



**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 REQUEST FOR EXTENSION

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 in which they state that they have made “substantial progress towards a resolution of the case, and now believe that such a resolution is potentially near at hand” if they are allowed more time to negotiate. *See* Second Joint Status Report and Request for Extension at 1 (“Joint Status Report”). They further indicate that if unable to reach a settlement before January 17, 2020, they prefer 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.

In light of the parties’ request for additional time and indications of their good faith effort to settle this matter, I will not set prehearing exchange deadlines prior to January 17, 2020. The parties are further **ORDERED** to engage in settlement conference(s) and to attempt to reach an amicable resolution of this matter, and the parties shall submit a joint status report on the progress of their settlement discussions no later than **January 3, 2020**. As previously instructed, the parties are advised NOT to include, attach, or refer to any terms of settlement offers or agreements in any document submitted to the undersigned, and no copies of Consent Agreements and Final Orders shall be submitted, or attached to any document submitted, to the undersigned except those that are fully executed and filed with the Regional Hearing Clerk.

It is not this Tribunal’s practice to refer a case to ADR until after the Prehearing Exchange process has been completed. *See, e.g., Adamas Constr. and Dev. Servs., PLLC*, Docket No. CWA-07-2019-0262 (Prehearing Order at 4) (Oct. 18, 2019) (available online at

https://yosemite.epa.gov/oarm/alj/alj_web_docket.nsf/af7ff356fbd7ca5e85257bd3004a3734/461eaed797af1ba885258497005828d2!OpenDocument). Nevertheless, if the parties have not reached a settlement in principle before January 17, 2020, they may file a motion requesting ADR and must provide specific justification for pursuing ADR outside of the normal process.

SO ORDERED.



Christine Donelian Coughlin
Administrative Law Judge

Dated: December 3, 2019
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 Request for Extension**, dated December 3, 2019, and issued by Administrative Law Judge Christine Donelian Coughlin, was sent this day to the following parties in the manner indicated below.



Matt Barnwell
Attorney-Advisor

Original and One Copy by Personal Delivery to:

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Dated: December 3, 2019
Washington, D.C.