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19 *Local Counsel for Plaintiffs*

20 UNITED STATES DISTRICT COURT
21 FOR THE NORTHERN DISTRICT OF CALIFORNIA
22 AT SAN FRANCISCO

23 BASEL ACTION NETWORK, et al.,)

24 Plaintiffs,)

25 v.)

26 U.S. ENVIRONMENTAL PROTECTION)
27 AGENCY, an agency of the United States; LISA P.)
28 JACKSON, Administrator, U.S. Environmental)
Protection Agency, in her official capacity,)

Defendants.)

Case No. 3:11-cv-06185-EMC

JOINT STIPULATION FOR
DISMISSAL WITHOUT PREJUDICE

29 JOINT STIPULATION FOR DISMISSAL WITHOUT
30 PREJUDICE (Case No. 3:11-cv-06185-EMC) -1-

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1 WHEREAS, the United States Environmental Protection Agency (“EPA”) issued a
2 general permit under the Marine Protection, Research, and Sanctuaries Act (“MPRSA”) to the
3 U.S. Navy on January 11, 1977, for the transport of target vessels for the purpose of sinking.
4 The general permit is codified at 40 C.F.R. § 229.2;

5 WHEREAS, in a letter dated August 2, 1999, EPA interpreted the general permit
6 requirements specific to the removal of materials containing polychlorinated biphenyls
7 (“PCBs”);

8 WHEREAS, in petitions dated June 28, 2011, and April 11, 2012, Plaintiffs requested
9 that EPA take action to amend the MPRSA general permit or, in the alternative, to take other
10 action under the Toxic Substances Control Act (“TSCA”) with respect to PCBs remaining on
11 vessels after sinking under the Navy’s sinking exercise (“SINKEX”) program;

12 WHEREAS, EPA did not respond to the TSCA portion of Plaintiffs’ 2011 petition and
13 denied the request for action under TSCA in the 2012 petition by letter dated July 10, 2012;

14 WHEREAS, on December 9, 2011, Plaintiffs filed the present lawsuit, challenging EPA
15 inaction in responding to requests in the petitions for action under the TSCA (Dkt. No. 1);

16 WHEREAS, EPA responded to Plaintiffs’ June 28, 2011 and April 11, 2012 petitions for
17 action under the MPRSA on January 29, 2014;

18 WHEREAS, Plaintiffs’ position is that EPA’s 2014 response to Plaintiffs’ petitions is
19 inadequate and does not address their serious concerns regarding the SINKEX program
20 identified in Plaintiffs’ petitions;

21 WHEREAS, Plaintiffs no longer intend to pursue litigation under TSCA challenging
22 EPA’s July 10, 2012 response and failure to respond to the TSCA portion of Plaintiffs’ 2011
23 petition;

1 ROBERT G. DREHER
2 Acting Assistant Attorney General
3 Environment and Natural Resources Division

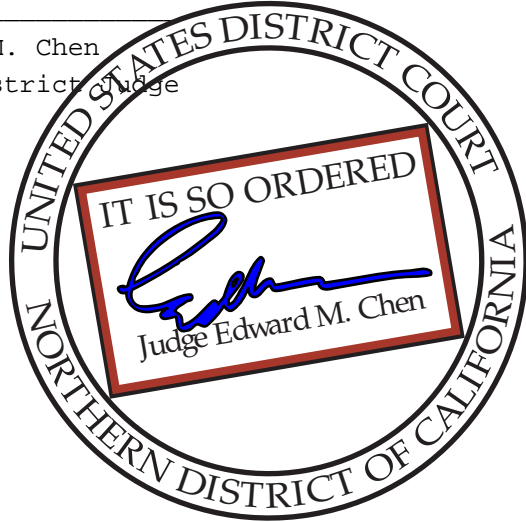
4 Email authorization 3/14/14

5 LESLIE M. HILL (D.C. Bar No. 476008)
6 U.S. Department of Justice
7 Environment & Natural Resources Division
8 Environmental Defense Section
9 601 D Street N.W., Suite 8000
10 Washington D.C. 20004
11 Leslie.Hill@usdoj.gov
12 Telephone (202) 514-0375
13 Facsimile (202) 514-8865

14 *Attorneys for Defendants*

15 IT IS SO ORDERED:

16 Edward M. Chen
17 U.S. District Judge



1 CERTIFICATE OF SERVICE

2 I am a citizen of the United States and a resident of the State of Washington. I am over 18
3 years of age and not a party to this action. My business address is 705 Second Avenue, Suite 203,
4 Seattle, Washington 98104.

5 I HEREBY CERTIFY that on March 17, 2014, I electronically filed the following
6 documents:

7 1. Joint Stipulation for Dismissal Without Prejudice
8 with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to
9 the following:

10 Leslie M. Hill
11 Assistant Attorney General
12 Environmental Defense Section
13 601 D Street N.W., Suite 8000
14 Washington D.C. 20004
15 (202) 514-0375 | Phone
(202) 514-8865 | Fax
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Attorney for Federal Defendants

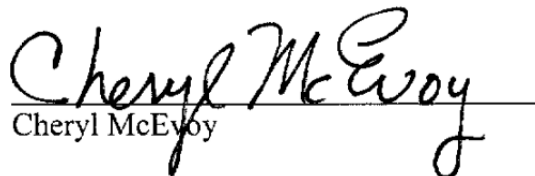
- via facsimile
- via overnight courier
- via first-class U.S. mail
- via hand delivery
- via e-mail
- via electronic service by Clerk

16 AND I FURTHER CERTIFY that I have mailed by United States Postal Service the
17 documents to the following non-CM/ECF participants:

18 None

19 I, Cheryl McEvoy, declare under penalty of perjury that the foregoing is true and correct.

20 Executed this 17th day of March, 2014, at Seattle, Washington.

21
22 
23 Cheryl McEvoy