

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2

-----X
In the Matter of :
 :
Safe Air, Corp., :
 :
Respondent. :
 :
Proceeding Under the Federal :
Insecticide, Fungicide, and :
Rodenticide Act, as amended. :
-----X

REPLY IN OPPOSITION TO
PROPOSED EXTENSION

Docket No. FIFRA-02-2011-5105

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG.11
2011 NOV 18 A 6:08
REGIONAL HEARING
CLERK

On November 16, 2011, the undersigned received a copy of Respondent's October 26, 2011 letter (appended here as Attachment 1). In its letter, erroneously addressed to the Regional Hearing Clerk, Respondent requests an extension of its time to file an Answer in the above-captioned enforcement action. Complainant respectfully opposes the request.

EPA's Consolidated Rules of Practice, at 40 C.F.R. § 22.15, give a Respondent thirty days in which to file an Answer to a Complaint. In this matter, Respondent received the Complaint on or about October 3, 2011 (Domestic Return Receipt signed by Respondent appended as Attachment 2), making its Answer due on or about November 2, 2011. In its letter to the Regional Hearing Clerk, Respondent requests an additional 120 days (effectively until March) to file its Answer. Respondent maintains that it needs five months to hire counsel and file an Answer.

Complainant respectfully opposes the granting of such an unreasonably long extension and proposes instead that Respondent be ordered to submit its Answer by December 19, 2011, an extension of 45 days from the date the Answer was originally due.

Respectfully submitted,



Naomi P. Shapiro
Counsel for Complainant

Dated: November 17, 2011
New York, New York

CERTIFICATE OF SERVICE

I certify that I have this day caused to be sent the foregoing REPLY, bearing the docket number FIFRA-02-2011-5105, in the following manner to the respective addressees below:

Original and One Copy
by Hand:

Office of Regional Hearing Clerk
U.S. Environmental Protection Agency - Region 2
290 Broadway, 16th floor
New York, New York 10007-1866

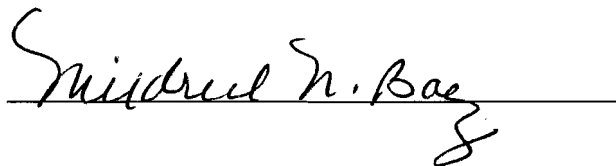
Copy by hand:

Regional Judicial Officer
U.S. Environmental Protection Agency - Region 2
290 Broadway, 16th floor
New York, New York 10007-1866

Copy by Mail:

Wayne E. Lutz, CEO
Safe Air Corporation
64 Clark Street
Manasquan, NJ 08736

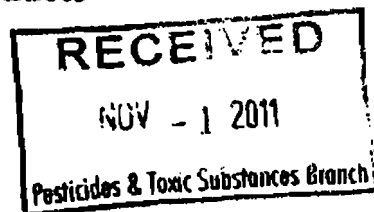
Dated: November 17, 2011
New York, New York

A handwritten signature in black ink, reading "Michael N. Bae", is written over a horizontal line. The signature is cursive and includes a stylized flourish at the end.

ATTACHMENT 1

Safe Air Corporation

Air Filtration & Environmental Products



October 26, 2011

Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th Floor
New York, New York 10007-1866

Re: In Matter of Safe Air Corporation
Docket #FIFRA-02-2011-5105

Attn: Karen Naples

Dear Karen:

We are in receipt of complaint Docket #FIFRA-02-2011-5105 and are responding as per the 30 day requirement. We are a small family owned business and are looking into legal counsel for this matter. At this time we ask to extend our answer period 120 days to allow Safe Air Corp. to interview proper council, retain funding and organize necessary documents for review.

We thank you for consideration in advance and look forward to a resolution to this matter to each party's satisfaction.

Sincerely,

A handwritten signature in black ink, appearing to read "Wayne A Lutz".

Wayne A Lutz
CEO
Safe Air Corporation

cc: Dore LaPosta-Division of Enforcement & Compliance
Assistance U.S. EPA, Region 2

ATTACHMENT 2

UNITED STATES POSTAL SERVICE

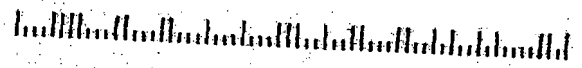


First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

OFFICE OF THE REGIONAL HEARING CLERK
OFFICE OF REGIONAL COUNSEL
U.S. ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY - 15TH STREET
NEW YORK, NEW YORK 10007-1866

1866



SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input checked="" type="checkbox"/> Agent <i>Laura Lutz</i> <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) C. Date of Delivery</p>
<p>1. Article Addressed to: Laura Lutz, President Safe Air, Corp. 64 Clark Street Manasquan, New Jersey 08736</p> <p>Re: Matter of Safe Air Corp. Docket No. FIFRA-02-2011-5105 Complaint and Notice of Opportunity for Hearing 09/30/2011</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label)</p>	<p>7005 3110 0000 5933 5901</p>