

**BEFORE THE UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION III**

In the matter of:	:
	:
Asbestos Cleaning Services, Inc.	:
2346 S. 7th Street	: U.S. EPA Docket No.
Philadelphia, PA 19148	: CAA-03-2009-0142DS
	:
Respondents,	: Proceeding under Section 13 of the Clean
	: Air Act, 42 U.S.C. § 7413
	:
Waste Trailer	:
3601 West 9th Street	:
Trainer, PA 04654	:
Facility.	

**MOTION TO WITHDRAW ADMINISTRATIVE COMPLAINT WITHOUT
PREJUDICE**

Pursuant to 40 C.F.R. § 22.14(d), the Director of the Enforcement Compliance and Assurance for the United States Environmental Protection Agency, Region III (“Region III”), by counsel, respectfully requests leave to withdraw without prejudice the Administrative Complaint issued by EPA, Region III against Asbestos Cleaning Services, Inc. in this matter.

In support of the motion, Region III states the following:

1. Region III instituted this proceeding for the assessment of a civil penalty pursuant to Section 13(d) of the Clean Air Act (“CAA”), 42 U.S.C. § 7413(d), by issuing an Administrative Complaint on April 30, 2009.
2. Region III served the Complaint upon Asbestos Cleaning Services, Inc. (hereinafter the "Respondent") at its place of business in Philadelphia, PA.
3. To date, Respondent has failed to file an Answer and Request for Hearing.
4. In part, Region III alleged the following in the Complaint: Since at least 2006, the Respondent had owned and operated a waste trailer located in Trainer, PA (the “Facility”).

On June 27, 2007, a Region III inspector observed waste disposal bags containing asbestos-containing waste material at the Facility. At all times relevant to the Complaint, Respondent was not (1) a waste disposal site operated in accordance with the provisions of 42 U.S.C. § 61.154, or (2) an EPA-approved site that converts RACM and asbestos-containing waste material into non-asbestos (asbestos-free) material in accordance with the provisions of 42 U.S.C. § 61.155. *See* 40 C.F.R. § 61.150(b). Respondent failed to comply with the requirements of 40 C.F.R. § 61.150(b) concerning asbestos-containing waste from two properties located in Philadelphia PA.

5. Based on the information available to the Complainant, Respondent is no longer in operation.

6. As Respondent no longer is in operation, Region III no longer seeks a penalty for the violations cited in the Complaint.

7. 40 C.F.R. § 22.14(d) allows complainant to withdraw a Complaint without prejudice prior to the filing of an answer to the Complaint.

8. Region III seeks to withdraw the Complaint in this matter without prejudice.

9. No party will be harmed by the granting of this Motion.

THEREFORE, pursuant to 40 C.F.R. § 22.14(d), Region III asks that the Court grant this Motion to withdraw the Complaint without prejudice.

Respectfully Submitted,

[digital signature and date]

Hannah Leone
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Office of Regional Counsel
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**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
Philadelphia, Pennsylvania 19103-2029**

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Asbestos Cleaning Services, Inc.	:	
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Philadelphia, PA 19148	:	CAA-03-2009-0142DS
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Respondents,	:	Proceeding under Section 13 of the Clean Air
	:	Act, 42 U.S.C. § 7413
	:	
Waste Trailer	:	
3601 West 9th Street	:	
Trainer, PA 04654	:	
	:	
Facility.	:	

CERTIFICATE OF SERVICE

I certify that the foregoing Motion to Withdraw was filed with the EPA Region III Regional Hearing Clerk on the date that has been electronically stamped on the Motion to Withdraw. I further certify that on the date set forth below, I caused to be served a true and correct copy of the foregoing Motion to Withdraw to each of the following persons, in the manner specified below, at the following addresses:

Copies served via UPS to:

Vong Donsanouphith
President
Asbestos Cleaning Services, Inc.
2346 S. 7th Street
Philadelphia, PA 19148

Copies served via email to:

Hannah Leone
Assistant Regional Counsel
U.S. EPA, Region III
Leone.hannah@epa.gov

Rich Ponak
Compliance Officer
U.S. EPA, Region III
Ponak.rich@epa.gov

[Digital Signature and Date]

Regional Hearing Clerk
U.S. Environmental Protection Agency,
Region III

