



GREAT BASIN UNIFIED AIR POLLUTION CONTROL DISTRICT

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For Immediate Release:

Federal Court Ends Los Angeles Department of Water and Power Lawsuit in Owens Lake case

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Today, the City of Los Angeles Department of Water and Power's high-profile lawsuit against the Great Basin Unified Air Pollution Control District and other environmental agencies was dismissed by the U.S. District Court for the Eastern District of California. The City's federal court lawsuit filed in Fresno attempted to prevent the District from enforcing state laws that require the LADWP to control the air pollution caused by its water diversions in the Eastern Sierra. The most significant air pollution problem in the region is caused by LADWP's drying of Owens Lake.

The lawsuit was supported by the Los Angeles City Council, Mayor Antonio Villaraigosa and City business groups as a means to avoid further air pollution controls. The lawsuit was opposed by the U.S. Department of Justice, the U.S. Environmental Protection Agency and the California Attorney General's Office, which joined the District by filing legal papers to demonstrate that the City's lawsuit lacked legal merit. U.S. District Judge Anthony W. Ishii agreed with the District and granted judgment against the City in a twenty-one page opinion, a copy of which is attached.

According to Ted Schade, Great Basin's Air Pollution Control Officer, "The LADWP, seeking to avoid the law and its past promises, sued every federal, state and local agency responsible for protecting air quality in California. Today's court decision is an important victory for every person in California that cares about clean air and a healthy environment. It also sends an important message to the LADWP ratepayers who are paying for this strategy of almost endless lawsuits. Great Basin recently wrote to LADWP Board of Commissioners asking it to change directions and begin a new path of serious discussions with Great Basin as to how it can both meet the legal obligation to control its air pollution and protect public health, while saving both water and money on Owens Lake dust controls."

The dismissal of the federal lawsuit was the City's third recent defeat in courts on this issue. Last year, the City was forced to dismiss two state court lawsuits against the District and the California Air Resources Board. The City also suffered a setback before the Air Board where it appealed its responsibility for the air pollution from Owens Lake. In 2012, the Air Board reviewed over 50 million data records from the dried lake bed and held a hearing to determine if additional dust controls are required. It determined that Owens Lake air pollution is directly linked to the City's

water diversion activities; it rejected all the City's arguments; and it found the ordered air pollution control measures to be reasonable and legally required. The City has filed another lawsuit in state court to challenge the Air Board's decision.

As a result of the Air Board's decision, the City was compelled to submit a preliminary plan for how it will address the on-going air pollution problem. It has proposed a plan that will control dust and reduce water use at Owens Lake by over 600 million gallons every year. The District has evaluated and approved the City's proposed plan. "The City now shows that it can both reduce water use at Owens Lake and control its air pollution," said Schade. "This conserves water for LA ratepayers while protecting the public health and environment of the Owens Valley." The City's water divisions are continuing to cause violations of the federal and state air pollution standards, including more than 27 health alerts in the Owens Valley within the last twelve months.

The City also faces civil penalties and an injunction for its refusals to pay its fees related to the air pollution measures to the District. Trial in that matter is set for Kern County Superior Court in October 2013. The City could face penalties of nearly \$8 million.

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