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 18 CALIFORNIA SPORTFISHING  
 19 PROTECTION ALLIANCE

20 **UNITED STATES DISTRICT COURT**  
 21 **EASTERN DISTRICT OF CALIFORNIA**

22 CALIFORNIA SPORTFISHING  
 23 PROTECTION ALLIANCE, a non-profit  
 24 corporation,

25 Plaintiff,

26 vs.

27 NORTHSTATE RECYCLING, a California  
 28 corporation, and WILLIAM SHORT, an  
 individual

Defendants.

Case No. 2:10-CV-01688-WBS -EFB

**STIPULATION AND  
 ORDER TO APPROVE AMENDED  
 CONSENT AGREEMENT**

(Federal Water Pollution Control Act,  
 33 U.S.C. §§ 1251 to 1387)

TO THE COURT:

Plaintiff California Sportfishing Protection Alliance (“PLAINTIFF” or “CSPA”), and  
 Defendants Northstate Recycling (“NORTHSTATE”) and William Short (“SHORT”),<sup>1</sup>  
 (collectively, the “Parties”) stipulate as follows:

<sup>1</sup> Unless otherwise noted, NORTHSTATE and SHORT shall be referred to collectively herein as “DEFENDANTS.”

1           **WHEREAS**, on or about April 28, 2010, CSPA provided DEFENDANTS with a Notice  
2 of Violations and Intent to File Suit (“60-Day Notice Letter”) under Section 505 of the Federal  
3 Water Pollution Control Act (“Act” or “Clean Water Act”), 33 U.S.C. § 1365;

4           **WHEREAS**, on July 1, 2010, CSPA filed its Complaint against DEFENDANTS in this  
5 Court, *California Sportfishing Protection Alliance v. Northstate Recycling, et al.*, (USDC, E.D.  
6 Cal., Case No. 2:10-CV-01688-WBS –EFB) and said Complaint incorporated by reference all  
7 of the allegations contained in CSPA’s 60-Day Notice Letter dated April 29, 2010;

8           **WHEREAS**, CSPA and DEFENDANTS, resolved the allegations of CSPA as set forth  
9 in the Clean Water Act Notice Letters and Complaint, in full, by way of settlement memorialized  
10 in a Consent Agreement;

11           **WHEREAS**, pursuant to 40 C.F.R. § 135.5, the the U.S. EPA and the U.S. Department  
12 of Justice submitted a letter to the Court on May 2, 2011 stating that the agencies had no  
13 objection to the Consent Agreement has been completed without by the agencies;

14           **WHEREAS**, the Court signed a stipulation and order approving the May 2, 2011  
15 Consent Agreement on May 6, 2011;

16           **WHEREAS**, the Defendants have not complied with the requirements of the May 2,  
17 2011 Consent Agreement;

18           **WHEREAS**, the parties resolved their disputes arising from the Defendants failure to  
19 comply with the requirements of the May 2, 2011 Consent Agreement through a meet and confer  
20 process that resulted in the Amended Consent Agreement attached hereto and incorporated  
21 herein as Exhibit 1; and

22           **WHEREAS**, the Parties submitted the Amended Consent Agreement via certified mail,  
23 return receipt requested, to the U.S. EPA and the U.S. Department of Justice (“the agencies”) for  
24 review pursuant to 40 C.F.R. § 135.5, and that said review has been completed without objection  
25 by the agencies.

26 //

27 ///

1           **NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED TO BY AND**  
2 **BETWEEN THE PARTIES:**

3           1.       That the Court be requested to approve the Amended Consent Agreement  
4 attached hereto and incorporated herein as Exhibit 1, and enter judgment therewith.

5           2.       That this Court be requested to retain and have jurisdiction over the Parties  
6 throughout the duration of the Amended Consent Agreement for the sole purpose of resolving  
7 any disputes between the Parties with respect to enforcement of any provision of the Amended  
8 Consent Agreement.

9  
10 DATED: April 22, 2013

JACKSON & TUERCK

11                   /s/ Robert J. Tuerck  
12 Robert J. Tuerck  
13 Attorney for Plaintiff  
CALIFORNIA SPORTFISHING PROTECTION  
ALLIANCE

14 DATED: April 22, 2013

WELLS, SMALL, FLEHARTY & WEIL

15                   /s/ Bartley S. Fleharty (as approved on 04/22/2013)  
16 Bartley S. Fleharty  
17 Attorney for Defendants  
18 NORTHSTATE RECYCLING AND  
19 WILLIAM SHORT  
20  
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1 **ORDER**

2 **WHEREAS**, the Parties have consented to entry of the foregoing Amended Consent  
3 Agreement and requested the Court’s approval and entry thereof; and

4 **WHEREAS**, pursuant to 33 U.S.C. § 1365(c)(3), the Parties submitted the Amended  
5 Consent Agreement to the United States Attorney General and the Administrator of the United  
6 States Environmental Protection Agency and the review has been completed without objection  
7 by the agencies;

8 **WHEREAS**, the Court has reviewed the Amended Consent Agreement and fully  
9 considered the Parties’ request to enter this Amended Consent Agreement as an order; and

10 **WHEREAS**, the Court finds the Amended Consent Agreement to be: (1) fair, adequate  
11 and reasonable; (2) consistent with applicable laws; and (3) protective of the public interest; and

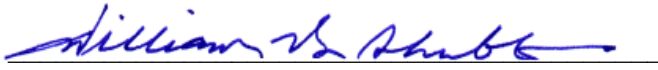
12 **WHEREAS**, good cause appearing therefore,

13 1. IT IS ORDERED that the Amended Consent Agreement attached to the Parties’  
14 Stipulation to Approve Amended Consent Agreement as **Exhibit A** is hereby approved and  
15 judgment is entered in accordance therewith;

16 2. IT IS FURTHER ORDERED that the Court shall retain and have jurisdiction over  
17 the Parties with respect to disputes arising under the Amended Consent Agreement.

18 IT IS SO ORDERED.

19 **Dated:** April 22, 2013

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21   
22 WILLIAM B. SHUBB  
23 UNITED STATES DISTRICT JUDGE