

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2**

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In the Matter of :
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 :
U.S. Department of the Army and :
Army and Air Force Exchange Service :
 :
 :
West Point Garrison :
 :
 :
Respondents. :
 :
 :
Proceeding Under Section 9006 :
of the Solid Waste Disposal Act, :
as amended. :
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MOTION FOR EXTENSION OF TIME
Docket No. RCRA-02-2009-7507


U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG2
2010 JUN 11 AM 11:20
REGIONAL HEARING
C/FRM

MOTION FOR EXTENSION OF TIME
TO FILE PREHEARING EXCHANGE

Representatives of the United States Environmental Protection Agency (“EPA”), the United States Department of the Army (“Army”) and the Army and Air Force Exchange Service (“AAFES”) have agreed on the language of a settlement of this matter and have drafted a Consent Agreement and Final Order (“CA/FO”) which has been reviewed and signed by the Army. The CA/FO is still being coordinated at AAFES headquarters, but requires six internal review steps before signature by the AAFES Commander. Unexpected Temporary Duty travel requirements, with necessary reviewers being unavailable, have caused an unforeseen delay in obtaining final signature. No substantive issues have arisen during coordination and no changes to the document are suggested. Final signature may still be obtained by 11 June 2010, but this will not allow time for EPA final coordination.

Accordingly, with consent of Counsels EPA and Army, I respectfully move for an extension to 18 June 2010 of the deadline to file prehearing exchange in order for AAFES to complete internal coordination and obtain final signature for EPA consideration.

Respectfully,


Michael S. Whittington
Counsel for AAFES

CERTIFICATE OF SERVICE

I certify that I have this day caused to be sent the foregoing MOTION, bearing the below-referenced docket number, in the following manner to the respective addressees below:

Original and One Copy
by Overnight Delivery:

Office of Regional Hearing Clerk
U.S. Environmental Protection Agency - Region 2
290 Broadway, 16th floor
New York, New York 10007-1866

Copy by Pouch Mail
and FAX:

Chief Administrative Law Judge Susan L. Biro
Office of Administrative Law Judges
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Mail Code 1900 L
Washington, D.C. 20460
Fax: 202-565-0044

Copy by Mail:

Naomi Shapiro, Esquire
Assistant Regional Counsel
U.S. EPA
290 Broadway, 16th Floor
New York, NY 10007-1866

Captain Kyle C. VanDeWater
Office of the Staff Judge Advocate
and
Frank A. Bloomer, Acting Chief
Department of Public Works
U.S. Army Garrison, West Point
681 Hardee Place
West Point, New York 10996-1514

Dated: June 10, 2010
Dallas, Texas



A handwritten signature in black ink, appearing to read "Michael A. Kelly", is written over a horizontal line.