



RECEIVED

DEC 18 2018

EPA ORC
Office of Regional Hearing Clerk

Aaron H. Goldberg
1350 I Street, N.W.
Suite 700
Washington, DC 20005-3311
Direct: +1.202.789.6052
agoldberg@bdlaw.com

December 17, 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, ISP Freetown Fine Chemicals, Inc. ("ISP Freetown"), for Extension of Time to File an Answer.

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 have also been served on Audrey Zucker, Enforcement Counsel, U.S. Environmental Protection Agency, Region 1, in her capacity as Attorney for Complainant, and LeAnn Jensen, Regional Judicial Officer, U.S. Environmental Protection Agency, Region 1.

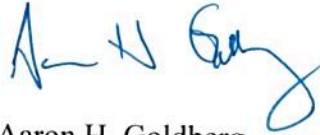
I would appreciate it if you would please send me an e-mail confirming your receipt and filing of the enclosed Unopposed Motion of Respondent for Extension of Time to File Answer at your earliest possible convenience.

If you have any questions about the enclosed documents, please do not hesitate to contact me at (202) 789-6052 or agoldberg@bdlaw.com.

Thank you in advance for your assistance in this matter.

Wanda I. Santiago
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 1
December 17, 2018
Page 2

Sincerely yours,



Aaron H. Goldberg
Counsel for Respondent
ISP Freetown Fine Chemicals, Inc.

Enclosures

cc:

Audrey Zucker
Enforcement Counsel
U.S. Environmental Protection Agency, Region 1

LeAnn Jensen
Regional Judicial Officer
U.S. Environmental Protection Agency, Region 1

**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)	UNOPPOSED MOTION OF RESPONDENT
)	FOR EXTENSION OF TIME TO FILE
MAR000009605)	ANSWER
)	
Proceeding under Section 3008(a))	
of the Resource Conservation and)	
Recovery Act, 42 U.S.C. § 6928(a))	

**UNOPPOSED MOTION OF RESPONDENT
FOR EXTENSION OF TIME TO FILE ANSWER**

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” or the “Company”), by and through its attorneys, hereby requests an extension of time to April 11, 2019, to file its Answer in this matter. Counsel for Complainant, U.S. Environmental Protection Agency Region 1 (“EPA” or the “Agency”), has authorized undersigned counsel for ISP to represent that EPA does not oppose this Motion.

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

(1) Under the Order issued on November 21, 2018 in this matter, ISP’s Answer to EPA’s Complaint is currently due on January 11, 2019.

(2) Representatives of ISP and EPA met on December 7, 2018 to discuss the allegations in EPA’s Complaint, ISP’s defenses, and ways that this matter might be resolved without the need for further proceedings.

(3) ISP has agreed to provide additional information and documentation to EPA by January 31, 2019. EPA and ISP agreed to that date in light of (a) the time that will be necessary for ISP to compile that information and documentation, (b) the upcoming holidays, and (c) the fact that the EPA inspector in this matter will be on extended medical leave and therefore will not have an opportunity to review any information or documentation that might be provided over the next several weeks.

(4) Once EPA receives the additional information and documentation discussed above, the Agency will require substantial time to review it and to determine whether, and if so how, the information and documentation might affect the allegations in the Complaint, the proposed penalties, and/or the proposed Compliance Order. Additional time will also be required for the parties to discuss these issues and to identify a potential path forward.

(5) EPA and ISP have agreed that a further extension of time to April 11, 2019 for ISP to file its Answer may be sufficient for the parties to make substantial progress toward a mutually agreeable resolution, which would serve the interest of judicial economy and enable the parties to avoid a potentially unnecessary expenditure of time and resources. Alternatively, to the extent that it may become necessary for ISP to file an Answer, the Company believes that an extension of time to April 11, 2019 would provide it sufficient time to prepare such an Answer.

(6) To the extent that the parties believe the matter is close to final settlement prior to the Answer date, or to the extent that one or both parties believe a further extension of time for the Answer is otherwise warranted, ISP and/or EPA may file a motion for further extension of time in advance of April 11, 2019.

(7) Based on the foregoing, ISP respectfully requests an extension of time to April 11, 2019 to file its Answer in this matter, subject to any further extension of time.

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

Respectfully submitted,



Aaron H. Goldberg
(202) 789-6052
agoldberg@bdlaw.com

Karl S. Bourdeau
(202) 789-6019
kbourdeau@bdlaw.com

BEVERIDGE & DIAMOND, P.C.
1350 I Street, N.W.
Suite 700
Washington, D.C. 20005
(202) 789-6000

Brook J. Detterman
(617) 419-2345
bdetterman@bdlaw.com

BEVERIDGE & DIAMOND, P.C.
155 Federal Street
Suite 1600
Boston, MA 02110
(617) 419-2300

Counsel for Respondent
ISP Freetown Fine Chemicals, Inc.

Dated: December 17, 2018

CERTIFICATE OF SERVICE

I certify that the foregoing Unopposed Motion of Respondent for Extension of Time to File Answer was served this 17th day of December, 2018, in the following manner on the addressees listed below:

Original and one copy
by FedEx and copy by email to:

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

Copy by FedEx and copy by email 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
Boston, MA 02109-3912
zucker.audrey@epa.gov

Copy by FedEx and copy by email to:

LeAnn Jensen
Regional Judicial Officer
U.S. Environmental Protection Agency, Region 1
5 Post Office Square
Suite 100, Mail Code ORC04-6
Boston, MA 02109-3912
jensen.leann@epa.gov



Aaron H. Goldberg
BEVERIDGE & DIAMOND, P.C.
1350 I Street, N.W.
Suite 700
Washington, DC 20005-3311
(202) 789-6052
agoldberg@bdlaw.com

Counsel for Respondent
ISP Freetown Fine Chemicals, Inc.

Dated: December 17, 2018