

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR

HEARING CLERK
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EPA REGION 4

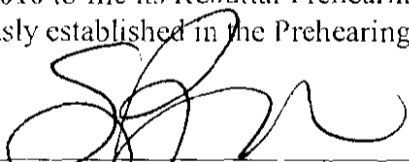
IN THE MATTER OF:)
)
American Consumer Products Corporation,) Docket No. FIFRA-04-2009-3333
)
Respondent.)

ORDER RE-ESTABLISHING PREHEARING FILING DEADLINES

This action was initiated by the U.S. Environmental Protection Agency, Region 4 (“Complainant”) on August 25, 2009. Respondent, *pro se*, filed an Answer to the Complaint on October 27, 2009. A Prehearing Order was issued in this matter on January 19, 2010 establishing dates for submission of the parties pre-hearing exchanges, *etc.*, deadlines which were subsequently extended upon motion. Thereafter, Complainant timely submitted its Initial Prehearing Exchange, however, Respondent did not.

As a result, on April 20, 2010, an Order to Show Cause was issued requiring Respondent to show good cause why it failed to timely submit its prehearing exchange and why a Default should not be entered against it. On April 29, 2010, the undersigned received from Respondent a response to the Order to Show Cause in which it set forth a series of events resulting in the official responsible for representing the company in this matter never receiving the Prehearing Order. Further, Respondent alleges therein that it is currently gathering financial data promised to Complainant evidencing that it “has no assets and is practically out of business,” in support of settlement. As such, Respondent requests a 30 day extension of time to file its Prehearing Exchange.

Such Response provides sufficient due cause as to why a default should not be entered. Further, it provides adequate cause for granting additional time for the filing of Respondent’s Prehearing Exchange, particularly in light of Complainant’s recent filing of an Amended Complaint as to which Respondent’s Answer is not due until May 3, 2010. Therefore, it is hereby ORDERED, that Respondent shall file its Prehearing Exchange as set forth in the previously issued Prehearing Order (copy attached), on or before June 4, 2010, unless a fully executed Consent Agreement and Final Order has been filed in this action beforehand. Complainant shall then have until **June 18, 2010** to file its Rebuttal Prehearing Exchange. All other deadlines, terms and conditions previously established in the Prehearing Order shall remain in effect.



Susan L. Biro
Chief Administrative Law Judge

Date: April 29, 2010
Washington, D.C.

Original And One Copy By Pouch Mail To:

Patricia Bullock
Regional Hearing Clerk
U.S. EPA
Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, GA 30303-8960

Copy By Pouch Mail To:

Jennifer Lewis, Esquire
Associate Regional Counsel
U.S. EPA
Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, GA 30303-8960

Copy By Regular Mail And Facsimile To:

Robin Zahran
American Consumer Products
1301 W. 22nd Street, Suite 815
Oakbrook, IL 60523