



Metropolitan Cases

AFSCME Local 1902 v. Metropolitan (MOU Hearing Officer Appeal)

On August 21, 2015, Hearing Officer David Hart issued his decision in response to AFSCME Local 1902's appeal of Metropolitan's denial of a grievance challenging WSO Management's assignment of operator work shifts at the Joseph Jensen Treatment Plant. The grievance sought to have all operators assigned to an equal number of 12.5 hour shifts. Hearing Officer Hart determined the underlying grievance was properly denied since WSO Management acted in compliance with the MOU by appropriately exercising its managerial discretion in assigning work shifts. The decision rejects AFSCME's contention that any rotation off of the 12.5 hour schedule at Jensen must be spread out equally among the operators irrespective of classification or other legitimate business concerns. The Legal Department represented Metropolitan in this matter.

Peter Von Haam v. Metropolitan, et al. (Los Angeles County Superior Court)

As previously reported, plaintiff filed a first amended complaint for damages and other relief in

September 2014. In response, Metropolitan filed a demurrer to the intentional infliction of emotional distress, defamation, and invasion of privacy causes of action. At the same time, Metropolitan filed a motion to strike those portions of the first amended complaint seeking exemplary and punitive damages against it. In April 2015, the court ruled in Metropolitan's favor on the demurrer and motion to strike, and gave plaintiff leave to amend. In May, plaintiff filed a second amended complaint which dropped his former manager as a named defendant and dropped the invasion of privacy cause of action. Metropolitan filed a demurrer to the second amended complaint seeking dismissal of the causes of action for failure to prevent discrimination, intentional infliction of emotional distress, and defamation. The demurrer was heard by the court on September 28, 2015, and the court dismissed the causes of action for intentional infliction of emotional distress and defamation. Trial in this matter has been calendared to begin on May 4, 2016. The Legal Department retained Seyfarth Shaw to represent defendants. (See General Counsel's May 2015 Activity Report.)

Matters Involving Metropolitan

EPA Finalizes Rule Requiring Electronic Reporting For NPDES Program

On September 24, 2015, the U.S. Environmental Protection Agency (EPA) finalized a rule that requires regulated entities to electronically report data required by the National Pollutant Discharge Elimination System (NPDES) permit program instead of submitting written paper reports. Specifically, NPDES-regulated entities must electronically submit permit and compliance monitoring information, such as Discharge Monitoring Reports (DMRs), Notices of Intent to discharge in compliance with a general permit (NOIs), and other program reports. EPA expects to publish the final rule in October 2015, and the final rule will go into effect 60 days after publication.

EPA will phase in the requirements of the rule over a five-year period after the effective date of the final rule. In Phase 1, NPDES permittees must file DMRs electronically one year after the rule goes into effect. Also within one year of the effective date, authorized NPDES programs must submit for EPA's review an implementation plan for meeting the Phase 2 data requirements. In Phase 2, regulated entities have five years to submit electronically the remaining set of NPDES program information, including NOIs, Notices of Termination, No Exposure Certifications, and other NPDES program reports. (Metropolitan already submits its NPDES reports electronically.)

According to EPA, the final rule will save significant resources for states, tribes, territories, EPA, and NPDES permittees, while resulting in a more complete, accurate, and nationally consistent set of data about the NPDES program. In addition, the



final rule will make facility-specific information, such as inspection and enforcement history, pollutant monitoring results, and other data

required by NPDES permits, publically available on EPA's website.

