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December 8, 2010

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**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

U.S. ENVIRONMENTAL  
PROTECTION AGENCY-REG.11  
PHILIP LINDEMAN II  
RETIRE  
DEC 17 P 2:20  
HEARING  
CERK  
DAVID LARBAU  
OF COUNSEL

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

**CONSENT REQUEST FOR THIRD 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 third enlargement of time for Respondent to answer the Complaint filed by the EPA in this matter to and including **Tuesday, February 15, 2011.**

The Complaint was served by mail on July 9, 2010. The answer was originally due on August 11, 2010. By consent, Your Honor has previously issued orders that have extended the time to answer to December 15, 2010.

Respondent and the EPA have been engaged in substantive discussions toward a consent resolution and those continue to progress. The purpose of the further extension is to avoid the costs and burdens of answering the Complaint, so all efforts may continue to be dedicated to those discussions.

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

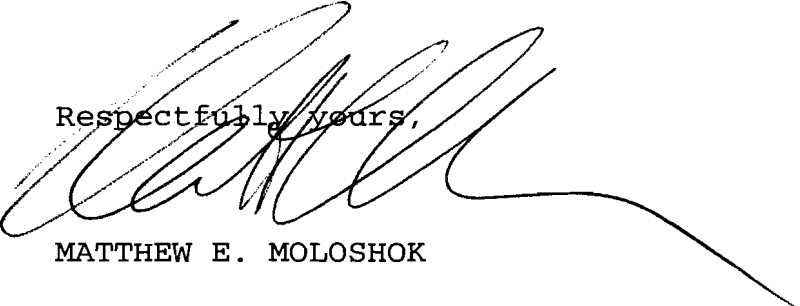
December 8, 2010

I spoke yesterday 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 Respondent's 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