

**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**

**JOINT STATUS REPORT REGARDING SETTLEMENT STATUS**

Petitioner Environmental Protection Agency (“EPA”) and Respondent ISP Freetown Fine Chemicals, Inc. (“ISP”) submit this joint status report regarding the status of settlement talks in the above-captioned case.

The parties have reached an agreement in principle regarding the majority of EPA’s claims in this case, and will work in coming days and weeks to reduce that agreement to writing in a partial settlement of this case, including a partial Consent Agreement and Final Order.

The only contested issue in this case that remains between the parties relates to the scope and application of the “manufacturing process unit” (“MPU”) exemption under the Resource Conservation and Recovery Act regulations. *See* 40 C.F.R. § 261.4(c). Specifically, the parties disagree about whether certain ISP tanks and associated equipment are within this MPU exemption. The parties intend to litigate this issue, which is likely to be dispositive of all of the EPA allegations not covered by the agreement in principle between the parties, including Count 1 of EPA’s Amended Complaint and certain aspects of Counts 2, 3, 4, and 6. The parties are working to prepare a joint proposed plan for next steps.

Respectfully submitted,

/s/Audrey Zucker

Audrey Zucker  
(617) 918-1788  
zucker.audrey@epa.gov  
Enforcement Counsel  
U.S. Environmental Protection Agency,  
Region 1  
5 Post Office Square  
Suite 100, Mail Code ORC 04-2  
Boston, MA 02109

*Counsel for Complainant  
U.S. Environmental Protection Agency*

Dated: July 31, 2020

/s/ Eric L. Klein

Aaron H. Goldberg  
(202) 789-6052  
agoldberg@bdlaw.com  
BEVERIDGE & DIAMOND, P.C.  
1350 I Street, N.W., Suite 700  
Washington, D.C. 20005

Eric L. Klein  
(617) 419-2316  
eklein@bdlaw.com  
BEVERIDGE & DIAMOND, P.C.  
155 Federal Street, Suite 1600  
Boston, MA 02110

*Counsel for Respondent  
ISP Freetown Fine Chemicals, Inc.*