Matters Impacting Metropolitan

9th Circuit's Hexavalent Chromium Ruling Could Impose RCRA Liability on Water Suppliers

On September 29, 2021, a divided panel of the United States Court of Appeals for the Ninth Circuit held that a drinking water supplier can potentially be held liable under the Resource Conservation and Recovery Act (RCRA) as a transporter, if its source water is contaminated by a third party's waste.

In *California River Watch v. City of Vacaville*, the plaintiff claimed that the City of Vacaville's (City) water supply wells were contaminated by hexavalent chromium, a carcinogen, which was transported to the City's residents through its water distribution system. Although the City's water complies with federal and state drinking water standards for chromium, there is currently no federal or state drinking water standard for hexavalent chromium. California River Watch (River Watch) alleged that the City was contributing to the transportation of a solid waste in violation of RCRA. In its Response to the City's Petition for Rehearing En Banc, River Watch makes clear its ultimate goal: to file lawsuits under RCRA in order to prevent water suppliers from handling and transporting in their water unregulated chemicals which allegedly may present an imminent and substantial endangerment to health or the environment.

The district court granted summary judgment in favor of the City , concluding that the hexavalent chromium in the City's water was not a solid waste under RCRA because River Watch did not show that it was a discarded material. After River Watch appealed, the Ninth Circuit vacated the district court's decision and determined that the City can be held liable as a transporter of solid waste under RCRA even if it was not involved in discarding the hexavalent chromium and inadvertently took it up through its water supply system. The court found that River Watch created triable issues as to whether: (1) the hexavalent chromium was discarded material; and (2) the City was a transporter of solid waste, reasoning that RCRA does not require that a transporter of solid waste must also play some role in discarding the waste.

Judge Tashima dissented because Ninth Circuit precedent in *Hinds Investments, L.P. v. Angioli*, 654 F.3d 846 (9th Cir. 2011), "requires that a defendant be actively involved in or have some degree of control over the waste disposal process to be liable under RCRA." Thus the City could not be held liable because it was not involved in the waste disposal process.

In November, the City filed a Petition asking all of the Ninth Circuit judges to rehear the case. The City argued that the panel majority's opinion: (1) directly conflicts with the Ninth Circuit's holding in *Hinds*; (2) improperly conflates discarded material, which may be properly regulated under RCRA as solid waste, with constituents of the solid waste – i.e., hexavalent chromium – which allegedly migrated beyond the solid waste disposal site; and (3) involves a question of "exceptional importance": when a water utility complies with its Safe Drinking Water Act (SDWA) obligations, liability under RCRA should be precluded by RCRA's anti-duplication provision. The Ninth Circuit panel directed River Watch to file a response to the City's Petition.

Recognizing the potentially far-reaching consequences of this published decision, Metropolitan legal staff coordinated with the Association of California Water Agencies, the Association of Metropolitan Water Agencies, the American Water Works Association, and the Western Urban Water Coalition to submit an amicus brief on November 15, 2021, in support of the City. These amici argue that Congress could not have intended to subject innocent water utilities to the many regulatory requirements that apply to transporters of hazardous waste. The result of the majority's opinion would be to shift significant costs to water utility *customers* instead of holding those who generated and disposed of the waste accountable to clean up the groundwater they contaminated. The National League of Cities and the League of California Cities (collectively, League of Cities) also filed an amicus brief in support of the City on November 15, 2021.

River Watch's Response to the City's Petition made numerous arguments to support its claim that the City contributed to the handling and transportation of a solid waste and contended that

RCRA is a strict liability statute, is not limited to entities involved in the disposal of solid waste, and that a solid waste under RCRA includes all of the constituents of a solid waste.

Subsequently, the Natural Resources Defense Council (NRDC) filed an amicus brief opposing a rehearing. NRDC's main arguments are: (1) the hexavalent chromium in the City's water is solid waste; (2) the City is actively transporting solid waste by pumping and moving hexavalent chromium through its water system; and (3) RCRA applies absent an identifiable conflict between SDWA's requirements and RCRA liability. Metropolitan staff will continue to monitor this lawsuit and join in amicus efforts as appropriate.

