

1 [Settlement of Lawsuit - People of the State of California - \$250,000]

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3 **Ordinance authorizing settlement of the lawsuit filed by the People of the State of**
4 **California against the City and County of San Francisco for \$250,000; the lawsuit will be**
5 **filed in Alameda County Superior Court; and be entitled People of the State of**
6 **California v. San Francisco Public Utilities Commission and the City and County of San**
7 **Francisco; the lawsuit involves alleged violations of California pollution prevention and**
8 **hazardous materials laws at Public Utilities Commission facilities near Sunol in**
9 **Alameda.**

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

12 Section 1. Pursuant to Charter, Section 6.102(5), the Board of Supervisors hereby
13 authorizes the City Attorney to settle the action entitled People of the State of California v.
14 San Francisco Public Utilities Commission and the City and County of San Francisco,
15 Alameda County Superior Court, by stipulating to a Final Judgment and Permanent Injunction
16 that will require the City to pay of \$250,000.00 and be permanently enjoined and restrained,
17 pursuant to California Health and Safety Code, Sections 25515.8, 25181, and 25270.12, from
18 violation of the following California laws and all regulations issued pursuant thereto: the
19 Accidental Release Prevention (Cal-ARP) Program (Health and Saf. Code, Chapter 6.95,
20 Article 2); the Hazardous Waste Control Act (Health and Saf. Code, Chapter 6.5); the
21 Hazardous Materials Release Response Plans and Inventory Law (Health and Saf. Code,
22 Chapter 6.95, Article 1); the Aboveground Petroleum Storage Act (Health and Saf. Code,
23 Chapter 6.67); and the Underground Storage of Hazardous Substances Law (Health and Saf.
24 Code, Chapter 6.7) (collectively “Spill Prevention Laws”). The lawsuit involves alleged
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1 violations of the above-listed Spill Prevention Laws at the Public Utilities Commission facilities
2 located near Sunol in Alameda County, California.

3 Section 2. The above-named action will be filed in Alameda County Superior Court
4 and the following parties were named in the lawsuit: Plaintiff: People of the State of
5 California; Defendants: San Francisco Public Utilities Commission, and City and County of
6 San Francisco.

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APPROVED AS TO FORM AND
RECOMMENDED:

DENNIS J. HERRERA
City Attorney

KATE HERRMANN STACY
Deputy City Attorney

FUNDS AVAILABLE:

BEN ROSENFELD
Controller

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RECOMMENDED:

SAN FRANCISCO PUBLIC UTILITIES
COMMISSION

HARLAN KELLY, JR.
General Manager

APPROVED:

DONNA HOOD
Secretary, San Francisco Public Utilities
Commission