

1 [Extension of Agreement For Additional Eighteen-Month Tolling of Statute of Limitations
2 Governing Administrative Proceeding or Suit.]

3 **Resolution approving the City Attorney's entry into an Extension of Tolling Agreement**
4 **governing administrative proceeding or suit by the United States Environmental**
5 **Protection Agency and the Casmalia Resources Site Steering Committee, effective**
6 **December 7, 2001.**
7

8 WHEREAS, The United States Environmental Protection Agency ("EPA") claims the
9 City and County of San Francisco has shipped hazardous wastes to the Casmalia Superfund
10 Site, which is a hazardous waste landfill in Santa Barbara County ("the Site"); and

11 WHEREAS, The EPA has stated its intent to initiate an administrative proceeding or a
12 lawsuit under the Comprehensive Environmental Response, Compensation and Liability Act
13 against the City, in which EPA would seek an order requiring the City to participate in the
14 costs of cleaning up and closing the Site; and

15 WHEREAS, The Casmalia Resources Site Steering Committee ("Committee") has
16 stated its intent to bring a lawsuit against the City for contribution and partial indemnity for the
17 costs of complying with a consent decree into which the Committee members have entered
18 with EPA requiring the same cleanup and closing; and

19 WHEREAS, The City entered into an agreement by which the statute of limitations on
20 any proceeding or lawsuit by EPA or the Committee against the City be tolled, or suspended,
21 for 18 months ("Tolling Agreement"), effective on June 7, 2000 (Resolution 294-00); and

22 WHEREAS, On, October 15, 2001, the Board of Supervisors approved Resolution 787-
23 01, approving a cash- settlement of these claims in an amount not to exceed \$180,000; and
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1 WHEREAS, Though imminent, the EPA has not yet entered into a final agreement with
2 the City or other potentially responsible parties to finally resolve liability at the Site; and

3 WHEREAS, The EPA and Committee has requested, and the City Attorney
4 recommends, that the City agree to extend the existing Tolling Agreement by an additional 18
5 months in order to allow for final settlement without litigation; now therefore be it,

6 RESOLVED, that pursuant to Section 10.22 of the San Francisco Administrative Code,
7 the entry by the City into an Amendment to Tolling Agreement is hereby approved, effective
8 December 7, 2001.

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10 APPROVED AS TO FORM AND
RECOMMENDED:

11 LOUISE H. RENNE
12 City Attorney

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14 _____
15 JOANNE HOEPER
16 Chief Trial Deputy