Other Matters

Finance

Legal Department staff worked with Finance staff to prepare and post Metropolitan's annual financial information filings for fiscal year ended June 30, 2021, pursuant to continuing disclosure requirements for all of Metropolitan's outstanding revenue and general obligation bonds. The annual filings include certain financial and operational disclosures and the Annual Comprehensive Financial Report for Fiscal Years Ended June 30, 2021 and 2020. The annual filings are available at http://emma.msrb.org (the Electronic Municipal Market Access system) maintained by the Municipal Securities Rulemaking Board.

Matters Received by the Legal Department

Category	Received	Description	
Government Code Claims	2	(1) Claim relating to damage to landscaping in parkway from MWD vehicles driving over parkway to get to easement; (2) employment-related claims by a former employee	
Requests Pursuant to the Public Records Act	12	Requestor	Documents Requested
		City of Yorba Linda	Maps of any MWD existing facilities near project in Yorba Linda
		ESA	Proposal and proposal evaluation documents for Regional Recycled Water Program-Environmental Planning Support
		Hunsaker & Associates Irvine	Reference plans for any MWD water improvements near project in the City of Orange
		Los Angeles Times	Records regarding claims of retaliation that occurred for filing complaints by certain MWD employees
		Orange County Water District	General Mineral and Physical Analysis of MWD's Water Supplies for the period July 2020 through June 2021
		Graduate Student, University of Oxford	MWD historical records dating back to 1920's relating to Ezra (E. F.) Scattergood, Burdett Moody, William C. Mullendore, John B. Miller, George C. Ward, R. H. Ballard, William (W. B.) Mathews, James Howard

Requestor	Documents Requested
VCA Engineers	As-built drawings of any MWD facilities near project in Desert Center, CA

PLEASE NOTE

- ADDITIONS ONLY IN THE FOLLOWING TABLES WILL BE SHOWN IN RED.
- ANY CHANGE IN CONTRACT AMOUNTS WILL BE SHOWN IN REDLINE FORM (I.E., ADDITIONS, REVISIONS, DELETIONS).

Bay-Delta and SWP Litigation	
Subject	**Status**

Consolidated DCP Revenue Bond Validation Action and CEQA Case
 	
Sierra Club, et al. v. California Department of Water Resources (CEQA, designated as lead case)
 	
DWR v. All Persons Interested (Validation)
 	
Sacramento County Superior Ct.
(Judge Earl)
	• **Validation Action**
	  • Metropolitan, Mojave Water Agency, Coachella Valley Water District, and Santa Clarita Valley Water Agency have filed answers in support
	  • Kern County Water Agency, Tulare Lake Basin Water Storage District, Oak Flat Water District, County of Kings, Kern Member Units & Dudley Ridge Water District, and City of Yuba City filed answers in opposition
	  • North Coast Rivers Alliance et al., Howard Jarvis Taxpayers Association, Sierra Club et al., County of Sacramento & Sacramento County Water Agency, CWIN et al., Clarksburg Fire Protection District, Delta Legacy Communities, Inc, and South Delta Water Agency & Central Delta Water Agency have filed answers in opposition
	  • Case ordered consolidated with the DCP Revenue Bond CEQA Case for pre-trial and trial purposes and assigned to Judge Earl for all purposes
	  • Sierra Club, DWR, North Coast Rivers Alliance and Public Agencies' motions for summary judgment on CEQA affirmative defenses to be heard Dec. 17, 2021
	• **CEQA Case**
	  • Sierra Club, Center for Biological Diversity, Planning and Conservation League, Restore the Delta, and Friends of Stone Lakes National Wildlife Refuge filed a standalone CEQA lawsuit challenging DWR's adoption of the bond resolutions
	  • Alleges DWR violated CEQA by adopting bond resolutions before certifying a Final EIR for the Delta Conveyance Project
	  • Cases ordered consolidated for pre-trial and trial purposes
	  • Sierra Club motion for summary judgment on CEQA cause of action hearing on Dec. 17, 2021

