

RESOLUTION NO. 41-23

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RICHMOND, CALIFORNIA, AUTHORIZING THE PUBLIC WORKS DIRECTOR AND THE CITY ATTORNEY TO EXECUTE THE SETTLEMENT AGREEMENT AND STIPULATION FOR ENTRY OF ADMINISTRATIVE CIVIL LIABILITY ORDER BETWEEN THE SAN FRANCISCO BAY REGIONAL WATER QUALITY CONTROL BOARD AND THE CITY OF RICHMOND ON BEHALF OF THE WEST COUNTY AGENCY, AND TO ALLOCATE FUNDS IN THE FISCAL YEAR 2022-2023 BUDGET IN THE AMOUNT OF \$69,000 TO PAY THE MANDATORY MINIMUM PENALTY

WHEREAS, on October 6, 2022, the San Francisco Regional Water Quality Control Board (the Water Board) assessed a Mandatory Minimum Penalty (MMP) to the West County Agency in the amount of \$69,000, due to NPDES permit limit violations observed at the Richmond Water Pollution Control Plant; and

WHEREAS, the violations were observed and reported between November 2019 and April 2022 due to plant upset conditions at the Richmond Water Pollution Control Plant; and

WHEREAS, on April 19, 2022, the Water Board issued to the City of Richmond (the City) the Settlement Agreement and Stipulation for Entry of Civil Liability (Stipulated Order) to execute the administrative process of the MMP; and

WHEREAS, the City has agreed to the terms and conditions of the Stipulated Order; and

WHEREAS, the City shall allocate funds in the fiscal year 2022-2023 budget in the amount of \$69,000 to pay the MMP; and

WHEREAS, the City will pay into two different programs as stated in the Stipulated Order: 1) \$29,000 will be made payable to State Water Pollution Cleanup and Abatement Program, 2) \$40,000 of the administrative civil liability amount will be suspended and the money will instead be used to implement the Supplemental Environmental Project (SEP), the Watershed Rangers Program managed by Kids for the Bay in accordance with the Stipulated Order.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Richmond hereby accepts the Stipulated Order (a copy of which is on file with the City Clerk).

BE IT FURTHER RESOLVED that the Public Works Director and the Attorney of the City of Richmond, or said City Attorney's designee, are hereby authorized to execute the Stipulation Order on behalf of the City.

I certify that the foregoing resolution was passed and adopted by the City Council of the City of Richmond at a regular meeting thereof held May 16, 2023, by the following vote:

AYES: Councilmembers Bana, Jimenez, Robinson, Willis, Zepeda,
Vice Mayor McLaughlin, and Mayor Martinez.
NOES: None.
ABSTENTIONS: None.
ABSENT: None.

PAMELA CHRISTIAN
CLERK OF THE CITY OF RICHMOND
(SEAL)

Approved:

EDUARDO MARTINEZ
Mayor

Approved as to form:

DAVE ALESHIRE
City Attorney

State of California }
County of Contra Costa } : ss.
City of Richmond }

I certify that the foregoing is a true copy of **Resolution No. 41-23**, finally passed and adopted by the City Council of the City of Richmond at a regular meeting held on May 16, 2023.



Pamela Christian, Clerk of the City of Richmond