

Desert View Power Plant: Mecca, California Community Meeting U.S. Environmental Protection Agency

Mecca Elementary School

Tuesday, May 14, 2024

6:00 PM – 7:30 PM

Prepared by Kearns & West

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Introduction

The United States Environmental Protection Agency (EPA) convened a community meeting to provide updates on the Desert View Power (DVP) Power Plant and share resources with community members. The meeting was hosted simultaneously at Mecca Elementary School and online through Zoom. There were 33 in-person participants and 50 virtual participants. The meeting was facilitated in Spanish, with interpretation services provided for English-only speakers.

Christian Mendez, facilitator from Kearns & West, welcomed both in-person and virtual participants. He shared the meeting agenda and introduced the project team. To help ensure a productive and inclusive meeting, Christian shared the following meeting guidelines:

- Be respectful to all other members and perspectives
- Allow everyone to contribute and participate
- Stay focused on the topic
- Be concise and limit your comments to a maximum of 2 minutes
- When sharing, do not attribute discussions to any individual participants

This meeting summary includes a brief overview of key points from the meeting presentation and documentation of comments, questions, and input received from attendees.

Environmental Protection Agency Presentation

Overview

Juliana Gomez, Life Scientist, EPA provided an overview of the agency's mission and organizational structure. EPA's charge is to protect human health and the environment; ensure everyone has clean air, land, and water; and ensure compliance with federal laws that protect human health. Juliana described the Region 9 office, which is based in San Francisco and covers California, Arizona, Nevada, Hawaii, the Pacific Islands, and 148 Recognized Tribal Nations. The objective of this community meeting was to further interact with communities in meaningful ways to discuss and address environmental and public health concerns.

Desert View Power

Juliana explained that Desert View Power is a facility located on the lands of the Cabazon Band of Cahuilla Indians Reservation. DVP is allowed to burn woody biomass (trimmed trees, urban wood waste, orchard removal trees, fruit pits, and shells) to produce steam to generate electricity, which is then sold to the Imperial Irrigation District, an independent public agency that supplies power to Imperial Valley and the Coachella Valley. With two permitted boilers, the facility generates 47 megawatts, equivalent to powering 35,250 homes. The EPA monitors facility compliance and consults with Tribal government when compliance issues are identified.

Federal (EPA), state (California Air Resources Board), and local (South Coast Air Quality Monitoring District) authorities collaborate to reduce emissions in the Eastern Coachella Valley under Assembly Bill 617. As the federal agency, EPA has sole permitting and enforcement authority and is able to collect emission fees.

Clean Air Act

Juliana described the Clean Air Act. The EPA regulates air pollution emissions from mobile and stationary sources under the Clean Air Act. This law mandates facilities, such as power plants, to take measures to control dust through the use and maintenance of pollution control equipment. She explained how dust and other particles in the air can be a threat to human health. The EPA conducts inspections and evaluates compliance of sources such as power plants with Clean Air Act regulations.

Notice of Violation

In June 2022, the EPA issued a Notice of Violation (NOV) to DVP. Juliana explained that a Notice of Violation is an enforcement step taken by the EPA for the facility to take action and come into compliance. The Notice of Violation for DVP alleges violations of excess emissions of several pollutants such as hydrochloric acid, mercury, carbon monoxide, sulfur dioxide, and nitrogen oxides, and for opacity.

She elaborated on the steps in the EPA enforcement process. First, the EPA conducts an inspection, leading to an investigation. Next the agency issues a violation notice. They then enter settlement discussions and negotiations, and finally enter settlement. Settlement can include a penalty, corrective actions, and additional actions to improve the environment with certain requirements and parameters.

Recap of Previous Meeting

On August 29, 2023, the EPA hosted a community meeting for the Notice of Violation to DVP in Mecca. Juliana presented the group with a summary of key takeaways from the previous meeting.

The EPA:

- Discussed an NOV to DVP for alleged emission exceedances and violations of regulatory requirements.
- Provided information about the EPA compliance and enforcement process.
- Had an open discussion with breakout groups to answer questions about the presentation, listen to community concerns, and ideas for environmental projects.
- Learned about the community's environmental and health concerns.

