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6 Attorneys for Defendant and Third-Party Plaintiff
 EL DORADO COUNTY, CALIFORNIA

8 UNITED STATES DISTRICT COURT
 9 EASTERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,

No. 2:01-cv-01520-MCE GGH

11 Plaintiff,

Hon. Morrison C. England, Jr.

12 v.

**DEFENDANT AND THIRD
 PARTY PLAINTIFF EL DORADO
 COUNTY, CALIFORNIA AND
 PLAINTIFF UNITED STATES OF
 AMERICA’S STIPULATION
 CONCERNING THE COURT
 REGISTRY ACCOUNT; ORDER**

13 EL DORADO COUNTY,
 14 CALIFORNIA; and CITY OF SOUTH
 15 LAKE TAHOE, CALIFORNIA,

16 Defendants.

17 AND ALL RELATED CROSS
 18 ACTIONS

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 20
 21 Whereas, on December 9, 2009, the Court granted the United States’
 22 Motion to Approve Consent Decree with Certain Third Party Defendants; and,

23 Whereas, on December 7, 2009, the Court issued an Order directing
 24 the deposit of settlement monies with the Clerk of the Court and directing the
 25 Clerk of the Court to deposit all settlement monies with the court registry
 26 investment account (“Court Registry Account ”); and,

27 Whereas, to date the Clerk of the Court has made and/or received such
 28 deposits such totaling \$1.25 million as follows:

1 RECEIPT number #CAE200022311 \$100,000.00
2 Court Registry Account fbo Sierra Pacific Power Co. by
3 Sierra Pacific Power Company on 12/15/2009. (Entered:
4 12/15/2009)

5 RECEIPT number #CAE200022479 \$250,000.00
6 fbo Heavenly Valley by Heavenly Valley on 12/22/2009.
7 (Entered: 01/08/2010)

8 RECEIPT number #CAE200022804 \$150,000.00
9 fbo Safeway Inc. by Safeway Inc. on 1/6/2010. (Entered:
10 01/08/2010)

11 RECEIPT number #CAE200022828 \$50,000.00
12 fbo Lake Tahoe Unified School Dis. by Century
13 Indemnity Company on 1/7/2010. (Entered: 01/08/2010)

14 RECEIPT number #CAE200022829 \$50,000.00
15 fbo Lake Tahoe Unified School Dis. by County of El
16 Dorado on 1/7/2010. (Entered: 01/08/2010)

17 RECEIPT number #CAE200022831 \$100,000.00
18 fbo Raleys by Arrowood Indemnity Company on
19 1/7/2010. (Entered: 01/08/2010)

20 RECEIPT number #CAE200022834 \$350,000.00
21 fbo Harveys Tahoe Management Co. and Harrah's
22 Operating Company, Inc. by Harrahs Lake Tahoe on
23 1/7/2010. (Entered: 01/08/2010)

24 RECEIPT number #CAE200022873 \$50,000.00
25 fbo The Hertz Corporation by The Hertz Corporation on
26 1/8/2010. (Entered: 01/12/2010)

27 DEPOSIT of \$150,000 by Douglas County,
28 Nevada on February 4, 2010.

1 Whereas, the Consent Decree provides that all funds in the Court
2 Registry Account are to be maintained in that account with the express purpose
3 that such funds be disbursed only for past or future costs of “response” as that term
4 is defined in the Comprehensive Environmental Response, Compensation, and
5 Liability Act (“CERCLA”), as amended, 42 U.S.C. §§ 9601 et seq.; and,

6 Whereas, Funds in the Court Registry Account may be disbursed upon
7 the joint request of the United States and El Dorado County and with the approval
8 of this Court; and,

9 Whereas, upon a joint request made on an ex parte basis, the Consent
10 Decree provides that the Clerk of the Court shall pay some or all of the funds in the
11 Court Registry Account as directed by the Court; and,

12 Whereas, on June 2, 2010, the U.S. Department of Agriculture, Forest
13 Service, pursuant to its delegated authorities under Section 106 of CERCLA, 42
14 U.S.C. §9606, issued a Unilateral Administrative Order (“UAO”) to El Dorado
15 County; and

16 Whereas, the UAO requires El Dorado County to implement the
17 remedial remedy set forth in the Record of Decision for Operational Unit 1 (“OU-1
18 ROD”) at the Meyers Landfill Site;

19 Whereas the UAO allows El Dorado County and its agents access to
20 the Meyers Landfill Site to implement the OU-1 ROD; and,

21 Whereas, the United States has issued such UAO in advance of the
22 lodging of a Proposed Consent Decree resolving its claims against El Dorado
23 County brought herein; and,

24 Whereas, the United States lodged a Proposed Partial Consent Decree
25 with the Court on June 28, 2010 and Notice of the proposed Partial Consent Decree
26 was published in the Federal Register on July 2, 2010; and,

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1 Whereas, both the United States and El Dorado County agree that
2 implementation of the OU-1 ROD at the Meyers Landfill Site to be conducted by
3 El Dorado County, as discussed above, will involve the incurrence of “response
4 costs” as that term is defined in CERCLA; and,

5 Whereas, the parties previously provided the Court a Stipulation
6 Concerning payment of funds held in the Court Registry Account which provided
7 that the funds would be transferred electronically; and,

8 Whereas, the parties subsequently have been advised that the Clerk’s
9 Office does not accommodate electronic transfer of funds from the Court Registry
10 Account;

11 Therefore, the United States and El Dorado County hereby request
12 that this Court approve payment of \$1.25 million, plus any interest accrued
13 thereon, from the Court Registry Account to El Dorado County for the
14 implementation of the OU-1ROD at the Meyers Landfill Site; and hereby request
15 that this Court direct the Clerk of the Court to issue payment of \$1.25 million, plus
16 any interest accrued thereon, from the Court Registry Account to El Dorado
17 County, California as follows within five (5) days of this Order:

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Payee: "County of El Dorado"
Payment to be accepted in person at the Clerk's Office by:
Ms. Kerri Williams
Fiscal Administration Manager
County of El Dorado
Environmental Management Department.

IT IS SO STIPULATED.

July 27, 2010
Date


/s/ Thomas F. Vandenburg
THOMAS F. VANDENBURG
DONGELL LAWRENCE FINNEY LLP
Attorneys for El Dorado County, California

July 27, 2010
Date

/s/ Karl J. Fingerhood
KARL J. FINGERHOOD
U.S. Department of Justice
Attorneys for the United States of America

IT IS SO ORDERED.

Dated: July 28, 2010


MORRISON C. ENGLAND, JR
UNITED STATES DISTRICT JUDGE