

Los Angeles Battle Over Owens Lake Dust Mitigation Costs Boils Over

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There's a dust up occurring between the City of Los Angeles and the Great Basin Unified Air Pollution Control District ("Great Basin"). What's the dust up about?

Dust!

Yes, even something as naturally occurring and seemingly benign as dust can be a pollutant when it impacts the quality of water sources used by consumers and business.

This murky battle is nothing to sneeze at. The current dispute has its origins in the 1980's, back when dust wasn't what it used to be, or at least it was less expensive to clean up. That's when the City of Los Angeles entered an agreement with the California Air Resources Board to pay for pollution control measures related to dust that first began to surface a century ago when Los Angeles began diverting water from Owens Lake via an aqueduct more than 200 miles long.

According to the Los Angeles Department of Water and Power ("LADWP"), via its [press release](#), Great Basin is abusing its power to issue orders and fee assessments. The City, after paying more than \$1.2 billion in pollution control efforts to Great Basin over the last decade, is putting its foot down and challenging the current assessments, filing suit on October 12, 2012 in US District Court against Great Basin, the California Air Resources Board, and Federal regulators (i.e. Environmental Protection Agency and Bureau of Land Management).

You can download the complaint [here](#). The LADWP press release summarized the causes actions against Great Basin and its Air Pollution Control Officer, and allege that they have:

- Ignored statutory limitations on their authority;
- Acted in an arbitrary and capricious manner;
- Issued orders that originate from an unenforceable legal source;
- Acted to treat Los Angeles water customers differently than any other similarly situated consumers anywhere else in California or the United States;
- Issued orders based on flawed science in an attempt to force Los Angeles consumers to mitigate dust emissions that were not caused by LADWP; and
- Compelled the LADWP to engage in an unconstitutional waste of water, to the detriment of both California's overall water supply and water consumers in the City of Los Angeles.

This legal brouhaha may be stirring up dust of a different sort than that occurring at Owens Lake, but its impact on the City of Los Angeles could be significant nonetheless.

Link to original article: <http://commercialcounselor.com/los-angeles-battle-over-owens-lake-dust-mitigation-costs-boils-over/>

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