SWP-CVP 2019 BiOp Cases *Pacific Coast Fed'n of Fishermen's Ass'ns, et al. v. Raimondo, et al.* (*PCFFA*) *Calif. Natural Resources Agency, et al. v. Raimondo, et al.* (*CNRA*) Federal District Court, Eastern Dist. of California, Fresno Division (Judge Drozd)	• SWC intervened in both *PCFFA and CNRA* cases • Briefing on federal defendants' motion to dismiss CNRA's California ESA claim is complete; no hearing date set and may be decided on the papers • Federal defendants circulated administrative records for each of the BiOps • December 18, 2020 PCFFA and CNRA filed motions to complete the administrative records or to consider extra-record evidence in the alternative • Federal defendants reinitiated consultation on Oct 1, 2021 • On Nov. 8, 2021, Federal Defendants and PCFFA plaintiffs stipulated to inclusion of certain records in the Administrative Records and to defer further briefing on the matter until July 1, 2022 • On Nov. 12, 2021, SWC filed a motion to amend its pleading to assert cross-claims against the federal defendants for violations of the ESA, NEPA and WIIN Act; Court has yet to set a hearing date • November 23, 2021, Federal Defendants filed a motion for voluntary remand of the 2019 Biological Opinions and NEPA Record of Decision and requesting that the Court issue an order approving an Interim Operations Plan through September 30, 2022; that the cases be stayed for the same time period; and that the Court retain jurisdiction during the pendency of the remand. State Plaintiffs filed a motion for injunctive relief seeking judicial approval of the Interim Operations Plan • December 16, 2021 – NGO Plaintiffs' deadline to file a response or opposition to the Federal Defendants' motion; NGO Plaintiffs' deadline to file a motion for preliminary injunction related to interim operations • January 10, 2022 - Defendant-Intervenors, including SWC, deadline to file oppositions to motions filed by Federal Defendants, State Plaintiffs, and NGO Plaintiffs; Federal Defendants' deadline to file response or opposition to NGO Plaintiffs' motion for preliminary injunction

	• January 24, 2022 – Deadline for any replies in support of Federal Defendants', State Plaintiffs' and NGO Plaintiffs' motions • Hearing date(s) on the motions to be determined by the Court
CESA Incidental Take Permit Cases **Coordinated Case Name *CDWR Water Operations Cases*, JCCP 5117 (Coordination Trial Judge Gevercer)** *Metropolitan & Mojave Water Agency v. Calif. Dept. of Fish & Wildlife, et al*. (CESA/CEQA/Breach of Contract) *State Water Contractors & Kern County Water Agency v. Calif. Dept. of Fish & Wildlife, et al*. (CESA/CEQA) *Tehama-Colusa Canal Auth., et al. v. Calif. Dept. of Water Resources* (CEQA) *San Bernardino Valley Municipal Water Dist. v. Calif. Dept. of Water Resources, et al.* (CEQA/CESA/ Breach of Contract/Takings) *Sierra Club, et al. v. Calif. Dept. of Water Resources* (CEQA/Delta Reform Act/Public Trust) *North Coast Rivers Alliance, et al. v. Calif. Dept. of Water Resources* (CEQA/Delta Reform Act/Public Trust) *Central Delta Water Agency, et. al. v. Calif. Dept. of Water Resources* (CEQA/Delta Reform Act/Public Trust/ Delta Protection Acts/Area of Origin) *San Francisco Baykeeper, et al. v. Calif. Dept. of Water Resources, et al*. (CEQA/CESA)	• All 8 cases ordered coordinated in Sacramento County Superior Court • Stay on discovery issued until coordination trial judge orders otherwise • All four Fresno cases transferred to Sacramento to be heard with the four other coordinated cases • SWC and Metropolitan have submitted Public Records Act requests seeking administrative record materials and other relevant information • Answers filed in the three cases filed by State Water Contractors, including Metropolitan's • Draft administrative records produced on Sept. 16, 2021 • Certified administrative records due early March 2022

