



## GREAT BASIN UNIFIED AIR POLLUTION CONTROL DISTRICT

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CERTIFIED MAIL: 7018 3090 0001 0378 6926

July 1, 2021

Cynthia McClain-Hill, LADWP Board Commissioner President  
Susana Reyes, LADWP Board Commissioner Vice President  
Jill Banks Barad-Hopkins, LADWP Board Commissioner  
Nicole Neeman Brady, LADWP Board Commissioner  
Mia Lehrer, LADWP Board Commissioner  
City of Los Angeles  
Department of Water & Power  
P. O. Box 51111  
Los Angeles, California 90051-5700

### **Mono Lake Air Quality**

Dear Commissioners:

This letter is sent by the Governing Board of the Great Basin Unified Air Pollution Control District (District) regarding the health-protective standards for particulate air emissions of 10 microns or less (PM10) in the Mono Basin. The historical water diversions by the Los Angeles Department of Power (LADWP) from Mono Lake have lowered the lake level and caused the persistent and continuing violations of law regarding the PM10 standards. The District Board requests LADWP take immediate action to cure these violations.

This problem is entwined in the history of the City of Los Angeles and its growing demand for water. The District and the LADWP have a long history of challenge, change, and success in our interactions over the past four decades. The issues surrounding Mono Lake air quality and the challenge of meeting Clean Air Act mandates in the Mono Basin PM10 planning area are no less daunting. The City's diversion of water from the Mono Basin must comply with the federal and state laws protecting the air quality and health of the people of the Mono Basin.

These violations of law must be resolved. The District and LADWP have engaged in both cooperation and conflict in the past. Cooperation is preferred to conflict. The successes of cooperation in our past are legion, beginning with the establishment of California Health & Safety Code Section 42316 (1983). The conflict that followed the 1997 Owens Valley State Implementation Plan (SIP) promulgation resulted in difficult times for both parties, but culminated in the subsequent SIPs, Supplemental Control Requirement Determinations, District

enforcement action, Settlements, Abatement Orders, and finally a California Superior Court Judgment in 2014 with stipulations both parties ultimately agreed to. The conflict leading to this agreement was litigious, expensive, time consuming, and fraught with challenges for both parties, but ended in a cooperative agreement both could consider a success in balancing the requirements to control dust emissions and conserving water.

The serious PM<sub>10</sub> violations at Mono Lake are similar to and in some ways different from Owens Lake. Mono Lake is located in a National Scenic Area on State Park and federal lands, and now has some of the highest PM<sub>10</sub> concentrations in the nation (Enclosure Figure 1). With most dust emission sources controlled at Owens Lake, the magnitude of the PM<sub>10</sub> concentrations at Mono Lake are the highest in the nation and the frequency of the violations of the National Ambient Air Quality Standard (NAAQS) is unsurpassed (Enclosure Figure 2). In 2016, after a multiyear drought, and before the 2017 City of Los Angeles Snowpack Runoff Emergency Declaration resulted in a multi-foot lake level rise, NAAQS exceedances at Mono Lake reached a record level of 33 federal standard violation days.

After consideration of the legal requirement to protect public health and the needs of all parties involved, the only feasible solution 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 the State Water Resources Control Board Decision 1631 in 1994. Inundation of the exposed emissive areas is the PM<sub>10</sub> control strategy of the District's operative 1995 State Implementation Plan. Unfortunately, nature and its natural supply of water to Mono Lake is unable to achieve this level of inundation because of the continued exports levels of water from Mono Lake tributaries in the Mono Basin under existing LADWP water export licenses. Even though Mono Lake's tributary annual mean stream runoff since the SWRCB Decision 1631 in 1994 is almost equivalent to the annual mean runoff from 1941 – 1990 (Enclosure Figure 3a), Mono Lake's surface elevation remains 9 feet below the 6,391' target (Enclosure Figure 3b).

