

Item available for public inspection in the Clerk's office during regular business hours (Monday - Friday, 9 AM - 5 PM)

March 21, 2023

Regular Meeting

**Item #7F - Board Letter to the State
Water Resources Control Board
Regarding Mono Lake**

(Regular Agenda)

County Counsel

**Letter from Great Basin Unified Air
Pollution Control District**



GREAT BASIN UNIFIED AIR POLLUTION CONTROL DISTRICT
157 Short Street, Bishop, California 93514-3537
Tel: 760-872-8211 www.gbuapcd.org

March 16, 2023

Via Electronic and U.S. Mail

California State Water Resources Control Board
P.O. Box 100
1001 I Street
Sacramento, CA 95814-0100

Re: Additional Comments on Mono Lake Public Workshop

California State Water Resources Control Board and Staff:

The Great Basin Unified Air Pollution Control District (District) would like to thank State Water Resources Control Board (State Water Board) for scheduling and hosting the February 15, 2023, Mono Lake Public Workshop. The Workshop was a valuable opportunity for the public and other stakeholders to participate and obtain information about current conditions at Mono Lake. To contribute to the accuracy and completeness of the information presented at the Workshop, the District is providing this further response to the State Water Board Staff's request for comments on the presentations of the panelists.

These comments are directed specifically to the presentation made by the City of Los Angeles Department of Water and Power (City). The City's presentation failed to mention of its statutory responsibility under California Health and Safety Code Section 42316 to mitigate the air quality impacts at Mono Lake due to its water production, diversion, storage, or conveyance that causes or contributes to violations of the state or federal air quality standards. Air quality is among the values protected by the public trust doctrine as established by the 1983 California Supreme Court Audubon decision and State Water Board Decision 1631. Although the State Water Board is not the regulatory authority to enforce state or federal statutes involving air quality, Decision 1631 clearly states this does not mean that State Water Board should ignore the air quality impacts of City's water diversions. The omission of this critical public trust component of Decision 1631 in the City's presentation is significant and contrary to the requirements of federal and state law, including the City's agreement to the adoption of this legal requirement established in 1983 to protect public health from the harmful effects of air pollution reached through Senate Bill 270 legislation and Section 42316.

To date, the only feasible solution to address the air quality issues at Mono Lake and protect public health is to allow the lake level to rise to inundate the emissive areas of the lakebed. This is the only solution consistent with the public trust protection determined by Board Decision 1631

and is the PM10 control strategy of the District's operative 1995 State Implementation Plan. However, the surface elevation of Mono Lake has not risen sufficiently due to the continued water exports from Mono Lake tributaries under the existing City water export licenses. Although the surface elevation of Mono Lake is expected to rise due to the above-average precipitation this year, the lake level will still remain significantly below 6,392 feet, and as a result, severe PM10 emissions from the exposed playa will continue to exceed state and federal air quality standards.

An additional important fact regarding the optimal use and conservation of water is that water usage at Owens Lake for dust mitigation has been drastically reduced. Although the actual water savings is disputed between the District and LADWP, the amount of water savings is more than the currently allowed maximum of 16,000 acre feet of water exports annually from the Mono Basin. With these water savings at Owens Lake, curtailments of water exports from Mono Lake are offset and reasonable to reach the required surface elevation to put an end to the PM10 emission violations and public health impacts.

The current continued severe air quality issues at Mono Lake are the responsibility of the City and clearly require immediate action by the State Water Board to move forward with scheduling a lake level hearing and working collectively with all parties to find a long-term solution. The District looks forward to working with all parties in this process.

Sincerely,



Phillip L. Kiddoo
Air Pollution Control Officer

Cc: (via email only)

Anselmo Collins, LADWP
Paul Liu, LADWP