

**BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.**

In re:)	
)	
Super Chem Corporation)	FIFRA Appeal No. 02-05
)	
Docket No. FIFRA-9-2000-21)	
)	

ORDER DENYING MOTION FOR RECONSIDERATION
AND ERRATA

On October 11, 2002, Super Chem Corporation ("Super Chem") filed a motion for reconsideration of the Environmental Appeals Board's September 9, 2002 Order Dismissing Appeal in the above-captioned matter. See Motion for Reconsideration (Oct. 11, 2002). Super Chem filed a previous motion for reconsideration on September 20, 2002, which the Board denied for failure to present any grounds for Reconsideration.¹ See Order Denying Motion for Reconsideration (Sept. 23, 2002).

Under 40 C.F.R. § 22.32 (Motion to reconsider a final order) of the Consolidated Ruled of Practice, parties may file a motion for reconsideration within ten (10) days after service of the final order. Where the order is served by mail, an additional five days is added to the prescribed time. See 40 C.F.R.

¹ The Board's September 23, 2002 Order Denying Motion for Reconsideration, erroneously stated that Super Chem's first motion for reconsideration was filed on June 5, 2002. The motion was actually filed on September 20, 2002. The parties are hereby notified that this error has been corrected on the Board's official copy of the Order.

§ 22.7(c). In the present case, the Board's Order Dismissing Appeal was served on September 9, 2002, and thus the deadline for filing any motion for reconsideration was September 24, 2002, 15 days after the date of service. Because Super Chem's October 11, 2002 motion for reconsideration was filed seventeen (17) days after the date of service, the motion is hereby denied as untimely.

So ordered

ENVIRONMENTAL APPEALS BOARD

Dated: October 15, 2002

By: _____ /s/
Scott C. Fulton
Environmental Appeals Judge

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Order Denying Motion for Reconsideration and Errata, in the Matter of Super Chem Corp., FIFRA Appeal No. 02-5, were sent to the following persons in the manner indicated:

Certified Mail,
Return Receipt Requested:

Thomas Fessler, President
Super Chem Corp.
4095 Leaverton Ct.
Anaheim, CA 92807

By Pouch Mail:

David H. Kim (ORC-3)
Assistant Regional Counsel
U.S. EPA Region 9
75 Hawthorne St.
San Francisco, CA 94105

Danielle Carr
Regional Hearing Clerk
U.S. EPA Region 9
75 Hawthorne St.
San Francisco, CA 94105

Judge Carl C. Charneski
Office of Administrative
Law Judges (MC 1900L)
U.S. EPA
1200 Pennsylvania Ave., NW
Washington, D.C. 20460

Dated: October 16, 2002

_____/s/_____
Annette Duncan
Secretary