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OF COUNSEL

DAVID LANDAU

September 8, 2010

By Email and First Class Mail

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

**Re: Matter of Fiabila USA Incorporated
Dkt. No. RCRA-02-2010-7108**

RETIRED
PHILIP LINDEMAN
REGIONAL HEARING CLERK
200 SEP 10 P 3:08
U.S. ENVIRONMENTAL PROTECTION AGENCY-REG. II

CONSENT REQUEST FOR SECOND EXTENSION OF TIME TO ANSWER

TO THE HONORABLE REGIONAL JUDICIAL OFFICER:

We represent the Respondent, Fiabila USA Incorporated. We submit this letter, with the consent of the U.S. Environmental Protection Agency, by its Assistant Regional Counsel, Gary H. Nurkin, Esq., as an informal application to respectfully request that Your Honor grant a second enlargement of time for Respondent to answer the Complaint filed by the EPA in this matter to and including **Wednesday, December 15, 2010.**

The Complaint was served by mail on July 9, 2010. The answer was originally due on August 11, 2010. By consent, Your Honor issued an order that granted an extension of the time to answer to September 16, 2010. In the interim, Respondent and the EPA have engaged in substantive discussions towards a consent resolution. The purpose of the extension is to avoid the costs and burdens of answering the Complaint, so all efforts may be dedicated to those discussions.

Hon. Helen Ferrara, R.J.O -2-

September 8, 2010

I have spoken today with Mr. Nurkin, who represents the EPA as complaint counsel in this matter, and he has graciously consented to this application.

If this application for a further enlargement of the time to answer meets with Your Honor's approval, kindly "So Order" this letter and have the Regional Hearing Clerk return a copy marked to reflect entry to us in the postage-paid, self-addressed envelope enclosed.

If Your Honor requires a more formal application, then we will, of course, follow Your Honor's directions in that regard.

Respectfully yours,



MATTHEW E. MOLOSHOK

MEM:sb

cc: (by email and First Class Mail)
Karen Maples, Regional Hearing Clerk
Gary H. Nurkin, Esq., Assistant Regional Counsel