

From: "bill" <[REDACTED]>
To: "Bruce Wolfe" <BWolfe@waterboards.ca.gov>, "Dyan Whyte" <DWhyte@wate...
CC: <jstaats@marinij.com>, <rwhite@marinscope.com>, "Lila Tang" <LTang@wat...
Date: 2/13/2009 5:48 PM
Subject: Settlement Agreement for SASM

Per the instructions, comments regarding this proposed settlement are to be submitted to Bruce and Dyan.

My concern is the effectiveness, and appropriateness, of a large fine that will be paid for, not by the perpetrators of the spills, but by residents who were not responsible for the spills, and have little recourse to shape the behavior of the SASM.

As I see it:

A few specific individuals at a utility failed to do their jobs properly. The public was harmed. And the utility has settled a lawsuit for \$1.6 million.

Lawsuits sometimes work. In a competitive marketplace, if a business screws up and is successfully sued, its insurance premiums creep up. If said business screws up more often than industry average, eventually its higher insurance rates will give it a higher cost of doing business, and drive it out of business. So, even if the managers of the "bad" business don't personally pay any penalty for their ineptitude, the lawsuits can serve a public good, as poorly-run businesses are squeezed out of the marketplace.

But lawsuits don't always achieve this. Sometimes they're just deals that benefit the lawyers and a few special interests, without accomplishing what they claim as their noble purpose. I believe that this may be one such lawsuit.

SASM is a monopoly provider. Sure its insurance rates will go up, but if customers can't flee, then it's business as usual. This rate increase annoys me, but the ineffectiveness of this lawsuit "solution" should annoy those of you that really care about the Bay Area's water quality. I argue that this lawsuit provides NO incentive to reduce sewage spills. It just finances a few green projects.

Did specific individuals at SASM screw-up? If so, what price did they pay for their failure? Life is unfair, but in past careers I've had to fire individuals for a lot less than dumping a million gallons of sewage into the Bay. I'm asking you, what's likely to be more effective in reducing the screw-ups at SASM: A) fining me, a resident with no choice as to sewerage provider, or B) requiring SASM to terminate the individuals responsible for the spills?

Note: I understand that these are real people, with real families. I do not want to punish them, since I do not believe that they did anything wrong intentionally. But I did not do anything wrong either. So don't punish me, a captive customer.

Bill Fridl
Mill Valley, CA

-----Original Message-----

From: Gina Kathuria [mailto:GKathuria@waterboards.ca.gov]
Sent: Friday, February 13, 2009 3:54 PM
To: sdanehy@cityofmillvalley.org; Melissa Thorne; Bruce Wolfe; Dorothy Dickey ; Dyan Whyte; Jorge Leon; Sandia Potter
Cc: blangston@audubon.org; solyarnik@audubon.org; smholmes4@comcast.net; lafco@marin.org; jstaats@marinij.com; rwhite@marinscope.com; BF@u-write.com; Brian Thompson; George Rose; Judy Kelly; Lila Tang; Yuri Won; meredithgrey@yahoo.com
Subject: Transmittal of Settlement Agreement for SASM

HI All,

Attached are files containing the Settlement Agreement, Tentative Order, and Public Notice. I created one Settlement Agreement Package pdf file that includes all attachments (ACL Complaint, SEP, and Tentative ACL Order). If you have any questions, please contact Dyan Whyte or me

Thanks
Gina

Gina Kathuria, P.E.
Senior Water Resources Engineer
San Francisco Bay Water Board
1515 Clay Street, Suite 1400
Oakland, CA 94612
(510) 622-2378