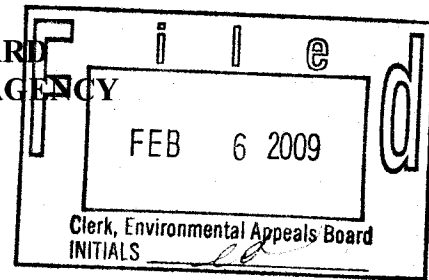


BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.



In re:)
)
)

Walton CWCA Golden West 70, LLC)
(U.S. Colloidal Site))
)
)
)

CERCLA § 106(b) Petition
No. 08-03

ORDER GRANTING JOINT MOTION TO STAY PROCEEDINGS

On December 11, 2008, Walton CWCA Golden West 70, LLC ("Petitioner"), filed a petition with the Environmental Appeals Board ("Board") pursuant to section 106(b)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. § 9606(b)(2), seeking reimbursement of costs incurred in complying with an administrative order issued by United States Environmental Protection Agency, Region 9 ("Region") under section 106(a) of CERCLA, 42 U.S.C. § 9606(a). Petitioner seeks reimbursement of approximately \$438,897.40 in costs plus interest that it claims to have incurred in conducting CERCLA removal activities at a property in Rancho Cucamonga, California, commonly known as the "U.S. Colloidal Site." Petition at 1-2. Upon receipt of the petition, the Board sent a copy of it to the Region, requesting that the Region respond to the petition no later than February 17, 2009.

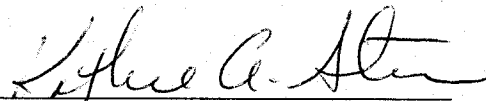
On February 2, 2008, the Board received a joint motion from Petitioner and the Region requesting that the above-captioned matter be stayed and the Region's response date be postponed for a period of two months. Joint Motion to Stay Proceedings and Extend Period for United States Response at 1. The parties indicate that they have commenced active settlement

discussions in the matter, which may resolve the Petition and related CERCLA liabilities. *Id.*

Upon consideration of the foregoing, and in the interests of efficiency and judicial economy, the parties' motion is GRANTED. Accordingly, the above-captioned matter is hereby STAYED until April 17, 2009. On or before that date, the parties are ordered to submit a report regarding the status of the settlement negotiations, which shall include a discussion of whether it is appropriate to continue the stay, dismiss the petition, or establish a schedule for the Region to file a response to the petition.

So ordered.

ENVIRONMENTAL APPEALS BOARD

By: 
Kathie A. Stein
Environmental Appeals Judge

Dated: February 6, 2009

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Order Granting Joint Motion to Stay Proceedings in the matter of Walton CWCA Golden West 70, LLC (U.S. Colloidal Site), CERCLA § 106(b) Petition No. 08-03, were sent to the following persons in the manner indicated:

By Inter-Office Mail:

Clara Beitin
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
1200 Pennsylvania Ave (MC 2272A)
Washington, D.C. 20460


By Pouch Mail:

J. Andrew Helmlinger
Office of Regional Counsel (ORC-3)
U.S. EPA Region 9
75 Hawthorne Street
San Francisco, CA 94105

By First Class Mail:

Roger J. Holt
Greenberg Glusker Fields
Claman & Machtinger LLP
1900 Avenue of the Stars, 21st Floor
Los Angeles, CA 90067

Dated: FEB - 6 2009


Annette Duncan
Secretary