

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR

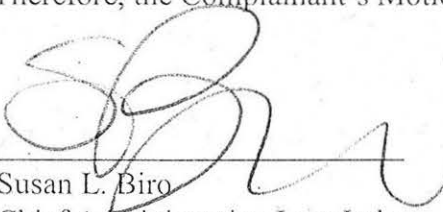
In the Matter of:)
)
ABTECH INDUSTRIES, INC.,) Docket No. FIFRA-09-2008-0025
)
Respondent)

ORDER ON COMPLAINANT'S MOTION TO
SUPPLEMENT INITIAL PREHEARING EXCHANGE

By Motion dated November 24, 2009, Complainant moved to supplement its initial prehearing exchange to add the updated curriculum vitae of Dennis Edwards, one of the expert witnesses it had identified in its initial exchange. The Motion failed to state the position of the Respondent thereon and Respondent has not filed a response thereto.¹

The Motion is hereby, GRANTED, as set forth below:

Good cause exists for the granting of the Motion: Complainant submitted its initial prehearing exchange in this case in a timely manner; the Motion indicates that the document was not available to it at that time; Respondent will suffer no prejudice as a result of the inclusion of the supplemental document and has, in fact, not objected to its inclusion; and the hearing of this matter has yet to be scheduled. Rule 22.19(f), of the Consolidated Rules of Practice (40 C.F.R. § 22.19(f)) permits just this type of supplementation. Therefore, the Complainant's Motion is well-founded.



Susan L. Biro
Chief Administrative Law Judge

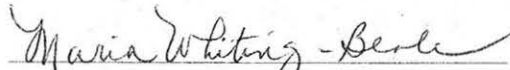
Dated: January 4, 2010
Washington, D.C.

¹ The Prehearing Order in this case issued on October 8, 2009, required that “[p]rior to filing any motion, the moving party is directed to contact the other party or parties to determine whether the other party has any objection to the granting of the relief sought in the motion. The motion shall then state the position of the other party or parties.”

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

CERTIFICATE OF SERVICE

I certify that the foregoing **Order On Complainant's Motion To Supplement Initial Prehearing Exchange**, 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:

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