

Two Respondents, John A. Rayll, Jr. and OEC, requested a public hearing on November 6, and 16, 2000, respectively. The parties participated in prehearing, hearing and post-hearing proceedings pursuant to 40 C.F.R. §§ 24.14 - 24.17. The Regional Judicial Officer issued a Recommended Decision on October 3, 2001, pursuant to 40 C.F.R. § 24.17(a), after conducting a June 20, 2001, public hearing. EPA and the Respondents who participated in the public hearing, were provided twenty-one (21) days from the date of service (October 3, 2001), to file comments on the Recommended Decision. See 40 C.F.R. § 24.17(b). As of November 8, 2001, no comments were received from the parties. Because the comment period expired twenty-one (21) days after service of the Recommended Decision, this action is ripe for a Final Decision based upon the administrative record.

DECISION

Upon review of the administrative record, this tribunal affirms the Recommended Decision. More specifically, this Final Decision rendered pursuant to 40 C.F.R. § 24.18, affirms the Recommended Decision without modification. As such, Respondent CPC, the current owner of the facility, and OEC, the current operator of the facility, are liable for the conduct of corrective action under RCRA Section 3008(h). The

Final Decision is based upon the entire administrative record, including the administrative record supporting issuance of the IAO pursuant to 40 C.F.R. § 24.03(b), written submissions, and the June 20, 2001, public hearing record. See 40 C.F.R. § 24.16(b).

ORDER

Consistent with 40 C.F.R. § 24.19, the EPA Region 6, Compliance Assurance and Enforcement Division Director shall modify the IAO in a manner consistent with Section V (Recommendation at pp. 52-53) of the Recommended Decision. These modifications shall be made as soon as practicable, and consistent with the spirit of 40 C.F.R. Part 24, Subpart D, post-hearing procedures. Upon completion of the modifications, the Compliance Assurance and Enforcement Division Director shall file and serve copies of the Final Administrative Order to the Respondents named in the IAO. This Final Decision and subsequent Final Administrative Order constitute final agency action under 40 C.F.R. § 24.20.

SO ORDERED, this 13th day of November 2001.

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GREGG A. COOKE
REGIONAL ADMINISTRATOR¹

¹ This Final Decision was drafted by Regional Judicial Officer George Malone, III.

In the Matter of Cyril Petrochemical Corp. et al., Respondents
Docket No. RCRA VI-001(h)-00-H

CERTIFICATE OF SERVICE

I, Lorena S. Vaughn, Regional Hearing Clerk for the Region 6, U.S. Environmental Protection Agency located in Dallas, Texas, hereby certify that I served true and correct copies of the foregoing Final Decision dated November 13, 2001, on the persons listed below, in the manner and date indicated:

Mr. John A. Rayll, Jr.
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Apt. #2
Tulsa, Oklahoma 74120-7218

U.S. CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Kelly W. Bixby, Esq.
Bixby & Associates
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Suite 508
Los Angeles, California 90024

U.S. CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ms. Cheryl Boyd, Senior Esq.
U.S. EPA, Region 6 (6RC-EW)
1445 Ross Avenue
Dallas, Texas 75202-2733

HAND DELIVERY

Date :