Matters Received by the Legal Department

<u>Category</u>	<u>Received</u>	<u>Description</u>																												
Government Code Claims	2	Claims submitted by (1) individual for damage to property from flooding from water drain, and (2) insurance carrier for subrogation claim for accident involving MWD vehicle																												
Requests Pursuant to the Public Records Act	24	<table border="1"> <thead> <tr> <th><u>Requestor</u></th> <th><u>Documents Requested</u></th> </tr> </thead> <tbody> <tr> <td>AlliedBarton Security Services</td> <td>Documents relating to Securitas proposal for MWD RFP for guard services</td> </tr> <tr> <td>BrightScope, Inc.</td> <td>Investment portfolio summary for MWD's 401(k) and 457 plans</td> </tr> <tr> <td>California Department of Water Resources</td> <td>Data on total number of square feet of turf removed under MWD's turf removal program</td> </tr> <tr> <td>California State Parks</td> <td>MWD historical photographs of area around Lake Perris</td> </tr> <tr> <td>California Urban Water Agencies</td> <td>Total costs and total area for turf replacement under MWD's turf removal program</td> </tr> <tr> <td>California Water Service</td> <td>MWD analysis of climate change scenarios as part of the 2010 IRP</td> </tr> <tr> <td>eRepublic</td> <td>Information relating to MWD's contract awards for On Call Business Application Services and Land-Use and Demographics Software</td> </tr> <tr> <td>Law Offices of Robert M. Miller</td> <td>Records reflecting payments to Riggs & Riggs</td> </tr> <tr> <td>Lincoln Financial Group</td> <td>Documents relating to proposals for third-party administrator of MWD's Deferred Compensation Plan</td> </tr> <tr> <td>Private Citizens (2)</td> <td>(1) Information on MWD fluoridation program, (2) Director expense reports</td> </tr> <tr> <td>LA Weekly</td> <td>Figures relating to amounts received by Turf Terminators through MWD's turf removal program</td> </tr> <tr> <td>LADWP</td> <td>Drawings for MWD pipeline</td> </tr> <tr> <td>Lane & McGowan, LLP</td> <td>Documents relating to W. A. Rasic Construction Company submission for MWD RFQ for Prequalified Contractors for Urgent Repairs</td> </tr> </tbody> </table>	<u>Requestor</u>	<u>Documents Requested</u>	AlliedBarton Security Services	Documents relating to Securitas proposal for MWD RFP for guard services	BrightScope, Inc.	Investment portfolio summary for MWD's 401(k) and 457 plans	California Department of Water Resources	Data on total number of square feet of turf removed under MWD's turf removal program	California State Parks	MWD historical photographs of area around Lake Perris	California Urban Water Agencies	Total costs and total area for turf replacement under MWD's turf removal program	California Water Service	MWD analysis of climate change scenarios as part of the 2010 IRP	eRepublic	Information relating to MWD's contract awards for On Call Business Application Services and Land-Use and Demographics Software	Law Offices of Robert M. Miller	Records reflecting payments to Riggs & Riggs	Lincoln Financial Group	Documents relating to proposals for third-party administrator of MWD's Deferred Compensation Plan	Private Citizens (2)	(1) Information on MWD fluoridation program, (2) Director expense reports	LA Weekly	Figures relating to amounts received by Turf Terminators through MWD's turf removal program	LADWP	Drawings for MWD pipeline	Lane & McGowan, LLP	Documents relating to W. A. Rasic Construction Company submission for MWD RFQ for Prequalified Contractors for Urgent Repairs
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	New York Times	Geographic distribution and list of largest rebate recipients under MWD's turf removal program
	City of San Diego	Data on rebates issued to San Diego residents under MWD's turf removal program
	Professor, UCLA Department of Mechanical and Aerospace Engineering	Reports prepared by UCLA for MWD on developing an efficient desalting plant in Huntington Beach
	SmartProcure	List of MWD purchase orders
	Stratecon, Inc.	Request for documents relating to MWD's purchase of land in the Palo Verde Valley
	USGS Oregon Water Science Center	Annual deliveries of water to Diamond Valley Lake
	WestWater Research, LLC	2 requests for documents relating to MWD purchases of land within (1) Palo Verde Irrigation District and (2) Riverside and Imperial Counties
	Western Riverside County Agricultural Coalition	Water quality data for MWD source waters and waters from treatment plants relating to the San Jacinto and Lake Elsinore watersheds
	Veolia North America	Documents relating to MWD invitation for bid for ferric chloride
Other Matters	3	Wage garnishments