

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

In the Matter of:

SuperClean Brands, Inc.,

Respondent.

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Docket No. EPCRA-05-2009-0016

ORDER GRANTING MOTION TO AMEND
COMPLAINANT'S INITIAL PREHEARING EXCHANGE

By Motion dated August 31, 2009, Complainant moved to amend its Initial Prehearing Exchange to add thereto four additional documents that allegedly "provide additional critical information that will assist the Court in determining whether the penalty proposed in the Complaint was calculated in accordance with the applicable penalty policy." Motion ¶ H. Complainant's Motion further alleges that Respondent has previously received two of the four additional documents from the EPA, while the other two are summaries of correspondence between the EPA and Respondent. Motion ¶ G. To date, no response to the Motion has been received.

The regulations governing this proceeding provide that a party may "supplement or correct" its prehearing exchange "when the party learns that the information exchanged . . . is incomplete, inaccurate or outdated." 40 C.F.R. § 22.19(f). Because Complainant moves to supplement its Prehearing Exchange in order to form a more complete argument as to the appropriate penalty, Complainant's Motion to Amend its Initial Prehearing Exchange is hereby **GRANTED**.

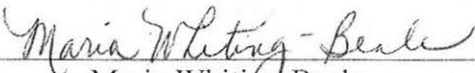

Susan L. Biro
Chief Administrative Law Judge

Date: September 21, 2009
Washington, D.C.

In the Matter of SuperClean Brands, Inc., Respondent
Docket No. EPCRA-05-2009-0016

CERTIFICATE OF SERVICE

I certify that the foregoing **Order Granting Motion To Amend Complainant's Initial Prehearing Exchange**, dated September 21, 2009, was sent this day in the following manner to the addressees listed below.



Maria Whiting-Beale
Staff Assistant

Dated: September 21, 2009

Original And One Copy By Pouch Mail To:

La Dawn Whitehead
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Copy By Pouch Mail To:

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Erik H. Olson, Esquire
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