

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

IN THE MATTER OF:)

American Consumer Products,)

Respondent.)

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

ORDER GRANTING MOTION FOR EXTENSION OF TIME

A Prehearing Order was issued in this matter directing the parties to file a Consent Agreement and Final Order (CAFO) or Complainant to file an initial prehearing exchange on February 26, 2010, and directing Respondent to file a prehearing exchange on March 19, 2010, and Complainant to file a rebuttal prehearing exchange on April 2, 2010. Complainant submitted on February 18, 2010 a Motion for Extension of Time, requesting a 30-day extension of time to file its prehearing exchange. The Motion states that Respondent has indicated that it does not oppose the Motion.

The Motion states that Respondent has agreed to provide financial information regarding its ability to pay the proposed penalty, that EPA will need two weeks to assess the information, and that the parties agree that an adjusted penalty may result in settlement of this matter.

The Motion is hereby **GRANTED**. Good cause exists for the granting of the Motion in that it is in the interest of the parties and judicial economy for the parties to settle this matter on mutually agreeable terms rather than litigate the matter to conclusion. In that a hearing in this case has not been scheduled, no prejudice will result from a brief delay. Accordingly, Complainant shall file the fully executed Consent Agreement and Consent Order (CAFO) or its Initial Prehearing Exchange, on or before **March 26, 2010**.

It is appropriate to grant Respondent a corresponding extension of time. If the CAFO is not yet filed beforehand, the Respondent shall file its Prehearing Exchange on or before **April 16, 2010**, and Complainant shall file its Rebuttal Prehearing Exchange by **April 30, 2010**.



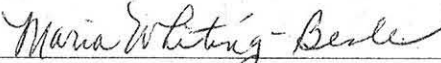
Susan L. Biro
Chief Administrative Law Judge

Date: February 19, 2010
Washington, D.C.

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

CERTIFICATE OF SERVICE

I certify that the foregoing **Order Granting Motion For Extension Of Time**, dated February 19, 2010, was sent this day in the following manner to the addressees listed below.



Maria Whiting-Beale
Staff Assistant

Dated: February 19, 2010

Original And One Copy By Pouch Mail To:

Patricia Bullock
Regional Hearing Clerk
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Atlanta, GA 30303-8960

Copy By Pouch Mail To:

Jennifer Lewis, Esquire
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