

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

In the Matter of:

ISP Freetown Fine Chemicals, Inc.

MAR000009605

Proceeding under Section 3008(a) of the
Resource Conservation and Recovery Act,
U.S.C. § 6928(a)

Docket No. RCRA-01-2018-0062

**JOINT STATUS REPORT AND JOINT MOTION
FOR EXTENSION OF TIME FOR FILING DISPOSITIVE MOTIONS**

Pursuant to Rule 22.7(b) of the Consolidated Rules of Practice, 40 C.F.R. § 22.7(b), Complainant Environmental Protection Agency (“EPA”) and Respondent ISP Freetown Fine Chemicals, Inc. (“ISP”) (collectively “Parties”) jointly submit this status report, and request one final, reasonable extension of the time allowed for filing dispositive motions in the above-captioned case. The grounds are as follows.

In its Order Granting Joint Motion For Extension of Dispositive Motion Deadline in the above captioned matter, dated February 24, 2021, this Tribunal extended the deadline for filing dispositive motions until May 24, 2021, and ordered the parties to submit joint status reports by March 26, 2021, and April 23, 2021, to inform the Tribunal of the parties’ efforts towards narrowing the remaining factual disputes.

Since the Parties’ previous status report on March 26, 2021, the Parties have discussed in detail proposed stipulations of fact relating to technical details of the processes and equipment at issue in the case. On March 31, 2021, the Parties held a technical conference with all counsel, clients, and both Parties’ respective expert witnesses for the purpose of identifying areas of agreement and disagreement with respect to the proposed stipulations and technical aspects of

the case. The Parties agree that the technical conference was successful and productive, and the conference resulted in both the clarification of factual issues and the exchange of additional technical information and documents. The Parties are continuing to confer and refine draft stipulations that resulted from the technical conference, and anticipate that these stipulations, when finalized, will lead to a better understanding and narrowing of the issues for dispositive motions. The Parties expect these draft stipulations to be finalized in a matter of weeks.

Pursuant to Rule 22.7(b) of the Consolidated Rules of Practice, 40 C.F.R. § 22.7(b), the Parties hereby request one final extension of the deadline to file dispositive motions, to June 23, 2021. One final 30-day extension will allow the Parties to complete the work of the technical conference by refining and finalizing these stipulations, which, when completed, will narrow the issues in the case and refine the scope of any dispositive motions. The Parties do not intend to ask for any further extensions of the dispositive motions deadline.

DATED: April 23, 2021

Respectfully submitted,

/s/ Andrea Simpson

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing Joint Status Report and Joint Motion for Extension of Time for Filing Dispositive Motions was served this 23th day of April, 2021 in the following manner on the addressees listed below.

/s/ Eric Klein

Eric L. Klein
Counsel for Respondent

By OALJ E-Filing System:

Mary Angeles, Headquarters Hearing Clerk
U.S. Environmental Protection Agency
Office of Administrative Law Judges
Ronald Reagan Building, Room M1200
1300 Pennsylvania Ave. NW
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Dated: April 23, 2021