



City of Emeryville

CALIFORNIA

MEMORANDUM

AFDATE: July 1, 2025
TO: LaTanya Bellow, City Manager
FROM: Mohamed Alaoui, Public Works Director
SUBJECT: **Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Appropriate \$150,000.00 (One Hundred Fifty Thousand Dollars) From The Class Action Settlement Agreement With Monsanto Company To Account Number 475-24475011**

RECOMMENDATION

Staff recommends that the City Council authorize the City Manager to appropriate funds received from the Class Action Settlement Agreement with Monsanto Company (Exhibit A) to Account 475-24475011.

BACKGROUND

The Monsanto Company manufactured a class of industrial chemicals called polychlorinated biphenyls (PCBs) between the 1930s and 1977. PCBs are toxic and have been demonstrated to be persistent in the environment, including in public and private properties, stormwater and wastewater systems, natural resources, fish and wildlife, and water bodies including the San Francisco Bay. In 2008, the San Francisco Bay Regional Water Quality Control Board (Water Board) adopted a clean water action plan, using a measure called Total Maximum Daily Loads (TMDLs). The TMDLs require municipalities, among others, to take specific actions to reduce PCB levels in the San Francisco Bay.

DISCUSSION

The City of Emeryville is required, through the TMDLs established by the Water Board and the Municipal Regional Permit (MRP) under which the City operates its stormwater system, to control the runoff of PCBs in stormwater by a variety of measures. These efforts include staff time for managing compliance with the extensive requirements of the MRP, along with street sweeping efforts, installing and maintaining trash capture devices in the storm drain system, and managing demolition of PCB-containing buildings.

A Class Action lawsuit was filed in the federal district court related to Monsanto's manufacture, sale, testing, disposal, release, marketing, promotion or management of PCBs. Emeryville was a Class Member in that action, which sought compensatory damages and injunctive and equitable relief. A settlement was reached on June 24, 2020, and amended in 2021, and initial funds were distributed in 2023. Emeryville received \$219,989 in a population-based calculation ("TMDL Fund").

In addition to population-based distribution, a Special Needs Part B fund was created through the settlement for significant costs relating to 303(d) bodies of water impaired by PCBs through stormwater and/or dry weather runoff. Due to significant incurred and anticipated costs relating to PCB remediation and MRP compliance, Emeryville applied for relief through this fund in April 2024 (Exhibit B). In May 2025, Emeryville received a \$150,000 distribution from this settlement fund.

FISCAL IMPACT

Settlement funds in the amount of \$150,000.00 were received by the City from Mayent fund entitled "Special Needs Part B." If this amount is appropriated to 475-24475011, Capital Improvement Program project ES1-01, it will reduce the City's costs for managing PCBs in compliance with the MRP.

STAFF COMMUNICATION WITH THE PUBLIC

There has been no staff communication with the public.

CEQA DETERMINATION

This fund appropriation is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines because it is not a project under CEQA.

CONCLUSION

The funds from this Settlement Agreement are intended to compensate the City for the past and future costs of managing PCBs in our stormwater system. The attached Resolution authorizes the City Manager to appropriate \$150,000 from the Class Action Settlement Agreement with Monsanto Company to account number 475-24475011, the Capital Improvement Program project ES1-01, for "Stormwater Management."

PREPARED BY: Matt Anderson, Environmental Programs Supervisor

**APPROVED AND FORWARDED TO THE
CITY COUNCIL OF THE CITY OF EMERYVILLE:**



LaTanya Bellow, City Manager

ATTACHMENTS

- Draft Resolution
 - Exhibit A – Class Action Settlement Agreement with Monsanto Company
 - Exhibit B – ACCWP PCBs Control Measure Implementation