



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

FACSIMILE TRANSMISSION,
718-599-1322, and FIRST CLASS MAIL:

November 18, 2009

Mr. Wolfe Landau
142 Middleton Street, #2
Brooklyn, New York 11206-8406

Re: *In re Wolfe Landau*
Docket No. TSCA-02-2009-9267

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG. 2
2009 NOV 18 PM 5:14
REGIONAL HEARING
CLERK

Dear Mr. Landau:

This letter confirms the conversation today between you and your administrative assistant Raizy Buchinger, and myself.

You stated that you will provide me with an answer to the complaint (which you referred to by its title, "Complaint and Notice of Opportunity for Hearing"), and you agreed that I will have this answer by, and no later than, **December 5, 2009**. While, as I mentioned, I am unable to give you any substantive advice or guidance as to how to answer the allegations of the complaint and otherwise what an answer should properly contain, I did refer you to the provisions of the governing rule, 40 C.F.R. § 22.15 as to the purposes of an answer (sub-paragraph "a"), the contents of an answer (sub-paragraph "b"), respondent requesting a hearing (sub-paragraph "c") and the consequences of failing to admit, deny or explain any given allegation (sub-paragraph "d"). As I noted during the conversation, I have previously cited or quoted these provisions to you [letter of August 7, 2009, sent via fax, first class mail and certified mail; letter of September 18, 2009, sent via fax].

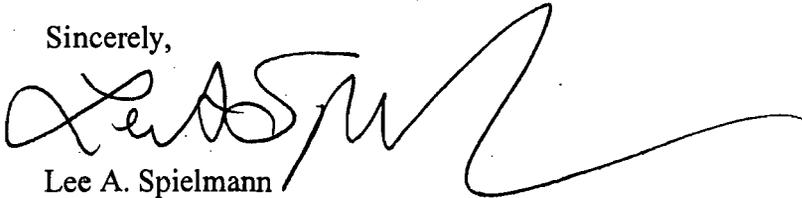
We discussed the possibility of retaining counsel to represent you in this matter. You stated that you have not yet retained one, but that you would contact a Brian Barenbaum at 347-601-1803. After we spoke, I called Mr. Barenbaum and confirmed that he has not yet been retained by you. Please note that, if you retain him (or another counsel), I will no longer contact you (or Ms. Buchinger); at that point, all communications and correspondence between us would be through your designated counsel.

I wish to reiterate a point made during our conversation: given that the complaint was served upon you some six months ago, in May, you are in default. If I have not received

your answer by the close of business on December 5th, in all probability EPA will move the Regional Judicial Officer for a default pursuant to 40 C.F.R. § 22.17; after that date I will deem any answer that you (or your counsel) serve a nullity.

If you have any questions, you may contact me at 212-637-3222, via fax at 212-637-3199 or via e-mail at spielmann.lee@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Lee A. Spielmann', with a long, sweeping horizontal line extending to the right.

Lee A. Spielmann
Assistant Regional Counsel
Office of Regional Counsel

cc: Karen Maples, Regional Hearing Clerk, EPA, Region 2
Theresa Bourbon, EPA, Edison, NJ