

1 [Settlement Of Lawsuit]

2 **Ordinance authorizing settlement of the lawsuit filed by the City and County of San**
3 **Francisco and the Environmental Law Foundation against Nibco, Inc. for \$83,000; the**
4 **lawsuit was filed on December 28, 1999 in the Superior Court of California for the City**
5 **and County of San Francisco, CASE NO. 308832; The People of the State of California**
6 **by and through San Francisco City Attorney DENNIS J. HERRERA, et al., V. Matco-**
7 **Norca, et al.; other material terms of said settlement are: (1) Within 60 days from the**
8 **entry of the Consent Judgment, Nibco shall to provide a Proposition 65 "hang tag" or**
9 **adhesive warning sign securely affixed on all brass water shut off valves it**
10 **manufactures or distributes and intended for sale or use in California whose American**
11 **National Standard/NSF International Standard 61, Section 8 test results for lead leached**
12 **into water is greater than 5 micrograms per liter; (2) Nibco shall meet certain lead**
13 **reduction targets for certain water shut off valves manufactured or distributed by Nibco**
14 **that are intended for sale or use in California; (3) Within 60 days following the end of**
15 **each targeted period, Nibco shall submit to the Environmental Law Foundation test**
16 **result showing that the specific valves set forth in the lead reduction target that are**
17 **sold or used in California meet the lead reduction level required and a certification that**
18 **Nibco has not and will not offer for sale or use in California valves that do not comply**
19 **with the lead reduction target.**

20 Be it ordained by the People of the City and County of San Francisco:

21 Section 1. The City Attorney is hereby authorized to settle with Defendant Nibco, Inc.
22 in the action entitled "The People of the State of California by and through the San Francisco
23 City Attorney, DENNIS J. HERRERA, et al., v. Matco-Norca, et al.", Superior Court of
24 California for the City and County of San Francisco, Court No. 308832 for the payment of
25 \$83,000 by Defendant Nibco to the City and County of San Francisco and its co-plaintiff, the

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1 Environmental Law Foundation. In addition to the settlement payment, Defendant Nibco
2 agrees to the following additional terms:

- 3 a. Within sixty (60) days after the entry of the Consent Judgment, Nibco is required to
4 affix a Proposition 65 warning sign, in the form of a hand tag or an adhesive
5 warning, to brass water shut off valves it manufactures, distributes, and offer for
6 sale or use in California, which leach lead at a level that is greater than 5
7 micrograms per liter as determined by the American National Standard/NSF
8 International Standard 61, Section 8 Protocol (NSF Protocol).
- 9 b. Nibco is required to meet the following lead reduction targets from certain valves
10 manufactured or distributed by Nibco for sale or use in California:
- 11 1. Within six (6) months from the entry of the Consent Judgment, Nibco shall not
12 offer for sale or use in California any Forged Yellow Brass Ball Valve, Product
13 No. FP600 any Cast Yellow Brass Gate Valve, Product Nos. SI/TI-7 and SI/TI-8
14 that leaches lead at a level greater than 11 microgram per liter as determined by
15 the NSF Protocol.
- 16 2. Within eighteen (18) months from the entry of the Consent Judgment, Nibco
17 shall not offer for sale or use in California any Forged Yellow Brass Ball Valve,
18 Product No. FP600 and Cast Yellow Brass Gate Valves, Product Nos. SI/TI-7,
19 SI/TI-8 that leaches lead at a level greater than 5 microgram per liter as
20 determined by the NSF Protocol.
- 21 3. Within twenty-four (24) months from the entry of the Consent Judgment, Nibco
22 shall not offer for sale or use in California any Cast Yellow Swing Check Valve,
23 Product No. SI/TI-3; Cast Red Brass Lift Valve, Product No. S/T 480; and Cast
24 Red Brass Stop Valves and Stop & Waste Valves, Product Nos. 75, 725, 75-CL,
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1 725-CL, 76, 726, 76-CL, 726-CL that leaches lead at a level greater than 11
2 microgram per liter as determined by the NSF Protocol.

