UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

IN THE MATTER OF:)
)
Josephus Pullen d/b/a/   )   Docket No. IF&R-V-95-045
J. P. Coach & Company,   )
)
)
       Respondent   )

```
                 ORDER GRANTING MOTIONS FOR PARTIAL ACCELERATED
                 DECISION AS TO LIABILITY AND TO AMEND COMPLAINT
```

By motions dated January 6 and January 7, 1997, respectively, complainant, the U.S. Environmental Protection Agency (EPA), sought to amend its complaint by interlineation and seek a partial accelerated decision as to liability in the above-captioned proceeding. In its response dated February 14, 1997, respondent indicated that it would not contest either of the complainant's motions.

Upon review of the record and the assertions of the complainant, the undersigned GRANTS both motions. Thus, the hearing on the merits of this case shall be limited to the penalty phase of the proceeding. EPA now proposes to assess a total proposed penalty of $40,000. The complaint is thus ordered amended through interlineation with the revised penalty figure.

Stephen J. McGuire
Administrative Law Judge

Dated: February 27, 1997
Washington, D.C.

IN THE MATTER OF JOSEPHUS PULLEN d/b/a J. P. COACH & CO.,
Respondent

Docket No. 5-FIFRA-95-045

<u>CERTIFICATE OF SERVICE</u>

I certify that the foregoing Order Granting Motions for Partial Accelerated Decision as to Liability & to Amend Complaint, dated February 27, 1997 , was sent in the following manner to the addresees listed below:

Original by Pouch Mail to:

Jodi Swanson-Wilson
Regional Hearing Clerk
U.S. EPA, Reg. 5
77 W. Jackson Blvd.
Chicago, IL 60604

Copy by Certified Mail-Return
Receipt Requested to:

Counsel for Complainant:

Jeffrey M. Cox, Esquire
Assistant Regional Counsel
U.S. EPA, Reg. 5
77 W. Jackson Blvd.
Chicago, IL 60604

Representative of Respondent:

Mr. Josephus Pullen
J. P. Coach & Company
1215 East 79th Street
Chicago, IL 60619

Aurora M. Jennings
Legal Assistant
Office of Administrative Law
Judges
Environmental Protection Agency
Washington, DC 20460

Dated: February, 27, 1997
Washington, DC