The District Governing Board has reached a decision consistent with its legal duties under federal and state air pollution laws that these control measures must be implemented at Mono Lake. It requests that the Board of Water and Power Commissioners take the approach of cooperation to meet this requirement forthwith in whatever ways are necessary and direct LADWP staff to enter into discussions with the District staff on minimizing, even to the point of fully curtailing, the taking of water from the Mono Basin until such time as the SWRCB Decision 1631 lake level is achieved. This direction is consistent with the City of Los Angeles' duty under the law, would be both a show of good faith on the part of the LADWP Board of Commissioners, and would minimize the potential exposure to liability and litigation that would most-assuredly ensue, should a more adversarial approach be taken. Rather than expend our joint resources on animosities and court battles, we should spend our energies and resources on forging a cooperative relationship wherein both parties' needs are largely met, and success is achieved in continuing to provide for the water needs of the people of Los Angeles and the clean air needs of the people of the Mono Basin.

There is an additional important fact regarding the optimal use and conservation of water. In 2011, LADWP appealed the District's Supplemental Control Requirements Determination for Owens Lake to the California Air Resources Board, testifying that an allocation of 95,000 acre-feet water was necessary to comply with the ordered dust controls. Upon entry of the 2014

Stipulated Judgment which included immediate water saving provisions for LADWP, water usage at Owens Lake was drastically reduced. The water savings included up to 52,354 acre-feet in 2015 and averaged 37,614 acre-feet for the past seven years (Enclosure Figure 4). This amount of water savings is over twice the amount of water at maximum exports of 16,000 acre-feet 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.

LADWP's restoration of the Mono Basin is one of the greatest environmental success stories in California history. The District looks forward to working with LADWP to maintain this legacy achievement and complete one last critical component, to restore the lake level to protect public health and the environment as required by law.

We respectfully request your response by October 1, 2021.

Sincerely,

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John Wentworth  
Great Basin Governing Board Chair

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Ron Hames  
Great Basin Governing Board Vice Chair

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David Griffith,  
Great Basin Governing Board

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Jennifer Roeser,  
Great Basin Governing Board

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Matt Kingsley,  
Great Basin Governing Board

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Rhonda Duggan,  
Great Basin Governing Board

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Stacy Corless,  
Great Basin Governing Board

Enclosures:

Figure 1. National Annual PM10 Rankings 2000 – 2020.

Figure 2. National Ambient Air Quality Exceedances at Mono Lake.

Figures 3a and 3b. Mono Lake Tributary Runoff and Surface Elevation.

Figure 4. Owens Lake Water Savings

Cc: (via email)

Marty Adams, LADWP, General Manager

Rich Harasick, Senior Assistant General Manager

Anselmo Colins, Director of Water Operations

Adam Perez, Manager of Aqueduct Operations

Nelson Mejia, LADWP, Manager of Owens Lake Dust Mitigation Program

Phillip L. Kiddoo, GBUAPCD, Air Pollution Control Officer

Ann Logan, GBUAPCD, Deputy Air Pollution Control Officer

Figure 1. United States of America Annual PM10 Rankings, 2000 - 2020.