CDWR Environmental Impact Cases **Sacramento Superior Ct. Case No. JCCP 4942, 3d DCA Case No. C091771** **(20 Coordinated Cases)** Validation Action *DWR v. All Persons Interested* CEQA 17 cases CESA/Incidental Take Permit 2 cases	• Cases dismissed after DWR rescinded project approval, bond resolutions, decertified the EIR, and CDFW rescinded the CESA incidental take permit • January 10, 2020 – Nine motions for attorneys' fees and costs denied in their entirety • Parties have appealed attorneys' fees and costs rulings • Appeals fully briefed
COA Addendum/ **No-Harm Agreement** *North Coast Rivers Alliance v. DWR* Sacramento County Superior Ct. (Judge Gevercer)	• Plaintiffs allege violations of CEQA, Delta Reform Act & public trust doctrine • USBR Statement of Non-Waiver of Sovereign Immunity filed September 2019 • Westlands Water District and North Delta Water Agency granted leave to intervene • Metropolitan & SWC monitoring • Deadline to prepare administrative record extended to ~~Nov. 16, 2021~~Jan. 18, 2022 • July 22, 2022 hearing on the merits
Delta Plan Amendments and Program EIR 4 Consolidated Cases Sacramento County Superior Ct. (Judge Gevercer) *North Coast Rivers Alliance, et al. v. Delta Stewardship Council* (lead case) *Central Delta Water Agency, et al. v. Delta Stewardship Council* *Friends of the River, et al. v. Delta Stewardship Council* *California Water Impact Network, et al. v. Delta Stewardship Council* **Delta Stewardship Council Cases** 3 Remaining Cases (CEQA claims challenging original 2013 Delta Plan EIR) (Judge Chang) *North Coast Rivers Alliance, et al. v. Delta Stewardship Council* *Central Delta Water Agency, et al. v. Delta Stewardship Council* *California Water Impact Network, et al. v. Delta Stewardship Council*	• Cases challenge, among other things, the Delta Plan Updates recommending dual conveyance as the best means to update the SWP Delta conveyance infrastructure to further the coequal goals • Allegations relating to "Delta pool" water rights theory and public trust doctrine raise concerns for SWP and CVP water supplies • Cases consolidated for pre-trial and trial under *North Coast Rivers Alliance v. Delta Stewardship Council* • SWC granted leave to intervene • Metropolitan supports SWC • 2013 and 2018 cases to be heard separately due to peremptory challenge • SWC and several individual members, including Metropolitan, SLDMWA and Westlands have dismissed their remaining 2013 CEQA claims but remain intervenor-defendants in the three remaining *Delta Stewardship Council Cases* **2013 Cases** • Hearing on merits of CEQA claims in the three remaining 2013 cases re-set for Feb. 25, 2022

	2018 Cases • July 15, 2021 - Opening Briefs • Oct. 13, 2021 - Opposition Briefs • Nov. 22, 2021 - Reply Briefs • Dec. 10, 2021 - Case Management Conference to set hearing on the merits
SWP Contract Extension Validation Action Sacramento County Superior Ct. (Judge Culhane) *DWR v. All Persons Interested in the Matter, etc.*	• DWR seeks a judgment that the Contract Extension amendments to the State Water Contracts are lawful • Metropolitan and 7 other SWCs filed answers in support of validity to become parties • Four answers filed in opposition denying validity on multiple grounds raised in affirmative defenses • Case deemed related to the two CEQA cases below and assigned to Judge Culhane • DWR certified the administrative record for the validation action on May 3, 2021 • Parties stipulated to a revised briefing schedule in all three related cases (validation and CEQA): • Opening Briefs Sept. 17, 2021 • Opposition Briefs Nov. 15, 2021 • Reply Briefs Dec. 17, 2021 • Jan. 5, 2022 Hearing on the merits with CEQA cases, below
SWP Contract Extension CEQA Cases Sacramento County Superior Ct. (Judge Culhane) *North Coast Rivers Alliance, et al. v. DWR* *Planning & Conservation League, et al. v. DWR*	• Petitions for writ of mandate alleging CEQA and Delta Reform Act violations filed on January 8 & 10, 2019 • Deemed related to DWR's Contract Extension Validation Action and assigned to Judge Culhane • Administrative Record completed • DWR filed its answers on September 28, 2020 • Metropolitan, Kern County Water Agency and Coachella Valley Water District have intervened and filed answers in the two CEQA cases • Briefing and hearing on the merits same as for the SWP Contract Extension Validation Action, above

