

File No. 210899

Committee Item No. 9

Board Item No. 9

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Government Audit and Oversight

Date: Sept. 17, 2021

Board of Supervisors Meeting:

Date: Sept. 28, 2021

Cmte Board

- Motion
- Resolution
- Ordinance
- Legislative Digest
- Budget and Legislative Analyst Report
- Youth Commission Report
- Introduction Form
- Department/Agency Cover Letter and/or Report
- MOU
- Grant Information Form
- Grant Budget
- Subcontract Budget
- Contract/Agreement
- Form 126 – Ethics Commission
- Award Letter
- Application
- Public Correspondence

OTHER

- SFPUC Reso No. 21-0124 – July 27, 2021
- _____
- _____
- _____
- _____

Prepared by: John Carroll

Date: Sept. 10, 2021

Prepared by: John Carroll

Date: Sept. 24, 2021

Prepared by: John Carroll

Date: _____

1 [Settlement of Unlitigated Claim - San Francisco Bay Regional Water Quality Control Board -
2 Regulatory Enforcement Action]

3 **Resolution approving the settlement of an unlitigated claim of the San Francisco Bay**
4 **Regional Water Quality Control Board against the City and County of San Francisco**
5 **regarding alleged violations of the California Water Code related to wet weather-related**
6 **overflows from the City’s combined sewer system; no formal claim has been filed; the**
7 **settlement involves entry of a stipulated enforcement order requiring the City to**
8 **implement flood control projects in the Wawona area, Folsom area, and Lower Alemany**
9 **area and flooding response actions.**

10
11 WHEREAS, The San Francisco Bay Regional Water Control Board (“Regional Board”)
12 has communicated to the San Francisco Public Utilities Commission (“SFPUC”) its intention to
13 issue a Cleanup and Abatement Order to the City for alleged violations of the California Water
14 Code with respect to overflows from the City’s sewer collection system during storms in three
15 areas of the City that the Regional Board alleges threaten the quality of groundwater in those
16 areas; and

17 WHEREAS, The three areas of the City that are the focus of the Regional Board’s
18 claim are the Wawona area, Folsom area and Lower Alemany area; and

19 WHEREAS, The SFPUC and the City Attorney have negotiated with the Regional
20 Board to resolve these allegations by entering into a Stipulation accompanying the Regional
21 Board’s issuance of a Cleanup and Abatement Order that requires the SFPUC to construct
22 overflow reduction capital projects in the three aforementioned areas of the City at a total cost
23 to the SFPUC of approximately \$622 million and with completion of all three projects to occur
24 no later than March 31, 2028; and

1 WHEREAS, The three overflow reduction capital projects are included in the SFPUC's
2 Wastewater Enterprise Capital Plan, and will be funded from annual Wastewater capital
3 improvement funds; and

4 WHEREAS, The stipulated Cleanup and Abatement Order also requires the SFPUC to
5 undertake flooding response activities in those three areas before, during, and after large
6 storms; and

7 WHEREAS, On May 15, 2020, under Case Number 2020-002636ENV, the City,
8 through its Planning Department, determined that the Wawona area project described in
9 Finding 19 of the Stipulated Order is categorically exempt from the CEQA Guidelines under
10 Section 15303, Class 3 (New Facilities); and

11 WHEREAS, Nothing in the Stipulation commits the City to approve any project that is
12 subject to review under the California Environmental Quality Act ("CEQA") until such
13 environmental review is complete, as required by law; the City's execution of this Stipulation
14 does not constitute approval of any of the potential projects that the City may undertake
15 pursuant to the Stipulation; in considering any such potential projects, the City retains
16 discretion to (1) make such modifications to any such projects as may be necessary to
17 mitigate significant environmental impacts, (2) select feasible alternatives to any such projects
18 that avoid significant adverse impacts, (3) require the implementation of specific measures to
19 mitigate significant adverse environmental impacts as part of the decision to approve any
20 such projects, and (4) balance the benefits of any such projects against any significant
21 environmental impacts before taking final actions to approve such projects if such significant
22 impacts cannot otherwise be avoided; in addition, the City may seek approval from the
23 Regional Water Board to pursue an alternative approach in accordance with Provision 8 of the
24 Proposed CAO; and

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/s/ _____
DONNA HOOD
Secretary of the San Francisco Public
Utilities Commission

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PUBLIC UTILITIES COMMISSION
City and County of San Francisco

RESOLUTION No.: 21-0124

RESOLVED, That on recommendation of the General Manager of the Public Utilities Commission, and the City Attorney, this Commission hereby recommends that the Board of Supervisors resolve and settle the claim listed below on the terms specified below.

<u>Claimant</u>	<u>Claim Number</u>	<u>Amount</u>
California Regional Water Quality Control Board, San Francisco Bay Region	N/A (Unlitigated claim regarding overflows from San Francisco's combined sewage and stormwater collection system during rainstorms)	N/A (Injunctive relief)

I hereby certify that the foregoing resolution was adopted by the Public Utilities Commission at its meeting of July 27, 2021.



