

RESOLUTION NUMBER R- 311847

DATE OF FINAL PASSAGE JUN 29 2018

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO AUTHORIZING A CONSENT ORDER
AGREEMENT WITH COUNTY OF SAN DIEGO,
DEPARTMENT OF HEALTH, FOR CLAIMS OF VIOLATIONS
AT THE ALVARADO WATER TREATMENT PLANT.

WHEREAS, on September 22, 2016, the failure to properly test and identify runoff water that collected in a covered chemical pipe trench at the Alvarado Water Treatment Plant (AWTP) caused it to be released into the environment in violation of various sections of Title 22, California Code of Regulations, the California Health & Safety Code and Title 40 of the Code of Federal Regulations; and

WHEREAS, the City of San Diego contracted to clean up and properly dispose of the hazardous waste, then submitted proof of corrections and prevention measures to the County of San Diego Department of Environmental Health, Hazardous Materials Division (DEH) for the violations which included the development and submission of a written procedure to properly inspect and maintain chemical containment trenches; and

WHEREAS, on December 13, 2017 a settlement conference was held with the DEH and the City of San Diego, Public Utilities Department (PUD) and the parties tentatively agreed to a Consent Order that constitutes full settlement of the violations; NOW, THEREFORE,

BE IT RESOLVED, by the City Council of the City of San Diego, that the Mayor, or his designee, is authorized to enter into the Consent Order Agreement with the County of San Diego, DEH, to resolve all claims for violations arising from the hazardous waste released at the AWTP on September 22, 2016, for a stipulated penalty of \$54,600 plus DEH's investigation and case

preparation costs of \$4,470 for a total amount of \$59,070, with fifty percent (50%) of the penalty amount (\$27,300) suspended and dismissed upon completion of a Supplemental Environmental Project (SEP) contract amendment by PUD before December 31, 2018.

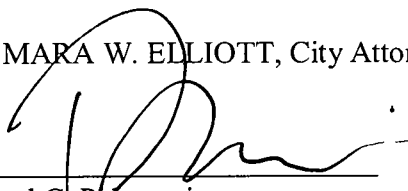
BE IT FURTHER RESOLVED, that the Chief Financial Officer is authorized to expend an amount not to exceed \$59,070 from the Water Utility Operating Fund 700011, for the Consent Order agreement's AWTP hazardous waste penalty and DEH's investigation and case preparation costs, contingent upon the Chief Financial Officer first furnishing one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

BE IT FURTHER RESOLVED, that the City Comptroller is authorized to issue two checks: one in the amount of \$27,300 for the penalty and the other for \$4,470 for case preparation to be made payable to the County of San Diego, DEH by June 29, 2018.

BE IT FURTHER RESOLVED, that the City Comptroller is authorized to issue a check in the amount of \$27,300, made payable to the County of San Diego, DEH, by January 30, 2019 if the SEP is not completed and documentation submitted by December 31, 2018.

APPROVED: MARA W. ELLIOTT, City Attorney

By



Raymond C. Palmucci
Deputy City Attorney

RCP:amc
June 7, 2018
Or.Dept:PUD
CC No. 3000011176
Doc. No.: 1768080

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JUN 26 2018.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 6/28/18
(date)


KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

**The City of San Diego
COMPTROLLER'S CERTIFICATE**

CERTIFICATE OF UNALLOTTED BALANCE

ORIGINATING

CC 3000011176
DEPT. NO.: 2000

I HEREBY CERTIFY that the money required for the allotment of funds for the purpose set forth in the foregoing resolution is available in the Treasury, or is anticipated to come into the Treasury, and is otherwise unallotted.

Amount: _____ Fund: _____

Purpose: _____

Date: _____ By: _____

COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA									
Doc. Item	Fund	Funded Program	Internal Order	Functional Area	G/L Account	Business Area	Cost Center	WBS	Original Amount
TOTAL AMOUNT									

FUND OVERRIDE

CERTIFICATION OF UNENCUMBERED BALANCE

I HEREBY CERTIFY that the indebtedness and obligation to be incurred by the contract or agreement authorized by the hereto attached resolution, can be incurred without the violation of any of the provisions of the Charter of the City of San Diego; and I do hereby further certify, in conformity with the requirements of the Charter of the City of San Diego, that sufficient moneys have been appropriated for the purpose of said contract, that sufficient moneys to meet the obligations of said contract are actually in the Treasury, or are anticipated to come into the Treasury, to the credit of the appropriation from which the same are to be drawn, and that the said money now actually in the Treasury, together with the moneys anticipated to come into the Treasury, to the credit of said appropriation, are otherwise unencumbered.

Not to Exceed: \$31,770.00

Vendor: County of San Diego, Department of Environmental Health

Purpose: Authorize payment of Consent Order Agreement to resolve claims for violations arising from the hazardous waste released on September 22, 2016 at the Alvarado Water Treatment Plant.

Date: June 1, 2018

By: Chris Purcell 
COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA									
Doc. Item	Fund	Funded Program	Internal Order	Functional Area	G/L Account	Business Area	Cost Center	WBS	Original Amount
01	700011			OTHR-00000000-WU	512046	2000	200201211		\$31,770.00
TOTAL AMOUNT									\$31,770.00

CC-381 (REV 7-09)

FUND OVERRIDE

CC 3000011176

Passed by the Council of The City of San Diego on JUN 26 2018, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Ward	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Georgette Gomez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage JUN 29 2018

(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

(Seal)

By Connie Patterson, Deputy

Office of the City Clerk, San Diego, California
Resolution Number R- 311847