

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY, REGION 2
290 Broadway
New York, New York 10007

U.S. Environmental
Protection Agency-Reg 2
2015 NOV 16 AM 7:25
REGIONAL HEARING
CLERK

IN THE MATTER OF:

126 LLC
126 Passaic Street
Newark, New Jersey 07104

Respondent

Proceeding pursuant to Section 311(b)(6)
of the Clean Water Act, 33 U.S.C. §
1321(b)(6)

**INFORMATIVE MOTION TO
WITHDRAW COMPLAINT**

**DOCKET NO.
CWA-02-2011-3809**

INFORMATIVE MOTION TO WITHDRAW THE COMPLAINT

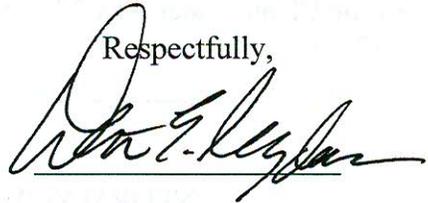
The Administrative Complaint (“Complaint”) in this matter was issued under the authority vested in the Administrator of the United States Environmental Protection Agency (“EPA”) by Section 311(b)(6)(B)(ii) of the Clean Water Act (“Act”), 33 U.S.C. § 1321(b)(6)(B)(ii). The Administrator has delegated the authority to the Regional Administrator of EPA, Region 2, who in turn has delegated it to the Director, Emergency and Remedial Response Division (“ERRD”) of EPA, Region 2, the Complainant in this matter.

The Complaint alleged that 126 LLC (“Respondent”) was in violation of the Act for having failed or refused to comply with regulations issued under Section 311(j) of the Act, 33 U.S.C. § 1321(j), and found at 40 C.F.R. Part 112, to which Respondent was subject at its facility located at 126 Passaic Street, Newark, New Jersey (“Facility”). Specifically, Respondent failed to prepare and implement a Spill Prevention, Control and Countermeasure Plan (“SPCC Plan”) by January 10, 1975, failed to amend its SPCC Plan after making material changes to the facility,

and failed to have its SPCC Plan certified by a professional engineer. The Complaint proposed to assess a penalty of one hundred and seventy two thousand four hundred dollars (\$172,400.00) and required compliance with the regulations found at 40 C.F.R. Part 112..

Since the issuance of the Complaint, Respondent filed for bankruptcy, ceased operation, and no longer exists as an entity. As such, the Complainant hereby withdraws, by right and without prejudice, the Complaint, Docket No. CWA-02-2011-3809. This action is taken pursuant to 40 C.F.R. § 22.14(d) of the Consolidated Rules of Practice.

Respectfully,



Walter E. Mugdan, Director
Emergency and Remedial
Response Division
U.S. EPA, Region 2
290 Broadway
New York, New York 10007-1866