

Committee prepares for clean air litigation

Goal: *Protect Mono Lake's air quality health standards*

by Geoffrey McQuilkin

As the Environmental Protection Agency (EPA) reviews voluminous public comments of concern about its proposal to eliminate air quality health standards in rural areas, the Mono Lake Committee is preparing to litigate on behalf of Mono Lake if necessary. The decision is in the hands of the EPA, with a final standards announcement expected in September.

At issue are the national health standards for clean air that apply to the massive dust storms that sweep off the exposed bed of Mono Lake. While the choking dust storms exceed current standards by 70 times and contain toxics like arsenic, the EPA has proposed to eliminate the standards entirely in rural areas across the country.

Many thanks go Mono Lake Committee members who submitted over 2,800 comment letters earlier this year expressing concern about the proposed rule and its disregard for Mono Lake and the impacts of dust storms on residents and visitors alike. The Committee submitted a detailed 22-page analysis, laying the groundwork for legal action if the EPA does not respond to the concerns raised. One example:

Congress specifically called for Mono Basin dust storms to be regulated, a fact the EPA proposal ignores.

The EPA's particulate standards will apply nationwide and cover several types of particulate pollution. As a result, if they are not substantially improved, the Committee expects to join with concerned national groups such as Earthjustice and the American Lung Association to pursue unified litigation on all aspects of particulate pollution regulation. The Committee would focus, of course, on the situation at Mono Lake and the related concerns at Owens Lake. Regional air quality regulators have similar concerns about the EPA proposal and expect to join in litigation as well.

There's still time for the EPA to come around to a fair approach to this issue. Whether it will or not remains to be seen, but if the final decision ignores the situation at Mono Lake, the first step will be to immediately file a court request for suspension of the new decision, and then the details will be sorted out in litigation that is likely to be lengthy.

The Mono Lake Website, www.monolake.org, will report breaking news on the protection of clean air at Mono Lake. ❖

Committee supports Prop 84, opposes Prop 90

by Frances Spivy-Weber and Geoffrey McQuilkin

Yes on Proposition 84

On California's November 7 ballot, Proposition 84—the Clean Water, Parks & Coastal Protection bond measure, provides \$5.4 billion for all of California's major natural resource protection and water programs. The Mono Lake Committee has endorsed Proposition 84, and Frances Spivy-Weber is on the executive committee for the bond.

Here are some highlights: \$90 million for Sierra Nevada rivers and Lake Tahoe, \$180 million for small community grants to meet health requirements of the Federal Safe Drinking Water Act, \$1 billion for integrated regional water management grants, \$65 million for statewide water planning and design, including an evaluation of climate change impacts on flood and water systems, \$450 million for wildlife and forest conservation, \$500 million for parks and nature education centers, and \$580 million for sustainable communities, a portion of which is for planning and incentives for resource conservation.

For more details visit www.yeson84.com or contact Fran (frances@monolake.org) at (310) 316-0041.

No on Proposition 90

Hidden in the fine print of California's Proposition 90 are unrelated and far-reaching provisions that will undermine land use regulations such as zoning, thwart beneficial environmental laws, and cost taxpayers billions of dollars each year.

Prop 90 would energize sprawl and uncontrolled development around the state and the Mono Basin would not be left out. Sound government planning is a key part of preserving the open spaces and rural character of the Mono Basin, yet growth control measures, land use plans, and even zoning would all require huge payouts to land owners if Prop 90 passes.

For example, if a developer claims a property could hold more homes than Mono County rules allow to be built, the developer could sue and taxpayers would be on the hook for paying out the value of the property at the denser level, even though the community did not want such a development.

Beneficial environmental rules would be undermined as well. If agencies couldn't afford to pay for protections, they could be left with no choice but to allow harmful action.

More information can be found at www.noprop90.com.