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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

**UNITED STATES OF AMERICA, and
CALIFORNIA DEPARTMENT OF TOXIC
SUBSTANCES CONTROL,**

Plaintiffs,

v.

**STERLING CENTRECORP INC.,
STEPHEN P. ELDER, and ELDER
DEVELOPMENT, INC.,**

Defendants.

2:08-cv-02556-MCE-DB
**ORDER REGARDING DTSC'S
ENFORCEMENT COSTS**

The Court having reviewed the motion of Plaintiff the California Department of Toxic Substances Control ("DTSC") against Defendants Sterling CentreCorp, Inc. ("Sterling"), Stephen P. Elder and Elder Development, Inc. (collectively, "Elder") for an award of enforcement response costs, the declarations and exhibits in support thereof, as well as the opposition and reply papers, and good cause appearing;

IT IS HEREBY ORDERED that:

- 1) DTSC's motion ((ECF No. 305) is GRANTED.

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- 2) As of April 5, 2016, DTSC incurred recoverable unreimbursed enforcement response costs of at least \$476,754.94 in connection with the Lava Cap Mine Superfund Site in Nevada County;
- 3) These costs were not inconsistent with the National Contingency Plan and are therefore recoverable against Defendants pursuant to section 107(a) of the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. § 9607(a).

IT IS SO ORDERED.

Dated: February 8, 2018


MORRISON C. ENGLAND, JR.
UNITED STATES DISTRICT JUDGE