



GREAT BASIN UNIFIED AIR POLLUTION CONTROL DISTRICT

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For Immediate Release:

Court rules against Los Angeles Department of Water and Power in Owens Lake fee case

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Today, in another setback for the Los Angeles Department of Water and Power, the Kern County Superior Court ruled that LADWP must pay more than one million dollars in fees that it deliberately withheld related to air pollution control measures for the dried Owens Lake bed. LADWP's water diversions from the Owens Valley cause the air pollution at Owens Lake. In December 2011 and May 2012, the Great Basin Unified Air Pollution Control District ordered LADWP to pay fees associated with the development of dust control measures and legal costs to enforce Owens Lake air pollution control requirements. Great Basin is incurring these legal expenses in its defense against the City's continued efforts to avoid constructing the control measures required to meet air quality standards. LADWP adopted a budget of over \$2.5 million to pay two law firms to represent its Owens Lake matters. The two law firms are in addition to a number of City attorneys working on these issues. In 1997, the California Air Resources Board held that Great Basin was also entitled to retain lawyers to respond to the City's challenges, and that those legal costs were properly assessed to the City as part of the development of the air pollution control measures. The duty of the City to pay those fees prior to appealing District orders was established in 1997 by Court Orders against the City.

"Today's decision is important to protect the environment and public health," said Ted Schade, Great Basin's Air Pollution Control Officer. "Hopefully it sends a message to leaders in the City of Los Angeles that its Department of Water and Power must comply with the law and its past agreements, that they must obey regulatory orders and, most importantly, that they must finish controlling the air pollution caused by their water diversions from the Eastern Sierra. We encourage Los Angeles' leadership to begin serious discussions with Great Basin as to how it will meet its legal obligations and protect the air quality and public health of the residents of the Owens Valley."

In addition to refusing to pay fees, the LADWP is opposing existing federal, state and local air pollution control laws that require additional air pollution controls at Owens Lake. LADWP's drying of Owens Lake created the largest single source of particulate matter air pollution in the country. Particulate air emissions are a danger to human health and the environment; the particulates lodge deep in the lungs, causing respiratory injuries and additional risks to children and the elderly. Over the past year, LADWP's water diversions have created dust storms that exceeded the federal standard on 25 separate days resulting in the issuance of local health alerts.

Last month, the State Air Board issued its decision that carefully considered and rejected all of LADWP's challenges to the air pollution measures. Today, Kern County's Judge Sidney P. Chapin ordered the LADWP to immediately pay the fees of over \$1.1 million. For its failure to comply with the Court Orders and pay the fees, the City now faces a trial to determine a civil penalty of up to \$30,000 per day for each day of its violation. The penalties associated with this willful violation of court orders could exceed \$6 million.

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