



**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR**

In the Matter of:)
)
ISP Freetown Fine Chemicals, Inc.,) **Docket No. RCRA-01-2018-0062**
)
Respondent.)

ORDER ON RESPONDENT’S MOTION FOR EXTENSION OF TIME

On September 26, 2018, the United States Environmental Protection Agency, Region 1, (“Agency”) initiated this proceeding by filing a Complaint against Respondent under Section 3008(a) of the Resource Conservation and Recovery Act, 42 U.S.C. § 6928(a).

The Agency filed an Amended Complaint on June 7, 2019. On June 26, 2019, Respondent filed an Answer to the Amended Complaint along with a Motion to Dismiss Counts Two through Eight. The case was transferred by the Regional Hearing Clerk from Region 1 to this Tribunal on July 1, 2019. The Agency filed a response to the Motion to Dismiss on July 29, 2019, as well as a Motion to Strike the Third and Sixteenth Defenses from Respondent’s Answer.

On July 29, 2019, Respondent filed the pending Motion for Extension of Time to respond to the Agency’s Motion to Strike and to submit a reply brief in support of the Motion to Dismiss. Respondent states that it needs additional time to address the complexity of the legal issues raised and that the Agency consents to the extension.

This Tribunal “may grant an extension of time for filing any document: upon timely motion of a party to the proceeding, for good cause shown, and after consideration of prejudice to other parties; or upon its own initiative.” 40 C.F.R. § 22.7(b).

In this case, I find there is good cause for an extension of time. Consequently, Respondent’s Motion for Extension of Time is **GRANTED**. Respondent has through **August 23, 2019**, to file a response to the Agency’s Motion to Strike and a reply in support of its Motion to Dismiss. The Agency may file a reply brief in support of its Motion to Strike within **10 days** of being served with the response.

SO ORDERED.

A handwritten signature in black ink, appearing to read 'S. Biro', written in a cursive style.


Susan L. Biro
Chief Administrative Law Judge

Dated: July 30, 2019
Washington, D.C.

In the Matter of *ISP Freetown Fine Chemicals, Inc.*, Respondent.
Docket No. RCRA-01-2018-0062

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Order on Respondent's Motion for Extension of Time**, dated July 30, 2019, and issued by Chief Administrative Law Judge Susan L. Biro, was sent this day to the following parties in the manner indicated below.



Matt Barnwell
Attorney-Advisor

Original and One Copy by Personal Delivery to:

Mary Angeles, Headquarters Hearing Clerk
U.S. Environmental Protection Agency
Office of Administrative Law Judges
Ronald Reagan Building, Room M1200
1300 Pennsylvania Ave., NW
Washington, DC 20004

Copies by Electronic and Regular Mail to:

Audrey Zucker, Esq.
Enforcement Counsel
U.S. Environmental Protection Agency, Region 1
5 Post Office Square, Suite 100
Mail Code ORC 04-2
Boston, MA 02109-3912
Email: zucker.audrey@epa.gov
Attorney for Complainant

Aaron H. Goldberg, Esq.
Beveridge & Diamond, P.C.
1350 I Street, NW, Suite 700
Washington, DC 20005
Email: agoldberg@bdlaw.com
Attorney for Respondent

Eric L. Klein, Esq.
Brook J. Detterman, Esq.
Beveridge & Diamond, P.C.
155 Federal Street, Suite 1600

Boston, MA 02110

Email: eklein@bdlaw.com

Email: bdetterman@bdlaw.com

Attorneys for Respondent

Dated: July 30, 2019

Washington, D.C.