

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR

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IN THE MATTER OF)
)
KUEHNE CHEMICAL COMPANY, INC.) Docket No. II-EPCRA-96-0114
)
Respondent)

**ORDER GRANTING IN PART AND DENYING IN PART
COMPLAINANT'S MOTION FOR ACCELERATED DECISION**

Having reviewed the Complainant's Motion for Accelerated Decision and Respondent's Memorandum In Opposition thereto, the Court, pursuant to 40 C.F.R. §§ 22.16(a) and 22.20(a) GRANTS the Motion as to the liability¹ but DENIES the Motion to the extent it seeks an accelerated decision as to the appropriate penalty.

Although Respondent's Memorandum In Opposition effectively concedes the issue of liability, legitimate factual issues have been raised as to the appropriate penalty which resolution, in the Court's view, would be benefitted by a hearing.

In light of this Order, the case remains set for hearing on February 17, 1999. The parties shall re-advise the Court within five (5) days as to their estimates of the time needed to present their case.

William B. Moran

William B. Moran
Administrative Law Judge

Date: January 28, 1999
Washington, D.C.

¹ Should the parties be unable to settle as to the appropriate penalty, the Court's determination of the appropriate penalty will, when issued, set forth the particular findings constituting liability. However, the Court adopts, as findings, the statements addressing liability set forth in Complainant's Motion at "Section C., pgs. 14-18."

In the Matter of Kuehne Chemical Company, Inc., Respondent
Docket No. II EPCRA-96-0114

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Order Granting in Part and Denying In Part Complainant's Motion for Accelerated Decision**, dated January 28, 1999, was sent in the following manner to the addressees listed below:

Original by Pouch Mail to:

Karen Maples
Regional Hearing Clerk
U.S., EPA, Region 2
290 Broadway, 17th Floor
New York City, New York 10007

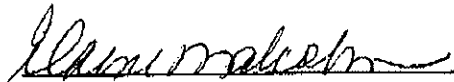
Copy by Regular Mail to:

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Elaine Malcolm
Legal Assistant

Dated: January 28, 1999
Washington, D.C.