Delta Conveyance Project Soil Exploration Case *Central Delta Water Agency, et al. v. DWR* Sacramento County Superior Ct. (Judge Chang)	• Filed August 10, 2020 • Plaintiffs Central Delta Water Agency, South Delta Water Agency and Local Agencies of the North Delta • One cause of action alleging that DWR's adoption of an Initial Study/Mitigated Negative Declaration (IS/MND) for soil explorations needed for the Delta Conveyance Project violates CEQA • March 24, 2021 Second Amended Petition filed to add allegation that DWR's addendum re changes in locations and depths of certain borings violates CEQA • Deadline to prepare the administrative record extended to Nov. 8, 2021 • Dec. 16, 2021 hearing on DWR's petition to add the 2020 CEQA case to the *Department of Water Resources Cases*, JCCP 4594, San Joaquin County Superior Court
Water Management Tools Contract Amendment *California Water Impact Network et al. v. DWR* Sacramento County Superior Ct. (Judge Earl) *North Coast Rivers Alliance, et al. v. DWR* Sacramento County Super. Ct. (Judge Earl)	• Filed September 28, 2020 • CWIN and Aqualliance allege one cause of action for violation of CEQA • NCRA et al. allege four causes of action for violations of CEQA, the Delta Reform Act, Public Trust Doctrine and seeking declaratory relief • Parties have stipulated to production of a draft administrative record by April 1, 2022 and to a timeline to attempt to resolve any disputes over the contents • *CWIN* case reassigned to Judge Earl so both cases will be heard together • Hearing on SWC motion to intervene in both cases set for Jan. 14, 2022

San Diego County Water Authority v. Metropolitan, et al.		
Cases	**Date**	**Status**
2010, 2012	Aug. 13-14, 2020	Final judgment and writ issued. Transmitted to the Board on August 17.
	Aug. 28, Sept. 1	SDCWA and Metropolitan filed memoranda of costs.
	Sept. 11	Metropolitan filed notice of appeal of judgment and writ.
	Sept. 14, 16	Metropolitan filed motion to strike SDCWA's costs memorandum, and SDCWA filed motion to strike or tax Metropolitan's costs memorandum.
	Jan. 13, 2021	Court issued order finding SDCWA is the prevailing party on the Exchange Agreement, entitled to attorneys' fees and costs under the contract.
	Feb. 4	Metropolitan filed opening appellate brief regarding final judgment and writ.
	Feb. 10	Court issued order awarding SDCWA statutory costs, granting SDCWA's and denying Metropolitan's related motions.
	Feb. 16	Per SDCWA's request, Metropolitan paid contract damages in 2010-2012 cases judgment and interest. Metropolitan made same payment in Feb. 2019, which SDCWA rejected.
	Feb. 25	Metropolitan filed notice of appeal of Jan. 13 (prevailing party on Exchange Agreement) and Feb. 10 (statutory costs) orders.
	Aug. 5	Metropolitan filed opening appellate brief regarding prevailing party on the Exchange Agreement and statutory costs.
	Sept. 21	Court of Appeal issued opinion on Metropolitan's appeal regarding final judgment and writ, holding: (1) the court's 2017 decision invalidating allocation of Water Stewardship Rate costs to transportation in the Exchange Agreement price and wheeling rate applied not only to 2011-2014, but also 2015 forward; (2) no relief is required to cure the judgment's omission of the court's 2017 decision that allocation of State Water Project costs to transportation is lawful; and (3) the writ is proper and applies to 2015 forward.
	Sept. 21	SDCWA filed responding appellate brief regarding prevailing party on the Exchange Agreement and statutory costs.
	Mar. 16, 2022	Court of Appeal oral argument regarding prevailing party on the Exchange Agreement and statutory costs.

