



GREAT BASIN UNIFIED AIR POLLUTION CONTROL DISTRICT

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For Immediate Release:

Sacramento Court Issues Judgment for Nation's Largest Particulate Air Pollution Control Project at Owens Lake

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On December 30, 2014, in a historic decision regarding the diversion of the Owens River to the City of Los Angeles, Sacramento Superior Court Judge Shelleyanne Chang approved a stipulated judgment against the Los Angeles Department of Water and Power requiring completion of the nation's largest particulate air pollution control project on the dried Owens Lake bed. The judgment entered for the Great Basin Unified Air Pollution Control District should, for the first time, bring LADWP's water diversions into compliance with the clean air laws that protect the environment and human health. The judgment follows prior rulings against LADWP in favor of Great Basin, the California Air Resources Board, and the State Lands Commission, which were sued by LADWP.

For 101 years, LADWP's water diversions into the Los Angeles Aqueduct have linked the Owens Valley to the City of Los Angeles. These diversions created the dried Owens Lake bed, which was the largest source of dust pollution in the country. The fine particles of dust are especially dangerous to children and the elderly, and caused Great Basin to issue more than 20 health alerts in the last year.

The Sacramento judgment ends a three-year legal fight by LADWP in five different state and federal courts, and before the Air Board, seeking to delay its compliance or prevent enforcement of the air laws governing its water diversions. However, each court ruled against LADWP and for Great Basin. The litigation costs can now be redirected to air pollution control projects at the dried lakebed.

The case in part involved the use of water for dust control. LADWP had the choice to use water to control dust with shallow flooding, or to reduce water-use by planting vegetation, or to use no water by applying gravel to emissive lakebed areas. It selected shallow flooding for most of the lakebed because of its lower initial cost, instead of the other water-saving methods. LADWP's argument that dust control was a waste of water was rejected by the court because LADWP had the ability to use gravel and vegetation as control measures.

Great Basin agreed that LADWP may try a new method to control dust--tilling the lake bed. The creation of very large sunbaked clods will create a rough surface that resists wind erosion. As a back-up, all tilled areas must also be able to be shallow flooded. When the rough tilled surface inevitably breaks down after months or years, LADWP can re-flood the tilled areas to reset the soil and then till the emissive surfaces, resulting in significant water savings. The back-up system also provides the assurance that the legal requirements for dust control can always be met.

The judgment also provides for an additional 3.6 square miles of dust controls, bringing the total to 48.6 square miles, and allows Great Basin to order an additional 4.8 square miles in the future, if required to comply with air quality standards. A science advisory panel will also be set up to assist in developing new control technologies. LADWP commits to bringing no future legal challenges to its responsibility to comply with these requirements, all of which are enforceable in Sacramento Superior Court. The full text of the Sacramento judgment can be viewed on the Great Basin's web site at www.gbuapcd.org.

According to Ted Schade, Great Basin's Air Pollution Control Officer who retired on December 26, "The Sacramento judgment is the final piece of a solution to the 100-year problem of dust caused by LADWP's water diversions from Owens Lake. Within two years, we expect that the air pollution from the lakebed will finally be controlled and the residents of the Owens Valley will breathe some of the cleanest air in the country. This solution provides clean air for the Owens Valley and allows Los Angeles to save water and money to meet its legal obligations. This is an excellent solution to a difficult problem."

By bringing LADWP into compliance with the clean air laws, the Owens Valley will benefit from the reduction of harmful air pollution by an amount equal to more than 75,000 tons of dust per year--equal to the weight of one million people. This will make it the largest particulate matter air pollution control project in the nation's history. Work on the final phase of dust controls is expected to start by mid-2015. LADWP will immediately begin converting nearly 2,000 acres of existing flooded areas to tillage and LADWP ultimately hopes to save enough water to supply nearly 100,000 people.

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