



UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

IN THE MATTER OF )  
 )  
Fiber-Tech Engineering, Inc. ) DOCKET NO. EPCRA-09-2003-0023  
 )  
RESPONDENT )

**ORDER GRANTING LIMITED EXTENSION OF TIME**

On September 30, 2003, the United States Environmental Protection Agency, Region IX (“Complainant”) filed the Complaint in this matter against Fiber-Tech Engineering, Inc. (“Respondent”), who is a *pro se* litigant. The Complaint charges Respondent with violating Section 313 of the Emergency Planning and Community Right-to-Know Act (“EPCRA”), 42 U.S.C. § 11023, and 40 C.F.R. part 372 for failing to submit a Form R for styrene for calendar years 1998, 1999, 2000, and 2001 to the EPA and to the State of California. This proceeding is governed by the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (the “Rules of Practice”), 40 C.F.R. part 22.

Until July 6, 2005, this matter was in Alternative Dispute Resolution (“ADR”), and shortly thereafter I was assigned as the litigation judge. On July 27, 2005, I issued an Order Seeking Clarification, directed at Fiber-Tech Engineering, Inc. (“Respondent”). As I stated in the Order Seeking Clarification, the record before me does not reflect that Respondent has filed an answer to the Complaint. I directed Respondent to clarify its position as to whether it contests any material fact upon which the Complaint is based, contends that the proposed penalty is inappropriate, or contends that it is entitled to judgment as a matter of law, and whether it is requesting a hearing.

I have granted two previous extensions for responding to the Order Seeking Clarification. The latest extension was communicated to the parties during an October 11, 2005 conference call with Complainant’s attorney and with Jeh Mody, the President of Respondent, who stated that he represents Respondent in this proceeding. At the conference call, Respondent was informed that it would have to file a response by October 20, 2005, if the parties had not reached a settlement in principle by that date. On October 20, 2005, Jeh Mody submitted a document requesting yet another extension on behalf of Respondent. In that document, Respondent seeks

an extension to November 30, 2005, and states that “[Respondent] now finds itself faced with legal issues that it is not capable of addressing without the aid of legal counsel.”<sup>1</sup>

This matter has now been on the docket for two years. Moreover, Respondent has had ample opportunity to prepare the response to my Order Seeking Clarification, which was issued on July 27, 2005, and ample time in which to retain outside counsel. Nevertheless, I am granting one final extension. Respondent must file the response to the Order Seeking Clarification by **November 10, 2005**, at the latest. This deadline stands regardless of whether Respondent retains outside counsel. Furthermore, Respondent should take notice that if it does not file the response by November 10, 2005, I can issue a default order against Respondent. 40 C.F.R. § 22.17(a) (a party may be found to be in default upon failure to comply with an order of the presiding judge); *In re B&L Plating, Inc.*, CAA Appeal No. 02-08, slip op. at 13 (EAB, Oct. 20, 2003), 11 E.A.D. \_\_\_\_.

So ordered.

Dated: October 20, 2005  
Washington, D.C.

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Barbara A. Gunning  
Administrative Law Judge

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<sup>1</sup> Respondent also mentions matters pertaining to settlement discussions. As a general principle, evidence relating to settlement is confidential. 40 C.F.R. § 22.22(a).