

1. **DWR's Eminent Domain proceedings - *State of California v. Douglas D. Allen***

- a. Background: DWR made attempts to obtain drilling easements necessary for garnering geotechnical information needed for the BDCP alternative conveyance system. In September, DWR filed motions in San Joaquin, Yolo, Sacramento, and Contra Costa counties for pre-judgment possession of the Delta properties, which would allow them to commence soil sampling prior to a final decision on the Eminent Domain proceedings.
- b. Rulings: The Superior Courts of each county has denied DWR's motions.
- c. Implications: DWR is going to have to wait until a later date, probably spring, in order to obtain the information they need from the Delta properties.

We will continue to monitor these cases and provide updates as they arise.

2. **Water Quality Dispute**

- a. **Petition by the Sacramento Regional County Sanitation District to the State Water Resources Control Board**
- b. Background: The Central Valley Regional Water Quality Control Board ("Central Valley Board") issued a Water Discharge Permit ("Permit") to the Sacramento Regional County Sanitation District ("District") back in December of 2010. The Permit authorizes discharges from the District's Sacramento Regional Wastewater

Treatment Plant (“Treatment Plant”) to the Sacramento River within the boundaries of the Delta. The District appealed the Permit and the case has gone to State Water Resources Control Board (“SWRCB”).

- c. The Proposed Order:** The SWRCB has developed a Proposed Order that affirms a majority of the Central Valley Board’s Permit. The administrative record reveals an effort made by the Central Valley Board staff to understand and study the Delta, and as a result the Permit contains several new or more stringent limitations and requirements. These limitations specifically address pathogens, ammonia and nitrates, which all pose substantial human health risks and can contribute to altered ecology in the Delta.
- d. Relevancy to the Delta Plan:** This issue is relevant to the Delta Plan because it relates to our Coequal goals of providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem. The increased ammonia and nitrates in the water affects drinking water exported from the Delta, as well as fish and other aquatic life that rely on the Delta ecosystem.

 - i.** The effluent standards affirmed in the SWRCB’s Proposed Order align with the Council’s efforts to promote these co-equal goals.
 - ii.** It is also relevant to the Council because we offered our comments to the SWRCB’s Proposed Order back in June of 2012.

- e. Conclusions: The Sacramento District filed suit against the Central Valley Water Board back in 2011; they agreed to postpone action on the suit until the SWRCB adopts their Final Order, which they will likely do at their next meeting on December 4th. We will continue to monitor this case and provide updates as they arise.