



**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 ON JOINT MOTION FOR ALTERNATIVE DISPUTE RESOLUTION**

On September 26, 2018, the United States Environmental Protection Agency, Region 1, (“Agency”) initiated this proceeding by filing a Complaint against Respondent under Section 3008(a) of the Resource Conservation and Recovery Act, 42 U.S.C. § 6928(a). After the filing of an Amended Complaint, Answer, Respondent’s Motion to Dismiss, and the Agency’s Motion to Strike, I granted the parties’ request to postpone the setting of prehearing exchange deadlines while they pursued a settlement. *See* Order on Joint Motion to Defer Prehearing Exchange (Oct. 3, 2019).

On December 2, 2019, the parties filed a joint status report stating that they had made “substantial progress towards a resolution of the case, and now believe that such a resolution is potentially near at hand” if allowed more time to negotiate. *See* Second Joint Status Report and Request for Extension at 1 (“Joint Status Report”). They further indicated that if unable to reach a settlement before January 17, 2020, they wished to enter into an alternative dispute resolution (“ADR”) process in accordance with 40 C.F.R. § 22.18(d). *See* Joint Status Report at 2. I issued an Order granting their request for more time and instructed the parties that they should provide further justification if they desired ADR prior to the prehearing exchange process.<sup>1</sup> *See* Order on Joint Request for Extension (Dec. 3, 2019).

On January 16, 2020, the parties filed a Joint Motion Requesting Alternative Dispute Resolution (“ADR Motion”). The parties state that ADR would be beneficial at this juncture because (1) there has already been a significant information exchange during their settlement negotiations, allowing them to develop an extensive understanding of the factual and legal issues and narrow the areas in dispute; (2) ceasing negotiations to engage in the prehearing exchange process would delay settlement momentum; and (3) there are substantive motions pending before this Tribunal that have not yet been ruled upon. ADR Mot. at 2-3.

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<sup>1</sup> It is this Tribunal’s general practice to not offer ADR before the prehearing exchange has taken place.

Given that the parties appear close to reaching a settlement agreement, and in light of the reasons they provide, at this time it is appropriate to stay litigation of this case so that the parties may pursue ADR. Accordingly, the ADR Motion is **GRANTED**. I am transferring this case to Chief Administrative Law Judge Susan L. Biro for assignment of a neutral to preside over the ADR process.

**SO ORDERED.**



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Christine Donelian Coughlin  
Administrative Law Judge

Dated: January 23, 2020  
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 on Joint Motion for Alternative Dispute Resolution**, dated January 23, 2020, and issued by Administrative Law Judge Christine Donelian Coughlin, was sent this day to the following parties in the manner indicated below.



\_\_\_\_\_  
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Dated: January 23, 2020  
Washington, D.C.