

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR

IN THE MATTER OF:)

American Consumer Products Corporation,)

Respondent.)

) Docket No. FIFRA-04-2009-3023

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MONTGOMERY
EPA REGION 4

**ORDER ON COMPLAINANT'S REQUEST FOR A THIRTY DAY EXTENSION
OF TIME TO FILE CONSENT AGREEMENT AND FINAL ORDER**

The Complaint in this matter was filed on August 25, 2009. After the parties did not reach settlement through Alternative Dispute Resolution, the undersigned was designated to preside in this matter on January 6, 2010. After the Prehearing Order was issued, Complainant filed a timely prehearing exchange, and then on September 15, 2010, filed a Notice of Respondent's Filing a Chapter 11 Bankruptcy Petition and Complainant's Request for a Thirty Day Extension of Time for All Dates. On October 15, 2010, Complainant submitted a request for a second thirty-day extension, which the undersigned granted. Complainant was ordered to file status reports on settlement efforts on November 15, 2010, December 17, 2010, and January 14, 2011, and the hearing date of February 1, 2011, was preserved.

On November 19, 2010, Complainant filed a Request for a Thirty Day Extension of Time to File Consent Agreement and Final Order ("Request"), wherein it requested an extension to finalize and file a Consent Agreement and Final Order ("CAFO"), which is currently "being routed through EPA Region 4 management for final approval." Complainant states that it anticipates the CAFO will be presented to Respondent for review and signature within the next ten days.

The Request is **GRANTED** to the extent set forth below:

Good cause exists to grant a thirty day extension of the time permitted for prehearing submissions, due to the circulation of a Consent Agreement and Final Order intended to resolve this matter. Complainant did not specifically request a postponement of the hearing, but only an extension of time to finalize and file a CAFO. Because there is sufficient time between now and the hearing, no prejudice will result from limited extension of the prehearing filing deadlines, and maintenance of the hearing date of February 1, 2011.

Therefore, unless the parties file a fully-executed Consent Agreement and Final Order beforehand, the prehearing dates are hereby rescheduled as follows:

Complainant shall file a report on the status of settlement efforts on or before **December 17, 2010**, and on or before **January 14, 2011**.

On or before **December 20, 2010**, the parties shall file Joint Stipulations.

On or before **January 3, 2011**, the parties shall file any pre-trial motions, such as motions to amend prehearing exchange, motions for subpoenas, and motions in limine.

On or before **January 24, 2011**, the parties shall file any prehearing briefs.



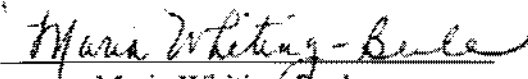
Susan L. Biro
Chief Administrative Law Judge

Dated: November 19, 2010
Washington, D.C.

In the Matter of American Consumer Products Corporation, Respondent
Docket No. FIFRA-04-2009-3023

CERTIFICATE OF SERVICE

I certify that the foregoing **Order On Complainant's Request For A Thirty Day Extension Of Time To File Consent Agreement And Final Order**, dated November 19, 2010, was sent this day in the following manner to the addressees listed below.



Maria Whiting-Beale
Staff Assistant

Dated: November 19, 2010

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 And Facsimile To:

Lucia C. Mendez, Esquire
Associate Regional Counsel
U.S. EPA
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Copy By Regular Mail And Facsimile To:

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