

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 a Second Extension of Tolling**
4 **Agreement governing administrative proceeding or suit by the United States**
5 **Environmental Protection Agency and the Casmalia Resources Site Steering**
6 **Committee, effective June 6, 2003.**
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

12 WHEREAS, The EPA has filed a lawsuit under the Comprehensive Environmental
13 Response, Compensation and Liability Act against the City, entitled United States of America
14 v. Samson Hydrocarbons Company, et al., No. 03-CV-1078, in the federal district court for the
15 Central District of California, in which EPA seeks an order requiring the City to participate in
16 the costs of cleaning up and closing the Site; and

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

21 WHEREAS, The City entered into an agreement by which the statute of limitations on
22 any proceeding or lawsuit by EPA or the Committee against the City shall be tolled, or
23 suspended, for 18 months ("Tolling Agreement"), effective on June 7, 2000 (Resolution 294-
24 00) and extended that agreement for an additional 18 months, effective December 7, 2001
25 (Resolution 3-02); and

1 WHEREAS, On, October 15, 2001, the Board of Supervisors approved Resolution 787-
2 01, approving a settlement of these claims in an amount not to exceed \$180,000; and

3 WHEREAS, the court has not yet approved the final Consent Decree by which the City,
4 EPA and other potentially responsible parties will finally resolve liability at the Site; and

5 WHEREAS, The EPA and Committee have requested, and the City Attorney
6 recommends, that the City agree to extend the existing Tolling Agreement by another 18
7 months in order to allow for final settlement without litigation;

8 WHEREAS, the EPA and Committee have executed the extension to the Tolling
9 Agreement effective June 6, 2003; now therefore be it,

10 RESOLVED, that pursuant to Section 10.22 of the San Francisco Administrative Code,
11 the entry by the City into a Second Amendment to Tolling Agreement is hereby approved.

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13 APPROVED AS TO FORM AND
14 RECOMMENDED:

15 DENNIS J. HERRERA
16 City Attorney

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18 JOANNE HOEPER
19 Chief Trial Deputy