

1 [Settlement of Lawsuit - People of the State of California - \$250,000]

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3 **Ordinance authorizing settlement of the lawsuit filed by the People of the State of**  
4 **California against the City and County of San Francisco for \$250,000; the lawsuit will be**  
5 **filed in Alameda County Superior Court; and be entitled People of the State of**  
6 **California v. San Francisco Public Utilities Commission and the City and County of San**  
7 **Francisco; the lawsuit involves alleged violations of California pollution prevention and**  
8 **hazardous materials laws at Public Utilities Commission facilities near Sunol in**  
9 **Alameda.**

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11 Be it ordained by the People of the City and County of San Francisco:

12 Section 1. Pursuant to Charter, Section 6.102(5), the Board of Supervisors hereby  
13 authorizes the City Attorney to settle the action entitled People of the State of California v.  
14 San Francisco Public Utilities Commission and the City and County of San Francisco,  
15 Alameda County Superior Court, by stipulating to a Final Judgment and Permanent Injunction  
16 that will require the City to pay of \$250,000.00 and be permanently enjoined and restrained,  
17 pursuant to California Health and Safety Code, Sections 25515.8, 25181, and 25270.12, from  
18 violation of the following California laws and all regulations issued pursuant thereto: the  
19 Accidental Release Prevention (Cal-ARP) Program (Health and Saf. Code, Chapter 6.95,  
20 Article 2); the Hazardous Waste Control Act (Health and Saf. Code, Chapter 6.5); the  
21 Hazardous Materials Release Response Plans and Inventory Law (Health and Saf. Code,  
22 Chapter 6.95, Article 1); the Aboveground Petroleum Storage Act (Health and Saf. Code,  
23 Chapter 6.67); and the Underground Storage of Hazardous Substances Law (Health and Saf.  
24 Code, Chapter 6.7) (collectively "Spill Prevention Laws"). The lawsuit involves alleged  
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1 violations of the above-listed Spill Prevention Laws at the Public Utilities Commission facilities  
2 located near Sunol in Alameda County, California.

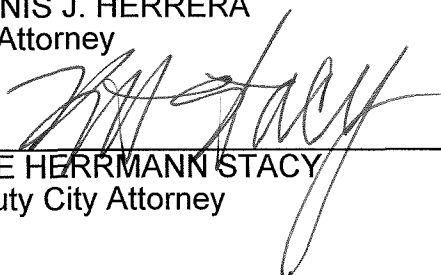
3 Section 2. The above-named action will be filed in Alameda County Superior Court  
4 and the following parties were named in the lawsuit: Plaintiff: People of the State of  
5 California; Defendants: San Francisco Public Utilities Commission, and City and County of  
6 San Francisco.

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APPROVED AS TO FORM AND  
RECOMMENDED:

DENNIS J. HERRERA  
City Attorney



KATE HERRMANN STACY  
Deputy City Attorney

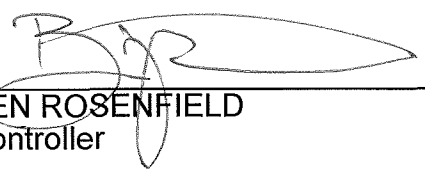
RECOMMENDED:

SAN FRANCISCO PUBLIC UTILITIES  
COMMISSION



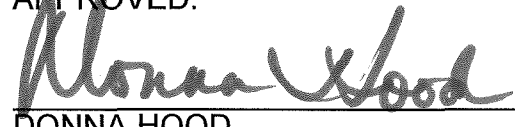
HARLAN KELLY, JR.  
General Manager

FUNDS AVAILABLE:



BEN ROSENFELD  
Controller

APPROVED:



DONNA HOOD  
Secretary, San Francisco Public Utilities  
Commission

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**City and County of San Francisco**  
**Tails**  
**Ordinance**

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

**File Number:** 160709

**Date Passed:** August 02, 2016

Ordinance authorizing settlement of the lawsuit filed by the People of the State of California against the City and County of San Francisco for \$250,000; the lawsuit will be filed in Alameda County Superior Court; and be entitled People of the State of California v. San Francisco Public Utilities Commission and the City and County of San Francisco; the lawsuit involves alleged violations of California pollution prevention and hazardous materials laws at Public Utilities Commission facilities near Sunol in Alameda.

July 21, 2016 Government Audit and Oversight Committee - RECOMMENDED AS COMMITTEE REPORT

July 26, 2016 Board of Supervisors - PASSED ON FIRST READING

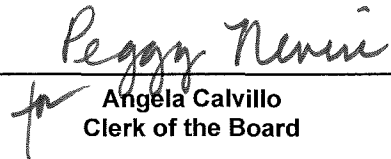
Ayes: 10 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Peskin, Tang, Wiener and Yee  
Absent: 1 - Mar

August 02, 2016 Board of Supervisors - FINALLY PASSED

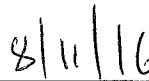
Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee

File No. 160709

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 8/2/2016 by the Board of Supervisors of the City and County of San Francisco.

  
Angela Calvillo  
Clerk of the Board

  
Mayor

  
Date Approved