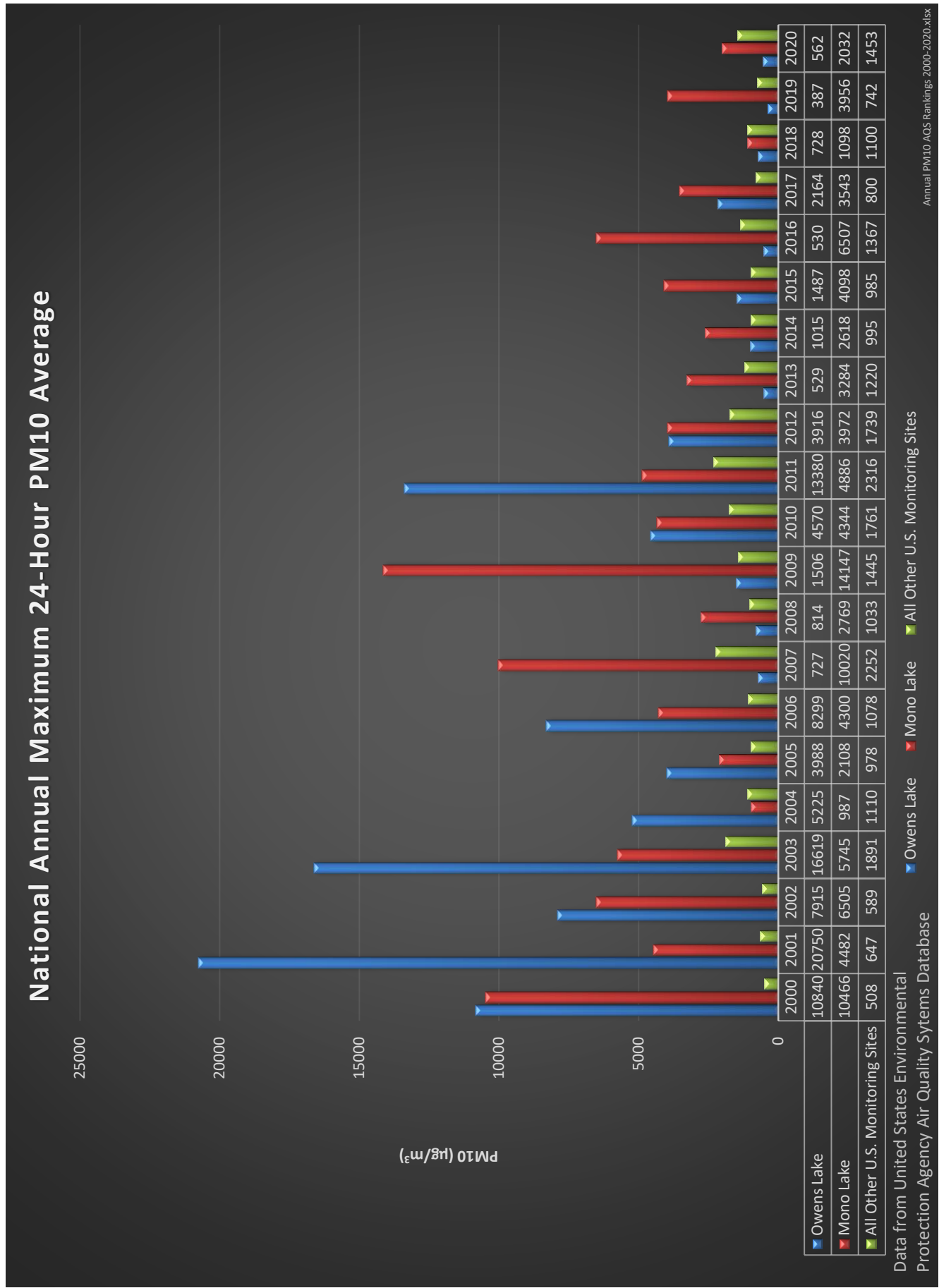


Figure 2. Mono Lake PM10 National Ambient Air Quality Standard exceedances, 2000 - 2020.