Cases	Date	Status
2014, 2016	Aug. 28, 2020	SDCWA served first amended (2014) and second amended (2016) petitions/complaints.
	Sept. 28	Metropolitan filed demurrers and motions to strike portions of the amended petitions/complaints.
	Sept. 28-29	Member agencies City of Torrance, Eastern Municipal Water District, Foothill Municipal Water District, Las Virgenes Municipal Water District, Three Valleys Municipal Water District, Municipal Water District of Orange County, West Basin Municipal Water District, and Western Municipal Water District filed joinders to the demurrers and motions to strike.
	Feb. 16, 2021	Court issued order denying Metropolitan's demurrers and motions to strike, allowing SDCWA to retain contested allegations in amended petitions/complaints.
	March 22	Metropolitan filed answers to the amended petitions/complaints and cross-complaints against SDCWA for declaratory relief and reformation, in the 2014, 2016 cases.
	March 22-23	Member agencies City of Torrance, Eastern Municipal Water District, Foothill Municipal Water District, Las Virgenes Municipal Water District, Three Valleys Municipal Water District, Municipal Water District of Orange County, West Basin Municipal Water District, and Western Municipal Water District filed answers to the amended petitions/complaints in the 2014, 2016 cases.
	April 23	SDCWA filed answers to Metropolitan's cross-complaints.
	Sept. 30	Based on the Court of Appeal's Sept. 21 opinion (described above), and the Board's Sept. 28 authorization, Metropolitan paid $35,871,153.70 to SDCWA for 2015-2017 Water Stewardship Rate charges under the Exchange Agreement and statutory interest.
2017	July 23, 2020	Dismissal without prejudice entered.
2018	July 28	Parties filed a stipulation and application to designate the case complex and related to the 2010-2017 cases, and to assign the case to Judge Massullo's court.
	Nov. 13	Court ordered case complex and assigned to Judge Massullo's court.
	April 21	SDCWA filed second amended petition/complaint.
	May 25	Metropolitan filed motion to strike portions of the second amended petition/complaint.

Cases	Date	Status
2018 (cont.)	May 25-26	Member agencies City of Torrance, Eastern Municipal Water District, Foothill Municipal Water District, Las Virgenes Municipal Water District, Three Valleys Municipal Water District, Municipal Water District of Orange County, West Basin Municipal Water District, and Western Municipal Water District filed joinders to the motion to strike.
	July 19	Court issued order denying Metropolitan's motion to strike portions of the second amended petition/complaint.
	July 29	Metropolitan filed answer to the second amended petition/complaint and cross-complaint against SDCWA for declaratory relief and reformation.
	July 29	Member agencies City of Torrance, Eastern Municipal Water District, Foothill Municipal Water District, Las Virgenes Municipal Water District, Three Valleys Municipal Water District, Municipal Water District of Orange County, West Basin Municipal Water District, and Western Municipal Water District filed answers to the second amended petition/complaint.
	Aug. 31	SDCWA filed answer to Metropolitan's cross-complaint.
2014, 2016, 2018	June 11	Metropolitan lodged administrative records.
	June 11, 21	Deposition of non-party witness.
	Aug. 25	Hearing on Metropolitan's motion for further protective order regarding deposition of non-party witness.
	Aug. 25	Court issued order consolidating the 2014, 2016, and 2018 cases for all purposes, including trial.
	Aug. 30	Court issued order granting Metropolitan's motion for a further protective order regarding deposition of non-party witness.
	Aug. 31	SDCWA filed consolidated answer to Metropolitan's cross-complaints in the 2014, 2016, and 2018 cases.
	Oct. 27	Parties submitted to the court a joint stipulation and proposed order staying discovery through Dec. 8 and resetting pre-trial deadlines.
	October 29	Court issued order staying discovery through Dec. 8 and resetting pre-trial deadlines, while the parties discuss the prospect of settling some or all remaining claims and crossclaims.
	Jan. 12, 2022	Next Case Management Conference. (Sept. 17 Conference postponed.)

