



**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 ESTABLISHING FILING DEADLINES**

This matter commenced on September 26, 2018, when the U.S. Environmental Protection Agency, Region 1 (“Complainant”), filed a Complaint, Compliance Order, and Notice of Opportunity for Hearing (“Complaint”) pursuant to Section 3008(a) of the Resource Conservation and Recovery Act, 42 U.S.C. § 6928(a), against ISP Freetown Fine Chemicals, Inc. (“Respondent”). Complainant subsequently filed an Amended Complaint on June 7, 2019.

On June 26, 2019, Respondent concurrently filed its Answer and a Motion to Dismiss Counts Two through Eight for Failure to State a Claim (“Motion to Dismiss”).

On July 29, 2019, Complainant filed both a Motion to Strike the Third and Sixteenth Defenses from Respondent’s Answer (“Motion to Strike”) and a Response to Respondent’s Motion to Dismiss.

On August 23, 2019, Respondent filed a Joint Reply in Support of its Motion to Dismiss and Opposition to Complainant’s Motion to Strike. Complainant filed a Reply in Support of its Motion to Strike on September 27, 2019.

On January 16, 2020, the parties filed a Joint Motion Requesting Alternative Dispute Resolution. That Motion was granted, and the parties engaged in months of negotiations but ultimately did not reach a settlement. On July 13, 2020, the Neutral appointed to oversee the parties’ settlement discussions recommended the termination of the alternative dispute resolution process and the transfer of this matter back to the litigation docket.

After being designated to preside over the litigation of this matter, I ordered the parties to submit a Joint Status Report, which they timely filed on July 31, 2020. As indicated in the Joint Status Report, the parties have “reached an agreement in principle regarding the majority of [Complainant]’s claims in this case, and will work in coming days and weeks to reduce that agreement to writing in a partial settlement of this case, including a partial Consent Agreement and Final Order.” According to the parties, only one contested issue remains, and the parties “intend to litigate this issue, which is likely to be dispositive of all of the [Complainant’s] allegations not covered by the agreement in principle between the parties . . . . The parties are working to prepare a joint proposed plan for next steps.”

To shepherd the litigation along in a timely fashion and discern what efforts, if any, are necessary to resolve the issues brought up in the outstanding Motions, I am setting the following deadlines:

The parties are hereby **ORDERED** to file with the Regional Hearing Clerk a fully executed Partial Consent Agreement/Final Order on or before **Friday, October 2, 2020**. A courtesy copy of the fully executed Partial Consent Agreement/Final Order shall be filed with this Tribunal.

The parties are hereby **ORDERED** to file with this Tribunal a Joint Proposed Plan no later than **Friday, October 16, 2020**. In their Joint Proposed Plan, the parties shall clarify whether Respondent's Motion to Dismiss and Complainant's Motion to Strike have been rendered moot. If either Motion is not moot, the parties shall describe in the Joint Proposed Plan which issues still require a ruling from this Tribunal.

**SO ORDERED.**

  
Christine Donelian Coughlin  
Administrative Law Judge

Dated: August 7, 2020  
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 Establishing Filing Deadlines**, dated August 7, 2020, and issued by Administrative Law Judge Christine Donelian Coughlin, was sent this day to the following parties in the manner indicated below.

  
\_\_\_\_\_  
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Attorney-Advisor

Original by OALJ E-Filing System to:  
Mary Angeles, Headquarters Hearing Clerk  
U.S. Environmental Protection Agency  
Office of Administrative Law Judges  
Ronald Reagan Building, Rm. M1200  
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*Attorneys for Respondent*

Dated: August 7, 2020  
Washington, D.C.