

1 BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
2 ENVIRONMENTAL APPEALS BOARD
3

4
5 IN THE MATTER OF:

6 **U.S. Colloidal Site**

7 Walton CWCA Golden West 70 LLC,
8 Petitioner

9 Petition for Reimbursement Under Section
10 106(b)(2) of the Comprehensive
11 Environmental Response, Compensation,
12 and Liability Act, 42 U.S.C. § 9606(b)(2)

**JOINT MOTION TO STAY
PROCEEDINGS AND EXTEND
PERIOD FOR UNITED STATES
RESPONSE**

EAB Docket No. CERCLA 106(b) 08-03

12 The United States Environmental Protection Agency, Environmental Appeals Board
13 (“EAB”) has established that the United States Environmental Protection Agency, Region IX
14 (“Respondent,” or “EPA”) must, prior to February 17, 2009, provide any substantive response to
15 the Petition for Reimbursement Under Section 106(b)(2) of the Comprehensive Environmental
16 Response, Compensation and Liability Act (the “Petition for Reimbursement”) filed by Walton
17 CWCA Golden West 70 LLC (“Petitioner”). The Parties hereby jointly request that the EAB stay
18 proceedings on the Petition and postpone all dates required by its December 12, 2008 Notice of
19 the Petition for Reimbursement, for a period of two months.

20 The justification for the requested stay of proceedings is that the Parties have commenced
21 active settlement discussions, and are continuing such discussions. Although settlement has not
22 yet been reached, Petitioner and Respondent have begun memorializing significant terms in an
23 administrative settlement agreement. The Parties hereby request the two-month extension to
24 engage in further negotiations that would resolve the Petition for Reimbursement and related
25 liabilities under the Comprehensive Environmental Response, Compensation, and Liability Act,
26 42 U.S.C. § 9601 *et seq.*

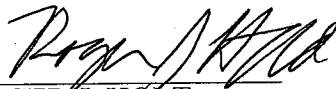
27 Accordingly, the Parties hereby jointly move the EAB to order the following:

- 28 1. A Stay of proceedings on the Petition for Reimbursement until April 17, 2009, or

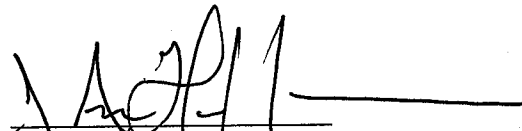
1 further notice from the EAB.

2 2. That Respondent shall make any substantive response to the Petition for
3 Reimbursement on or before April 17, 2009.

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5 So Stipulated for the Petitioner:

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7 
8 ROGER J. HOLT
9 Greenburg Glusker Fields
10 Claman & Machtinger LLP

11 So Stipulated for the Respondent:

12 
13 J. Andrew Helmlinger
14 Office of Regional Counsel (ORC-3)
15 U.S. Environmental Protection Agency, Region 9
16 75 Hawthorne Street
17 San Francisco, CA 94105

18 Clara Beitin
19 Office of Enforcement and Compliance Assurance
20 U.S. Environmental Protection Agency
21 1200 Pennsylvania Avenue, N.W. (MC 2272A)
22 Washington D.C. 20460

1 further notice from the EAB.

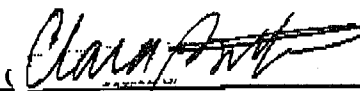
2 2. That Respondent shall make any substantive response to the Petition for
3 Reimbursement on or before April 17, 2009.

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5 So Stipulated for the Petitioner:

6
7 ROGER J. HOLT
8 Greenburg Glusker Fields
9 Claman & Machtinger LLP

10 So Stipulated for the Respondent:

11 J. Andrew Helmlinger
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