Cases	Date	Status
All Cases	April 15, 2021	Case Management Conference on 2010-2018 cases. Court set trial in 2014, 2016, and 2018 cases on May 16-27, 2022.
	April 27	SDCWA served notice of deposition of non-party witness.
	May 13-14	Metropolitan filed motions to quash and for protective order regarding deposition of non-party witness.
	June 4	Ruling on motions to quash and for protective order.

Outside Counsel Agreements				
Firm Name	**Matter Name**	**Agreement No.**	**Effective Date**	**Contract Maximum**
Andrade Gonzalez LLP	MWD v. DWR, CDFW and CDNR Incidental Take Permit (ITP) CESA/CEQA/Contract Litigation	185894	07/20	$250,000
Aleshire & Wynder	Oil, Mineral and Gas Leasing	174613	08/18	$50,000
Atkinson Andelson Loya Ruud & Romo	Employee Relations	59302	04/04	$1,214,517
	MWD v. Collins	185892	06/20	~~$60,000~~ $100,000
	Delta Conveyance Project Bond Validation-CEQA Litigation	185899	09/21	$100,000
	MWD Drone and Airspace Issues	193452	08/20	$50,000
	Equal Employee Opportunity Commission Charge	200462	03/21	$20,000
	Public Employment Relations Board Charge No. LA-CE-1441-M	200467	03/21	$30,000
	Representation re the Shaw Law Group's Investigations	200485	05/20/21	$50,000
	DFEH Charge- (DFEH Number 202102-12621316)	201882	07/01/21	$25,000
	AFSCME Local 1902 in Grievance No. 1906G020 (CSU Meal Period)	201883	07/12/21	$30,000
	AFSCME Local 1902 v. MWD, PERB Case No. LA-CE-1438-M	201889	09/15/21	$20,000
	MWD MOU Negotiations**	201893	10/05/21	$100,000
Best, Best & Krieger	Navajo Nation v. U.S. Department of the Interior, et al.	54332	05/03	$185,000
	~~Iron Mountain SMARA (Surface Mining and Reclamation Act)~~	~~158043~~	~~07/17~~	~~$250,000~~
	Bay-Delta Conservation Plan/Delta Conveyance Project (with SWCs)	170697	08/17	$500,000
	Environmental Compliance Issues	185888	05/20	$50,000

Firm Name	Matter Name	Agreement No.	Effective Date	Contract Maximum
Blooston, Mordkofsky, Dickens, Duffy & Prendergast, LLP	FCC and Communications Matters	110227	11/10	$100,000
Buchalter, a Professional Corp.	Union Pacific Industry Track Agreement	193464	12/07/20	$50,000
Burke, Williams & Sorensen, LLP	Real Property - General	180192	01/19	$100,000
	Labor and Employment Matters	180207	04/19	$50,000
	General Real Estate Matters	180209	08/19	$100,000
Law Office of Alexis S.M. Chiu*	Bond Counsel	200468	07/21	N/A
Cislo & Thomas LLP	Intellectual Property	170703	08/17	$75,000
Curls Bartling P.C.*	Bond Counsel	174596	07/18	N/A
	Bond Counsel	200470	07/21	N/A
Duane Morris LLP	SWRCB Curtailment Process	138005	09/14	$615,422
Duncan, Weinberg, Genzer & Pembroke PC	Power Issues	6255	09/95	$3,175,000
Ellison, Schneider, Harris & Donlan	Colorado River Issues	69374	09/05	$175,000
	Issues re SWRCB	84457	06/07	$200,000
Haden Law Office	Real Property Matters re Agricultural Land	180194	01/19	$50,000
Hanson Bridgett LLP	SDCWA v. MWD	124103	03/12	$1,100,000
	Finance Advice	158024	12/16	$100,000
	Deferred Compensation/HR	170706	10/17	$ 400,000
	Tax Issues	180200	04/19	$50,000
Hausman & Sosa, LLP	MOU Hearing Officer Appeal	201892	09/21	$25,000

