

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1**

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

SECOND JOINT STATUS REPORT AND REQUEST FOR EXTENSION

Complainant U.S. Environmental Protection Agency (“EPA”) and Respondent ISP Freetown Fine Chemicals, Inc. (“ISP”) submit this joint status report and request for extension in response to this Tribunal’s October 3, 2019 Order granting the parties’ Joint Motion to Defer Pre-hearing Exchange. In that Order, this Tribunal deferred scheduling any pre-hearing exchange until at least December 2, 2019, and directed the parties to engage in settlement conferences and work towards amicable resolution of this matter. The parties have used this time to make substantial progress towards a resolution of the case, and now believe that such a resolution is potentially near at hand if this Tribunal can provide one more modest extension of time.

The parties have worked diligently since this Tribunal’s October 3, 2019 Order. They have spoken and met repeatedly, holding telephonic settlement conferences on October 21 and 25, 2019, and in-person conferences on November 8 and 21, 2019. The parties have also had

numerous informal telephone conversations to advance discussions. Each conversation has produced forward progress. Additionally, throughout this period, ISP has made a substantial production of documents to EPA at the agency's request, and the parties have both repeatedly exchanged supplemental information in response to questions raised during settlement conferences.

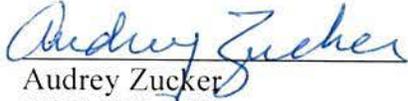
The parties continue to make headway in their negotiations. Following the most recent information exchange and in-person meeting, the parties agreed to seek further clarification from a third-party with relevant information, and final discussions on the details of a negotiated settlement await the outcome of that clarification. Due to the Thanksgiving holiday, this necessary outreach cannot commence until at least December 2, 2019, and is dependent on the availability of the third-party. To facilitate this final phase of settlement discussions, the parties respectfully request that this Tribunal extend its deferral of a pre-hearing exchange until at least January 17, 2020.

In the alternative to a continued deferral, or if no final settlement-in-principle is reached after consultation with the third-party by January 17th, EPA and ISP request that this Tribunal send the matter to mediation in accord with 40 C.F.R. § 22.18(d). Given the robust information exchange that has already occurred, the likelihood that issues may be further narrowed in mediation, and the pending motions before this Tribunal, the submission of a pre-hearing exchange at this time may not help facilitate a final resolution. Given the parties' progress toward a settlement, the parties believe that engaging in mediation to finish that process would

be a more productive use of time than drafting and filing a pre-hearing exchange.

DATED: December 2, 2019

Respectfully submitted,



Audrey Zucker
(617) 918-1788
zucker.audrey@epa.gov
Enforcement Counsel
U.S. Environmental Protection Agency, Region 1
5 Post Office Square
Suite 100, Mail Code ORC 04-2
Boston, MA 02109

*Counsel for Complainant
U.S. Environmental Protection Agency*

/s/ Eric L. Klein

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

Eric L. Klein
Brook J. Detterman
(617) 419-2300
eklein@bdlaw.com
bdetterman@bdlaw.com
BEVERIDGE & DIAMOND, P.C.
155 Federal Street, Suite 1600
Boston, MA 02110

*Counsel for Respondent
ISP Freetown Fine Chemicals, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Second Joint Status Report and Request for Extension was served this 2nd day of December, 2019 in the following manner on the addressees listed below:

Copy by e-mail to: Attorney for Respondent
Eric L. Klein
BEVERIDGE & DIAMOND, P.C.
155 Federal Street, Suite 1600
Boston, MA 02110
eklein@bdlaw.com

By OALJ E-Filing System: Mary Angeles, Headquarters Hearing Clerk
U.S. Environmental Protection Agency
Office of Administrative Law Judges
1200 Pennsylvania Ave., NW
Washington, DC 20460

By OALJ E-Filing System: Christine Coughlin, Administrative Law Judge
U.S. Environmental Protection Agency
Office of Administrative Law Judges
1200 Pennsylvania Ave., NW
Washington, DC 20460

December 2, 2019



Audrey Zucker
Region I
U.S. Environmental Protection Agency
5 Post Office Square, Suite 100 (ORC 04-2)
Boston, MA 02109
Zucker.audrey@epa.gov
Attorney for Complainant