

**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

THIRD JOINT STATUS REPORT

Complainant U.S. Environmental Protection Agency (“EPA”) and Respondent ISP Freetown Fine Chemicals, Inc. (“ISP”) submit this joint status report in response to this Tribunal’s December 3, 2019 Order granting the parties’ Joint Request for Extension to Defer Pre-Hearing Exchange. In that Order, this Tribunal further deferred scheduling any pre-hearing exchange until January 17, 2020 and directed the parties to continue to engage in settlement conferences and work towards amicable resolution of this matter. This Tribunal indicated that the parties should achieve a settlement in principle by January 17, 2020; otherwise, the parties may file a motion requesting alternative dispute resolution under 40 C.F.R. § 22.18(d).

Since this Tribunal’s December 3, 2019 Order, the parties have made significant progress towards a resolution of the case, and continue to believe that such a resolution is the realistic and likely outcome of negotiations. A formal settlement proposal has been made and is now under consideration; the parties conferred by telephone on December 18, 2019 to review it. Moreover, as ISP and EPA previewed in their December 2, 2019 Second Joint Status Report and Request for Extension, the parties have communicated with an independent third party to gather information critical to settlement discussions, and have scheduled further such communications in the near

future. The parties have agreed to pursue a settlement in principle pending the outcome of third-party communications, which will ultimately facilitate final settlement. Notwithstanding this progress, the parties acknowledge that settlement negotiations are and have been delayed due to holiday and other vacation schedules.

The parties expect to continue to make progress toward resolution of this matter. The parties will update this Tribunal with their progress before January 17, 2020.

DATED: January 3, 2020

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Respectfully submitted,

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