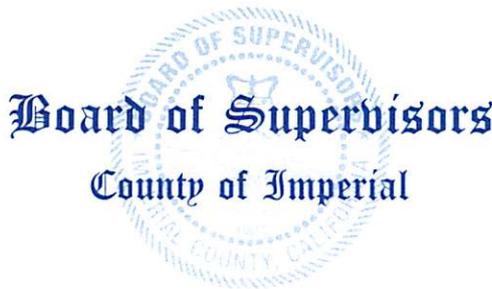


DISTRICT 1  
JOHN R. RENISON  
DISTRICT 2  
JACK TERRAZAS  
DISTRICT 3  
MICHAEL W. KELLEY  
DISTRICT 4  
RYAN E. KELLEY  
DISTRICT 5  
RAY CASTILLO



March 11, 2015

Ms. Jeanine Townsend, Clerk of the Board  
State Water Resources Control Board  
1001 I Street, 24<sup>th</sup> Floor  
Sacramento, CA 95814  
[commentletters@waterboards.co.gov](mailto:commentletters@waterboards.co.gov)

Via Email

RE: Comment Letter: Salton Sea

Dear Madam Chair and Members of the State Water Resources Control Resources Board:

On behalf of the residents of the County of Imperial, the Imperial County Board of Supervisors hereby submits this comment letter in response to this Board's Notice of Public Workshop – Solicitation of Comments Regarding the Status of the Salton Sea and Revised Order WRO 2002-0013.

One thing is certain: the County of Imperial will be devastated in many ways if inaction continues at the Salton Sea. Failure to act will result in tens of thousands of acres of exposed, dust-producing playa significantly impacting the County's air quality and directly impacting the health and livelihood of each of its residents as well as destruction of an ecosystem which is home to over 400 species of birds and a major resting point on the Pacific Flyway.

It is imperative that this Board act now as time is running out before the mitigation water stops at the end of 2017. New information confirms that approximately 55,000 acres of exposed playa (86 square miles), not the initially reported 16,000 acres (25 square miles), will be exposed and if not addressed, will harm the local residents' health, economy, and quality of life, kill critical species, and ruin wetland and other habitat.

The County of Imperial is one of the most unique counties in the State of California. It is 4,482 square miles of high temperature desert with an economy based heavily on agriculture. A large percentage of the vegetables consumed during the winter throughout the United States are grown in the Imperial Valley and the County is ranked eighth out of 3,079 counties in total agricultural production<sup>1</sup>. Imperial County is a leader in renewable energy development, with more than 600 megawatts of geothermal and approximately 20,000 acres (approximately 2,721 megawatts) of entitled solar projects, enough to power over 3 million homes. The County also features recreational desert areas such as the Imperial Sand Dunes and mountain terrain such as the Chocolate Mountains. County is the site of the Naval Air Facility El Centro, a U.S. Navy

<sup>1</sup> United States Department of Agriculture, 2012 Census of Agriculture.

airfield with year-round flying weather and winter home to our Navy's Blue Angels.

A valued feature of the County is that it borders the City of Mexicali, the capital of the state of Baja California, Mexico. There are approximately one million residents living in Mexicali and share a common air shed with the County of Imperial. The County's population has been increasing significantly in the past 15 years.<sup>2</sup>

Inaction will devastate Imperial County's economy and health and damage critical wildlife. The effect of the damage will be felt throughout California, the United States and into Mexico. When the mitigation water stops, there will be great acceleration of the decline of the Salton Sea's surface water level, roughly tripling the lake's salinity within a dozen years, and exposing tens of thousands of acres of highly emissive playa, as documented in the Natural Resource Agency's 2007 Programmatic Environmental Impact Report (EIR). Particulate matter less than 10 microns and 2.5 microns in diameter (PM10 and PM2.5) emissions will be nearly uncontrollable. The toxins identified in the QSA Transfer's Final EIR will become emissive and harmful. If the lesson of Owen's Lake is instructive, we would simply have to multiply that disaster by four times. Owen's Lake is the largest man-made source of hazardous dust in America. Regardless of improvements, the air quality there is ten times over the federal air quality standard. During a dust storm in 2001, the PM10 at Owen's Lake was 20,754 micrograms per cubic meter – 138 times over the federal air quality standard. Acting immediately is the only way to avoid comparable devastation in Imperial County.

