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July 10, 2003

REPORT TO THE HONORABLE  
MAYOR AND CITY COUNCIL

*UNITED STATES V. CITY OF SAN DIEGO*,  
U.S. DISTRICT COURT NO. 03-CV-1349-K  
(RELATED CASE: *BAYKEEPER V. CITY*,  
U.S. DISTRICT COURT NO. 01-CV-0550)

Attached is a copy of the Complaint for Civil Penalties and Injunctive Relief filed July 9, 2003, by the United States on behalf of the Environmental Protection Agency [EPA] alleging 1,500 sewage system overflows since 1997 in violation of the Clean Water Act (Complaint at page 7, paragraph 28). The EPA seeks injunctive relief, and regrettably, civil penalties of up to \$27,500 per day of violations.

This complaint was expected as the EPA and the Regional Water Quality Control Board seek to join the existing sewer spills case filed as *BayKeeper v. City of San Diego*, Case No. 01-CV-0550-B, currently pending in U.S. District Court. Consistent with your direction, we will seek to have the cases consolidated and explore mutually acceptable settlement options. As you are aware, the City is proactively addressing improvements in the wastewater collection system as directed and funded by the Mayor and City Council, which have to date resulted in a 41% reduction in the number of sewage system overflows 2000-2002.

As is our practice, we will regularly review the management of this case with you in Closed Session.

Respectfully submitted,

CASEY GWINN  
City Attorney

TB:mb  
Attachment  
RC-2003-18