Date	Exceedance	Date	Exceedance	Date	Exceedance	Date	Exceedance	Date	Exceedance	Date	Exceedance	Date	Exceedance	Date	Exceedance	Date	Exceedance	Date	Exceedance
4/8/2000	690	6/19/2005	328	6/5/2008	913	12/14/2010	1112	4/7/2013	3284	3/14/2016	899	9/20/2017	1349	3/14/2016	899	4/7/2013	3284	3/14/2016	899
5/4/2000	1063	6/20/2005	298	6/21/2008	906	2/15/2011	654	4/14/2013	435	3/20/2016	898	10/19/2017	659	3/20/2016	898	4/14/2013	435	3/20/2016	898
5/6/2000	490	6/21/2005	541	8/31/2008	857	2/16/2011	253	4/15/2013	529	3/21/2016	1233	10/20/2017	1236	3/21/2016	1233	4/15/2013	529	3/21/2016	1233
5/9/2000	3059	9/10/2005	546	9/19/2008	286	3/10/2011	916	6/18/2013	187	3/28/2016	855	11/8/2017	407	3/28/2016	855	6/18/2013	187	3/28/2016	855
5/10/2000	1513	9/11/2005	487	10/30/2008	309	3/15/2011	477	6/19/2013	213	4/14/2016	345	11/9/2017	2538	4/14/2016	345	6/19/2013	213	4/14/2016	345
6/7/2000	1642	10/1/2005	940	10/31/2008	330	3/15/2011	477	8/20/2013	170	4/22/2016	234	11/13/2017	216	4/22/2016	234	8/20/2013	170	4/22/2016	234
6/8/2000	241	10/2/2005	1245	11/3/2008	409	4/20/2011	1375	9/21/2013	295	5/19/2016	4054	12/20/2017	192	5/19/2016	4054	9/21/2013	295	5/19/2016	4054
10/9/2000	387	10/13/2005	477	12/13/2008	470	4/28/2011	212	10/27/2013	1870	5/20/2016	1184	2/10/2018	296	5/20/2016	1184	10/27/2013	1870	5/20/2016	1184
11/29/2000	10466	5/19/2006	1915	3/3/2009	489	5/25/2011	4886	3/29/2014	626	6/15/2016	2160	2/11/2018	292	6/15/2016	2160	3/29/2014	626	6/15/2016	2160
6/2/2001	414	5/20/2006	238	3/9/2009	625	5/30/2011	216	4/17/2014	258	10/2/2016	272	2/18/2018	1098	10/2/2016	272	4/17/2014	258	10/2/2016	272
9/25/2001	4482	5/21/2006	174	3/29/2009	477	5/31/2011	1802	5/18/2014	2618	10/13/2016	541	2/24/2018	172	10/13/2016	541	5/18/2014	2618	10/13/2016	541
2/28/2002	195	6/12/2006	450	4/14/2009	1130	6/1/2011	633	9/25/2014	340	10/14/2016	2138	4/15/2018	580	10/14/2016	2138	9/25/2014	340	10/14/2016	2138
3/10/2002	396	6/13/2006	168	5/1/2009	158	6/28/2011	834	10/15/2014	173	10/15/2016	6507	2/25/2019	2198	10/15/2016	6507	10/15/2014	173	10/15/2016	6507
4/14/2002	3089	6/27/2006	210	5/3/2009	766	10/3/2011	477	10/25/2014	908	10/16/2016	264	2/26/2019	3427	10/16/2016	264	10/25/2014	908	10/16/2016	264
4/15/2002	1157	9/14/2006	1012	5/4/2009	1377	11/3/2011	1994	10/31/2014	268	10/23/2016	503	2/27/2019	999	10/23/2016	503	10/31/2014	268	10/23/2016	503
5/18/2002	201	9/15/2006	306	9/29/2009	235	11/18/2011	3393	11/22/2014	1188	10/24/2016	816	3/25/2019	619	10/24/2016	816	11/22/2014	1188	10/24/2016	816
5/19/2002	6505	11/8/2006	624	10/3/2009	335	11/30/2011	242	11/28/2014	1890	10/30/2016	454	3/27/2019	442	10/30/2016	454	11/28/2014	1890	10/30/2016	454
5/20/2002	1481	11/10/2006	434	10/13/2009	717	12/1/2011	343	12/10/2014	390	11/15/2016	334	4/9/2019	238	11/15/2016	334	12/10/2014	390	11/15/2016	334
11/7/2002	1744	11/21/2006	231	10/19/2009	363	12/30/2011	649	12/11/2014	1405	11/16/2016	1878	4/20/2019	155	11/16/2016	1878	12/11/2014	1405	11/16/2016	1878
3/13/2003	487	11/22/2006	174	11/11/2009	343	1/15/2012	1488	12/29/2014	402	11/18/2016	219	4/30/2019	1715	11/18/2016	219	12/29/2014	402	11/18/2016	219
3/14/2003	1657	11/28/2006	1764	11/12/2009	248	1/19/2012	1482	2/5/2015	1071	11/19/2016	3103	5/15/2019	3956	11/19/2016	3103	2/5/2015	1071	11/19/2016	3103
