



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

MAR 18 2013

VIA Certified Mail – Return Receipt Requested

Kanchanlal Patel
2403 Barnesdale Way
Albany, Georgia 31707

Re: Administrative Complaint and Compliance Order
Docket No: RCRA-UST-04-2010-0002

Dear Mr. Patel:

On March 23, 2010, the United States Environmental Protection Agency Region 4 Resource Conservation and Recovery Act Division Director filed an Administrative Complaint, Compliance Order and Notice of Opportunity for Hearing (Complaint). The Complaint was issued pursuant to the authority provided in Section 9006 of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6991e.

The Complaint specified the EPA's determination that you failed to comply with the terms of the Consent Agreement and Final Order (CA/FO), which you entered into with the EPA on December 8, 2008. The CA/FO addressed alleged violations of the Underground Storage Tank (UST) regulatory program at the "Super Mart" facility that you formerly operated at 1420 U.S. Highway 19 South, in Leesburg, Georgia. The CA/FO required you to correct the UST violations at the facility and to certify to the EPA within twenty (20) days of your receipt of the CA/FO that the corrections had been completed and the UST system had been returned to compliance with the regulations. The Complaint stated the reasons for the EPA's determination that you failed to comply with the terms of the CA/FO. The Complaint proposes a civil penalty of Thirty-Seven Thousand, Five Hundred Dollars (\$37,500).

At this time, the EPA has opted to withdraw the Complaint *without prejudice*. Attached please find a copy of the Notice of Withdrawal and the copy of the Certificate of Service.

If you have any questions, please feel free to call me at (404) 562-9441.

Sincerely,

A handwritten signature in cursive script that reads "Naeha Dixit".

Naeha Dixit
Associate Regional Counsel
U.S. EPA, Region 4

Enclosures

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**BEFORE THE
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

REGION 4

IN THE MATTER OF:)	DOCKET NO.:	
)	RCRA-UST-04-2010-0002	
)		
Kanchanalal Patel)	Proceeding under Section 9006 of the Resource	
2403 Barnesdale Way)	Conservation and Recovery Act, as amended,	
Albany, Georgia 31707)	42 U.S.C. § 6991e	
)		
RESPONDENT)		


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HEARING CLERK

NOTICE OF WITHDRAWAL

COMES NOW, the U.S. Environmental Protection Agency, Complainant in the above style case and states as follows:

Pursuant to 40 C.F.R. § 22.14(d), Complainant hereby withdraws the Administrative Complaint and Compliance Order, Docket No. RCRA-UST-04-2010-0002, issued on March 23, 2010, to Respondent Kanchanalal Patel without prejudice. The Answer was due on April 29, 2010, and to date, Respondent has not filed an Answer.

Respectfully submitted, this 18th day of March, 2013.



Naeha Dixit
Assistant Regional Counsel
U.S. Environmental Protection Agency
Region 4

IN THE MATTER OF: Kanchanlal Patel, RCRA-UST-04-2010-0002

CERTIFICATE OF SERVICE

I hereby certify that I have caused a copy of the foregoing Notice of Withdrawal and this Certificate of Service to be served upon the person designated below, on the date specified below, by causing said copies to be sent by Certified Mail – Return Receipt Requested, in an envelope addressed to:

Kanchanlal Patel
2403 Barnesdale Way
Albany, Georgia 31707


I further certify that the original and one copy of the foregoing Notice of Withdrawal and this Certificate of Service were filed this day, March 18, 2013, with the Regional Hearing Clerk, as specified as below:

Hand Delivery – Original and One Copy

Patricia Bullock
Regional Hearing Clerk
U.S. EPA - Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303

These are said persons' addresses last known to subscriber.

Date: 3/18/2013



Naeha Dixit
Assistant Regional Counsel
U.S. Environmental Protection Agency
Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303