

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG III
2010 MAR -9 AM 9:02
REGIONAL HEARING
CLERK

In the Matter of)
)
U.S. Department of the Army and)
Army and Air Force Exchange Service,)
) Docket No. RCRA-02-2009-7507
West Point Garrison,)
)
)
Respondents.)

**ORDER DENYING MOTION FOR EXTENSION OF TIME
TO FILE PREHEARING EXCHANGE**

On January 8, 2010, the Court issued a Prehearing Order directing the parties to make their initial prehearing exchanges by Monday, March 8, 2010. Complainant submitted a Motion for Extension of Time to File Prehearing Exchange on March 3, 2010, in which Complainant requests that the Court extend the deadline for the parties to make their initial prehearing exchanges by three months because, as the result of a recent meeting between the parties, a "settlement in principle" has been reached. Complainant relates that Respondents consent to its request for an extension.

Upon consideration, the Court denies Complainant's request. Three months, or in other words, 1/4 (one quarter) of a year, is an unreasonable period of time for the parties to finalize their settlement agreement. Instead, the Court will extend the deadline for one month. Accordingly, the Court directs the parties to submit a fully executed Consent Agreement and Final Order or their prehearing exchanges by April 8, 2010.

So ordered.

William B. Moran by Jennifer Wozz
William B. Moran
United States Administrative Law Judge

Dated: 3/5/10
Washington, D.C.

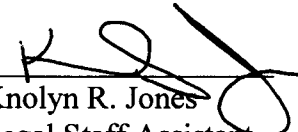
In the Matter of U.S. Department of the Army and Army & Air Force Exchange Service
West Point Garrison, Respondent
Docket No. RCRA-02-2009-7507

CERTIFICATE OF SERVICE

I certify that the foregoing **Order Denying Motion for Extension of Time to File Prehearing Exchange**, dated March 5, 2010 was sent this day in the following manner to the addressees listed below:

Original and copy by pouch mail to:

Karen Maples
Regional Hearing Clerk
U.S. EPA
290 Broadway
New York, NY 10007


Knolyn R. Jones
Legal Staff Assistant

Copy by fax & regular mail to:

Attorney for Complainant:

Naomi Shapiro, Esq.
Assistant Regional Counsel
U.S. EPA
290 Broadway
New York, NY 10007

Respondent:

Jennifer A. Butkus
Chief, Environmental Division
U.S. Army Garrison, West Point
IMNE-MIL-PWE, 667A Ruger Road
West Point, NY 10996-1592

Michael C. Whittington, Esq.
Commercial and Financial Law Division
Army & Air Force Exchange Service
3911 S. Walton Walker Blvd.
Dallas, TX 75236-1598

Dated: March 5, 2010
Washington, DC