

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2

U.S. ENVIRONMENTAL  
PROTECTION AGENCY-REGION 2  
2010 JUN 17 P11 2:09  
REGIONAL HEARING  
OFFICE

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In the Matter of

U.S. Department of the Army  
and  
Army and Air Force Exchange Service

STATUS REPORT AND  
MOTION FOR EXTENSION OF TIME

West Point Garrison

Respondents

Docket No. RCRA-02-2009-7507

Proceeding Under Section 9006  
of the Solid Waste Disposal Act,  
as amended

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**STATUS REPORT**

On June 10, 2010, this honorable court ordered the parties to file a fully executed Consent Agreement and Final Order (“CAFO”) or their initial prehearing exchanges by June 18, 2010.

The parties have been working diligently to file a fully executed CAFO in the above-captioned matter. The CAFO document has been approved in principle by the parties and approved in fact by both Respondents and at EPA by all but the Regional Administrator’s office, where it currently awaits signature. The Regional Administrator’s staff cannot predict when the Deputy Regional Administrator and the Regional Administrator will have opportunity to review and sign.

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

This motion is the parties’ sixth request for an Order extending the time to file prehearing exchange. On March 3, 2010, the parties first requested 90 days to develop an SEP, draft the appropriate documents, and secure signatures through the multiple layers of concurrence at each entity. The Administrative Law Judge denied the request and instead granted an extension until April 8, 2010. Despite the parties’ best efforts to comply with ALJ Moran’s Order, additional requests for time were made, and subsequently granted for good cause shown, by ALJ Moran and by this honorable Court, on April 6<sup>th</sup> and April 29<sup>th</sup>, May 13<sup>th</sup>, May 27<sup>th</sup>, and June 10<sup>th</sup>.

Section 22.7(b) of EPA's Consolidated Rules of Practice, 40 C.F.R. § 22.7(b), provides that

...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... .

I respectfully submit this motion for an additional extension of time to finalize and file the CAFO. The signatures by both Respondents and the extreme likelihood of completion of the settlement within days constitute good cause. As this Court further noted in her May 13 and May 27, 2010 Orders, no hearing has been scheduled in this matter and no prejudice will accrue to the parties or the process if the parties are allowed to complete the settlement of this matter.

Respectfully submitted,



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Naomi P. Shapiro  
Assistant Regional Counsel, Region 2  
Counsel for Complainant

Date: June 17, 2010  
New York, NY

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 Hand:

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:

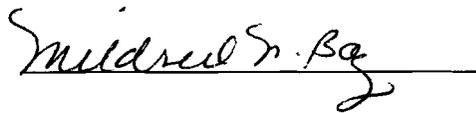
Chief Judge Susan L. Biro  
Office of Administrative Law Judges  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
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Captain Kyle C. VanDeWater  
Office of the Staff Judge Advocate  
and  
Frank A. Bloomer, Acting Chief  
Department of Public Works  
U.S. Army Garrison, West Point  
681 Hardee Place  
West Point, New York 10996-1514

Dated: June 17, 2010  
New York, New York

  
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