

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 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.

Since the fourth 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. The CDA is now with senior officials at DOJ for approval. 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 approval and signature of the delegated DOJ officials;
- 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,

CORIMSKI.ANDREW
.JOHN.1298080229

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CORIMSKI.ANDREW.JOHN.12980
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Date: 2023.08.23 11:44:09 -04'00'

Andrew J. Corimski
Litigation Branch
Environmental Law Division
US Army Legal Services Agency
9275 Gunston Road, Fort Belvoir, VA 22060

WILLIAM
LINDSEY

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WILLIAM LINDSEY
Date: 2023.08.23
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William Lindsey
Senior Assistant Regional Counsel
US EPA – Region 8 (8ORC-LE-C)
1595 Wynkoop Street
Denver, Colorado 80202

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:

Andrew J. Corimski
Litigation Branch
Environmental Law Division
US Army Legal Services Agency
9275 Gunnison Road, Fort Belvoir, VA 22060

WILLIAM Digitally signed by
LINDSEY WILLIAM LINDSEY
Date: 2023.08.23
15:39:58 -06'00'

William Lindsey, Senior Assistant Regional Counsel
CERCLA Enforcement Section
Office of Regional Counsel
USA EPA Region 8
1595 Wynkoop Street (MC 8ORC-C)
Denver, CO 80202
303-312-6282

Counsel for Complainant