

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

IN THE MATTER OF:)	
)	
United States Department of the Army,)	
)	
Respondent.)	Docket No.
)	CERCLA-08-2020-0001
Rocky Mountain Arsenal)	
Commerce City, CO,)	
)	
Facility.)	
)	

JOINT STATUS REPORT REGARDING SETTLEMENT

On May 31, 2022, the Presiding Officer issued an Order granting a second stay, until November 28, 2022, in the above-captioned proceeding. The Order required that Complainant, Regional Counsel Kenneth C. Schefski, U.S. Environmental Protection Agency (EPA), Region 8, and Respondent, United States Department of the Army, (the Parties) file monthly status reports regarding the progress of the Parties' settlement efforts, and in the event that this case is not settled by November 28, 2022, the Parties are required to file a joint status report on that day. As reported in past status reports, the Parties have made substantial progress toward settling this matter, and the Parties are continuing their efforts to ensure the execution of the Consent Decree Amendment (CDA). The Parties are fully committed to execution of the CDA and have been engaged with the Department of Justice (DOJ) to provide information and assistance to further progress; however, many of the remaining steps in executing the CDA involve discussions and engagement with non-Parties, which are out of the Parties' control.

Throughout the pendency of the current stay, the Parties made their best efforts to finalize resolution of this matter. During the stay, the Parties worked through several challenging issues with the assistance of the DOJ and came to an agreement among the Parties on the terms and language of the CDA. Throughout the process the Parties exchanged numerous drafts and met frequently with the DOJ to resolve outstanding issues. As reported previously, the CDA agreed upon by the Parties includes a settlement amount, the payment of which will resolve not only EPA past amounts, but also fully and finally resolve EPA's future costs at RMA. This is significant, as it will eliminate the possibility that there will be future Part 22 actions related to the issue of EPA Costs at the Rocky Mountain Arsenal Superfund Site.

While most of the remaining steps in finalizing the CDA are outside of the Parties' control, the Parties are communicating regularly with the DOJ to ensure that the remaining steps are carried out as efficiently as possible and the DOJ has all of the information it needs. The remaining steps include:

- 1). Discussions with and approval by United States Treasury of the terms and conditions of the proposed CDA;
- 2). Discussions with and the consent of the other parties to the Consent Decree regarding the terms and conditions of the proposed CDA;
- 3). Gathering formal approvals of the delegated officials for the Parties on the final terms of the proposed CDA;
- 4). Lodging the proposed CDA with the United States District Court for the District of Colorado;

5). Holding a 30-day public comment period and filing a response to public comment with the District Court, if needed; and

6). Entry of the CDA, subject to public comment and District Court approval.

The Parties continue to believe that resolution in this matter is achievable and that none of the above steps will be impediments to reaching a final agreement. Therefore, the Parties believe that a further stay of this proceeding is appropriate to provide the additional time to complete the remaining steps needed to execute the CDA. Upon execution of the CDA, Complainant intends to withdraw the Complaint in this matter as moot. The Parties stand ready to file a motion seeking leave for an additional stay from the Presiding Officer should a separate motion be required.

Respectfully submitted,

**CHRISTOPHER
THOMPSON**

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Date: 2022.11.28 14:24:24 -07'00'

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CERTIFICATE OF SERVICE

It is hereby certified that on this 28th Day of November 2022, the undersigned caused the foregoing Joint Status Report Regarding Settlement under Docket No. CERCLA-08-2020-0001 to be sent to the following parties in the manner indicated below.

Dated: November 28, 2022

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