



**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR**

In the Matter of:)
)
United States Department of the Army,) **Docket No. CERCLA-08-2020-0001**
)
Respondent.)

FOURTH ORDER STAYING PROCEEDING

On July 14, 2021, I issued an Order on Motions for Accelerated Decision that granted in part and denied in part Complainant’s Motion for Partial Accelerated Decision on Liability and that denied Respondent’s Motion for Accelerated Decision. The remaining issues related to assessment of an appropriate penalty were set to be scheduled for hearing.

Thereafter, the parties reached a settlement in principle, and I have stayed this proceeding while they work to amend the consent decree that governs cleanup of the Rocky Mountain Arsenal to permit Respondent to pay the Agency’s costs. *See* Order Staying Proceeding (Aug. 18, 2021); Second Order Staying Proceeding (May 31, 2022); Third Order Staying Proceeding (Dec. 5, 2022).

The previous stay expired on June 30, 2023, and on July 7, 2023, the parties filed a Joint Motion to Extend the Stay of the Proceedings (“Motion”). In the Motion, the parties state that they remain “fully committed” to executing a consent decree amendment, and they note that they “have made substantial progress in advancing the [consent decree amendment].” Mot. at 2. According to the parties, the remaining steps involve discussions and engagement with non-parties by the U.S. Department of Justice and, once the amendment is approved and signed by those other non-parties, formal filing with and approval by the U.S. District Court for the District of Colorado following a public comment period. Mot. at 2. The parties anticipate they need five additional months to complete this process and request the stay of this proceeding be extended until November 30, 2023. Mot. at 3. Once the amended consent decree is adopted by the district court, Complainant intends to withdraw the administrative Complaint in this matter.

Among other powers and duties, I am authorized to “issue all necessary orders” and to “take all measures necessary for the maintenance of order and for the efficient, fair and impartial adjudication of issues arising” in this proceeding. 40 C.F.R. § 22.4(c)(2), (10). Here, I find it appropriate to stay this proceeding a fourth time while the parties work to achieve their settlement.

Accordingly, the parties' Motion is **GRANTED**, and this proceeding is stayed until **November 30, 2023**. The parties shall file a joint status report on that date if the case has not yet settled.

The parties are further **ORDERED** to file monthly joint status reports regarding the progress of their settlement efforts on the following dates:

August 25, 2023
September 29, 2023
October 27, 2023

SO ORDERED.



Christine Donelian Coughlin
Administrative Law Judge

Dated: July 10, 2023
Washington, D.C.

In the Matter of *United States Department of the Army*, Respondent.
Docket No. CERCLA-08-2020-0001

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Fourth Order Staying Proceeding**, dated July 10, 2023, and issued by Administrative Law Judge Christine Donelian Coughlin, was sent this day to the following parties in the manner indicated below.



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Dated: July 10, 2023
Washington, D.C.