

RESOLUTION NUMBER R- 271950

ADOPTED ON SEP 21 1988

WHEREAS, The City of San Diego requested a variance under section 301(h) of the Clean Water Act from the secondary treatment requirements contained in section 301(b)(1)(B) of the Act, 33 U.S.C. §1311(b)(1)(B); and

WHEREAS, the Environmental Protection Agency approved said variance on September 8, 1981; and

WHEREAS, The City of San Diego submitted a revised application for variance on November 23, 1983 with additional information all as requested by the EPA; and

WHEREAS, The City of San Diego's revised application was under active submission from November 23, 1983 to September 30, 1986 whereupon it was tentatively denied; and

WHEREAS, after said tentative denial The City of San Diego had six (6) months or through March 30, 1987 to submit an amended application; and

WHEREAS, on February 17, 1987 The City of San Diego voluntarily withdrew its application for a waiver and directed its City Manager to "develop all appropriate plans and programs to implement secondary and tertiary treatment"; and

WHEREAS, on April 27, 1987 the City Council created the "Metropolitan Treatment Facility Task Force" consisting of sixteen (16) prominent citizens for the principal purpose of providing advice on the modification of all treatment facilities including secondary treatment facilities; and

WHEREAS, the Task Force has been meeting continuously and biweekly since its inception providing expertise, direction and oversight to the City Council and City Manager on the best means of achieving secondary treatment; and

WHEREAS, after dedicated and detailed review of all applicants by a subcommittee of the Task Force and complicated contract negotiations between city staff and the recommended consultant, the City Council hired James M. Montgomery Consulting Engineers, Inc. on March 22, 1988 to be the program manager for the City's efforts to achieve secondary treatment; and

WHEREAS, the program manager has reported to the City that proper planning of the City's secondary treatment effort which requires an analysis of multiple project alternatives culminating in a City-certified Facilities Plan will not be available to the City in final form until October 31, 1991; and

WHEREAS, the City through its City Manager and City Attorney communicated the need for this vital planning time complete with detailed justifications therefor to all concerned enforcement agencies on June 28, 1988; and

WHEREAS, the City has been served with a complaint (U.S.A. v. City of San Diego, No. 881101B) alleging violations of the Clean Water Act; NOW, THEREFORE,


BE IT RESOLVED, by the Council of The City of San Diego, that it is the intent of the City to use its best efforts in good faith to achieve and maintain full compliance with the Clean Water Act, the Porter-Cologne Act and the Water Quality Control Plan for Ocean Waters of California adopted by the California

State Water Resources Control Board, including compliance with all requirements of NPDES Permit No. CA 0107409, at the earliest practicable time.

BE IT FURTHER RESOLVED, that the City recognizes that the proper planning for secondary treatment facilities (estimated to be approximately 1.5 billion dollars) requires a thirty-nine (39) month planning process as recommended by its program manager, James M. Montgomery, Inc., and therefore requests that the United States Justice Department and the Environmental Protection Agency permit through an appropriate legal document said thirty-nine (39) month planning process before seeking additional enforcement options.

BE IT FURTHER RESOLVED, that the City Council upon receipt of the Final Project Report intends to fulfill its obligations to the Clean Water Act by directing full implementation of the secondary treatment project(s) as recommended by its program manager and approved by the City Council.

APPROVED: JOHN W. WITT, City Attorney

By 
Ted Bromfield
Chief Deputy City Attorney

TB:mb
09/09/88
Or.Dept:Council
R-89-478.Rev.
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SEP 21 1988

Passed and adopted by the Council of The City of San Diego on....., by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gloria McColl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
H. Wes Pratt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksm	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
J. Bruce Henderson	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Filner	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

MAUREEN O'CONNOR
Mayor of The City of San Diego, California.

(Seal)

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California.

By *Raymond L. Pineda*, Deputy.

Office of the City Clerk, San Diego, California

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SAN DIEGO, CA