

RESOLUTION NUMBER R- 308022

DATE OF FINAL PASSAGE MAR 6 2013

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING THE SETTLEMENT WITH THE
SAN DIEGO REGIONAL WATER QUALITY CONTROL
BOARD REGARDING SEWAGE SPILLS FROM PUMP
STATIONS 1 AND 64 ON SEPTEMBER 8, 2011.

WHEREAS, the Regional Water Quality Control Board for the San Diego Region (Regional Board) alleges state and federal regulatory violations by the City of San Diego (City) arising from the sewer spills at Pump Stations 1 and 64 that occurred as a result of the regional power outage on September 8, 2011 (Regional Board Complaint); and

WHEREAS, the Council of the City of San Diego in Closed Session on February 26, 2013 authorized full settlement of the Regional Board Complaint for an amount consistent with the amounts set forth below and pursuant to such other terms more fully set forth in the Settlement Agreement; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego that the Council authorizes:

1. The sum of \$622,707 to be paid from Sewer Fund 700000 as a Stipulated Administrative Civil Liability for the September 8, 2011 sewage spills at Pump Stations 1 and 64, in accordance with the terms of the Settlement Agreement.

2. The Chief Financial Officer to appropriate and expend \$622,707 from Sewer Fund 700000, contingent upon the Chief Financial Officer demonstrating that the funds necessary for expenditure are, or will be, on deposit with the City Treasury.

3. The Chief Financial Officer to issue, within 30 days of the effective date of the Regional Board's order approving the Settlement Agreement, a check in the amount of \$622,707 made payable to the State Water Pollution Cleanup and Abatement Account, with the original signed check to be sent to James Smith, Regional Water Quality Control Board, San Diego Region, 9174 Sky Park Court, Suite 100, San Diego, CA 92123 and with a copy sent to Julie Macedo, State Water Resources Control Board, Office of Enforcement, P.O. Box 100, Sacramento, CA 95812.

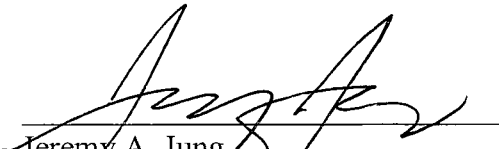
4. Payment of an amount not to exceed \$622,707 from Sewer Fund 700000, solely in the event the Regional Board determines that the City has not completed the Enhanced Compliance Action (ECA) in accordance with the Settlement Agreement.

5. The Chief Financial Officer to appropriate and expend an additional \$622,707 from Sewer Fund 700000, only if the Regional Board determines that the City has not completed the ECA in accordance with the Settlement Agreement and contingent upon the Chief Financial Officer demonstrating that the funds necessary for expenditure are, or will be, on deposit with the City Treasury.

6. The Chief Financial Officer to issue a check for an amount to be determined by the Regional Board but in no case to exceed \$622,707, made payable to the State Water Pollution

Cleanup and Abatement Account, upon receipt of notice from the Regional Board that the City has not completed the ECA in accordance with the Settlement Agreement.


APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Jeremy A. Jung
Deputy City Attorney


JAJ:cw
02/26/13
Or.Dept:Public Utilities - Wastewater
Doc. No.: 521520

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of 3/5/2013.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 3/6/13
(date)


BOB FILNER, Mayor

Vetoed: _____
(date)

BOB FILNER, Mayor