

**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 MOTION TO DEFER SCHEDULING PRE-HEARING EXCHANGE

Pursuant to Rule 22.16(a) of the Consolidated Rules of Practice, 40 C.F.R. § 22.16(a), Respondent ISP Freetown Fine Chemicals, Inc. (“ISP”) and Complainant U.S. Environmental Protection Agency (“EPA”) hereby jointly move to request a deferral of any order governing a pre-hearing information exchange under Rule 22.19(a)(1) for at least 60 days from the date of this motion. A brief procedural history is as follows:

1. On September 25, 2018, EPA filed its original complaint, and EPA and ISP began discussing the potential of settlement, which led to a series of unopposed extensions to file ISP’s Answer.
2. On December 7, 2018, EPA and ISP representatives met in person to discuss the potential for settlement, and EPA requested additional information from ISP.
3. On February 12, 2019, ISP provided documents in response to EPA’s request.
4. On April 2, 2019, the Regional Judicial Officer issued an order granting ISP a fourth and final extension to file its Answer until June 11, 2019.
5. On April 3, 2019, EPA requested additional information in follow up to ISP’s February 12, 2019 submission.
6. On June 7, 2019, EPA amended its Complaint.
7. On June 25, 2019, ISP timely filed its Answer and Motion to Dismiss Counts Two through Eight.
8. On July 25, 2019, EPA filed its Response to ISP’s Motion to Dismiss and a Motion to Strike the Third and Sixteenth Affirmative Defenses.

9. On August 23, 2019, ISP filed its Reply supporting its Motion to Dismiss and opposing EPA's Motion to Strike the Third and Sixteenth Affirmative Defenses.
10. On September 6, 2019, ISP provided additional documents in response to EPA's supplemental information request.
11. On September 27, 2019, EPA filed its Reply supporting its Motion to Strike the Third and Sixteenth Affirmative Defenses.

EPA and ISP now desire to resume settlement discussions. EPA and ISP have agreed that a 60-day deferral of scheduling a pre-hearing exchange will not prejudice either party and will allow the parties sufficient time to work towards negotiating a mutually agreeable resolution, which would serve the interest of judicial economy.

Based on the foregoing, EPA and ISP request that this tribunal defer issuing an order scheduling a pre-hearing exchange under Rule 22.19(a) for at least 60 days from the date of this motion – to Monday, December 2, 2019 or thereafter. EPA and ISP will submit a joint status report by Monday, December 2, 2019.

DATED: October 1, 2019

/s/ Audrey Zucker

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Respectfully submitted,

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