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 10 IN THE UNITED STATES DISTRICT COURT
 11 FOR THE EASTERN DISTRICT OF CALIFORNIA
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 14 **CALIFORNIA DEPARTMENT OF TOXIC**
SUBSTANCES CONTROL,

15
 16 Plaintiff,

17 v.

18 **THE UNITED STATES OF AMERICA,**

19 Defendant.

2:16-cv-02897-JAM-AC

**STIPULATION AND ORDER TO
 CONTINUE THE STAY**

Judge: John A. Mendez
 Action Filed: December 9, 2016

1 Plaintiff, the Department of Toxic Substances Control (“DTSC”) and Defendant, the
2 United States of America (“United States”) hereby submit this Stipulation and [Proposed] Order
3 to Continue the Stay and to postpone the deadline for dispositional papers. Dispositional papers
4 are currently due on or before September 1, 2017. DTSC and the United States stipulate to lodge
5 the proposed Consent Decree by November 1, 2017.

6 **BACKGROUND**

7 On or about December 9, 2016, DTSC initiated the above-captioned case, seeking cost
8 recovery and declaratory relief under sections 107(a) and 113(g) of the Comprehensive
9 Environmental Response, Compensation, and Liability Act (“CERCLA”), 42 U.S.C. §§ 9607(a)
10 and 9613(g). The matter concerns the properties known as 711 and 750 Jackson Street, Benicia,
11 Solano County, California (identified by Assessor’s Parcel number 0080-14-0440) and 938, 940,
12 942, 945, 946, 952, and 954 Tyler Street; 963, 965, 967, 969, 971, 973, 977, 979, 981, 983, 985,
13 989, and 991 Lincoln Street; and 900 and 954 Jackson Street, Benicia, Solano County, California
14 (identified by Assessor’s Parcel numbers 0080-28-0010, 0080-28-0030, 0080-28-0040, 0080-28-
15 0050) and all locations where hazardous substances released at, in, or from those addresses may
16 come to be located in the future (the “Site”). On April 27, 2017 DTSC and the United States filed
17 a Joint Notice of Tentative Settlement and asked the Court for additional time to file dispositional
18 papers. On April 28, 2017 the Court filed a Minute Order that stayed the matter and instructed
19 the parties to file dispositional documents on or before September 1, 2017.

20 **SETTLEMENT PROGRESS**

21 DTSC and the United States have been negotiating in good faith to resolve this matter.
22 While staff attorneys have agreed upon the terms of the Consent Decree that will settle this matter,
23 authorized officials within these two government organizations still need to review and approve
24 the terms of the Consent Decree. In addition, the public, including the current and past owners of
25 the Site, will be provided the opportunity to comment on the proposed Consent Decree. DTSC
26 and the United States propose that the parties lodge a proposed Consent Decree approved by the
27 management of both governments on or before November 1.

1 After the proposed Consent Decree is lodged, DTSC and the United States agree that a 60-
2 day comment period is appropriate. At the end of the comment period, DTSC will need to
3 respond to public comments. Since we do not know the nature or the number of the comments
4 that need to be answered, DTSC requests up to 30 days to respond to the comments. After those
5 30 days, or sooner, if possible, the parties will file with the Court motions for approval of the
6 proposed Consent Decree, unless public comments disclose facts or considerations that indicate
7 the proposed Consent Decree is inappropriate, improper, or inadequate, in which case DTSC may
8 withdraw or withhold its consent to entry of the Consent Decree.

9 **STIPULATION**

10 The parties hereby stipulate and agree that there is good cause for the Court to enter the
11 following order:

12 1. The matter is stayed until March 1, 2018. On or before November 1, 2017, the parties
13 shall file a proposed Consent Decree with the Court.

14 2. In the event that a proposed Consent Decree cannot be filed with the Court by
15 November 1, 2017, the parties agree to file a joint status report notifying the Court of the status of
16 the approvals.

17 **IT IS SO STIPULATED.**

18 Dated: August 31, 2017

XAVIER BECERRA
Attorney General of California
SUSAN S. FIERING
Supervising Deputy Attorney General

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20
21 /s/ Heather Leslie

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23 _____
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Dated: August 31, 2017

JEFFREY H. WOOD
Acting Assistant Attorney General

/s/ Mark Rigau (as authorized on 8/31/17)

MARK A. RIGAU
Senior Trial Counsel
Environment and Natural Resources
Division
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Attorneys for the United States of America

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 8/31/2017

/s/ John A. Mendez

UNITED STATES DISTRICT COURT
JUDGE JOHN A. MENDEZ

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