3/26/2003	333	12/8/2006	300	11/20/2009	14147	1/20/2012	268	2/6/2015	3294	11/20/2016	615	9/16/2019	1867	11/20/2016	615	2/6/2015	3294	11/20/2016	615
4/13/2003	1170	12/23/2006	721	12/6/2009	1461	2/29/2012	340	3/31/2015	239	11/25/2016	1176	3/14/2020	1955	11/25/2016	1176	3/31/2015	239	11/25/2016	1176
4/21/2003	545	12/26/2006	4300	12/7/2009	181	3/1/2012	476	4/1/2015	1048	11/26/2016	719	9/28/2019	2310	11/26/2016	719	4/1/2015	1048	11/26/2016	719
4/24/2003	5283	1/10/2007	1909	3/25/2010	339	3/6/2012	563	4/4/2015	287	12/6/2016	694	1/16/2020	2032	12/6/2016	694	4/4/2015	287	12/6/2016	694
4/25/2003	5745	1/11/2007	359	3/29/2010	159	3/12/2012	677	4/5/2015	4098	12/10/2016	267	2/2/2020	269	12/10/2016	267	4/5/2015	4098	12/10/2016	267
4/26/2003	341	4/6/2007	168	3/30/2010	495	3/13/2012	315	4/7/2015	405	12/14/2016	988	3/7/2020	164	12/14/2016	988	4/7/2015	405	12/14/2016	988
4/27/2003	398	4/14/2007	2008	4/2/2010	754	3/31/2012	1409	4/13/2015	513	12/15/2016	2288	3/14/2020	1955	12/15/2016	2288	4/13/2015	513	12/15/2016	2288
5/11/2004	192	4/17/2007	726	4/3/2010	740	4/12/2012	203	4/14/2015	1836	1/1/2017	384	3/15/2020	668	1/1/2017	384	4/14/2015	1836	1/1/2017	384
5/12/2004	843	9/30/2007	2154	4/4/2010	444	4/23/2012	533	5/12/2015	243	1/2/2017	753	5/11/2020	233	1/2/2017	753	5/12/2015	243	1/2/2017	753
5/17/2004	913	10/4/2007	1657	4/11/2010	794	4/26/2012	1385	5/13/2015	288	1/3/2017	2081	5/17/2020	486	1/3/2017	2081	5/13/2015	288	1/3/2017	2081
6/7/2004	447	10/10/2007	10020	4/20/2010	181	5/14/2012	1385	11/15/2015	469	2/16/2017	751	5/18/2020	1215	2/16/2017	751	11/15/2015	469	2/16/2017	751
9/18/2004	987	10/16/2007	266	4/27/2010	4344	5/17/2012	270	11/24/2015	882	2/26/2017	953	6/12/2020	201	2/26/2017	953	11/24/2015	882	2/26/2017	953
10/8/2004	430	10/19/2007	1347	5/9/2010	305	5/24/2012	227	12/3/2015	586	3/4/2017	1400	9/8/2020	511	3/4/2017	1400	12/3/2015	586	3/4/2017	1400
10/17/2004	322	10/20/2007	304	5/10/2010	307	6/1/2012	158	12/6/2015	2072	3/5/2017	842	9/13/2020	159	3/5/2017	842	12/6/2015	2072	3/5/2017	842
10/18/2004	898	11/27/2007	1336	5/21/2010	3096	6/4/2012	1265	12/9/2015	445	3/20/2017	172	9/15/2020	340	3/20/2017	172	12/9/2015	445	3/20/2017	172
10/19/2004	871	11/29/2007	480	5/25/2010	1529	6/23/2012	220	12/10/2015	713	3/24/2017	798	9/16/2020	443	3/24/2017	798	12/10/2015	713	3/24/2017	798
10/26/2004	208	11/30/2007	2736	5/26/2010	318	6/25/2012	630	12/13/2015	259	3/30/2017	382	9/17/2020	594	3/30/2017	382	12/13/2015	259	3/30/2017	382
4/6/2008	247	5/27/2010	460	5/27/2010	460	10/22/2012	209	12/22/2015	299	4/6/2017	3543	9/21/2020	169	4/6/2017	3543	12/22/2015	299	4/6/2017	3543
4/11/2008	930	6/16/2010	318	6/16/2010	318	11/8/2012	3972	1/13/2016	852	4/11/2017	291	11/6/2020	233	4/11/2017	291	1/13/2016	852	4/11/2017	291
4/30/2008	2769	8/28/2010	210	8/28/2010	210	11/28/2012	289	1/29/2016	811	4/12/2017	521	11/13/2020	223	4/12/2017	521	1/29/2016	811	4/12/2017	521
5/28/2005	2108	5/7/2008	161	9/7/2010	357	11/29/2012	2187	3/10/2016	162	4/16/2017	563	11/17/2020	492	4/16/2017	563	3/10/2016	162	4/16/2017	563
6/6/2005	507	5/20/2008	2563	9/8/2010	210	12/21/2012	598	3/11/2016	280	4/26/2017	505	11/18/2020	1343	4/26/2017	505	3/11/2016	280	4/26/2017	505
6/17/2005	235	6/4/2008	694	10/24/2010	735	3/5/2013	174	3/13/2016	2106	5/12/2017	402			4/27/2017	213	3/13/2016	2106	5/12/2017	402
6/18/2005	292			11/19/2010	807														

