

June 6, 1991

REPORT TO THE HONORABLE
MAYOR AND CITY COUNCIL

U.S.A. V. THE CITY OF SAN DIEGO,
U.S. District Court No. 88-1101

Since May 21, 1991, the City has been in trial before the Honorable Rudi M. Brewster, United States District Court, on the issue of entry of the Partial Consent Decree as a final judgment to resolve all injunctive relief claims brought by the EPA under the Clean Water Act. Under existing law, Judge Brewster had to decide whether to accept, reject or defer the Partial Consent Decree.

Ruling from the bench on June 5, 1991, Judge Brewster decided to defer a final decision on the Partial Consent Decree until mid-January 1993, on the following three conditions:

1. That all parties are to continue to perform under all milestones specified in the decree;
2. That the City conduct a one (1) year pilot test of the Point Loma plant to determine if further chemical additions will achieve the secondary treatment requirements;
3. That the City complete and submit its water reuse master plan to determine the demand and distribution system necessary for the maximum reuse of reclaimed water.

Judge Brewster expressly praised the effort of the Partial Consent Decree to establish aggressive water reclamation goals and stressed that he was not disapproving the document. Rather, he felt the deferral time would give all parties more information on the effect of conservation, water reuse demand and pilot tests at Point Loma to better assess the provisions of the decree.

A transcript of Judge Brewster's remarks has been ordered and the effects of the deferral will be reviewed with you in closed session.

Chief Deputy Ted Bromfield and Special Counsel David S. Poole represented the City throughout the hearing.

Respectfully submitted,
JOHN W. WITT
City Attorney

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RC-91-30