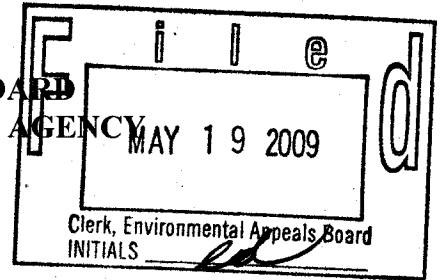


BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.



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

CERCLA § 106(b) Petition
No. 08-03

ORDER DISMISSING PETITION FOR REIMBURSEMENT

On December 11, 2008, Walton CWCA Golden West 70, LLC (“Walton CWCA” or “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).¹ The Board stayed the case on February 6, 2009, at the request of the parties, and this stay has continued until the present time.

On April 16, 2009, the parties filed a joint statement explaining that they had reached terms on a settlement, whose proposed terms were published in the Federal Register for public comment pursuant to section 122(i) of CERCLA, 42 U.S.C. § 9622(i). Joint Statement of Status and Motion to Extend Stay with Contingent Dismissal (“Joint Statement”) at 1. The comment period expired on April 30, 2009. *Id.*

¹ Petitioner sought 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.

On May 18, 2009, Petitioner filed a motion requesting the Board dismiss its petition for reimbursement with prejudice. Motion for Withdrawal of Petition for Reimbursement at 2. Petitioner explains that the parties have executed a settlement, which became effective on May 1, 2009, and which resolves the underlying claims in the Petition. *Id.* at 1.

Upon consideration of the foregoing, the Board grants Petitioner's motion. Accordingly, Walton CWCA's petition seeking reimbursement under CERCLA for the U.S. Colloidal Site filed December 11, 2008, is hereby DISMISSED WITH PREJUDICE.

So ordered.

ENVIRONMENTAL APPEALS BOARD

By: Kathie A. Stein
Kathie A. Stein
Environmental Appeals Judge

Dated: May 19, 2009

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Order Dismissing Petition for Reimbursement 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

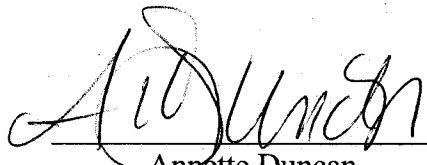
By Pouch Mail:

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: **MAY 19 2009**


Annette Duncan
Secretary