Community members recommended the following:

- Implement various forms of community engagement to address the lack of representation for Spanish-speaking and working communities.
- Consider inclusion and meaningful participation from the entire Coachella Valley, not just Mecca.
- Provide community health education on pollution and contaminant impact.
- Provide more information regarding:
 - DVP's historical context and changes over time.
 - Current operations, practices, and air permits at DVP.

- Neighboring facilities and out-of-state trucks.

Desert View Power Recent Updates

On April 30, 2024, Desert View Power announced the immediate idling of their power plant.¹ This is a temporary operational pause, but it does not mean the EPA will stop settlement negotiations as part of the NOV process.

Community Questions and Comments

Christian invited participants to join in a whole group discussion or to ask clarifying questions about the presentation. Many community members expressed frustration with the timeframe for the settlement process. Some participants made requests for additional information on DVP violations prior to 2017 and after 2022. Others requested more information on how community members can play a stronger role in getting the facility shut down permanently. Key takeaways from the whole group Q&A are provided below.

DVP Idling: Some community members requested more information on what "idling" means for the facility and whether the EPA will continue to monitor the facility's compliance during the "idle" period. Others wanted clarity on how long the facility's operations will be on pause. EPA shared it is not involved in the facility's decision-making process to "idle". However, EPA continues to monitor facility compliance. Additional questions included:

- How is EPA going to impose sanctions/penalties against DVP when the facility is shut down and all site personnel have been made redundant/let go?
- How is EPA/South Coast Air Quality Management District going to hold DVP accountable when the plant has been abandoned by its personnel, as all site staff have been let go?

Community Disparities: Community members noted how agencies often overlook health and environmental issues. Community members expressed being upset at how long the settlement process from the EPA is taking. Some expressed that this process would be much shorter if it were in a community like Palm Springs, which is a wealthier and more prominent community.

Community Action: Some community members asked for more information on how they can be actively involved in the process of getting the facility permanently shut down. Community members requested information on next steps and the agencies they should be contacting to express the urgency of the damage the plant is causing to the community. EPA shared how community members can reach their local representatives.

Prior and Existing Violations: There were requests for information on the plant's violations prior to 2017, including a questions from a community member on how many more environmental violations until DVP shuts down. Community members want to know what pollution has occurred since then. EPA's investigation is ongoing to present.

EPA Reports: Many community members requested investigation reports that contained specific information on the pollutants released. The representatives from EPA reminded the participants

¹ <https://greenleaf-power.com/facilities/desert-view/>

that they were not allowed to share data because of the ongoing enforcement action. Any reports that are available for viewing are posted on the [EPA DVP enforcement webpage](#). Additional questions included:

- “How many more times until they send the mercury report? If the EPA is not hiding anything, then why don't they give us the information we are requesting?”

Case Study: Four Corners Power Plant

Juliana presented the Four Corners Power Plant Case Study. She highlighted that despite many differences between this case and DVP, it provides an example of enforcement efforts in Region 9. EPA began investigating Four Corners Power Plant in 2009. Four Corners Power Plant is a 1.5 gigawatt power plant in the United States with five coal-fired units. It is within the four corners region (Arizona, New Mexico, Colorado, Utah) and located on the Navajo Nation, just west of Farmington, and east of Shiprock in New Mexico. She noted some of the key differences between the Four Corners case and DVP, which include:

- Four Corners is much larger, and it's a 1.5 gigawatt energy facility.
- Four Corners is coal-fired.
- It is currently in operation.

The 2015 civil enforcement settlement for this case study included funding for environmental upgrades to reduce nitrous oxides, particulate matter, and sulfur dioxide (SO₂) emissions; environmental mitigation projects' and a civil penalty. Juliana noted this was not a supplemental environmental project, but a mitigation project. Supplemental environmental projects are voluntary in the settlement, while mitigation is an action that the defendant is legally required to perform and which the government believes the court could order as injunctive relief if the case were litigated. Some of the projects included a wood and coal-burning appliance replacement and/or retrofit project, weatherization, and a Health Care Trust Project.

Resources

Mario Zuniga, Environmental Justice Coordinator at the EPA, introduced the new EPA enforcement page on DVP. The webpage will be updated regularly and currently contains background information on the facility, the regulatory and compliance history of DVP, and copies of the presentation slides and meeting notes from the community meetings that EPA has held. Additionally, on this site, community members can report violations and have access to resources such as the Clean Air Act, Air Quality Index, and the Environmental Justice Screen Report.

