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

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.

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

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

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

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

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

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

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

1	WHEREAS, On July 27, 2021, the SFPUC approved Resolution No. 21-0124					
2	recommending that the Board of Supervisors resolve and settle the Regional Board's claim on					
3	the terms specified in the Stipulation and Cleanup and Abatement Order that are on file with					
4	the Clerk of the Board of Supervisors in File No. 210899; now, therefore, be it					
5	RESOLVED, That pursuant to Administrative Code, Section 10.22, the Board of					
6	Supervisors hereby authorizes the City Attorney to settle and compromise the Regional					
7	Board's unlitigated claim as described herein by entry into the Stipulation on file with the Clerk					
8	of the Board; and, be it					
9	FURTHER RESOLVED, That the Board of Supervisors hereby authorizes the SFPUC's					
10	General Manager to enter into any amendments or modifications to the Stipulation and					
11	Cleanup and Abatement Order that the General Manager determines in consultation with the					
12	City Attorney are in the best interest of the City, do not materially increase the obligations or					
13	liabilities of the City, are necessary and advisable to effectuate the purpose and intent of the					
14	Stipulation and Cleanup and Abatement Order or this Resolution, and are in compliance with					
15	all applicable laws.					
16						
17	APPROVED:	RECOMMENDED:				
18						
19	DENNIS J. HERRERA	SAN FRANCISCO PUBLIC UTILITIES				
20	City Attorney	COMMISSION				
21						
22	/s/	/S/				
23	FRANCESCA GESSNER Deputy City Attorney	MICHAEL CARLIN  Acting General Manager of the San				
24	Public Utilities Commission Team Leader	Francisco Public Utilities Commission				
25						

1	APPROVED:
2	/s/
3	DONNA HOOD
4	Secretary of the San Francisco Public Utilities Commission
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