

Docket No. CWA-03-2021-0086

**BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
Region 3  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029**

In The Matter of )  
)  
Mr. Gary Powers and Ms. Angie Powers, )  
)  
Respondents. )  
)  
Property Located at: )  
Along Route 20, at approximately )  
38.401286° N, -80.56485° W, )  
Near Cowen, Webster County )  
West Virginia 26206 )

Docket No.: CWA-03-2021-0086

**NOTICE OF WITHDRAWAL OF COMPLAINT WITHOUT PREJUDICE**

Pursuant to 40 C.F.R. § 22.14(d), Complainant respectfully provides notice that Complainant is withdrawing without prejudice the Administrative Penalty Complaint filed in this matter on April 27, 2021.

1. 40 C.F.R. § 22.14(d) allows Complainant to withdraw the Administrative Penalty Complaint, or any part thereof, without prejudice one time before the Answer has been filed.
2. This proceeding to assess a Class II penalty under Section 309(g) of the Clean Water Act, 33 U.S.C. § 1319(g), was initiated by the filing of an Administrative Penalty Complaint with the Region 3 Regional Hearing Clerk on April 27, 2021.
3. Complainant has not yet filed proof of service, and no Answer has been filed.

4. Stefania Shamet, counsel for Complainant, has conferred with Ms. Angie Powers, who represents that neither she nor Mr. Gary Powers oppose withdrawal of the Administrative Penalty Complaint without prejudice pursuant to 40 C.F.R. § 22.14(d).

THEREFORE, Complainant hereby provides notice to the Court that Complainant is withdrawing the Complaint without prejudice pursuant to 40 C.F.R. § 22.14(d).

Respectfully Submitted,

Date: \_\_\_\_\_

\_\_\_\_\_  
Karen Melvin, Director  
Enforcement and Compliance Assurance  
Division  
USEPA Region 3  
1650 Arch Street  
Philadelphia, Pennsylvania 19103

**BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
Region 3  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029**

In The Matter of )  
 )  
Mr. Gary Powers and Ms. Angie Powers, )  
 )  
 )  
Respondents. )  
 )  
Property Located at: )  
Along Route 20, at approximately )  
38.401286° N, -80.56485° W, )  
Near Cowen, Webster County )  
West Virginia 26206 )

Docket No.: CWA-03-2021-0086

**CERTIFICATE OF SERVICE**

I certify that on May 26, 2021, the foregoing *Notice of Withdrawal of Complaint Without Prejudice* was filed with the EPA Region 3 Regional Hearing Clerk via EPA Region 3’s Electronic Filing System. I further certify that on the date set forth below, I caused to be served a true and correct copy of the same to each of the following persons, in the manner specified below, at the following addresses:

Copy served via **First Class Mail** with a courtesy copy by email to:

Mr. Gary Powers & Ms. Angie Powers  
P.O. Box 285  
Cowen, West Virginia 26206

Date: May 26, 2021

\_\_\_\_\_  
Stefania D. Shamet  
Senior Assistant Regional Counsel  
USEPA Region 3  
1650 Arch Street  
Philadelphia, Pennsylvania 19103  
[shamet.stefania@epa.gov](mailto:shamet.stefania@epa.gov)  
202-814-2682