

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

In the Matter of:)	
)	Withdrawal of Complaint
Fiaz Munir)	
34099 Market Street)	U.S. EPA Docket Number
Pocomoke City, MD 21851)	RCRA-03-2019-0050
)	
RESPONDENT,)	
River Market)	
34099 Market Street)	
Pocomoke City, MD 21851)	
FACILITY.)	
)	
)	

WITHDRAWAL OF COMPLAINT WITHOUT PREJUDICE

Complainant hereby withdraws the Administrative Complaint, Compliance Order and Notice of Opportunity for Hearing (“Complaint”) filed in the above-captioned matter under the authority of 40 C.F.R. § 22.14(d). The Complaint in this matter sought compliance by Fiaz Munir, individually (“Respondent”) to provide certain information to the United States Environmental Protection Agency, Region III (“EPA”). On July 16, 2018, EPA sent to Respondent an Information Request Letter requiring Respondent to provide information regarding certain underground storage tanks (“USTs”) owned and operated by Respondent at 34099 Market Street, Pocomoke, Maryland (“Facility”) pursuant to EPA’s information gathering authority set forth in Section 9005(a) of the Solid Waste Disposal Act, commonly referred 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 July 16, 2018 Information Request Letter, despite the mandatory nature of such a Request. On March 4, 2019, Complainant filed the Complaint in this matter, seeking a Compliance Order requiring Respondent to provide the information sought in the July 16, 2018 Information Request Letter. The Complaint did not seek a civil penalty.

Respondent did not file an Answer to the Complaint. However, subsequent to the filing of the Complaint, on August 27, 2019, the USTs located at the Facility were tagged by the State of Maryland, Department of the Environment ("MDE") prohibiting delivery of regulated substances pursuant to the authority set forth in the Code of Maryland Regulations ("COMAR") 26.10.02.01D. On October 8, 2019, MDE issued a Conditional Delivery Ban Lift which allowed the Facility to reopen and receive deliveries of regulated substances for the USTs at the Facility provided the Respondent documented compliance with COMAR. MDE is currently monitoring the Facility for compliance with COMAR. For the reasons set forth above, Complainant hereby withdraws the Complaint filed in the above-captioned matter without prejudice.

Respectfully submitted,

Date

Karen Melvin, Director
Enforcement & Compliance
Assurance Division