

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

In the matter of )  
)  
Raceway Petroleum, Inc., )  
Ellada Petroleum, Inc. , ) Docket Nos. RCRA-02-2000-7504  
Atlantis Petroleum, Inc., ) RCRA-02-2000-7505  
Nicholas Kambitsis, )  
Hilltop Service, Inc., and )  
Poseidon Petroleum, Inc. )  
)  
Respondents )

ORDER

These consolidated cases involve the Underground Storage Tank (“UST”) regulations contained in 40 C.F.R. Part 280. The United States Environmental Protection Agency (“EPA”) charges respondents with nine counts of violating the UST regulations. With respect to three of these counts, EPA has moved for accelerated decision pursuant to 40 C.F.R. 22.20(a). The respondents, in turn, have filed a motion for accelerated decision seeking judgment as to seven of the nine counts. In addition, respondents request that Nicholas Kambitsis be dismissed as a party to this matter.

Upon an analysis of the cross-motions for accelerated decision, it is determined that a factual development of all the counts is necessary in order for this court to understand fully the nature of the alleged violations and the legal positions of the parties. As things now stand, the facts of the case are too sketchy, and the supporting evidence too sparse, to allow for the awarding of judgment. The circumstances surrounding each of the alleged violations needs clarification and this can be accomplished only by the taking of testimony from fact witnesses and the introduction, upon proper foundation, of pertinent exhibits into the evidentiary record.

Accordingly, the parties’ cross-motions for accelerated decision are *denied*.

  
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Carl C. Charneski  
Administrative Law Judge

Issued: May 7, 2001  
Washington, D.C.