

2010 MAY 18 AM 11:19

REGIONAL HEARING CLERK

IN THE MATTER OF)
)
UNITED STATES ARMY)
WEST POINT GARRISON COMMAND)
)
AND)
)
ARMY AND AIR FORCE)
EXCHANGE SERVICE)
)
DOCKET NUMBER RCRA-02-2009-7507)

MOTION FOR EXTENSION OF TIME

12 MAY 2010

The Respondent, United States Army, West Point Garrison Command (Army), submits this motion.

MOTION FOR EXTENSION OF TIME TO FILE PREHEARING EXCHANGE

Representatives of the United States Army, West Point (“Army”), the Army and Air Force Exchange Service (“AAFES”), and United States Environmental Protection Agency (“EPA”), met on February 24, 2010 to discuss resolution of the above-captioned matter. As a result of that meeting, the parties reached settlement in principle. The settlement in principle reached at that meeting included a Supplemental Environmental Project (SEP) proposed by the Army and also agreed to in principle by the other parties.

The EPA SEP policy letter of April 10, 1998, sets out a fairly rigid set of qualifications which must be met. At the same time, there are rigid requirements for the expenditure of Appropriated Funds by the Army, as well as Department of Defense policy on how a SEP may be constituted. The representatives of all parties were in general agreement, but the details of policy compliance had to be reviewed internally by both EPA and Army for compliance with the details of the respective policies noted above.

Recently, the Army concluded that the proposed SEP is not feasible. However, the Army has reached a settlement with the EPA to pay a determined fine, and the parties agree to it in principle.

The Army received the proposed Consent Order from the EPA for review and execution on May 12, 2010 at 12:35pm.

Accordingly, with the consent of Counsels for AAFES and the EPA, I respectfully move for an extension of the deadline to file prehearing exchanges to permit the parties to review and execute a Consent Agreement and Final Order (“CA/FO”). As concurrence and signature will be required from multiple levels of all three entities – EPA, Army, and AAFES- , a two week extension is requested.

Respectfully,



Captain Kyle C. Van De Water
U.S. Army Garrison, West Point
681 Hardee Place
West Point, New York 10996-1514

Date: 12 May 2010
West Point, 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:

One Copy

By Mail:

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

Original by Mail, Copy

By E-mail and FAX:

Judge William B. Moran
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U.S. Environmental Protection Agency - Region 2
290 Broadway, 16th floor
New York, New York 10007-1866

Dated: 12 May 2010
West Point, New York