

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR**

IN THE MATTER OF:

**American Consumer Products Corporation,

Respondent**

)
)
) **Docket No. FIFRA-04-2009-3023**
)
)

RECEIVED
2010 OCT 21 AM 9:05
OFFICE OF THE ADMINISTRATOR

**ORDER ON COMPLAINANT'S REQUEST
FOR ANOTHER THIRTY DAY EXTENSION OF TIME**

The Complaint in this matter was filed on August 25, 2009. After the parties did not reach a settlement through Alternative Dispute Resolution, the undersigned was designated on January 6, 2010 to preside in this matter. A Prehearing Order was issued shortly thereafter, upon which Complainant, United States Environmental Protection Agency Region 4, filed a timely prehearing exchange. After various motions, including motions for extension of time, were filed and granted, Complainant filed on September 15, 2010 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. The request was granted by Order dated September 17, 2010, rescheduling the hearing to commence on February 1, 2011, and rescheduling prehearing submissions accordingly, including joint stipulations which were set to be filed on October 15, 2010.

On October 15, 2010, Complainant submitted a Request for a Second Thirty (30) Day Extension of Time to Settle Matter Consistent with Bankruptcy Proceedings (Motion), requesting "an extension of all dates to after November 15, 2010," in an "attempt to resolve this matter without going through an administrative hearing." The Motion notes that Complainant has contacted Respondent with a settlement offer that "is consistent with the bankruptcy proceedings."

The Motion is hereby **GRANTED** to the extent set forth below:

Good cause exists to grant an extension of time for the prehearing submissions in that it is in the interest of the parties and judicial economy for the parties to address the issues raised in light of Respondent filing for bankruptcy and attempt to settle this matter on amicable terms. Complainant requests an extension of "all dates" but has not specifically requested in the Motion a postponement of the hearing, and in any event has not shown sufficient grounds to postpone it at this point. No prejudice will result from an extension of time for prehearing submissions, where the hearing will remain as currently scheduled and the new due dates should not interfere with the hearing commencing on February 1, 2011.

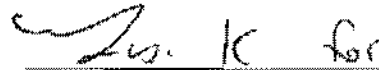
Therefore, the prehearing dates are hereby rescheduled as follows:

Complainant shall file a report on the status of settlement efforts on or before **November 15, 2010** and again on **December 17, 2010** and **January 14, 2011**.

The parties shall file their Joint Stipulations on or before **December 3, 2010**.

All pre-trial motions, such as motion to amend prehearing exchange, motions for subpoena, and motions in limine, must be filed on or before **December 17, 2010**.

Any prehearing brief shall be filed on or before **January 24, 2011**.



Susan L. Biro
Chief Administrative Law Judge

Dated: October 15, 2010
Washington, D.C.

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

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the **Order on Complainant's Request for Another Thirty Days Extension of Time**, dated October 15, 2010 was sent this day in the following manner to the addressees listed below:

Original and One Copy by Pouch Mail to:


Patricia Bullock
Regional Hearing Clerk
U.S. EPA - Region 4
Atlanta Federal Center
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960

Copy by pouch mail to:

Lucia C. Mendez, Esquire
Associate Regional Counsel
U.S. EPA - Region 4
Atlanta Federal Center
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960

Copy by regular mail to:

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



M. Lisa Knight
Senior Staff Attorney

Dated: October 15, 2010