

March 21, 1990

REPORT TO THE HONORABLE
MAYOR AND CITY COUNCIL
U.S.A. et al v. The City of San Diego;
Sierra Club & Emily Durbin, Intervenors
U.S. District Court No. 88-1101-B (IEG)

This case involves the intervenors' objections and attempt to block the filing of the Partial Consent Decree which resolved the remedial issues between the EPA and the City, based on the intervenors' contentions that the Point Loma treatment facility should be limited to present flows and that future flows could be substantially reduced by mandatory water conservation measures.

The hearing on intervenors' objections was held in Department No. 2, United States District Court, before The Honorable Rudi M. Brewster. I am pleased to report that Judge Brewster, after a review of all the evidence and a personal tour of the principal facilities, has overruled all the intervenors' objections and refused to require a re-negotiation of the Partial Consent Decree or any of its components. The full ruling is attached for your review.

I think it is important to stress that the City's case did not minimize the importance of water conservation. Rather, as found by Judge Brewster, the new sewage system is designed assuming water conservation will be practiced but recognizes that any one method of water conservation cannot be arbitrarily imposed:

Any final water conservation program must be a multi-faceted proposal, which deserves careful analysis and an opportunity for input from all impacted community interests. The process is political and legislative in nature and is best developed by elected representatives.

Findings of Judge Brewster at page 7

The Partial Consent Decree will now be noticed in the Federal Register to permit comment from all segments of the community. The City was represented in this hearing by James Dragna, Special Counsel, and by Ted Bromfield, Chief Deputy City Attorney.

Respectfully submitted,
JOHN W. WITT
City Attorney

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Attachment

RC-90-20