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METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

Karen E. Deff
EXECUTIVE SECRETARY

December 20, 1994

To: Board of Directors (Water Problems Committee--Information)
Board of Directors (Legal and Claims Committee--Information)

From: General Counsel and General Manager

Subject: San Gabriel Valley Water Resources
Upper San Gabriel Valley MWD v. Alhambra, et al., LASCC 924128
[Conference with Legal Counsel--Existing Litigation, to be
heard in closed session pursuant to Gov. Code, § 54956.9(a)];
San Gabriel Valley MWD v. Browning-Ferris Industries, LASCC
BC109182 [Conference With Legal Counsel--Anticipated Litigation,
Initiation of Litigation (One Potential Case), to be heard in
closed session pursuant to Gov. Code § 54956.9(c)]

Report

The San Gabriel Valley overlies an important groundwater basin (Basin) that is centrally located in Metropolitan's service area. Metropolitan is involved with its member agencies in efforts to protect the Basin's water quality and to improve its conjunctive-use capability. Those efforts include assistance in (1) replenishing Basin overdrafts; (2) developing reclaimed water supplies; (3) limiting contamination caused by the Azusa Landfill; and (4) cleaning up existing Basin contamination.

Basin Replenishment

Metropolitan is a party to the 1973 Judgment¹ that quantified Basin water rights and established a nine-person Watermaster Board (Watermaster) to administer a Basin replenishment program. Metropolitan currently provides some 60,000 acre-feet (AF) of imported water annually to its member agencies to meet their Judgment replenishment obligations and has contracts with Watermaster to store up to 167,500 AF of imported water in the Basin for that purpose.

¹ Upper San Gabriel Valley MWD v. Alhambra, Los Angeles County Superior Court No. C924128.

Reclaimed Water

Last September Miller Brewing Company (Miller) petitioned the Superior Court to remove authority which the Court delegated to Watermaster four years ago to use reclaimed water to assist in replacing Basin overpumping. That delegation also requires approvals by the California Department of Health Services and the Los Angeles Regional Water Quality Control Board (Regional Board). Currently only imported water is used for that purpose.

Miller supported its petition with declarations that question the safety of using reclaimed water from a proposed Reclaimed Water project sponsored by the Upper San Gabriel Valley MWD (Upper District). Miller has subsequently filed an amended petition which the Watermaster has accepted, that would allow Watermaster to purchase reclaimed water only if (1) it is the best quality of water available for that purpose; and (2) the Court holds a hearing before placing the reclaimed water in the Basin².

Miller has also filed a separate case³, directly challenging Upper District's proposed water reclamation project. Metropolitan and other agencies⁴ are supporting the project as an effective and safe way to supplement imported water supplies and increase Basin reliability.

Metropolitan filed a memorandum on November 15, opposing Miller's petition to remove Watermaster's reclaimed water authority, supported by a declaration from the Executive Assistant to the General Manager describing the importance of developing additional reclaimed water uses in reducing projected water supply shortfalls over the next fifteen years. A hearing on Miller's amended petition is set for January 27, and Metropolitan has until January 10 to file opposing papers to it.

² Miller's amended petition would also delete the Judgment's 1972 finding "that the technology and economic and physical necessity for utilization of reclaimed water is increasing" (Section 3(c) of Judgment Exhibit H).

³ Miller Brewing v. Upper San Gabriel Valley MWD, LACSC No. KC017765. Trial is set for June, 1995.

⁴ Including several other Metropolitan member agencies (Central Basin MWD, Las Virgenes MWD and West Basin MWD).

Municipal Waste Landfill Contamination

Metropolitan has for the past five years assisted Upper District and Watermaster in litigation and regulatory action that prevented Browning-Ferris Industries, Inc. (BFI) from expanding its Azusa Landfill which lies in the Basin's groundwater recharge area. However, the Regional Board is currently considering BFI's request to deposit 35 million more tons of municipal waste on top of the original 80-acre portion of the Landfill, over the next seven years. BFI had previously advised that the Landfill was full several years ago.

Metropolitan, Watermaster, Upper District and other local water agencies have prevented BFI's expansion of the Landfill to other areas of the sand and gravel pit, through an Azusa Landfill Task Force (Task Force)⁵. Metropolitan has been a member of the Task Force since its formation three years ago, and we propose to join with the other Task Force parties in continuing its work for another three years.

The San Gabriel Valley MWD, which represents the four Basin cities which are not within Metropolitan's service area, has also sued BFI for damages under common law nuisance claims for polluting the Basin and its groundwater⁶ as a result of past Landfill operations. The other members of the Task Force are monitoring developments of that suit and have taken a supportive position but have not yet sought to join it.

Contaminated Groundwater Cleanup

Metropolitan also has undertaken extensive cooperative studies with its member agencies, Watermaster Board, the US and California Environmental Protection Agencies (EPA) and others to develop a plan for extracting, treating and exporting contaminated Basin groundwater as a means of expanding Basin conjunctive use with imported water supplies.

⁵ Members of the Task Force are: Upper District; Three Valleys Municipal Water District; San Gabriel Valley Municipal Water District; Watermaster; and Metropolitan. Miller has also supported the Task Force. The Task force has operated for the past three years and is in the process of extending its term for another three years.

⁶ San Gabriel Valley MWD v. BFI, LACSC No. BC109182.

Since Metropolitan's efforts to reach agreement with Watermaster on that plan were not successful, Three Valleys Municipal Water District has filed an application under Metropolitan's Groundwater Recovery Program to extract, treat and use 24,000 AF annually of contaminated water to assist in implementing US EPA's cleanup plan.

Continuing Review

Metropolitan's interest in these four activities is to improve water supply reliability by reducing new and existing Basin contamination that impairs health and safety; and to reduce imported water needs by increasing the use of reclaimed water in a manner that meets health and safety requirements. Metropolitan's staff will continue to participate in these matters and will advise the Board of significant developments and possible additional involvement by Metropolitan.

Recommendation

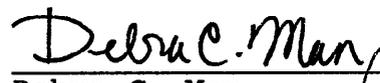
For information only.

John R. Wodraska
General Manager

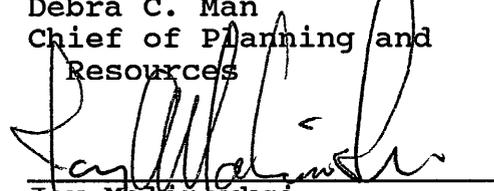
Submitted by:



N. Gregory Taylor
General Counsel

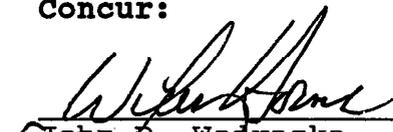


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Concur:



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