

MWD

METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

FILED by order
of the Board of Directors of
The Metropolitan Water District
of Southern California
at its meeting held JAN 14 1992 9-4
Doreen E. Deff
Executive Secretary

39427

December 30, 1991

To: Board of Directors
From: General Counsel
Subject: Legal Department Report for December 1991

This report discusses significant matters with which the Legal Department was concerned during December 1991.

A. Proceedings in Which Metropolitan Is a Party

1. Azusa Landfill Litigation

At a December 4, 1991 hearing, the Los Angeles Superior Court allowed Metropolitan, Upper San Gabriel Valley MWD, and the Environmental Defense Fund to intervene jointly in the action that Browning Ferris Industries (BFI) has filed challenging the State Water Resources Control Board's (SWRCB) July 24 order rejecting BFI's proposed expansion of the Azusa solid waste landfill. The court also allowed the Main San Gabriel Basin Watermaster to intervene as an additional party under a separate motion.

In addition, the court approved a stipulation by BFI and SWRCB to defer any further proceedings in BFI's case until BFI obtains a final appellate determination on the court's September 24 ruling in previous cases filed by Metropolitan and the Watermaster. That ruling denied BFI's motion to invalidate SWRCB's rejection of the landfill expansion for failure to comply with the California Environmental Quality Act (CEQA). The General Counsel has submitted a separate letter to your Board related to BFI's appeal.

Metropolitan submitted comments at a December 2 hearing of the Los Angeles Regional Water Quality Board, supporting a proposed amendment to the Board's Basin Plan, which would prohibit any new or expanded solid waste landfills in sand or gravel pits within Los Angeles or Ventura County. Representatives of BFI presented extensive comments opposing that amendment, including material filed in the Azusa landfill litigation and a legal brief challenging the Board's compliance with CEQA in proposing the amendment. Metropolitan is

preparing responses, in coordination with cocounsel in the Azusa litigation, for submittal to the Board.

2. Gustaaf Van't Hof v. MWD et al.

Metropolitan filed its brief in response to the appeal of Mr. Van't Hof with the California Court of Appeal on December 20, 1991. Mr. Van't Hof has appealed from a December 1990 judgment of the Los Angeles Superior Court dismissing his action against Metropolitan and several individual employees. He now has 20 days from December 20 within which to file a reply brief.

B. Proceedings of Interest to Metropolitan

None.

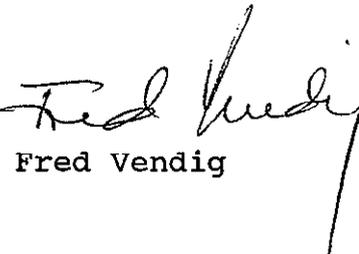
C. Other Matters

1. Water Transfer Legislation

A member of the legal staff participated in meetings with representatives of agricultural interests in an effort to develop a consensus approach for revisions to the water transfer legislation proposed in Assembly Bill 2090 which might be acceptable to its principal author, Assemblyman Katz.

2. State Water Contract Off-Aqueduct Power Cost Allocation

A member of the legal staff participated with attorneys from other interested entities in a meeting with Department of Water Resources legal counsel regarding the department's current method of allocating off-aqueduct power costs associated with the State Water Project. Metropolitan and others have been adversely affected by the current method and believe that a change in the current method is required to comply with the intent of the state water contract. The department is reviewing the issue.


Fred Vendig