

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
BEFORE THE ADMINISTRATOR

In the Matter of

SULTAN CHEMISTS, INC.

Docket No. FIFRA-95-H-05

Respondent

ORDER RESCHEDULING HEARING AND  
ESTABLISHING SUPPLEMENTAL PROCEDURAL DATE

By letter dated March 5, 1997, Respondent requests that it be permitted to supplement its prehearing exchange with "documents showing its gross sales and write offs of bad debts for the years 1990 through 1992." Respondent claims it only recently became aware of the relevance of Sultan's sales for 1990, 1991, and 1992. Respondent also requests "an adjournment of the March 25, 1997 hearing date" because of conflicting scheduling commitments of its "principal and principal witness, Paul Seid." Complainant objects to Respondent's request to supplement its prehearing exchange because the request is untimely, is not properly framed as a motion, and is unsupported. Complainant states that by letter dated October 29, 1996, it made Respondent aware of the relevance of the information in question in determining the proper amount of the penalty. In any event, Complainant requests that the undersigned "make a swift determination as to whether to adjourn the hearing."

For good cause shown, the hearing date will be changed to **June 10, 1997, at 9:00 a.m.** The hearing location of Washington, D.C. remains the same. In light of the change to the hearing date, Respondent's letter requesting supplementation of its prehearing exchange shall be construed as a motion to supplement its prehearing exchange and shall be granted.<sup>1</sup> However, given the lateness of the request, Complainant shall also be given an opportunity to supplement its prehearing exchange to respond to the new information submitted by Respondent. Complainant may supplement its prehearing exchange (to respond to the new information submitted by Respondent) on **April 2, 1997**.

Charles E. Bullock  
Administrative Law Judge

Dated: March 11, 1997  
Washington, D.C.

CERTIFICATE OF SERVICE

I do hereby certify that the foregoing Order Rescheduling Hearing and Establishing Supplemental Procedural Date was filed in re Sultan Chemists, Inc.; Docket No. FIFRA 95-H-05 and that exact copies of the same were mailed to the following:

(Interoffice)

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Bessie L. Hammel, Hearing Clerk  
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401 M Street, S.W.  
Washington, D.C. 20460

Dated: March 11, 1997

<sup>1</sup> Respondent's untimely request is granted, in large measure, because of the need to postpone the hearing. Were the hearing not postponed, the result of Respondent's request may have been different.