Firm Name	Matter Name	Agreement No.	Effective Date	Contract Maximum
Hawkins Delafield & Wood LLP*	Bond Counsel	193469	07/21	N/A
Horvitz & Levy	SDCWA v. MWD	124100	02/12	$900,000
	General Appellate Advice	146616	12/15	$100,000
Hunt Ortmann Palffy Nieves Darling & Mah, Inc.	Construction Contracts/COVID-19 Emergency	185883	03/20	$40,000
Internet Law Center	HR Matter	174603	05/18	$60,000
	Cybersecurity and Privacy Advice and Representation	200478	04/13/21	$100,000
	Systems Integrated, LLC v. MWD	201875	05/17/21	$40,000
Amira Jackmon, Attorney at Law*	Bond Counsel	200464	07/21	N/A
Jackson Lewis P.C.	Employment: Department of Labor Office of Contract Compliance (OFCCP)	137992	02/14	$45,000
Jones Hall, A Professional Law Corporation*	Bond Counsel	200465	07/21	N/A
Kegel, Tobin & Truce	Workers' Compensation	180206	06/19	$250,000
Lesnick Prince & Pappas LLP	Topock/PG&E's Bankruptcy	185859	10/19	$30,000
Liebert Cassidy Whitmore	Labor and Employment	158032	02/17	$201,444
	EEO Investigations	180193	01/19	$100,000
	FLSA Audit	180199	02/19	$50,000
LiMandri & Jonna LLP	Bacon Island Subrogation	200457	03/21	$50,000

Firm Name	Matter Name	Agreement No.	Effective Date	Contract Maximum
Manatt, Phelps & Phillips	In Re Tronox Incorporated	103827	08/09	$540,000
	SDCWA v. MWD rate litigation	146627	06/16	$2,900,000
Meyers Nave Riback Silver & Wilson	OCWD v. Northrop Corporation	118445	07/11	$2,300,000
	IID v. MWD	185900	08/20	$ 410,000
	IID v. MWD (Contract Litigation)	193472	02/21	$100,000
Miller Barondess, LLP	SDCWA v. MWD	138006	12/14	$600,000
Morgan, Lewis & Bockius	SDCWA v. MWD	110226	07/10	$8,750,000
	Project Labor Agreements	200476	04/21	$100,000
Musick, Peeler & Garrett LLP	Colorado River Aqueduct Electric Cables Repair/Contractor Claims	193461	11/20	$300,000
Norton Rose Fulbright US LLP*	Bond Counsel	200466	07/21	N/A
Olson Remcho LLP	Government Law	131968	07/14	$200,000
	Ethics Office	170714	01/18	$350,000
Ryan & Associates	Leasing Issues	43714	06/01	$200,000
Seyfarth Shaw LLP	HR Litigation	185863	12/19	$250,000
	Claim (Contract #201897)	201897	11/04/21	$100,000
	Claim (Contract #203436)	203436	11/15/21	$100,000
Stradling Yocca Carlson & Rauth*	Bond Counsel	200471	07/21	N/A
Theodora Oringher PC	OHL USA, Inc. v. MWD	185854	09/19	$1,100,000
	Construction Contracts - General Conditions Update	185896	07/20	$100,000

Firm Name	Matter Name	Agreement No.	Effective Date	Contract Maximum
Thomas Law Group	MWD v. DWR, CDFW, CDNR – Incidental Take Permit (ITP) CESA/CEQA/Contract Litigation	185891	05/20	$250,000
	Iron Mountain SMARA (Surface Mining and Reclamation Act)	203435	12/03/21	$100,000
Thompson Coburn LLP	FERC Representation re Colorado River Aqueduct Electrical Transmission System	122465	12/11	$100,000
	NERC Energy Reliability Standards	193451	08/20	~~$25,000~~ $100,000
Van Ness Feldman, LLP	General Litigation	170704	07/18	$50,000
	Colorado River MSHCP	180191	01/19	$50,000
	Bay-Delta and State Water Project Environmental Compliance	193457	10/15/20	$50,000
Western Water and Energy	California Independent System Operator Related Matters	193463	11/20/20	$100,000

*Expenditures paid by Bond Proceeds/Finance
**Expenditures paid by another group