



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY BEFORE THE ADMINISTRATOR

U.S. ENVIRONMENTAL PROTECTION AGENCY-REG.11 REGIONAL HEARING CLERK 2012 OCT -11 A 11:31

In the Matter of:

Hong Kong Supermarket, Inc., Respondent.

) Docket No. FIFRA-02-2012-5205
) Dated: October 1, 2012

ORDER EXTENDING PREHEARING DEADLINES

A Prehearing Order was issued in this matter on July 17, 2012, directing the parties to engage in a series of prehearing information exchanges and establishing deadlines by which those exchanges were to take place. On September 24, 2012, the undersigned received a copy of Respondent's prehearing information exchange. Attached to that exchange was a cover letter in which Respondent requested permission to submit the prehearing exchange. Respondent also stated that "both parties" had agreed to ask "for extensions of time for Respondent's Prehearing Exchange and the Complainant's Rebuttal Prehearing Exchange for thirty (30) days, in light of substantial and active settlement negotiations between the parties in this matter." Further, in a telephone conversation held on September 28, 2012, Complainant's counsel informed the undersigned's staff attorney that the parties have reached an agreement concerning liability in this matter and are awaiting approval from EPA Region 2 before signing a written settlement. Counsel also indicated that Complainant does agree to Respondent's request for an extension.

The Rules of Practice that govern this proceeding, 40 C.F.R. Part 22, provide that the presiding officer may grant an extension of time for filing any document "upon timely motion . . . , for good cause shown, and after consideration of prejudice to other parties; or upon its own initiative." 40 C.F.R. § 22.7(b). Respondent did not submit its requests by motion, but the undersigned will nonetheless consider the requests pursuant to her authority to grant extensions of time under her own initiative. Id.

The unopposed requests are hereby GRANTED for good cause in accordance with 40 C.F.R. § 22.7(b), and the deadlines set forth in the Prehearing Order dated July 17, 2012, are extended by thirty days. Accordingly, if the parties are unable to file a fully-executed Consent Agreement and Final Order, Complainant shall file its Rebuttal Prehearing Exchange on or before November 5, 2012.

SO ORDERED.

[Signature of M. Lisa Buschmann]
M. Lisa Buschmann
Administrative Law Judge

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CERTIFICATE OF SERVICE

I hereby certify that true copies of this **Order Extending Prehearing Deadlines**, issued by M. Lisa Buschmann, Administrative Law Judge, in Docket No. FIFRA-02-2012-5205, were sent to the following parties on this 1st day of October 2012, in the manner indicated:



Mary Angeles
Legal Staff Assistant

Original and One Copy by Electronic and Regular Mail to:

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**Dated: October 1, 2012
Washington, DC**