Figure 3a. Mono Lake tributary stream runoff, 1980 - 2020.

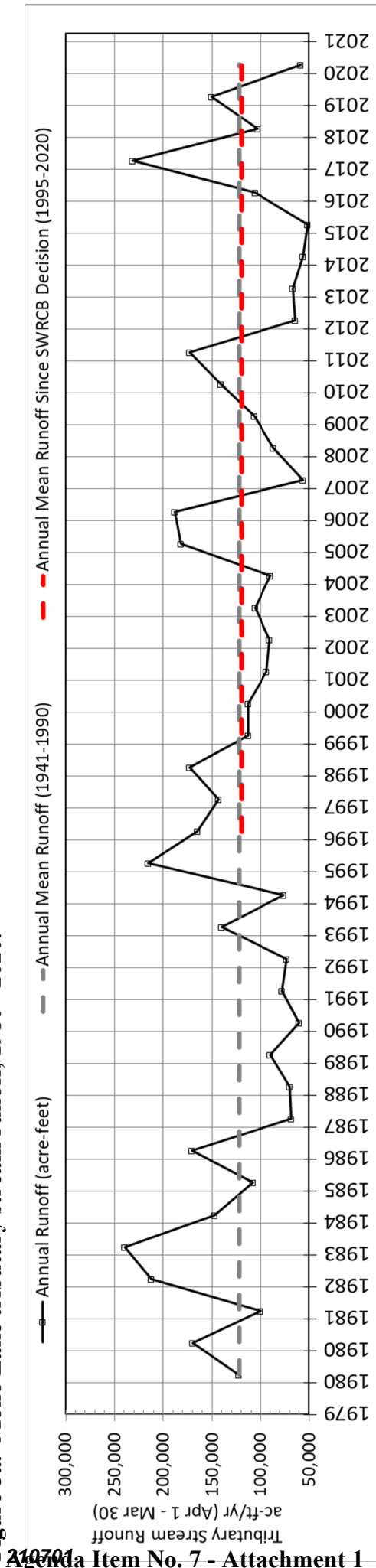


Figure 3b. Mono Lake surface elevation, 1979 - 2021.

