

1 [Settlement of claim]

2
3 **Resolution approving settlement of the unlitigated claim of the Gibson Group**
4 **Trust in an amount not to exceed \$67,000 for payment of past and future costs of**
5 **responding to contamination at Gibson Environmental site; Bakersfield,**
6 **California.**

7
8 WHEREAS, the California Department of Toxic Substances Control ("DTSC")
9 issued an Imminent and Substantial Endangerment Determination and Order and
10 Remedial Action Order, on November 8, 1999 ("DTSC Order"), ordering about 40
11 entities to perform response actions relating to environmental conditions in soil and/or
12 groundwater at the former Gibson Environmental, Inc. recycling and disposal facility
13 located at 2401 Gibson Street in Bakersfield, California ("Site");

14 WHEREAS, several named and unnamed entities have formed the Gibson
15 Group Trust ("Trust") and have been performing the work mandated by the DTSC Order
16 pursuant to various agreements among themselves;

17 WHEREAS, the Trust alleges that the City, acting through its various
18 departments and commissions, also sent waste to the Site, giving rise pursuant to state
19 and federal law for liability for reimbursement of a portion of the Trust's costs;

20 WHEREAS, the Trust asserted a claim against the City for such costs and
21 proposed to settle that claim in exchange for a release of liability and an indemnity
22 against certain future claims;

23 WHEREAS, various departments or commissions of the City legally shipped
24 small quantities of hazardous and non-hazardous wastes to the Site within the period of
25 1987-1994 during which the Site operated as a permitted waste facility;

1 WHEREAS, under the federal Comprehensive Environmental Response,
2 Compensation and Liability Act of 1980, the City is alleged to be a potentially
3 responsible party, along with hundreds of other entities, including the Trust members,
4 responsible for contributing to payment of the response Costs relating to the Site;

5 WHEREAS, the following departments or commissions of the City have
6 recommended settlement of the claim by payment of the offered settlement amount in
7 the following amounts, representing the proportion each such department or
8 commission bears to the total contribution of wastes by the City to the Site:

| | | |
|----|------------------------------|----------|
| 9 | | |
| 10 | Public Utilities Commission: | \$26,344 |
| 11 | Port Commission | \$858 |
| 12 | Department of Public Works: | \$38,351 |
| 13 | | |

14 WHEREAS, the City Attorney has approved the settlement; now, therefore, be it
15 RESOLVED, That pursuant to Section 10.22 of the San Francisco Administrative
16 Code, settlement and compromise of said claim by payment in an amount not to exceed
17 \$67,000, the exact amount of which will be determined through further negotiation by
18 the City Attorney, is hereby approved.

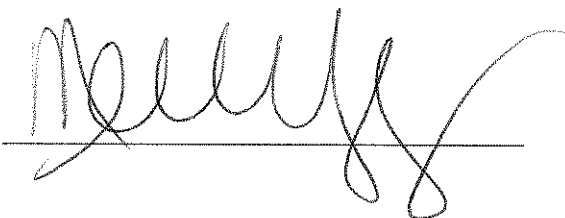
19
20 APPROVED AS TO FORM AND
RECOMMENDED:

RECOMMENDED:

21
22 DENNIS J. HERRERA
City Attorney

PUBLIC UTILITIES DEPARTMENT

23
24 
25 JOANNE HOEPER
Chief Trial Deputy



City Attorney
BOARD OF SUPERVISORS

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PORT

MONIQUE MOYER
Executive Director

DEPARTMENT OF PUBLIC WORKS


EDWIN M. LEE
Director

FUNDS AVAILABLE:


EDWARD HARRINGTON
Controller

Processing Should be as Follows: *2 8/12/04*

- 1. PRT: Index Code: 390012 Subobject: 05311 Amount: \$847.00
- 2. PUG: Index Code: 471303 Subobject: 05311 Amount: \$25,861.00
- 3. DPW: Index Code: 975016 Subobject: 05311 Amount: \$37,643.00

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PORT *By AR Lee*
for MONIQUE MOYER
Executive Director

DEPARTMENT OF PUBLIC WORKS

EDWIN M. LEE
Director

FUNDS AVAILABLE:

Edward Harrington
EDWARD HARRINGTON
Controller

8/12/04
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Port (PRT) - Index Code: 390012 Subobject: 05311
\$847.00
Public Utilities Commission (PUC) - Index Code: 471303 Subobject: 05311
\$25,861.00
Dept of Public Works (DPW) - Index Code: 975016 Subobject: 05311
\$37,643.00



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails Resolution

File Number: 041125

Date Passed:

Resolution approving settlement of the unlitigated claim of the Gibson Group Trust in an amount not to exceed \$67,000 for payment of past and future costs of responding to contamination at Gibson Environmental site; Bakersfield, California.

September 21, 2004 Board of Supervisors — ADOPTED

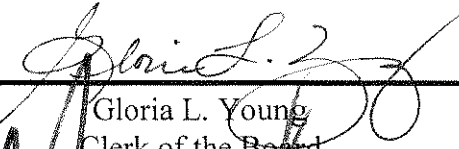
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell,
McGoldrick, Peskin, Sandoval

File No. 041125

I hereby certify that the foregoing Resolution was ADOPTED on September 21, 2004 by the Board of Supervisors of the City and County of San Francisco.

SEP 30 2004

Date Approved


Gloria L. Young
Clerk of the Board


Mayor Gavin Newsom