

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 AND MOTION TO EXTEND THE
STAY OF THE PROCEEDINGS

On July 10, 2023, the Presiding Officer issued an Order granting a fourth stay, until November 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. The public comment period on the CDA was completed, and no comments were received. DOJ filed a Motion to Enter the CDA on November 9, 2023. The Parties are now waiting for the District Court to act on the Motion.

On August 13, 2021, the Parties in this matter sought an initial stay of the proceeding in

order to seek Congressional authorization as a resolution to the underlying dispute in this case. When it became evident that Congressional authorization would not be forthcoming, the Parties came to an agreement in principle to pursue the execution of the CDA which would resolve the matter at issue. Accordingly, on May 26, 2022, the Parties sought a second stay of this proceeding to effectuate the agreement in principle. On May 31, 2022, the Presiding Officer issued an Order granting a second stay, until November 28, 2022. On December 2, 2022, the parties sought a third stay of this proceeding, which was granted by the Presiding Officer on December 5, 2022 and expired on June 30, 2023. On July 7, 2023 the Parties sought a fourth stay of this proceeding, which was granted by the Presiding Officer on July 10, 2023, and expires on November 30, 2023.

Pursuant to 40 C.F.R. § 22.16 and the Prehearing Order, and in the interest of judicial economy and the conservation of scarce government resources, the Parties, jointly request an extension of the stay of the proceeding until February 2, 2024. The further stay of this proceeding will give the District Court time to act on the Motion to Enter the CDA. Upon entry of the CDA, Complainant intends to withdraw this matter as moot.

Respectfully submitted,

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CERTIFICATION

I certify that a copy of the foregoing Joint Status Report Regarding Settlement and Motion to Extend the Stay of the Proceedings 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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