

Desert View Power (DVP) Power Plant: Mecca, California Community Meeting Environmental Protection Agency

Boys & Girls Club of Mecca

Tuesday, August 29, 2023

6:00 PM – 7:30 PM

Introductions

Christian Mendez, Kearns & West (K&W), facilitator, welcomed participants and invited staff to introduce themselves.

Additionally, to help ensure a productive and inclusive meeting, Christian proposed the following meeting agreements.

- Interact respectfully with all other participants, valuing all perspectives.
- Participate in an active and focused manner.
- Be concise with your contributions to save time for everyone to contribute.
- Involve all participants. Focus on providing input and resources that help address the various needs and goals of the process. Share relevant information.
- Attend all meetings and start on time. When sharing discussion reports, do not attribute them to any individual participant.

Presentation from EPA

Overview

Juliana Gomez from the Environmental Protection Agency (EPA) provided an overview of the agency's mission, structure, and objectives. The EPA's primary goal is to safeguard human health and the environment, ensuring clean air, land, and water. This involves enforcing federal laws related to environmental protection, as well as engaging with communities to address environmental and public health issues. EPA employees are federal workers dedicated to these goals. The EPA has its main offices in Washington, D.C., along with 10 regional offices across the United States. Region 9, based in San Francisco, oversees California, Arizona, Nevada, Hawaii, Pacific islands, and 148 recognized tribes. Local field offices are also present in San Diego and Los Angeles.

Air Enforcement and Clean Air Act (CAA)

Juliana discussed Air Enforcement and the Clean Air Act (CAA). The EPA oversees air pollution from mobile and stationary sources under the CAA. This law mandates that facilities like power plants control air emissions using pollution control equipment to protect human health, particularly for vulnerable groups like the elderly, children, and those with asthma. EPA conducts inspections and evaluates compliance of sources like power plants with CAA regulations.

Desert View Power (DVP) Power Plant

Juliana explained that Desert View Power (DVP) is a biomass-burning facility located on the Cabazon Band of Mission Indians Reservation. It generates electricity by burning woody biomass, monitored by the EPA and SCAQMD for compliance. DVP sells energy to the Imperial Irrigation District (IID). With two boilers, it generates 47 megawatts, equivalent to powering 35,250 homes. DVP is permitted to burn various biomass sources. Federal (EPA), state (CARB), and local (SCAQMD) authorities collaborate to reduce emissions under Assembly Bill 617. EPA's enforcement process involves inspection, investigation, violation notice, settlement discussions, penalties, compliance steps, and environmental improvements, and it is currently negotiating a settlement.

Notice of Violation (NOV)

Juliana shared that a Notice of Violation (NOV) was issued to DVP in June 2022. EPA's issuance of an NOV is the first step in an enforcement action to seek compliance from a facility. The NOV for Desert View alleges violations of emission exceedances of several pollutants (Hydrochloric Acid, Mercury, Carbon Monoxide, Sulfur Dioxide, Nitrous oxides, and opacity). EPA is currently in settlement negotiations with Desert View, which is part of the enforcement process.

Christian invited participants to visit the different resources below for information:

- Inspection Report and NOV: <https://foiaonline.gov/foiaonline/action/public/submissionDetails?trackingNumber=EPA-R9-2023-000424&type=Request>
- Environmental Justice Hotline / Línea directa de justicia ambiental: (800) 962 -6215
- Clean Air Act / La Ley de Aire Limpio: <https://www.epa.gov/clean-air-act-overview>
- Check Local Air Quality: <https://www.airnow.gov/>
- Air Quality Index Basics: <https://www.airnow.gov/aqi/aqi-basics/>
- Health Effects from Air Pollution / Efectos de la contaminación del aire a la salud: <https://www.epa.gov/environmental-topics/air-topics>
- Report a Violation / Informar una infracción: <https://www.epa.gov/report-violation>

Christian invited participants to a plenary discussion or to ask clarifying questions about the presentation. Overall, the conversation revolved around the community's concerns about environmental and health issues, the response from authorities, the need for effective solutions, and the importance of involving all stakeholders in the decision-making process. The key takeaways from the discussion are provided below.

- **DVP Response to NOV:** EPA agency has been actively monitoring and inspecting the situation. They are working diligently to gather evidence and information to draw informed conclusions.
- **Community Concerns:** An article from the Desert Sun (cited August 29, 2023) highlighted that there has been no significant improvement, and that the Coachella Valley is being adversely affected. EPA is closely examining emissions and the overall process. The meeting itself is part of the process to gather information.
- **Duration of Action:** When asked about the timeline to address community issues, EPA indicated that progress is being made and they are interested in hearing community input to prioritize projects. The investigation has taken 14 months (as such durations are typical), and the process is confidential due to the nature of the investigation and EPA procedures.
- **Past Delays:** Some expressed frustration about delays in addressing the issues, referencing articles from as far back as 2019. EPA clarified that the timing of the process varies case by case and emphasized the importance of community input.
- **Emission Monitoring:** Full compliance evaluations under EPA's direct implementation at facilities on federally recognized tribal land should be conducted, at minimum, once every two federal fiscal years at all Title V major sources, with the possibility of more frequent monitoring if needed. Non-compliance is assessed through reports and inspections. All inspection reports are public information and can be requested from the EPA.

