

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 6
DALLAS, TEXAS

FILED
2013 JAN 17 AM 11:31
REGIONAL HEARING CLERK
EPA REGION VI

IN THE MATTER OF:

Albuquerque Bernalillo County
Water Utility Authority

RESPONDENT

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Docket No. CWA-06-2012-1703

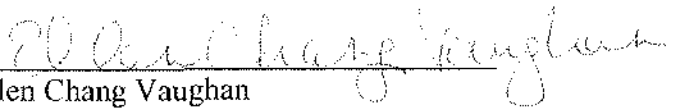
Notice to Withdraw Complaint

NOW COMES Complainant, the Director of the Compliance Assurance and Enforcement Division, United States Environmental Protection Agency, Region 6 ("Complainant"), through his attorney and pursuant to 40 C.F.R. § 22.14(d), respectfully states as follows:

1. This proceeding for the assessment of a civil penalty was instituted pursuant to Section 309(g) of the Clean Water Act (herein "the Act"), 33 U.S.C. § 1319(g) by the issuance of a Complaint, Compliance Order and Notice of Opportunity for Hearing ("Complaint") on April 20, 2012.
2. Respondent has not filed an Answer.
3. Under 40 C.F.R. § 22.14(d), the Complainant may withdraw the Complaint without prejudice before an Answer has been filed
4. No party will be prejudiced by the Notice to Withdraw the Complaint.

THEREFORE, in the interests of justice and pursuant to 40 C.F.R. § 22.14(d), Complainant provides notice to the Court that it is withdrawing its Complaint.

RESPECTFULLY SUBMITTED,



Ellen Chang Vaughan
Assistant Regional Counsel (6RC-EW)
U.S. Environmental Protection
Agency, Region 6
1445 Ross Avenue
Dallas, Texas 75202-2733
Tel.: (214) 665-7328
COUNSEL FOR COMPLAINANT

CERTIFICATE OF SERVICE

I certify that the foregoing NOTICE TO WITHDRAW THE COMPLAINT was hand-delivered to the **Regional Hearing Clerk**, EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733, and was sent by certified mail, return receipt requested, on

January 17 2013 addressed to the following:

Via First Class Mail:

John Stomp III, P.E.
Chief Operating Officer
Albuquerque Bernalillo County
Water Utility Authority
P.O. Box 1293
Albuquerque, NM 87103

Jackie Allen