

File No. 230432

Committee Item No. 15

Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

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Committee: Government Audit and Oversight

Date: June 1, 2023

Board of Supervisors Meeting:

Date: _____

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OTHER

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Prepared by: Stephanie Cabrera

Date: May 24, 2023

Prepared by: _____

Date: _____

Prepared by: _____

Date: _____

1 [Authorization to Expend Funds for Yosemite Slough Sediment Site Studies]

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3 **Resolution authorizing the San Francisco Public Utilities Commission to expend funds,**
4 **subject to appropriation, to perform pre-design technical studies in support of cleanup**
5 **of the Yosemite Slough Sediment Site as required by the interim settlement of the**
6 **United States Environmental Protection Agency’s unlitigated claim against the City and**
7 **County of San Francisco approved in Resolution No. 350-16 and Ordinance No. 18-20.**

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9 WHEREAS, On December 15, 2008, the United States Environmental Protection
10 Agency (“EPA”) served notice on the City and County of San Francisco (“City”) identifying the
11 San Francisco Public Utilities Commission (“SFPUC”), along with other public and private
12 entities, as a potentially responsible party (“PRP”) under the Comprehensive Environmental
13 Response, Compensation, and Liability Act of 1980, 42 U.S.C. §9601 et seq., for the cleanup
14 of contaminated sediment at Yosemite Slough, a tidal channel flowing to the South Basin of
15 the San Francisco Bay between Hunters Point and Candlestick Point (the “Site”); and

16 WHEREAS, On January 27, 2015, EPA issued a demand, pursuant to 42 U.S.C.
17 §9622(e) (“Special Notice Letter”), that the City and other PRPs complete pre-design technical
18 studies in support of EPA’s chosen cleanup plan for the Site, and in 2016 the City and PRPs
19 California Department of Parks and Recreation, California State Lands Commission, and
20 United States Defense Logistics Agency entered into a settlement with EPA, approved by the
21 Board of Supervisors by Resolution No. 350-16, to perform four of the studies (“EPA Interim
22 Settlement”); and

23 WHEREAS, In 2019 EPA demanded the PRPs perform two additional technical studies
24 and the City agreed to perform the studies pursuant to an amendment to the EPA Interim
25 Settlement, approved by the Board of Supervisors in Ordinance No. 18-20; and

1 WHEREAS, The cost of this work has significantly increased since the Board adopted
2 that ordinance in early 2020 due to inflation and other factors; now, therefore, be it

3 RESOLVED, That the SFPUC is authorized to expend additional funds, subject to
4 appropriation, as needed to perform pre-design technical studies in support of cleanup of the
5 Yosemite Slough Sediment Site as required by the EPA Interim Settlement.
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<p>9 APPROVED:</p> <p>10 DAVID CHIU 11 City Attorney</p> <p>12 _____ 13 /s/</p> <p>14 ELAINE O'NEIL 15 Deputy City Attorney 16 Construction and Public Contracting 17 Team Leader</p>	<p>RECOMMENDED:</p> <p>SAN FRANCISCO PUBLIC UTILITIES COMMISSION</p> <p>_____</p> <p>/s/</p> <p>DENNIS J. HERRERA General Manager of the San Francisco Public Utilities Commission</p> <p>APPROVED:</p> <p>_____</p> <p>/s/</p> <p>DONNA HOOD Commission Secretary</p>
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