



**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR**

In the Matter of:)
)
United States Department of the Army,) **Docket No. CERCLA-08-2020-0001**
)
Respondent.)

FIFTH ORDER STAYING PROCEEDING

On July 14, 2021, I issued an Order on Motions for Accelerated Decision that granted in part and denied in part Complainant’s Motion for Partial Accelerated Decision on Liability and that denied Respondent’s Motion for Accelerated Decision. The remaining issues related to assessment of an appropriate penalty were set to be scheduled for hearing.

Thereafter, the parties reached a settlement in principle, and I have stayed this proceeding while they work to amend the consent decree that governs cleanup of the Rocky Mountain Arsenal to permit Respondent to pay the Agency’s costs. *See* Order Staying Proceeding (Aug. 18, 2021); Second Order Staying Proceeding (May 31, 2022); Third Order Staying Proceeding (Dec. 5, 2022); Fourth Order Staying Proceeding (July 10, 2023).

The fourth stay expires today, and on November 29, 2023, the parties filed a Joint Status Report Regarding Settlement and Motion to Extend the Stay of the Proceedings (“Motion”). In the Motion, the parties report that they have filed an amended consent decree with the U.S. District Court for the District of Colorado, and that following a public comment period in which no comments were received, the only remaining step is for the district court to approve the filing. Mot. at 1. Upon the district court’s entry of the amended consent decree, EPA intends to withdraw its Complaint in this matter. Mot. at 2. The parties request the stay of this proceeding be extended until February 2, 2024, to give the district court time to act. Mot. at 2.

Among other powers and duties, I am authorized to “issue all necessary orders” and to “take all measures necessary for the maintenance of order and for the efficient, fair and impartial adjudication of issues arising” in this proceeding. 40 C.F.R. § 22.4(c)(2), (10). Here, I find it appropriate to stay this proceeding a fifth time while the parties await the district court’s ruling on the amended consent decree.

Accordingly, the parties’ Motion is **GRANTED**, and this proceeding is stayed until **February 2, 2024**. The parties shall file a joint status report on that date if the case has not yet settled.

SO ORDERED.

Christine Donelian Coughlin

Christine Donelian Coughlin
Administrative Law Judge

Dated: November 30, 2023
Washington, D.C.

In the Matter of *United States Department of the Army*, Respondent.
Docket No. CERCLA-08-2020-0001

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Fifth Order Staying Proceeding**, dated November 30, 2023, and issued by Administrative Law Judge Christine Donelian Coughlin, was sent this day to the following parties in the manner indicated below.



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Attorney Advisor

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For Respondent

Dated: November 30, 2023
Washington, D.C.