

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR

In the Matter of:)
)
ABTECH INDUSTRIES, INC.,) Docket No. FIFRA-09-2008-0025
)
Respondent)

ORDER SCHEDULING HEARING

A review of the file reflects that the prehearing exchange process in this case has been completed and all pending motions have been ruled upon. Therefore, the case is ripe for scheduling for hearing.

Agency policy strongly supports settlement. Therefore, the parties are directed to hold a settlement conference on or before **January 20, 2010** and attempt to reach an amicable resolution of this matter. The Complainant shall file a status report regarding such conference and the status of settlement on or before **January 25, 2010**.

In the event the parties have failed to reach a settlement by that date, they shall strictly comply with the requirements of this Order and prepare for a hearing. In connection therewith, on or before **February 11, 2010**, the parties shall file a Joint Set of Stipulated Facts, Exhibits, and Testimony. The time allotted for the hearing is limited. Therefore, the parties must make a good faith effort to stipulate, as much as possible, to matters which cannot reasonably be contested so that the hearing can be concise and focused solely on those matters which can only be resolved after a hearing.

All pre-hearing motions, such as motions to amend and motions in limine, must be filed on or before **February 18, 2010**.

The parties may, if they wish, file prehearing briefs. The deadline for filing such briefs is Friday, **April 1, 2010**. A copy of the briefs should be faxed and/or hand-delivered to the undersigned by that date. The Complainant's brief should specifically state each count of the Complaint, and each claim therein, which are to be tried at the hearing and indicate which counts/claims are not. The Respondent's brief should identify each of the defenses the Respondent intends to pursue at the hearing.

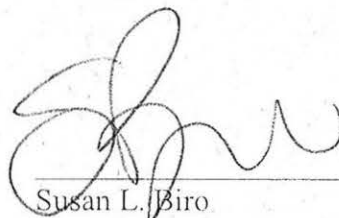
The Hearing in this matter will be held beginning promptly at 9:30 a.m. on Tuesday, April 13, 2010, in Scottsdale, Arizona, continuing as necessary on April 14-16, 2010. The Regional Hearing Clerk will make appropriate arrangements for a Courtroom. The parties will be notified of the exact location and of other procedures pertinent to the hearing when those

arrangements are complete.

Individuals requiring special accommodations at the hearing, including wheelchair access, should contact the Regional Hearing Clerk, as soon as possible so that appropriate arrangements can be made.

THE RESPONDENT IS HEREBY ADVISED THAT FAILURE TO APPEAR AT THE HEARING, WITHOUT GOOD CAUSE BEING SHOWN THEREFOR, MAY RESULT IN A DEFAULT JUDGMENT BEING ENTERED AGAINST IT.

IF EITHER PARTY DOES NOT INTEND TO ATTEND THE HEARING OR HAS GOOD CAUSE FOR NOT BEING ABLE TO ATTEND THE HEARING AS SCHEDULED, IT SHALL NOTIFY THE UNDERSIGNED AT THE EARLIEST POSSIBLE MOMENT.

A handwritten signature in black ink, appearing to read 'Susan L. Biro', written over a horizontal line.

Susan L. Biro

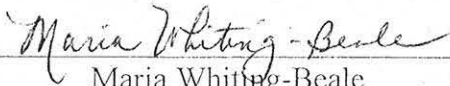
Chief Administrative Law Judge

Dated: January 4, 2010
Washington, D.C.

In the Matter of Abtech Industries, Inc., Respondent
Docket No. FIFRA-09-2008-0025

CERTIFICATE OF SERVICE

I certify that the foregoing **Order Scheduling Hearing**, dated January 4, 2010, was sent this day in the following manner to the addressees listed below.



Maria Whiting-Beale
Staff Assistant

Dated: January 5, 2010

Original And One Copy By Pouch Mail To:

Steve Armsey
Acting Regional Hearing Clerk
U.S. EPA
75 Hawthorne Street, ORC-1
San Francisco, CA 94105

Copy By Pouch Mail To:

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