### **Air Quality Concerns**

Current ambient air monitoring data shows that even with mitigation water, the Salton Sea is a significant source of PM10. In the twelve years since the transfer began, notwithstanding mitigation water, approximately 2 square miles of playa has become exposed. Notwithstanding this comparatively small amount of exposed playa, coupled with the fact that the County is currently designated non-attainment for PM10 and PM2.5 standards, the additional burden will continue to make it difficult to meet state and federal air quality standards. Even today with this minimal exposure, PM10 and PM2.5 threaten residents as the particles can pass through the nose and throat and get into the lungs. Scientific studies have confirmed a direct relationship between particulate air pollution, such as PM10 and PM2.5 and rates of respiratory illness, including asthma. Elevated PM10 levels are associated with a decrease in the growth and development of lung function in school-aged children and are associated with an increase in the risk of cardiac disease, lung cancer, and death in adults.

The air quality will be so harmful it would not meet federal and state air quality standards, likely resulting in loss of critical state and federal transportation funding and severely limit future economic growth and development. The cost to purchase offsets will be so expensive that no new businesses would come to Imperial County. Development of renewable energy facilities is currently projected to be short-medium term economic driver.<sup>3</sup> If the air

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<sup>2</sup> Between 2000 and 2006, Imperial County grew by 30%, the highest growth rate in California.

<sup>3</sup> According to the 2015 Imperial County Economic Forecast by Development Management Group, Inc.

quality worsens, fees and offset credits must be purchased and private industry such as geothermal will not be able to sustain competitive business in Imperial County. Recreation opportunities at the Salton Sea will stop and those relying on that industry will be directly impacted. The Sea is home to the Sonny Bono Salton Sea National Wildlife Refuge and the Salton Sea State Recreation Area, both serving as recreational destinations and attracting thousands of visitors annually. The property values and tax base immediately surrounding the Salton Sea will drop. Those properties exposed to noxious dust and odor will lose value as well. Government jobs currently makes up 30% of county employment, but without sustained private business, this sector will need to be cut as well.

### **Agricultural Concerns**

The impact on agriculture within the Salton Sea area would be felt throughout the United States. Agriculture impacted in this area include: livestock such as beef, dairy, and sheep; alfalfa and other hay and pasture crops; sugar beets; melons; vegetables such as lettuce, leafy greens, broccoli, cauliflower, sweet corn, and tomatoes; tree crops such as citrus, olives, mangoes, and dates; honey and wax; and many different seed crops, alfalfa, bermuda grass, wheat, tomatoes, basil, citrus, olives, and figs. Increases in field salinity levels reduce field productivity and leads to eventual inability to support growth of most crops. Increased dust on plants will reduce growth, reduce photosynthesis, increase leaf temperature, and decrease water use efficiency. If fresh vegetables are exposed to high levels of dust, the added step of washing before market is added. Bulk produce would have to be shipped out of the county increasing costs, reducing quality of the produce due to increased handling, increasing time to market resulting a reduction of local jobs due to shift of the packing jobs to the processing county. It is critical that the 2 billion dollar agriculture economy and the 15,000 jobs that it supports be protected from any negative impacts.

### **Public Health Concerns**

Detrimental effects of a damaged environment created by exposed playa will worsen the health of Imperial County residents already struggling with disproportionate rates of respiratory illness and a strained healthcare system. Asthma is a respiratory illness that is of particular concern. Imperial County children have the highest rate of emergency department visits and hospital admissions due to asthma in California. Children under five years of age are most severely affected. Despite local efforts to improve asthma rates in the County, asthma and other respiratory diseases continue to be a significant health threat for our community. Imperial County ranks among the lowest in California for measures that affect health such as access to medical care.<sup>4</sup> Our limited resources will be depleted and Imperial County will be forced to look to the State of California to sustain the wellbeing of those who desperately need access to healthcare in a community where 55,000 county residents currently depend on Medi-Cal for health services.

Exposure to particulate air pollutants contributes to the exacerbation of respiratory

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<sup>4</sup> In Imperial County there is one primary-care physician for every 4,216 resident (California is 1:1,326). In Imperial County there is one mental health provider for every 1,427 resident (California is 1:623).

disease, asthma, lung damage, bronchitis, and lung cancer. Air pollutants may contribute to the cause of asthma or can worsen pre-existing asthma. Particulate air pollution is a known trigger of asthma symptoms and asthma flares. Asthma is a chronic disease that inflames the airways and causes recurrent wheezing, coughing, difficulty breathing, and tightness of the chest. Asthma attacks can range from a mild episode to a life-threatening event. Children are particularly susceptible to particulate air pollution because their lungs are still developing, and they are often engaged in vigorous outdoor activities; this makes them more sensitive to pollution than healthy adults. Epidemiological evidence demonstrates that there is a link between exposure to particulate air pollution and childhood asthma. Asthma is one of the most common chronic diseases in the United States and has been recognized as a growing public health concern. Asthma is a leading cause of chronic disease in children.

