

**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 MOTION FOR EXTENSION OF DISPOSITIVE MOTION DEADLINE

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”) and Complainant Environmental Protection Agency (“EPA”) hereby jointly request a reasonable extension of the time allowed for filing dispositive motions in the above-captioned case. The grounds are as follows.

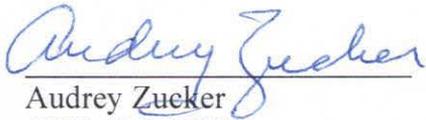
This Tribunal issued a Prehearing Order on October 22, 2020 setting deadlines for the prehearing exchange of information and a deadline for dispositive motions of 30 days after Complainant’s Rebuttal Prehearing Exchange. The parties timely made their prehearing exchange of information. On January 14, 2021, the parties jointly asked the tribunal to extend the dispositive motion deadline by 30 days on the grounds that they anticipated further discussions, document exchanges, and potential stipulations that could affect the scope of dispositive motions. The Tribunal granted the motion and extended the dispositive motion deadline to March 24, 2021. *See* January 22, 2021 Order.

The discussions and document exchanges anticipated in the January 14 joint motion are occurring now and have expanded. EPA has submitted a number of supplemental document and other informational requests, which the parties have negotiated at length and to which ISP is now responding. The parties have also agreed to set up one or more meetings of their respective expert witnesses for the purpose of identifying areas of agreement and disagreement and potentially developing stipulations regarding the technical details of the equipment at issue in the case. These meetings are expected to begin in the coming weeks. The expected and hoped-for result of all this work is to continue to narrow the issues remaining in the case following the parties' Partial Consent Agreement and Final Order, and therefore to focus the arguments put forth in any future dispositive motions and simplify the Tribunal's work in addressing and deciding such motions.

For these reasons, an additional 60-day extension of the dispositive motions deadline would be productive. The proposed extension would give the Respondent time to respond to EPA's request for documents and information, for the experts to meet and for the parties to renew discussions on stipulations. Rather than begin working now on the dispositive motions due on March 24, as would otherwise be necessary, the parties can continue to focus their efforts on narrowing their dispute, negotiating areas of agreement, and pruning away extraneous matters. The parties would provide an interim status update to the Tribunal to report in 30 days (or at another interval directed by the Tribunal) on their progress in narrowing the dispute.

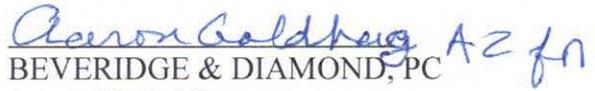
DATED: February 18, 2021

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that the foregoing Joint Motion for Extension of Dispositive Motion Deadline was served on this 18th day of February 2021 in the following manner on the addressees listed below:

Copy by e-mail to: Attorney for Respondent
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By OALJ E-Filing System: Mary Angeles, Headquarters Hearing Clerk
U.S. Environmental Protection Agency
Office of Administrative Law Judges
1200 Pennsylvania Ave., NW
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By OALJ E-Filing System: Christine Coughlin, Administrative Law Judge
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