

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2**

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In the Matter of :  
 :  
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. :  
----- X

MOTION FOR EXTENSION OF TIME  
Docket No. RCRA-02-2009-7507

U.S. ENVIRONMENTAL  
PROTECTION AGENCY REGION 2  
2010 APR 13 AM 10:11  
REGIONAL HEARINGS  
CLERK

MOTION FOR EXTENSION OF TIME  
TO FILE PREHEARING EXCHANGE

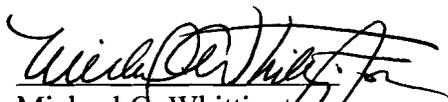
Representatives of the United States Environmental Protection Agency (“EPA”), the United States Department of the Army (“Army”) and the Army and Air Force Exchange Service (“AAFES”) have conferred numerous times by telephone and electronic mail since our meeting on February 24, 2010 concerning the above-captioned matter. The settlement in principle reached at that meeting includes 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 are in general agreement, but the details of policy compliance must be reviewed internally by both EPA and Army for compliance with the details of the respective policies noted above.

Further, AAFES, while an element of the Department of Defense, is a Non Appropriated Fund Instrumentality, with different funding and approval authorities and mechanisms, which make drafting a Consent Agreement and Final Order (CA/FO) considerably more difficult than the usual document. The authority for signing a CA/FO for AAFES is the AAFES Commanding General. He is currently unavailable for consultation and will be available to review and sign the document only on April 8, after which he will be out of the office until April 13-14, during which time he will be turning over command to a new commanding general. The new commanding general is not currently scheduled to be in Dallas and available for the two weeks after the change of command takes place on April 14, 2010.

Accordingly, with consent of Counsels for Respondents, I respectfully move for an extension of the deadline to file prehearing exchange to permit the parties to complete coordination and execution of a Consent Agreement and Final Order ("CA/FO"). An extension until April 29, 2010, is requested.

Respectfully,

A handwritten signature in black ink, appearing to read "Michael C. Whittington". The signature is stylized and written over a horizontal line.

Michael C. Whittington  
Counsel for Respondent  
Army and Air Force Exchange Service

Date: April 5, 2010  
Dallas, Texas

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

Certified Mail:

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

Copy by Overnight Mail  
and FAX:

Judge William B. Moran  
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, Esq.  
Assistant Regional Counsel  
U.S. EPA  
290 Broadway  
New York, New York 10007

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

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: April 5, 2010  
Dallas, Texas

  
Michael C. Whittington