In 2011-2012, 14.1% of California's children had been diagnosed with asthma. There is no known cure for asthma and it can result in death. Over five million Californians (about 3.7 million adults and 1.7 million children) have been diagnosed with asthma at some point in their lives, and almost three million Californians (2.2 million adults and 692,000 children) currently have asthma. In California, there are more than 400 deaths, 35,000 hospital discharges, and 180,000 emergency department visits (not resulting in hospitalization) per year due to asthma. Childhood asthma is also a cause of school absences. In 2010, direct health care costs associated with asthma in California were estimated to be 9.6 billion dollars.

In 2011-2012, 14% of Imperial County residents reported being diagnosed with asthma by a health care provider. However, the burden of asthma is disproportionately borne by the children of Imperial County. Our community has a significantly higher rate of acute care hospital discharges for bronchitis and asthma for children less than 17 years of age. Imperial County has one of the highest rates in all of California (of 56 reported counties) for age-adjusted asthma emergency department visits reported in 2010. Imperial County reported 153 ED visits per 10,000 population under age 18, nearly double the statewide rate of 79 visits per 10,000 population. Imperial County also reported the highest rate in California (of 56 reported counties) for age-adjusted asthma hospitalizations in 2010 (16.7 per 10,000 population) compared to 8.6 hospitalizations per 10,000 population in California overall.

The senior community of Imperial County will be negatively impacted by increased health care and decreased property values.<sup>6</sup> Many seniors have moved to the Salton Sea area because of the availability of affordable housing in the area and the lack of affordable housing in urban areas. The senior population in Imperial County will be impacted by increased health care costs because dust and fine particulate matter is especially harmful to the very old and those with certain medical conditions. A study by Yonsei University found that, the mortality risk in elderly aged 65 or over caused by cardiovascular disease would be doubled if daily average exposure to fine dust is increased. This effect on the health of the elderly will have an impact on senior services rendered throughout the County as resources will be expended on medical, travel, and eating expenses due to the lack of sufficient medical services in the area. Reduction in property values will negatively impact revenue and income for seniors. A great majority of seniors in the County's Representative Payee Program are living on fixed incomes, trying to

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<sup>6</sup> The growing 60+ senior population of 32,087 in Imperial County includes approximately 6,625 low income seniors. U.S. Administration on Aging, Aging Integrated Database.

survive on an income of \$800 to \$1,200 per month of Social Security Income/Social Security Administration benefits which will certainly not be enough if no action is taken to restore the Salton Sea.

In addition, the Imperial County Department of Social Services touches nearly one in every three persons in our communities. Our County's unemployment rate is one of the highest in the state and leads the nation in highest rates of asthma. Increased respiratory issues will result in lower attendance rates in schools, reduced production in the work force, and more hospital stays which contributes to increased health care expenses. The very institutions that rely on state funding for attendance will lose out when students are not in the classrooms. Families will lose income when they are not able to work due to illnesses or to care for a family member. The losses due to these adverse effects will strain our communities already battling high unemployment rates and issues related to poverty. 32.8% of Imperial County children live in poverty. Our resources will be stressed, leaving our most vulnerable at risk - our children.

### **Emergency Service Concerns**

Emergency services in the community will also be impacted by inaction. Added dust accumulation on electrical conductors or transmission lines makes infrastructure failure more likely. Visibility on major roadways such as Highway 111 and Highway 86 and important railroad crossings will be affected resulting in more accidents. In dusty conditions, emergency air services, such as law enforcement, fire, and EMS aircrafts would not be able to fly and provide necessary support and operation functions. Without appropriate infrastructure, exposed playa will leave large areas inaccessible to emergency personnel creating prolonged response times.

### **Wildlife Concerns**

The Salton Sea is California's largest lake and one of its most significant natural and environmental resources. The Salton Sea is host to the Sonny Bono Salton Sea National Wildlife Refuge (Refuge), an 826 acre managed wetlands area that accounts for a significant portion of California's few remaining wetlands. The Refuge provides nesting, breeding, and feeding grounds for a vast number of species. It has become a critical stopover for migratory birds travelling along the Pacific Flyway, and has one of the highest levels of avian diversity in the United States. Over 400 species of birds can be found at the Refuge, along with 41 species of mammals, 18 species of reptiles, 4 species of amphibians, and 15 species of fish. Notable species found within the Refuge include the Desert Pupfish, the Desert Tortoise, and the Yuma Clapper Rail; all of which are protected under state and federal law as threatened or endangered species.

The lack of an implemented restoration plan poses a substantial risk to the continued existence of the Refuge and the species found within. If no action is taken to restore the Salton Sea, then by 2033, it is predicted that the majority of the Refuge will fall outside of the Salton Sea's new shoreline, depriving the species currently found there of the critical habitat necessary for their survival. Additionally, as playa is exposed, isolated islands will form and hinder reproduction of bird species.

