

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 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. DOJ has provided the draft CDA to the other CD parties for their review and two of the three other CD parties have

now expressed a willingness to move forward with the CDA. DOJ is continuing to work with the third signatory to receive approval of the CDA. EPA has also made efforts to work with the third signatory to receive final approval. The parties understand that the third signatory is working to determine who the approving official will be in the face of significant personnel changes since the original CD was signed. Both the Parties and DOJ expect to receive that approval in the short term.

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). Final discussions with and the consent of the other Consent Decree parties regarding the terms and conditions of the proposed CDA;
- 2). Gathering formal approvals of the delegated officials for the Parties on the final terms of the proposed CDA;
- 3). Lodging the proposed CDA with the United States District Court for the District of Colorado;
- 4). Holding a 30-day public comment period and filing a response to public comment with the District Court, if needed; and
- 5). Entry of the CDA, subject to public comment and District Court approval.

As noted previously, 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.

Upon execution of the CDA, Complainant intends to withdraw the Complaint in this matter as moot.

Respectfully submitted,

Lindsey,
William

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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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