

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4

IN THE MATTER OF: )

Louise Jones )  
Foley, Alabama )

Respondent )  
\_\_\_\_\_ )

Docket No. CWA-04-2009-5505

HEARING CLERK

2014 AUG -7 AM 10:05

RECEIVED  
EPA REGION IV

ORDER ON MOTION TO WITHDRAW COMPLAINT

Complainant United States Environmental Protection Agency, in the above-captioned Clean Water Act Class II Penalty action, filed a Motion to Withdrawal [sic] Administrative Complaint ("Motion"), pursuant to Section 22.14(d) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties ("the Consolidated Rules"), 40 C.F.R. § 22.14(d). The basis for Complainant's Motion is its inability to perfect service upon the named Respondent notwithstanding multiple attempts.

40 C.F.R. § 22.14(d), allows one withdrawal of a complaint without prejudice before an answer has been filed without filing a motion as is required once an answer has been filed. Therefore, a Motion to withdraw is not necessary at this stage of this proceeding.

IT IS ORDERED:

If Complainant wishes to withdraw the complaint, it may do so by filing a Notice of Withdrawal of Complaint with the Regional Hearing Clerk.

Date: August 7, 2014

Susan B. Schub  
Susan B. Schub  
Regional Judicial Officer

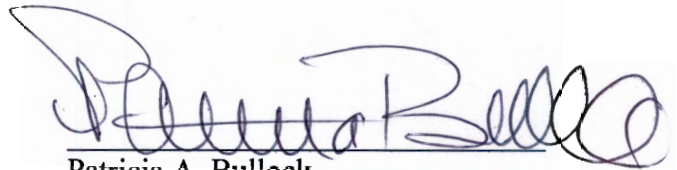
CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and correct copy of the foregoing Order on Motion to Withdraw Complaint, in the Matter of Louise Jones, Docket No. CWA-04-2009-5505, on the parties listed below in the manner indicated:

Intra-Office Mail:

Philip Mancusi-Ungaro, Esq.  
Office of Environmental Accountability  
U.S. Environmental Protection Agency  
Region 4  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303

Date: 8-7-14



Patricia A. Bullock  
Regional Hearing Clerk  
U.S. Environmental Protection  
Agency, Region 4  
61 Forsyth Street, S.W.  
Atlanta, GA 30303  
404/562-9511