

1 [Agreement For Eighteen-Month Tolling of Statute of Limitations Governing
2 Administrative Proceeding or Suit]

3 APPROVING THE CITY ATTORNEY’S ENTRY INTO A TOLLING AGREEMENT
4 GOVERNING ADMINISTRATIVE PROCEEDING OR SUIT BY THE UNITED STATES
5 ENVIRONMENTAL PROTECTION AGENCY AND THE CASMALIA RESOURCES SITE
6 STEERING COMMITTEE.

7 WHEREAS, the United States Environmental Protection Agency (“EPA”) claims the
8 City and County of San Francisco has shipped hazardous wastes to the Casmalia Superfund
9 Site, which is a hazardous waste landfill in Santa Barbara County (“the Site”);

10 WHEREAS, the EPA has stated its intent to initiate an administrative proceeding or a
11 lawsuit under the Comprehensive Environmental Response, Compensation and Liability Act
12 against the City, in which EPA would seek an order requiring the City to participate in the
13 costs of cleaning up and closing the Site; and

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

18 WHEREAS, The City Attorney of the City and County of San Francisco has
19 recommended that the City enter into an agreement by which the statute of limitations on any
20 proceeding or lawsuit by EPA or the Committee against the City be tolled, or suspended, for
21 18 months (“Tolling Agreement”), effective on date the parties sign the agreement; now,
22 therefore,

1 be it

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

4 APPROVED AS TO FORM AND
5 RECOMMENDED:

RECOMMENDED:

6 LOUISE H. RENNE
7 City Attorney

Public Utilities Commission

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10 PATRICK J. MAHONEY
11 Chief Trial Deputy

12 JOHN P. MULLANE, JR.
13 General Manager

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City and County of San Francisco

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

Tails

Resolution

File Number: 000463

Date Passed:

Resolution approving the City Attorney's entry into a tolling agreement governing administrative proceeding or suit by the United States Environmental Protection Agency and the Casmalia Resource Site Steering Committee.

April 10, 2000 Board of Supervisors — ADOPTED

Ayes: 10 - Ammiano, Becerril, Bierman, Brown, Kaufman, Leno, Newsom, Teng,
Yaki, Yee

Absent: 1 - Katz

File No. 000463

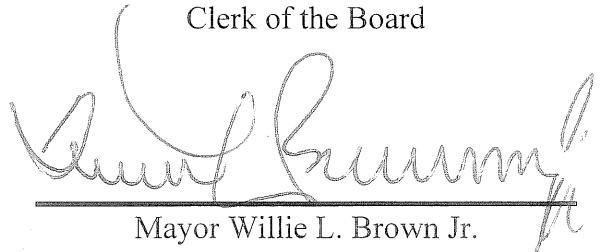
I hereby certify that the foregoing Resolution was ADOPTED on April 10, 2000 by the Board of Supervisors of the City and County of San Francisco.



Gloria L. Young
Clerk of the Board

APR 21 2000

Date Approved



Mayor Willie L. Brown Jr.