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March 22, 2019

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

RECEIVED
MAR 23 2019
EPA ORC WS
Office of Regional Hearing Clerk

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 Karl Bourdeau, one of my colleagues identified on previous pleadings as co-counsel with me on this matter, has recently retired. I will continue to be assisted on this matter by Brook Detterman, who was also identified on prior pleadings.

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.

If you have any questions about the enclosed documents, please do not hesitate to contact me at (202) 789-6052 or agoldberg@bdlaw.com.

Wanda I. Santiago
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 1
March 22, 2019
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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
MAR000009605)	FOR EXTENSION OF TIME TO FILE
)	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” or the “Company”), by and through its attorneys, hereby requests an extension of time to June 11, 2019, to file its Answer in this matter. Counsel for Complainant, U.S. Environmental Protection Agency Region 1 (“EPA” or the “Agency”), has authorized undersigned counsel for ISP to represent that EPA does not oppose this Motion.

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

(1) Under the Order issued on December 19, 2018 in this matter, ISP’s Answer to EPA’s Complaint is currently due on April 11, 2019. The Order stated that “absent extraordinary circumstances which cause additional unanticipated delay,” further extensions of time for the Answer would not be granted.

(2) ISP and EPA have made significant progress in trying to resolve this matter without the need for further proceedings. On December 7, 2018, representatives of ISP and EPA met in person to discuss the allegations in EPA’s Complaint, ISP’s defenses, and the potential for

settlement. During that meeting, EPA requested, and ISP agreed to provide, significant additional information and documentation to the Agency. On February 12, 2019, ISP provided over 100 pages of documents pursuant to EPA's request, detailed responses to several questions from the Agency, and an extended written discussion of key defenses. EPA is currently reviewing these materials.

(3) Despite these diligent efforts by EPA and ISP, extraordinary circumstances have arisen that have caused unanticipated further delay in seeking to reach a mutually agreeable resolution of this matter. These circumstances include: (a) the 35-day government shutdown that started just days after the December 19, 2018 Order in this case; (b) the fact that ISP's lead outside counsel on this matter had to undergo emergency surgery, as well as follow-up surgery and procedures, during January and February 2019; and (c) the fact that the EPA inspector in this matter has required an extended recovery from his previously planned surgery, was able to work at home only sporadically from the date ISP's submission was received on February 12, 2019, and was unable to return to the office until March 12, 2019, and thus has only recently had an opportunity to start reviewing all the information and documentation that ISP provided on February 12, 2019.

(4) EPA will require additional time to review the information and documentation ISP provided on February 12 to determine whether, and if so how, such information and documentation might affect the allegations in the Complaint, the proposed penalties, and/or the proposed Compliance Order. Additional time will also be required for the parties to discuss these issues and to identify a potential path forward.

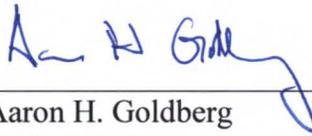
(5) EPA and ISP have agreed that a further extension of time to June 11, 2019 for ISP to file its Answer should be sufficient for the parties to make substantial further progress toward a mutually agreeable resolution, which would serve the interest of judicial economy and enable

the parties to avoid a potentially unnecessary expenditure of time and resources. Alternatively, to the extent that it may become necessary for ISP to file an Answer, the Company believes that an extension of time to June 11, 2019 would provide it sufficient time to prepare such an Answer.

(6) Based on the foregoing, ISP respectfully requests an extension of time to June 11, 2019 to file its Answer in this matter.

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

Respectfully submitted,



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Counsel for Respondent
ISP Freetown Fine Chemicals, Inc.

Dated: March 22, 2019

CERTIFICATE OF SERVICE

I certify that the foregoing Unopposed Motion of Respondent for Extension of Time to File Answer was served this 22nd day of March, 2019, in the following manner on the addressees listed below:

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

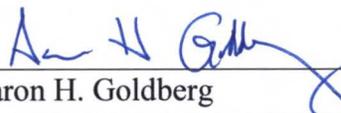
Wanda I. Santiago
Regional Hearing Clerk
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Boston, MA 02109-3912
santiago.wanda@epa.gov

Copy by FedEx and copy by email to:

Attorney for Complainant
Audrey Zucker
Enforcement Counsel
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Copy by FedEx and copy by email to:

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

Dated: March 22, 2019

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I**

IN THE MATTER OF:

ISP Freetown Fine Chemicals, Inc.
238 South Main Street
Assonet, MA 02702-1699,

Respondent.

**Order Granting Fourth and Final
Extension of Time
to File Answer to Complaint**

EPA Docket No.
RCRA-01-2018-0062

The Complaint for this matter was filed on or about September 26, 2018. Pursuant to the Consolidated Rules of Practice, 40 C.F.R. Part 22, the Answer was due on October 26, 2018. 40 C.F.R. § 22.15. Respondent has moved for, and has been granted, three lengthy extensions of time to file an Answer to the Complaint.

The current deadline for Respondent to file an Answer is April 11, 2019, nearly seven months after the initial service of the Complaint. In the Order Granting Third Extension of Time to File Answer to Complaint, the undersigned stated that the parties should either resolve this matter through settlement or prepare themselves for litigation because, absent extraordinary circumstances which cause additional unanticipated delay, the undersigned would not grant an additional extension of time.

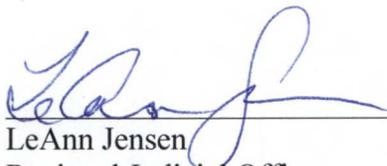
The Respondent has asked for a fourth extension of time, until June 11, 2019, to file an Answer to the Complaint. In support of this request, Respondent states that lead counsel for Respondent has undergone emergency surgery and related medical procedures, Complainant's inspector has only recently returned to the office after an extended recovery from his surgery,

and the government was shut down for a lengthy period of time. All these factors have delayed a mutually agreeable resolution of this matter. Complainant has consented to this request.

Under the rules governing this proceeding, “the Presiding Officer may grant an extension of time for filing any document: upon timely motion of a party to the proceeding, for good cause shown; and after consideration of prejudice to other parties; or upon its own initiative.” 40 C.F.R. § 22.7(b). Respondent has shown sufficient cause for extending the deadline one last time. This lengthy, two-month extension should give the parties ample time to either resolve this matter through settlement or prepare themselves for litigation. This is the final extension of time that the undersigned will grant in connection with this matter.

In accordance with 40 C.F.R. §§ 22.7(b) and 22.16(c), for good cause shown, the Respondent is granted a fourth and final extension of time to file an Answer to the Complaint. The deadline for Respondent to file an Answer to the Complaint is extended until the close of business on Tuesday, June 11, 2019.

So Ordered:



LeAnn Jensen
Regional Judicial Officer

Dated: 4/2/19

In the Matter of ISP Freetown Fine Chemicals, Inc.
Docket No. RCRA-01-2018-0062

CERTIFICATE OF SERVICE

I certify that on this 2nd day of April, 2019 the original foregoing Order was filed with the Regional Hearing Clerk, a copy was hand-delivered to Counsel for Complainant, and a copy was mailed by certified mail, return receipt requested, to Counsel for Respondent.

April 2, 2019
Date

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Wanda I. Santiago
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Counsel for Complainant:

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