owners. For the above reason, Complainant hereby withdraws without prejudice the above-captioned matter.

Respectfully submitted,

2-16-17
Date



Catherine A. Libertz
Acting Division Director
Land and Chemicals Division

CERTIFICATE OF SERVICE

I hereby certify that on the date below I hand-delivered the original and one copy of the attached Notice of Withdrawal to the Regional Hearing Clerk, and caused true and correct copy to be sent via certified mail, return receipt requested to the person listed below:

Bertmar, Inc.
c/o John B. Campbell
Agent for Service
13951 Boydton Plank Road
Dinwiddie, VA 23841

2/17/2017
Date



Louis F. Ramalho
Sr. Assistant regional Counsel
U.S. EPA, Region III

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