



**U.S. Department of Justice**

Environment and Natural Resources Division

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90-11-6-18921

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**VIA E-MAIL AND U.S. MAIL**

February 2, 2011

Carolyn Tatoian Cain, REA  
Sr. Haz. Substances Scientist  
State of California  
Dept. of Toxic Substances Control  
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Re: DTSC's proposed February 22, 2011 meeting concerning properties within the boundaries of the former Benicia Arsenal

Dear Ms. Cain:

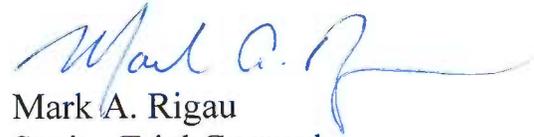
This letter is in response to your e-mail last Tuesday (1/25) and our telephone conversations of Thursday (1/27) and Monday (1/31). In the e-mail, you asked me to contact you to make formal arrangements regarding a meeting with the Department of Toxic Substances Control ("DTSC"). As I informed you during the subsequent calls, the parties that have been participating in settlement discussions have reserved February 22, 2011 for a meeting, as requested in DTSC's December 17, 2010 letter. I asked you about the time and location of the proposed meeting. I also asked if there was an agenda or, if not, what items you anticipated would be on the agenda.

You informed me that Eric Wallburg, DTSC Project Manager, had been deployed to Afghanistan and has not yet returned to the office. As a result, it is my understanding that DTSC has not completed a review of the environmental reports and related documents that the U.S. Army Corps of Engineers ("Corps") previously submitted to DTSC.

In response to your inquiry as to whether or not the potentially responsible parties ("PRPs") that have been engaged in settlement discussions had reached any agreement, I informed you that, as far as I know, the parties have not entered into any settlement agreements. The parties are continuing the discussions as previously represented. The next meeting is scheduled for February 10, 2011.

While the United States and the other PRPs are willing and available to meet with DTSC on February 22, 2011, given the current status it does not appear that it would be a productive use of time. Please let us know if DTSC would still like to host a meeting on that date, or if you have any alternative dates in mind.

Respectfully,



Mark A. Rigau  
Senior Trial Counsel

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