

1 [Settlement of claim]

2

3 **Resolution approving settlement of the unlitigated claim of the Gibson Group Trust in**  
4 **an amount not to exceed \$67,000 for payment of past and future costs of responding to**  
5 **contamination at Gibson Environmental site; Bakersfield, California.**

6

7 WHEREAS, the California Department of Toxic Substances Control (“DTSC”) issued  
8 an Imminent and Substantial Endangerment Determination and Order and Remedial Action  
9 Order, on November 8, 1999 (“DTSC Order”), ordering about 40 entities to perform response  
10 actions relating to environmental conditions in soil and/or groundwater at the former Gibson  
11 Environmental, Inc. recycling and disposal facility located at 2401 Gibson Street in  
12 Bakersfield, California (“Site”);

13 WHEREAS, several named and unnamed entities have formed the Gibson Group Trust  
14 (“Trust”) and have been performing the work mandated by the DTSC Order pursuant to  
15 various agreements among themselves;

16 WHEREAS, the Trust alleges that the City, acting through its various departments and  
17 commissions, also sent waste to the Site, giving rise pursuant to state and federal law for  
18 liability for reimbursement of a portion of the Trust's costs;

19 WHEREAS, the Trust asserted a claim against the City for such costs and proposed to  
20 settle that claim in exchange for a release of liability and an indemnity against certain future  
21 claims;

22 WHEREAS, various departments or commissions of the City legally shipped small  
23 quantities of hazardous and non-hazardous wastes to the Site within the period of 1987-1994  
24 during which the Site operated as a permitted waste facility;

25

1           WHEREAS, under the federal Comprehensive Environmental Response,  
2 Compensation and Liability Act of 1980, the City is alleged to be a potentially responsible  
3 party, along with hundreds of other entities, including the Trust members, responsible for  
4 contributing to payment of the response Costs relating to the Site;

5           WHEREAS, the following departments or commissions of the City have recommended  
6 settlement of the claim by payment of the offered settlement amount in the following amounts,  
7 representing the proportion each such department or commission bears to the total  
8 contribution of wastes by the City to the Site:

9

10	Public Utilities Commission:	\$26,344
11	Port Commission	\$858
12	Department of Public Works:	\$38,351

13

14           WHEREAS, the City Attorney has approved the settlement; now, therefore, be it  
15           RESOLVED, That pursuant to Section 10.22 of the San Francisco Administrative Code,  
16 settlement and compromise of said claim by payment in an amount not to exceed \$67,000,  
17 the exact amount of which will be determined through further negotiation by the City Attorney,  
18 is hereby approved.

19

20           APPROVED AS TO FORM AND  
RECOMMENDED:

RECOMMENDED:

21

22           DENNIS J. HERRERA  
City Attorney

PUBLIC UTILITIES DEPARTMENT

23

24

25           JOANNE HOEPER  
Chief Trial Deputy

\_\_\_\_\_

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

PORT

MONIQUE MOYER  
Executive Director

DEPARTMENT OF PUBLIC WORKS

EDWIN M. LEE  
Director

FUNDS AVAILABLE:

EDWARD HARRINGTON  
Controller