



GREAT BASIN UNIFIED AIR POLLUTION CONTROL DISTRICT

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For Immediate Release:

Los Angeles Department of Water and Power Sues to Avoid Air Pollution Control Laws

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Today, the Los Department of Water and Power appears to have filed a lawsuit in federal court that seeks to prevent enforcement of the Clean Air Act's requirements on its water diversion operations in the Owens Valley. These diversions have created the dried Owens Lake bed, the largest source of particulate air emissions in the United States. Particulate air emissions of 10 microns or less are regulated by federal and state environmental laws as a danger to human health and the environment, with the particulates lodging deep in the lungs, causing respiratory injuries and special risks to the elderly and children. Over the past year, DWP's operations have created dust storms exceeding the federal standard on 42 separate days resulting in the issuance of local health alerts.

In 1997 and 2006, the DWP entered into a series of agreements to control the PM10 emissions caused by its operations. Those agreements resulted in regulations approved by federal and state regulators that require the DWP to implement control measures that can include at its option shallow flooding, gravel cover or managed vegetation of areas that its water diversions have left dry. In 2011, the City repudiated its agreements and initiated a series of actions to avoid the cost of those controls, while continuing to divert water and profit from that diversion.

The DWP now sues every federal and state environmental agency, including the U.S. Environmental Protection Agency, the California Air Resources Board, and the Great Basin Unified Air Pollution Control District, to attempt to avoid its agreement and these legal requirements. "The District has not yet had a chance to review the DWP's lawsuit" said Ted Schade, Air Pollution Control Officer for the Great Basin Unified Air Pollution Control District. "The DWP has broken its promises to the Owens Valley." Mr. Schade continued: "The District believes its goals are shared by the people of the City of Los Angeles, that the DWP's need for water comes with a legal responsibility to protect the environment and the health of the communities it impacts." The District will have further comment upon reviewing the specifics of the DWP's legal action.

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