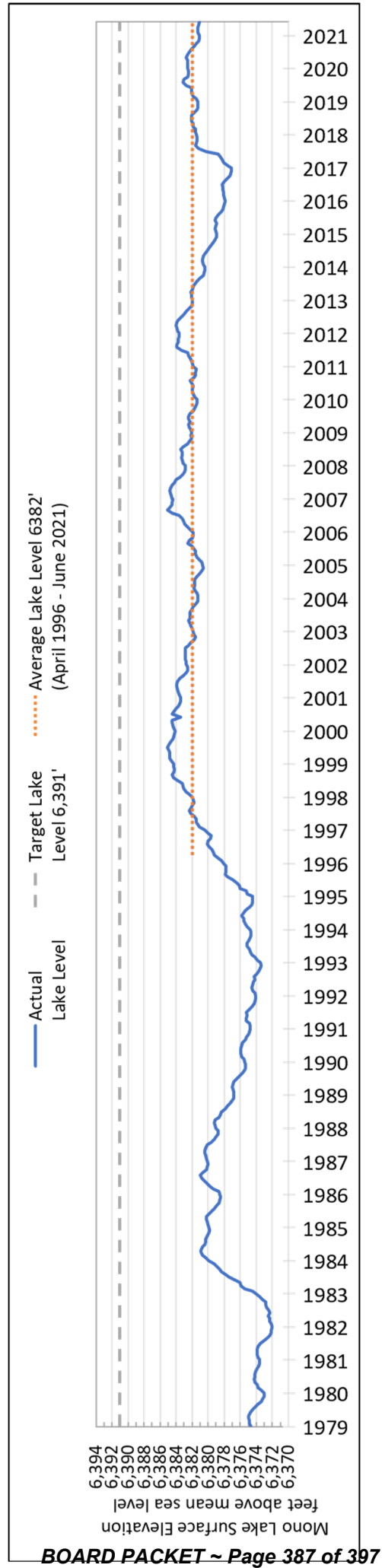
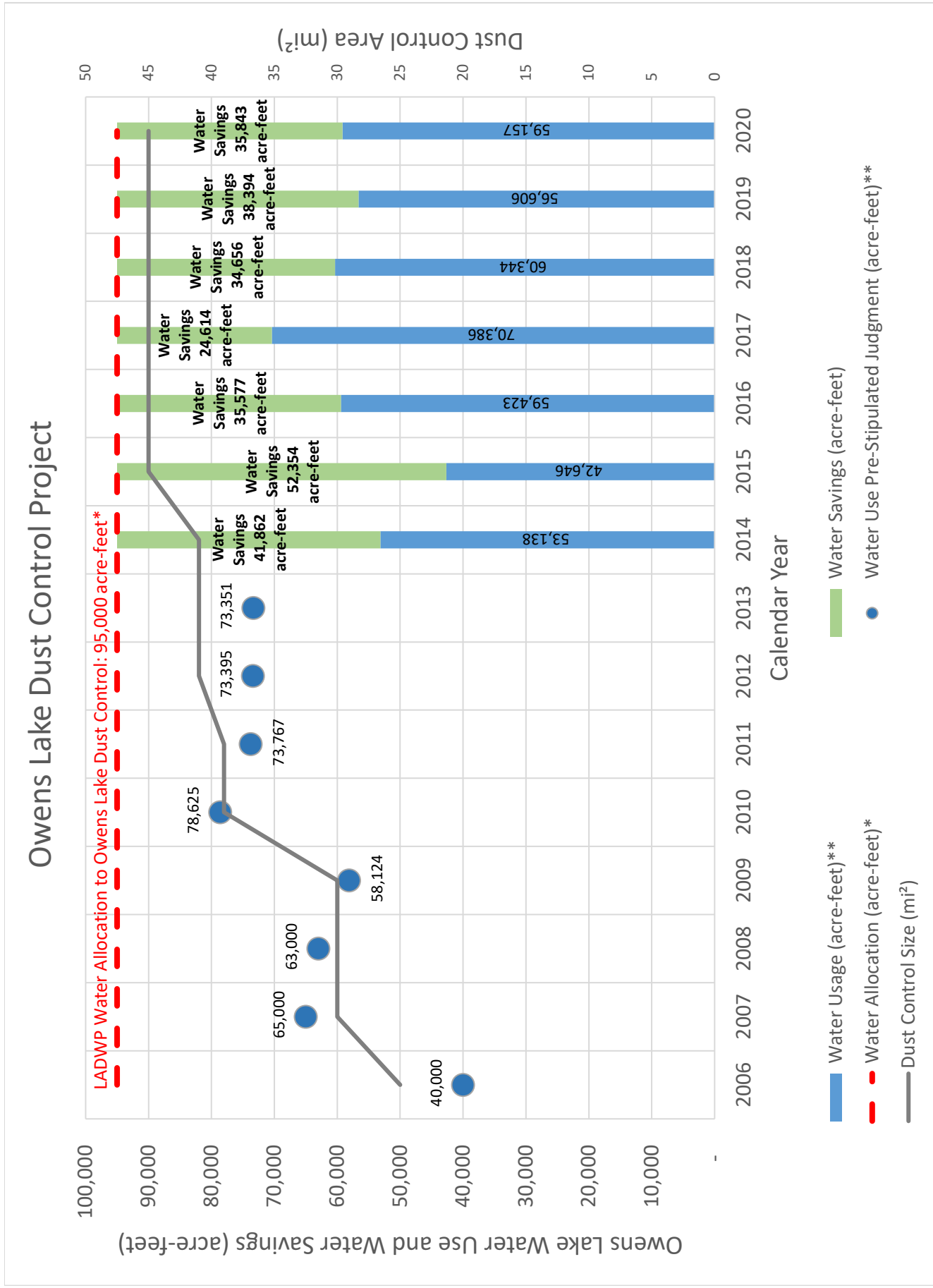


Figure 4. Water Savings at Owens Lake post 2014 Stipulated Judgment.



\* Water allocation of 95,000 acre-feet from LADWP 2011 SCRDP CARB appeal.

\*\* Water usage from LADWP annual Performance Monitoring Plans