3 4. Within thirty-six (36) months from the entry of the Consent Judgment, Nibco
4 shall not offer for sale or use in California any Cast Yellow Swing Check Valve,
5 Product No. SI/TI-3; Cast Yellow Brass Gate Valves, Product Nos. SI/TI-7, SI/TI-
6 8; Cast Red Brass Lift Valve, Product No. S/T 480; and Cast Red Brass Stop
7 Valves and Stop & Waste Valves, Product Nos. 75, 725, 75-CL, 725-CL, 76,
8 726, 76-CL, 726-CL that leaches lead at a level greater than 5 microgram per
9 liter as determined by the NSF Protocol.

10 c. Within 60 days following the end of each targeted period, Nibco shall provide the
11 Environmental Law Foundation with test result showing compliance with the lead
12 reduction target set forth in Paragraph b, above and shall certified that it has not
13 and did not offer for use or sale, in California, any valves that does not meet the
14 lead reduction target.

15 Section 2. The City Attorney is hereby authorized to enter into any modifications of the
16 terms of settlement agreement as may be required by the Attorney General of the State of
17 California that does not materially affect the terms set forth in Section 1 of this Ordinance.

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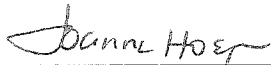
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1 Section 3. The above-named action was filed in Superior Court of California for the
2 City and County of San Francisco on December 28, 1999, and the following parties were
3 named in the lawsuit: The People of California, by and through the San Francisco City
4 Attorney, DENNIS J. HERRERA, Plaintiff; The Environmental Law Foundation, Plaintiff;
5 Matco-Norca, Inc., Defendant; and Nibco, Inc., Defendant.

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8 APPROVED AS TO FORM AND
RECOMMENDED:

9 DENNIS J. HERRERA
10 City Attorney

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14 JOANNE HOEPER
15 Chief Trial Deputy
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City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails

Ordinance

File Number: 020760

Date Passed:

Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco and the Environmental Law Foundation against Nibco, Inc. for \$83,000; the lawsuit was filed on December 28, 1999 in the Superior Court of California for the City and County of San Francisco, CASE NO. 308832; The People of the State of California by and through San Francisco City Attorney DENNIS J. HERRERA, et al., V. Matco-Norca, et al.; other material terms of said settlement are: (1) Within 60 days from the entry of the Consent Judgment, Nibco shall to provide a Proposition 65 "hang tag" or adhesive warning sign securely affixed on all brass water shut off valves it manufactures or distributes and intended for sale or use in California whose American National Standard/NSF International Standard 61, Section 8 test results for lead leached into water is greater than 5 micrograms per liter; (2) Nibco shall meet certain lead reduction targets for certain water shut off valves manufactured or distributed by Nibco that are intended for sale or use in California; (3) Within 60 days following the end of each targeted period, Nibco shall submit to the Environmental Law Foundation test result showing that the specific valves set forth in the lead reduction target that are sold or used in California meet the lead reduction level required and a certification that Nibco has not and will not offer for sale or use in California valves that do not comply with the lead reduction target.

June 10, 2002 Board of Supervisors — PASSED, ON FIRST READING

Ayes: 9 - Ammiano, Daly, Gonzalez, Leno, Maxwell, McGoldrick, Newsom,
Peskin, Yee
Absent: 2 - Hall, Sandoval

June 17, 2002 Board of Supervisors — FINALLY PASSED

Ayes: 10 - Ammiano, Daly, Gonzalez, Leno, Maxwell, McGoldrick, Newsom,
Peskin, Sandoval, Yee
Absent: 1 - Hall

File No. 020760

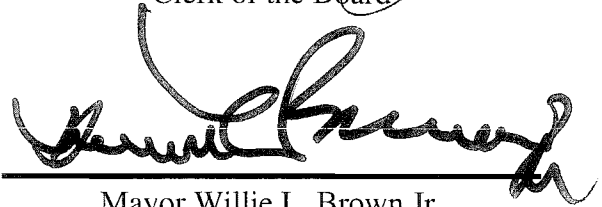
I hereby certify that the foregoing Ordinance
was FINALLY PASSED on June 17, 2002 by
the Board of Supervisors of the City and
County of San Francisco.

JUN 21 2002

Date Approved



Gloria L. Young
Clerk of the Board



Mayor Willie L. Brown Jr.