



**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.)

THIRD 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. I twice stayed this proceeding while they worked 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).

The previous stay expired on November 28, 2022, and on December 2, 2022, the parties filed a Joint Motion to Extend the Stay of the Proceedings (“Motion”). In the Motion, the parties state that they remain “fully committed” to executing a consent decree amendment, and they note that they have successfully worked through several challenging issues toward achieving this goal. Mot. at 1-2. Many of the remaining steps continue to require involvement of the U.S. Department of Justice, the U.S. Department of the Treasury, and other nonparties. Mot. at 2-3. The parties estimate this still “may require several months to complete,” in addition to the time needed “for the civil judicial process, including lodging the proposed [consent decree] with the District Court, allowing a public comment period, responding to any public comments, and entering the final [consent decree]. Upon entry of the [consent decree], Complainant intends to withdraw the Complaint in this matter as moot.” Mot. at 3. Accordingly, the parties request a stay of proceedings until June 30, 2023.

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 third time while the parties work to achieve their settlement.

Accordingly, the parties’ Motion is **GRANTED**, and this proceeding is stayed until **June 30, 2023**. The parties shall file a joint status report on that date if the case has not yet settled.

The parties are further **ORDERED** to file monthly joint status reports regarding the progress of their settlement efforts on the following dates:

January 27, 2023
February 24, 2023
March 31, 2023
April 28, 2023
May 26, 2023

SO ORDERED.




Christine Donelian Coughlin
Administrative Law Judge

Dated: December 5, 2022
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 **Third Order Staying Proceeding**, dated December 5, 2022, and issued by Administrative Law Judge Christine Donelian Coughlin, was sent this day to the following parties in the manner indicated below.



Matt Barnwell
Attorney Advisor

Copy by OALJ E-Filing System to:

Mary Angeles, Headquarters Hearing Clerk
U.S. Environmental Protection Agency
Office of Administrative Law Judges
Ronald Reagan Building, Room M1200
1300 Pennsylvania Ave., NW
Washington, DC 20004

Copies by Electronic Mail to:

William Lindsey
Senior Assistant Regional Counsel
US EPA – Region 8 (8ORC-LE-C)
1595 Wynkoop Street
Denver, Colorado 80202
Email: lindsey.william@epa.gov
chalfant.mark@epa.gov

For Complainant

Andrew J. Corimski
Litigation Attorney, Environmental Law Division
U.S. Army Legal Services Agency
9275 Gunston Road
Fort Belvoir, VA 22060-5546
Email: andrew.j.corimski.civ@army.mil
kelly.l.russell11.civ@mail.mil

For Respondent

Dated: December 5, 2022
Washington, D.C.