

Written comments provided to the California State Water Control Board
for consideration at the November 15, 2016 Workshop.



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I am writing to urge the State Water Resources Control Board to regulate the rate of water transfer associated with the Quantitative Settlement Agreement to match the rate at which dust can be mitigated, thereby protecting the health of hundreds of thousands of Californians.

We are all aware that, beginning in January 2018, the water transfers associated with the QSA will lead to a rapid decline in the water level of the Salton Sea, resulting in the exposure of dried beaches (playa) that will be a source of toxic dust. Testimony has repeatedly been given at Water Board meetings indicating that, despite the best efforts of the Natural Resources Agency, dust mitigation efforts are going to fall behind the rate at which playa will form. It is well understood that the playa will be emissive of dust, and that both PM10 and PM2.5 will exceed permissible levels. At the recent Brawley Summit, Dr. Shohreh Farsan from the University of Southern California reported on her research which indicates that this dust is particularly toxic due to organic chemicals and heavy metals present in the lake sediments.

At the workshop on November 15, we will hear testimony from practitioners of numerous techniques for controlling dust emissions from playa. These techniques are impressive, but they also are expensive and take time to deploy. Regulation of the water transfers remains the fastest, most direct, most effective, and cheapest mechanism for protecting public health.

Given the imminent date for the termination of mitigation water, it is essential that the Water Board bring together responsible parties to determine appropriate amendments to the timing of water transfers. Clearly, any modification of the terms of the QSA will require technical determinations. The Water Board must act as a facilitator. The QSA has undergone amendments in the past and it can be amended for good reason again. The goal is not only to protect the health of the people, but also to protect the water rights of the receiving water districts. Despite our ongoing drought, the water districts are not presently in dire straits with regard to water supplies.

Managing the transfers is a win-win situation compared to letting them proceed in an uncontrolled and destructive manner. The health of thousands of people will be protected and water rights will be affirmed.

There is very clearly a financial consequence to any modification of the QSA. Whatever is done at the Salton Sea, the costs will be substantial. The current plans for mitigation and restoration at the Sea are estimated to cost several billion dollars. Let us assume costs of 2 billion dollars (an extremely low estimate). The 80 million dollars allocated from Prop 1 funds this year represent 4% of the eventual outlays. It is very unclear where the additional 96% of the costs will be obtained.

To date, the City of Los Angeles has spent more than \$1,200,000,000 on dust mitigation at Owens Lake. Owens Lake is much smaller than the playa that will be formed at the Salton Sea, and the surrounding population is also much smaller. Is the Water Board confident that this level of funding, and more, will be available at the Salton Sea in time to affect dust control? Is the Board willing to bet the health of the people on the availability of these funds?

There is a precedent for the regulation of water transfers. At Mono Lake, water diversions by LADWP were causing environmental damage and severe dust generation, threatening air quality standards. The Water Board imposed regulations on the rate at which LADWP could remove water from the basin until such time as Mono Lake returned to a specified level.

I urge the State Water Resources Control Board to immediately begin the process of devising and implementing a plan for regulating water transfers under the QSA. These adjustments would be temporary, but they are vitally important.

Sincerely,
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