

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 December 5, 2022, the Presiding Officer issued an Order granting a third stay, until June 30, 2023, in the above-captioned proceeding. The Order requires 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. As reported during the previous stays in this matter, 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.

Since the third stay in this matter was granted by the Presiding Officer, DOJ has continued its discussions with the United States Department of Treasury and has received Treasury's preliminary acceptance of the terms and conditions of the proposed CDA. All of the CD parties have now expressed a willingness to move forward with the CDA. DOJ is now in the

process of implementing its internal approval process of the CDA. The relevant briefing and approval memoranda are currently being circulated among management at the Environment and Natural Resources Division of DOJ. Ultimate approval of the CDA lies with Associate Attorney General of DOJ. If approved by the Associate Attorney General, DOJ will seek to lodge the CD Amendment expeditiously.

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

- 1). Obtaining signatures of the delegated officials for the Parties on the proposed CDA;
- 2). Lodging the proposed CDA with the United States District Court for the District of Colorado;
- 3). Holding a 30-day public comment period and filing a response to public comment with the District Court, if needed; and
- 4). Entry of the CDA, subject to public comment and District Court approval.

The Parties have come a long way in advancing resolution of this matter and remain committed to working with DOJ to ensure that the final actions are carried out to resolve this matter in accordance with DOJ regulations and procedures. Upon execution of the CDA, Complainant intends to withdraw the Complaint in this matter as moot.

Respectfully submitted,

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## CERTIFICATION

I certify that a copy of the foregoing Joint Status Report Regarding Settlement, Docket No. CERCLA-08-2020-0001 has been filed via the OALJ E-filing system constituting service on the Presiding Officer and sent via email to the following Counsel for Respondent:

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