

MOTION

I HEREBY MOVE that the Council ADOPT the following recommendations of the City Attorney in order to effect settlement and stipulation for entry of administrative civic liability order regarding alleged permit violations relating to a discharge from the Hyperion Treatment Plant in September 2015, **SUBJECT TO THE APPROVAL OF THE MAYOR:**

1. AUTHORIZE the City Attorney and the Department of Public Works, Bureau of Sanitation to expend up to \$2,262,249 in settlement of the above- matter.
2. AUTHORIZE the City Attorney to settle the above-matter along the following proposed terms:
 - a. Approval of the settlement will completely resolve any administrative or civil enforcement by the State Water Control Resource Board and the Regional Water Quality Control Board (Water Boards) relating to this discharge event.
 - b. The City agrees to allocate 50 percent of \$2,262,249, which is \$1,131,124.50, to the following proposed Supplemental Environmental Projects (SEPs), if acceptable to the Water Boards:
 - i. Environmental Cleanup and Awareness SEP – the City will partner with Heal the Bay, which will be the lead organization for this SEP and manage subcontracts with 11 non-governmental organizations that lead or participate in designated cleanup events and water literacy training and outreach.
 - ii. Stormwater Quality Improvement and Infiltration SEP – this SEP is for the design and construction of two Stormwater Quality Improvement and Filtration Projects, the Slauson Green Alley Project and the Kittyhawk Green Walkway Project.
3. AUTHORIZE the City Attorney to draw a demand from Fund No. 100/59, Account No. 009794, Public Works, Sanitation Liability Payouts, payable to the State Water Pollution Cleanup and Abatement Account in the amount of \$1,131,124.50, and mail the check to the State Water Resources Control Board, Division of Administrative Services, Accounting Office, 1001 I Street, 18th Floor, Sacramento, California 95814.
4. AUTHORIZE the Department of Public Works, Bureau of Sanitation to allocate funds in the amount of \$1,131,124.50 toward the SEPs. Funding for the SEPs will come from the Sewer Operations and Maintenance Fund No. 50/760.
5. AUTHORIZE the Department of Public Works, Bureau of Sanitation and Department of Public Works, Board of Public Works (through its President) to execute the Settlement Agreement and Stipulation for Entry of Administrative Civil Liability Order.
6. AUTHORIZE the City Attorney, or designee, to make necessary technical adjustments, subject to the approval of the City Administrative Officer; and, AUTHORIZE the Controller to implement the instructions.

This matter was recommended for approval by the Budget and Finance Committee (Krekorian – Blumenfield – Bonin: “Yes”) at its meeting on January 22, 2018, in Closed Session as permitted by Government Code Section 54956.9(d)(2).

PRESENTED BY _____
PAUL KREKORIAN
Councilmember, 2nd District

SECONDED BY _____
BOB BLUMENFIELD
Councilmember, 3rd District

REW
CF 16-0921-S5
January 22, 2018

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