## **State Water Board Questions**

*Question 1: “How can the State Water Board promote implementation of a reasonable and sustainable plan to address the air, wildlife and water quality problems at the Salton Sea?”*

As the state agency with plenary authority over water rights and water use in California, this Board has the relevant subject-matter expertise, the power to bring all key parties together and spur political action, and the statutory authority to ensure that restoration occurs.

Water Code Section 1736 authorizes the Board to order long term transfers so long as the transfer does “not result in substantial injury to any legal user of water and would not unreasonably affect fish, wildlife, and other instream beneficial uses.” Pursuant to this authority, the Board conditioned Revised QSA Order 2002-0013 and approved the QSA transfers on implementation of mitigation measures reserving continuing authority to consider whether it would be appropriate to add, delete or modify the mitigation measures required in the order.

At the time the original permits were granted, the State Board played a critical role in crafting the compromise which resulted in IID’s 15-year fallowing obligation, thus allowing the QSA to proceed, without a long-term solution for the Sea in place. The Board, and the IID, placed its confidence in the commitment and ability of the State of California to develop and implement a restoration plan that would holistically address the impacts of the transfers on the Sea. Unfortunately this has not been the case. Therefore, the Board must, at this time, exert its ongoing obligation to ensure that these commitments are fulfilled. Actions the Board may consider include facilitating, encouraging, and overseeing the development, funding, and implementation of a restoration plan and/or encouraging development of a plan by establishing deadlines upon which the Board will take action that could impact the transfers.

The future of Imperial County relies on the Board exercising its continuing jurisdiction and we urge the Board to apply that authority to address the rapidly approaching environmental and public health disaster.

*Question 2: “If there is a necessary and appropriate role for the State Water Board, what specific issues or obstacles need to be addressed, and in what sequence and timeframe?”*

The County joins the IID in asking the Board to convene a workshop in Imperial County at the Salton Sea and order all necessary parties, including the County of Imperial and its Air Pollution Control District to participate in bi-weekly mediated meetings to identify and fund a restoration plan.

First and foremost there must be agreement upon a specific plan of action for restoration of the Salton Sea and a plan for funding it. There have been studies, proposals, pilot projects and tremendous community contribution to possible solutions to the pending damage over the last 12 years. The plan should involve private developers and should incorporate energy development in the south Salton Sea. An immediate deadline to move forward must be established as it takes several years to plan, permit, and initiate these projects.

An issue raised in the Board's Notice of Public Workshop, that "although the conserved water transfer... has the potential to exacerbate the air and water quality problems at the Salton Sea, those problems would exist in the absence of the transfer," ignores important facts. In 2002, the Board carefully crafted its Order acknowledging that the transfer would cause serious air and water quality impacts. The 15-year fallowing condition was specifically designed to mitigate those impacts during which time a restoration plan was to be implemented. Given that restoration has not occurred, the Board should act immediately to address the current circumstances. New evidence confirms that the transfer will cause approximately 55,000 acres of playa to be exposed. This is more than three times the amount the Board originally projected.

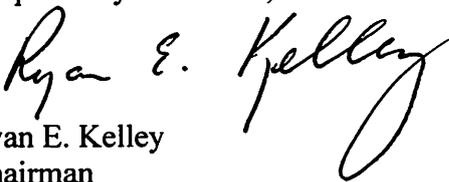
*Question 3: "What changes, if any, should the State Water Board consider making to revised order WRO 2002-0013?"*

The County's goal is not to upset, stop, or impede the QSA transfers. During this time of drought, the County understands the critical importance of these water transfers. But, inaction at the Salton Sea will severely impact millions of residents in Southern California, Arizona, and Mexico. The QSA was designed to prevent this outcome by ensuring that the sea would be restored. The workshop and mediation strategy set forth by IID in its petition, and immediate action by this Board, will sustain the critical QSA transfers and protect the communities surrounding the Salton Sea. Ultimately, the Board should require the funding and implementation of a reasonable, sustainable restoration plan as a condition of the transfers.

### **Conclusion**

It is urgent that this Board take action especially in light of high unemployment, low income, lack of medical resources, background of the County, and its shared air shed with Mexico. In January 2015, Imperial County had the highest unemployment rate in the State of California, at 21%. The 2010 United States Census reported that 80.4% of residents in Imperial County were Hispanic or Latino, compared to 38% of California residents overall. Imperial County's per capita income is \$13,239, one of the lowest in the State of California. Requiring the local community to deal with this looming environmental disaster without guidance and involvement from this Board would be an injustice.

Respectfully submitted,

  
Ryan E. Kelley  
Chairman