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November 16, 2018

BY FEDEX AND E-MAIL

Wanda I. Santiago
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 1
5 Post Office Square
Suite 100, Mail Code ORA18-1
Boston, MA 02109-3912
santiago.wanda@epa.gov

Re: In the Matter of: ISP Freetown Fine Chemicals, Inc.
U.S. EPA Docket No. RCRA-01-2018-0062

Dear Ms. Santiago:

Enclosed for filing in the above-referenced matter are the original and one copy of the Unopposed Motion of Respondent, ISP Freetown Fine Chemicals, Inc. ("ISP Freetown"), for Extension of Time to File an Answer.

Please note that although two of my colleagues who are resident in my firm's Austin, Texas office filed a prior motion and request for hearing in this matter on behalf of our client, ISP Freetown, going forward I will be taking the lead on this matter. I am resident in the firm's Washington, DC office, and will be assisted by two other colleagues (one also resident in the Washington, DC office, and the other in the Boston, MA office).

Pursuant to 40 C.F.R. § 22.5, and as indicated in the enclosed Certificate of Service, copies of this Unopposed Motion of Respondent for Extension of Time to File Answer have also been served on Audrey Zucker, Enforcement Counsel, U.S. Environmental Protection Agency, Region 1, in her capacity as Attorney for Complainant, and LeAnn Jensen, Regional Judicial Officer, U.S. Environmental Protection Agency, Region 1.

I would appreciate it if you would please send me an e-mail confirming your receipt and filing of the enclosed Unopposed Motion of Respondent for Extension of Time to File Answer at your earliest possible convenience.

Wanda I. Santiago
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 1
November 16, 2018
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If you have any questions about the enclosed documents, please do not hesitate to contact me at (202) 789-6052 or agoldberg@bdlaw.com.

Thank you in advance for your assistance in this matter.

Sincerely yours,



Aaron H. Goldberg
Counsel for Respondent
ISP Freetown Fine Chemicals, Inc.

Enclosures

cc:

Audrey Zucker
Enforcement Counsel
U.S. Environmental Protection Agency, Region 1

LeAnn Jensen
Regional Judicial Officer
U.S. Environmental Protection Agency, Region 1

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1**

In the Matter of:)	
)	
ISP Freetown Fine Chemicals, Inc.)	Docket No. RCRA-01-2018-0062
238 South Main Street)	
Assonet, MA 02702-1699)	UNOPPOSED MOTION OF RESPONDENT
)	FOR EXTENSION OF TIME TO FILE
MAR000009605)	ANSWER
)	
Proceeding under Section 3008(a))	
of the Resource Conservation and)	
Recovery Act, 42 U.S.C. § 6928(a))	

**UNOPPOSED MOTION OF RESPONDENT
FOR EXTENSION OF TIME TO FILE ANSWER**

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 Freetown”), by and through its attorneys, hereby requests an extension of time to January 11, 2019, to file its Answer in this matter. Counsel for Complainant, U.S. Environmental Protection Agency Region 1 (“EPA”), has authorized undersigned counsel for ISP Freetown to represent that EPA does not oppose this Motion.

As good cause in support of this request, ISP Freetown states as follows:

- (1) The Complaint in this matter was served on or about September 26, 2018.
- (2) Pursuant to 40 C.F.R. § 22.15(a), ISP Freetown’s Answer originally would have been due on October 26, 2018, 30 days after service of the Complaint. However, on October 23, 2018, ISP Freetown filed with the Regional Hearing Clerk an unopposed motion for an extension of time to file its Answer, seeking an extension until November 26, 2018. That request was granted October 24, 2018, resulting in a new Answer deadline of November 26, 2018.

(3) ISP Freetown now seeks a further extension of time to January 11, 2019 to file its Answer, and has conferred with EPA counsel, to confirm that EPA does not oppose this Motion.

(4) As ISP Freetown stated in its initial request, EPA's Complaint raises diverse and complex legal and factual issues with respect to the tanks and other equipment identified in the Complaint at ISP Freetown's facility in Assonet, Massachusetts. As an initial matter, ISP Freetown needs substantial time to understand all the allegations and to develop a careful and thoughtful response. ISP Freetown has begun that process, and is working diligently to explore the allegations contained in EPA's Complaint and develop a response.

(5) ISP Freetown also desires to discuss this matter with EPA, and to explore with EPA whether this matter can be resolved without the need for further proceedings, which would serve the interest of judicial economy and enable the parties to avoid a potentially unnecessary expenditure of time and resources. To that end, ISP Freetown and EPA have scheduled a meeting on December 7, 2018.

(6) ISP Freetown believes that a revised deadline of January 11, 2019 for filing the Answer is appropriate at this stage to: (a) allow additional time for ISP Freetown to explore relevant legal and factual issues and prepare its Answer, and (b) allow ISP Freetown and EPA to discuss the case and the potential for settlement. Such an extension is further warranted due to the intervening holiday period and the potential scheduling difficulties it may present.

(7) To the extent that one or both parties believe that further settlement discussions in advance of an Answer would be productive, or that a further extension of time for the Answer is otherwise warranted, ISP Freetown and/or EPA may file a motion for further extension of time in advance of January 11, 2019.

(8) Based on the foregoing, ISP Freetown respectfully requests an extension of time to January 11, 2019 to file its Answer in this matter, subject to any further extension of time.

(9) Counsel for Complainant EPA has authorized undersigned counsel for ISP Freetown to represent that EPA does not oppose this Motion.

Respectfully submitted,



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Counsel for Respondent
ISP Freetown Fine Chemicals, Inc.

Dated: November 16, 2018

CERTIFICATE OF SERVICE

I certify that the foregoing Unopposed Motion of Respondent for Extension of Time to File Answer was served this 16th day of November, 2018, in the following manner on the addressees listed below:

Original and one copy
by FedEx and copy by email to:

Wanda I. Santiago
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 1
5 Post Office Square
Suite 100, Mail Code ORA18-1
Boston, MA 02109-3912
santiago.wanda@epa.gov

Copy by FedEx and copy by email to:

Attorney for Complainant
Audrey Zucker
Enforcement Counsel
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zucker.audrey@epa.gov

Copy by FedEx and copy by email to:

LeAnn Jensen
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Counsel for Respondent
ISP Freetown Fine Chemicals, Inc.

Dated: November 16, 2018