- **Burning Wood with Pesticides:** Burning treated wood with pesticides is not permitted. There is no evidence of such practices currently conducted by DVP.
- **Community Health and Justice Concerns:** Community members expressed concerns about the impact on health, especially on children, and the lack of representation for Spanish-speaking and working communities. The EPA sees this meeting as a first step to listen to the community and gather their input. For example, several participants shared about an incident where an elementary school shut down because many children were vomiting and were sent home.
- **Community Solutions and Ideas:** The community asked for urgent federal support and immediate action. EPA encouraged the community to share suggestions and ideas to improve the situation.
- **Community Engagement:** Community members urged for representation from the entire Coachella Valley, not just Mecca. They also suggested holding meetings in multiple locations to include more participants.
- **Proposed Solutions:** The EPA is in the process of identifying project ideas and solutions based on community input. Community members emphasized the need for cleaner air and expressed a desire for professionals to address their concerns.

Breakout Groups

Christian invited participants to consider and discuss the question below in one of two breakout groups. Christian led one breakout group, and Ivana Rosas of Kearns & West led the other breakout group.

- After learning about what the notice of violation is and how it affects air quality, what are your concerns?
- What else would you like to share with the EPA staff?
- How should we share this information?

The key takeaways from the discussion are provided below.

Community Engagement

- The community prefers engagement via email, phone calls, texts, and social media platforms (Facebook, TikTok, Instagram, Twitter).
- Other methods include door-to-door, word-of-mouth, radio (the local Spanish station and program [Erazno y La Chokolata | LaBuena 94.3](#)), newspaper, local TV news, and flyers.
- All notifications must be provided in both English and Spanish.
- Earlier promotion for meetings is very important.
- Request to address the communication gap by involving local schools, churches, businesses, and community leadership councils. Particularly with schools, hand out flyers for students to take home to parents and caregivers.
- Request to expand educational efforts beyond localized approaches.
- Participants would like support from the team at the meeting on advertising the September 13 meeting Broadley.
- There was a suggestion to work with *mayordomos* (farmworker supervisors) who are responsible for handing out paychecks to farmworkers. Farmworkers respond to news or

information that mayordomos (farmworker supervisors) share, as the people seen in those positions are considered respected and reliable sources.

- There were comments about the time lapse between the February meeting hosted by the Leadership Counsel and this EPA-hosted meeting. It seems participants were not aware of the difference between the hosting parties.
- Participants shared that when EPA staff state that there is information or parts of the process that is confidential, they perceive it to be that the EPA is protecting the interests of the “other side” [or the power plant].

Environmental Impacts and Operations

- There were multiple inquiries about sharing information regarding the previous violation and the process of moving the plant. Why the issue wasn't resolved in 2019 despite concerns at that time.
- There was also concern about the length of time it has taken to get to the notice of violation from 2019 to 2022.
- There was inquiry about the inspections process and timing of the community meeting.
- The community is requesting transparency in sharing information about steps after receiving a Notice of Violation (NOV).
- People would like more information about the plant's historical context and changes over time.
- The community is confused about neighboring facilities and out-of-state trucks.
- Multiple participants asked the team to consider suspending plant operations due to pollution concerns.
- Participants would like to engage in a discussion about the advantages and disadvantages of the plant.
- Participants request more information about inspections frequency and community engagement during it.
- The community doubts the accuracy of the plant's claims and seeks specific information about its operations.
- A former employee's claim about past toxic burning raises credibility issues and request explanation about permit changes over time to rebuild trust and clarify present practices.
- Community members shared the desire to shut down the plant. It was clarified that the EPA does not have the authority to shut down the plant.
- Community members shared a desire to have a panel-style gathering where community members can ask questions to and discuss with the EPA, Tribal members, and other authorities on this matter.

Nighttime Disturbances and Transparency

- People are concerned about visible dust and pungent odors at night.
- Participants highlighted the importance of transparent information about operations, permits, neighboring facilities, and nighttime issues.

Pollution Awareness, Education and Health Concerns

- People emphasized that pollution affects areas beyond the immediate vicinity.

- Participants would like more community education on pollution impacts and contaminants and are concerned about uninformed individuals and the lack of support to protect themselves.
- Participants highlighted concerns about health and the need for preventive measures.
- The community is requesting additional health studies in the community and the plants pollution effects on children and adults.
- Some people suggest collaboration between public health departments and other agencies for streamlined information sharing. Additionally, propose potential solutions and seek hospital support.
- Participants requested that hospital staff (doctors and nurses) share information to patients about what kind of symptoms to look out for regarding contamination.
- Despite EPA assurances, residents are concerned about the burning of toxic wood and demand concrete proof.

Additionally, some participants provided written responses to the questions. Questions forms with responses can be found in **Appendix A**. The presentation can be found in **Appendix B**

Next Steps

Christian thanked the participants for attending the meeting and encouraged them to visit any of the resources below. Also, mentioned that the slides and meeting summary will be made available.

- Inspection Report and NOV: <https://foiaonline.gov/foiaonline/action/public/submissionDetails?trackingNumber=EPA-R9-2023-000424&type=Request>
- Environmental Justice Hotline / Línea directa de justicia ambiental: (800) 962 -6215
- Clean Air Act / La Ley de Aire Limpio: <https://www.epa.gov/clean-air-act-overview>
- Check Local Air Quality: <https://www.airnow.gov/>
- Air Quality Index Basics: <https://www.airnow.gov/aqi/aqi-basics/>
- Health Effects from Air Pollution / Efectos de la contaminación del aire a la salud: <https://www.epa.gov/environmental-topics/air-topics>
- Report a Violation / Informar una infracción: <https://www.epa.gov/report-violation>