

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION III

In the matter of:	:	Administrative Complaint
	:	
Frederick Gentile	:	U.S. EPA Docket No.
d/b/a	:	TSCA-03-2018-0092
Gentile Construction and General Contracting	:	
2527 South 11th Street	:	Proceeding Under Section 16(a) of the Toxic Substances Control Act
Philadelphia, PA 19148-4405	:	15 U.S.C. § 2615(a).
Respondent,	:	
	:	
Stoneleigh Apartments	:	
4524-4538 Walnut Street	:	
Philadelphia, PA 19139	:	
Target Housing.	:	
	:	

U.S. EPA-REGION 3-RHC
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PARTIAL WITHDRAWAL OF ADMINISTRATIVE COMPLAINT

1. On May 17,2018, the Director of the Land and Chemicals Division for U.S. EPA Region III (the "Complainant") filed an Administrative Complaint against Frederick Gentile (the "Respondent"), doing business as Gentile Construction and General Contracting.
2. 40 C.F.R. § 22.14(d) allows the Complainant to withdraw all or part of a complaint as of right if the Respondent has not yet filed an Answer.
3. As of November 6, 2018, the Respondent had not filed an Answer with the Regional Hearing Clerk or the Complainant.

4. After a re-review of the evidence in this matter, the Respondent has decided to partially withdraw the Administrative Complaint by dropping one of the violations alleged in the Administrative Complaint.
5. Count VI contained in Paragraphs 78 through 83 of the Administrative Complaint alleges that the Respondent violated 40 C.F.R. § 745.84(a)(1) by failing to obtain a written acknowledgement of provision of EPA's Lead Hazard Information Pamphlet to the owner of the unit that is undergoing renovations or written certification of mailing of the Pamphlet to the owner of the unit at least seven days prior to the renovation.
6. With this Partial Withdrawal of the Administrative Complaint, the Complainant no longer alleges that the Respondent violated 40 C.F.R. § 745.84(a)(1) and strikes Paragraphs 78 through 83 from the Administrative Complaint.
7. As a result of this Partial Withdrawal of the Administrative Complaint, the Complainant also reduces the penalty he is seeking by the portion of the total penalty plead in the Administrative Complaint attributable to Count VI, that is, \$580.
8. The Complainant now seeks a total penalty of \$18,440 for the Respondent's

violations alleged in the Administrative Complaint.

Respectfully submitted,

11/16/18
Date

Philip Yeany
Philip Yeany
Senior Assistant
Regional Counsel

Frederick Gentile
TSCA-03-2018-0092

CERTIFICATE OF SERVICE

I hereby certify that on the date noted below, I hand delivered to the Regional Hearing Clerk, EPA Region III, two copies of the Partial Withdrawal of Administrative Complaint for this matter. In addition, I caused a true and correct copy of the same to be served as follows:

First Class Mail

Frederick Gentile
d/b/a
Gentile Construction and General Contracting
2527 South 11th Street
Philadelphia, PA 19148-4405

11/8/18
Date

Philip Yeany
Philip Yeany
Senior Assistant
Regional Counsel

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