



**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 GRANTING JOINT MOTION FOR EXTENSION OF
DISPOSITIVE MOTION DEADLINE**

The Prehearing Order in this matter set February 22, 2021¹ as the original deadline for the filing of dispositive motions. *See* Prehearing Order at 5 (Oct. 22, 2020). Pursuant to a joint request by the parties, the Tribunal moved that deadline to March 24, 2021. *See* Order Granting Joint Motion for Extension of Time for Filing Dispositive Motions at 2 (Jan. 22, 2021).

On February 18, 2021, the parties again jointly moved for an extension of time for filing dispositive motions, in accordance with 40 C.F.R. § 22.7(b). Joint Motion for Extension of Dispositive Motion Deadline (“Joint Motion”) at 1. In their Joint Motion, the parties report that the Agency “submitted a number of supplemental document and other informational requests . . . to which [Respondent ISP Freetown Fine Chemicals, Inc.] is now responding.” *Jt. Mot.* at 2. The parties state that they “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.” *Jt. Mot.* at 2. The parties proclaim that “[t]he expected and hoped-for result of all this work is to continue to narrow the issues remaining in the case . . . 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.” *Jt. Mot.* at 2. The parties conclude that if an extension of time were allowed, “[r]ather 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.” *Jt. Mot.* at 2.

Relying on the above, the parties suggest a 60-day extension of the deadline for filing dispositive motions, and they also offer to provide the Tribunal with an interim status report. *Jt.*

¹ The Prehearing Order mandated that dispositive motions be filed no later than 30 days after the due date for Complainant’s Rebuttal Prehearing Exchange. Prehearing Order at 5. Complainant’s Rebuttal Prehearing Exchange was due January 22, 2021. Prehearing Order at 4. Thirty days hence was February 21, 2021: a Sunday. Any dispositive motion would have been due on Monday, February 22, 2021. 40 C.F.R. § 22.7(a).

Mot. at 2.

Under the Rules governing this proceeding, set out at 40 C.F.R. Part 22, the Presiding Officer is empowered to “grant an extension of time for filing any document[] upon timely motion of a party to the proceeding, for good cause shown, and after consideration of prejudice to other parties[.]” 40 C.F.R. § 22.7(b). The parties affirm that they have been working consistently towards narrowing the issues still in dispute, and the Tribunal recognizes that this could make evaluation of any future dispositive motion more straightforward. Good cause therefore exists to permit the requested extension of time. The Joint Motion is **GRANTED**. The parties shall comply with the following:

On or before **March 26, 2021**, the parties shall file their First Joint Status Report. On or before **April 23, 2021**, the parties shall file their Second Joint Status Report. These Joint Status Reports shall inform the Tribunal of the parties’ efforts towards narrowing the remaining factual disputes.

Any stipulations of fact upon which the parties have agreed shall be filed as a Joint Set of Stipulated Facts no later than **May 24, 2021**.

The new deadline for Dispositive Motions shall be **May 24, 2021**.

SO ORDERED.


Christine Donelian Coughlin
Administrative Law Judge

Dated: February 24, 2021
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 Granting Joint Motion for Extension of Dispositive Motion Deadline**, dated February 24, 2021, and issued by Administrative Law Judge Christine Donelian Coughlin, was sent this day to the following parties in the manner indicated below.


Alyssa Katzenelson
Attorney-Advisor

Copy 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
1300 Pennsylvania Ave. NW
Washington, DC 20004

Copy by Electronic Mail to:
Steven J. Viggiani
Andrea Simpson
U.S. Environmental Protection Agency, Region 1
Email: viggiani.steven@epa.gov
Email: simpson.andrea@epa.gov
Attorneys for Complainant

Aaron H. Goldberg
Eric L. Klein
Brook J. Detterman
Beveridge & Diamond, P.C.
Email: agoldberg@bdlaw.com
Email: eklein@bdlaw.com
Email: bdetterman@bdlaw.com
Attorneys for Respondent

Dated: February 24, 2021
Washington, D.C.