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October 23, 2018

BY FEDEX AND E-MAIL

Wanda I. Santiago
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 1
5 Post Office Square
Suite 100, Mail Code ORA18-1
Boston, MA 02109-3912
santiago.wanda@epa.gov

Re: In the Matter of: ISP Freetown Fine Chemicals, Inc.
U.S. EPA Docket No. RCRA-01-2018-0062

Dear Ms. Santiago:

Enclosed for filing in the above-referenced matter are the original and one copy of the Unopposed Motion of Respondent for Extension of Time to File Answer, and Request for Hearing of the Respondent, ISP Freetown Fine Chemicals, Inc.

Pursuant to 40 C.F.R. § 22.5, and as indicated in the enclosed Certificate of Service, copies of this Unopposed Motion of Respondent for Extension of Time to File Answer, and Request for Hearing have also been served on Audrey Zucker, Enforcement Counsel, U.S. Environmental Protection Agency, Region 1, and LeAnn Jensen, Regional Judicial Officer, U.S. Environmental Protection Agency, Region 1.

I would appreciate it if you would please send me an e-mail confirming your receipt and filing of the enclosed Unopposed Motion of Respondent for Extension of Time to File Answer, and Request for Hearing at your earliest possible convenience.

If you have any questions about the enclosed documents, please do not hesitate to contact me at (512) 391-8040 or khansen@bdlaw.com.

Thank you in advance for your assistance in this matter.

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1**

In the Matter of:)	
)	
ISP Freetown Fine Chemicals, Inc.)	Docket No. RCRA-01-2018-0062
238 South Main Street)	
Assonet, MA 02702-1699)	
MAR000009605)	UNOPPOSED MOTION OF RESPONDENT
)	FOR EXTENSION OF TIME TO FILE
Proceeding under Section 3008(a))	ANSWER, AND REQUEST FOR HEARING
of the Resource Conservation and)	
Recovery Act, 42 U.S.C. § 6928(a))	

**UNOPPOSED MOTION OF RESPONDENT FOR EXTENSION OF TIME
TO FILE ANSWER, AND REQUEST FOR HEARING**

Pursuant to Rule 22.7(b) of the Consolidated Rules of Practice (40 C.F.R. § 22.7(b)), Respondent ISP Freetown Fine Chemicals, Inc. (“ISP Freetown”), by and through its attorneys, hereby requests an extension of time to November 26, 2018, to file its Answer in this matter. Counsel for Complainant, U.S. Environmental Protection Agency Region 1 (“EPA”), has authorized undersigned counsel for ISP Freetown to represent that EPA does not oppose this Motion.

As good cause in support of this request, ISP Freetown states as follows:

- (1) Under 40 C.F.R. § 22.15(a), ISP Freetown’s Answer is due within 30 days after service of the Complaint.
- (2) The Complaint was served on or about September 26, 2018, and thus the Answer is currently due on October 26, 2018.
- (3) EPA’s Complaint raises diverse and complex legal and factual issues with respect

to the tanks and other equipment identified in the Complaint at ISP Freetown's facility in Assonet, Massachusetts. In light of the number and complexity of the issues raised, ISP Freetown needs substantial time to understand all the allegations and to develop a careful and thoughtful response.

(4) ISP Freetown intends to schedule a call or meeting with EPA to discuss the allegations in EPA's Complaint and to explore whether this matter can be resolved without the need for further proceedings, which would serve the interest of judicial economy and enable the parties to avoid a potentially unnecessary expenditure of time and resources.

(5) ISP Freetown believes that a 30-day extension of time to November 26, 2018, may be sufficient for ISP Freetown to prepare its Answer. To the extent that one or both parties believe that settlement discussions in advance of an Answer would be productive, or that a further extension of time for the Answer is otherwise warranted, ISP Freetown and/or EPA may file a motion for further extension of time in advance of November 26, 2018.

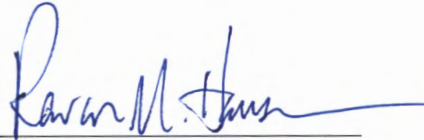
(7) Counsel for Complainant EPA has authorized undersigned counsel for ISP Freetown to represent that EPA does not oppose this Motion.

REQUEST FOR HEARING

In order to preserve its right to a public hearing under Section 3008(b) of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6928(b), ISP Freetown hereby requests a hearing on all issues of fact and law raised in and as a result of the Complaint and the Compliance Order, and on the propriety and magnitude of the proposed civil penalty and the requested actions under the Compliance Order. However, ISP Freetown respectfully requests that the scheduling of any hearing be delayed until one or both parties move for scheduling of the hearing, so as to provide the parties reasonable time to try to reach a mutually agreeable

resolution and so as to provide Respondent sufficient time to file its Answer. In light of this request by ISP Freetown for a public hearing, the provisions of the Compliance Order will not become final or effective, as specified in RCRA § 3008(b), 42 U.S.C. § 6928(b).

Respectfully submitted,



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Counsel for Respondent
ISP Freetown Fine Chemicals, Inc.

Dated: October 23, 2018

CERTIFICATE OF SERVICE

I certify that the foregoing Unopposed Motion of Respondent for Extension of Time to File Answer, and Request for Hearing was served this 23rd day of October, 2018, in the following manner on the addressees listed below:

Original and one copy
by USPS overnight mail
and copy by e-mail to:

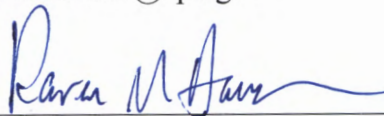
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Boston, MA 02109-3912
santiago.wanda@epa.gov

Copy by USPS overnight mail
and copy by e-mail to:

Attorney for Complainant
Audrey Zucker
Enforcement Counsel
U.S. Environmental Protection Agency, Region 1
5 Post Office Square
Suite 100, Mail Code OES04-3
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zucker.audrey@epa.gov

Copy by USPS overnight mail
and copy by e-mail to:

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Counsel for Respondent
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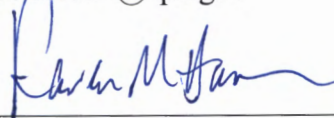
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Copy by FedEx and copy by email to:

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Copy by FedEx and copy by email to:

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Counsel for Respondent
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Dated: October 23, 2018