Secretary, Public Utilities Commission

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. (415) 554-5184
Fax No. (415) 554-5163
TDD/TTY No. (415) 554-5227

MEMORANDUM

GOVERNMENT AUDIT AND OVERSIGHT COMMITTEE

SAN FRANCISCO BOARD OF SUPERVISORS

TO: Supervisor Dean Preston, Chair
Government Audit and Oversight Committee

FROM: John Carroll, Assistant Clerk

DATE: Friday, September 17, 2021

SUBJECT: **NO COMMITTEE REPORT, BOARD MEETING**
Tuesday, September 21, 2021

The following file—prepared to be presented as a COMMITTEE REPORT at the regular Board meeting on Tuesday, September 21, 2021—was not sent. This resolution was acted upon at the Special Government Audit and Oversight Committee meeting on Friday, September 17, 2021, at 2:00 p.m., but was not sent as a committee report.

Item No. 31 File No. 210899

Resolution approving the settlement of an unlitigated claim of the San Francisco Bay Regional Water Quality Control Board against the City and County of San Francisco regarding alleged violations of the California Water Code related to wet weather-related overflows from the City's combined sewer system; no formal claim has been filed; the settlement involves entry of a stipulated enforcement order requiring the City to implement flood control projects in the Wawona area, Folsom area, and Lower Alemany area and flooding response actions.

Cc: Board of Supervisors
Angela Calvillo, Clerk of the Board
Alisa Somera, Legislative Deputy
Anne Pearson, Deputy City Attorney

Member, Board of Supervisors
District 5



City and County of San Francisco

DEAN PRESTON

DATE: September 15, 2021

TO: Angela Calvillo
Clerk of the Board of Supervisors

FROM: Supervisor Preston
Chairperson

RE: Government Audit and Oversight Committee
COMMITTEE REPORT

Pursuant to Board Rule 4.20, as Chair of the Government Audit and Oversight Committee I have deemed the following matters to be of an urgent nature and request each be considered by the full Board on Tuesday, September 21, 2021, as Committee Reports:

[210899 – \[Settlement of Unlitigated Claim - San Francisco Bay Regional Water Quality Control Board - Regulatory Enforcement Action\]](#)

These matters will be heard at a Special Government Audit and Oversight Committee meeting on September 17, 2021, at 2pm.

A handwritten signature in blue ink, appearing to read "Dean Preston".

LEGISLATION RECEIVED CHECKLIST

Date 8/6/21

File Number (if applicable) _____

- | | | | |
|-------------------------------------|---|-----|--------------------------|
| <input checked="" type="checkbox"/> | Legislation for Introduction (NEW) | ▶▶▶ | Legislative Clerk |
| <input type="checkbox"/> | Legislation Pending in Committee (AMENDED) | ▶▶▶ | Committee Clerk |
| <input type="checkbox"/> | Legislation for Board Agenda (AMENDED) | ▶▶▶ | Deputy Clerk |

Supervisor, Mayor, and Departmental Submittals

Grant Ordinance

- Legislation:** Original, 1 hard copy, and 1 electronic copy in **Word** format
- Signature:** Department Head, Mayor or the Mayor's designee, plus the Controller
- Supporting documents:** 1 full set, and separate **pdf** copies of each in email
 - Cover letter (original)
 - Grant budget/application
 - Grant information form, including signed disability checklist
 - Letter of Intent or grant award letter from funding agency
 - Contract, Leases/Agreements (if applicable)
 - Ethics Form 126 (*if applicable*) in **Word** format
 - Other support documents *as identified in the cover letter and legislation*
- E-Copy of legislation/supporting documents: Sent to BOS.Legislation@sfgov.org**

Ordinance

- Legislation:** Original, 1 hard copy, and 1 electronic copy in **Word** format
- Signature:** City Attorney (For Settlement of Lawsuits - City Attorney, Department Head, Controller, Commission Secretary)
- Supporting documents:** 1 full set, and separate **pdf** copies of each in email
 - Cover letter (original)
 - Settlement Report/Agreement (for settlements)
 - Other support documents *as identified in the cover letter and legislation*
- E-Copy of legislation/supporting documents: Sent to BOS.Legislation@sfgov.org**

Grant Resolution

- Legislation:** Original, 1 hard copy, and 1 electronic copy in **Word** format
- Signature:** Department Head, Mayor or the Mayor's designee, plus the Controller
- Supporting documents:** 1 full set, and separate **pdf** copies of each in email
 - Cover letter (original)
 - Grant budget/application
 - Grant information form, including signed disability checklist
 - Letter of Intent or grant award letter from funding agency
 - Contract, Leases/Agreements (if applicable)
 - Ethics Form 126 (*if applicable*) in **Word** format
 - Other support documents *as identified in the cover letter and legislation*
- E-Copy of legislation/supporting documents: Sent to BOS.Legislation@sfgov.org**

Resolution

- Legislation:** Original, 1 hard copy, and 1 electronic copy in **Word** format
- Signature:** None (Note: Required for Settlement of Claims - City Attorney, Department Head, Controller, Commission Secretary)
- Supporting documents:** 1 full set, and separate **pdf** copies of each in email
 - Cover letter (original)
 - Settlement Report/Agreement (for settlements)
 - Other support documents *as identified in the cover letter and legislation*
- E-Copy of legislation/supporting documents: Sent to BOS.Legislation@sfgov.org**

Joy Perez 415-554-3869
Name and Telephone Number

City Attorney
Department