Mario also shared information on the Environmental and Climate Justice Communities Grant Program, an initiative to help increase engagement with communities about enforcement cases that directly impact them.

Community Questions and Comments

Participants shared the following comments about the program.

- “Grants and funding opportunities are great, but to access these resources, we must be a non-profit or established organization. Many participants at this meeting are resident

groups and don't have the elevated technical knowledge to apply for a grant. Bringing these resources is a solution when there are already established groups. We are a working-class community.”

- “Many people in this community do not have access to a computer, sometimes not even internet. Having this information online is challenging because you are excluding a great majority of our community.”

Desert View Power Next Steps

Juliana explained that environmental projects noted in the case study happen after the settlement. Currently, the EPA is in settlement negotiations and discussions with Desert View Power. This phase of the enforcement process currently does not have an established timeframe. Once a resolution has been reached, EPA will be able to provide further information.

Panel and Community Q&A Session

Christian re-introduced the meeting guidelines and welcomed the panelists to the stage to answer questions from participants. Panelists from the EPA included Andrew Chew, Environmental Engineer; Mario Zuniga, Environmental Justice Coordinator; Gerardo Rios, Supervisory Environmental Engineer; Dr. Patrick Wilson, Senior Regional Toxicologist; and Alheli Banos, Environmental Protection Specialist. Key takeaways from the session are noted below.

Air Quality and Pollution Awareness

Community members have been asking the South Coast Air Quality Management District (South Coast AQMD) to establish an office in Mecca, so residents have better access to air quality topics. Community members requested updates every three weeks and an opportunity to submit comments directly to South Coast AQMD instead of city council meetings. One participant said, “Sometimes it takes two hours to give a public comment, and that needs to change.” Community members also requested to have South Coast AQMD answer questions on a panel with the EPA and the Tribe for future meetings.

South Coast Air Quality Management District was present at the meeting and shared they've met with several federal agencies to address issues in Mecca. Community members also spoke about outside factors contributing to air pollution in Imperial County including the Salton Sea.

Length of Investigation

Many community members expressed frustration with the length of the investigation. They asked EPA how long other investigations have taken and the specific timeframe of the current DVP investigation. Participants expressed worry that the long delay in getting the plant shut down will only cause residents to continue getting sick. While the EPA is actively investigating, the timeline of EPA investigations are on a case-by-case basis to ensure appropriate actions are taken to address specific compliance issues.

Comments included that people in the community live with the everyday impacts of the plant. Every day that goes by before the plant is closed is another day more community members are suffering from respiratory issues.

Some community members said that meetings are important, and the community appreciates the information the EPA provides, but our community has meetings every other week. How many meetings do we have to attend before the facility can shut down for good?

Participants brought a petition requesting the EPA to permanently close down the facility. The petition has over 304 signatures and was given to the EPA representatives.

Legal Authority and Tribes

After EPA staff explained that the EPA has no legal authority to close the facility at this moment, community members directed the following questions to the Director of Tribal Affairs for the Cabazon Band of Mission Indians.

- "The violation states there were "findings." Are these not confirmed? We don't want things to be alleged. The Tribes use those terms as a scapegoat. We don't want vacant promises. We want answers."
- "If the power plant did care about our community, then it wouldn't be here"
- "We appreciate the EPA making time to sit down with us and organize these meetings, but we need solutions. When are we going to reach settlement?"
- "We want to shut down the plant. Why isn't DVP here sitting up front answering questions for us if they claim to care about us?"
- "Why has the tribe been continuing the lease with the plant knowing they are causing bad air?"
- "We want to hear from who can shut down the plant."

Local Health Issues

One community member spoke about local efforts to address the pollution caused by the plant. They stated, "residents are coming together to fight the plant's negligence. Many residents have become sick and have developed respiratory issues." One community member shared that they "have developed respiratory issues since the plant started its operations."

Operational Licensing

One community member emphasized that now that the plant is on a temporary pause, it is most likely going to shut down permanently. They allege it could be due to the plant losing its operational license. They also allege the plant is no longer competitive with other renewable technology options growing in the region.

Ground Contamination

Community members asked what actions the EPA will take for the residue DVP is leaving behind with a plant that is not coming back into operation. Some noted that now that the atmospheric operation emissions are gone, there will be ground surface emissions.

Now that the plant is idling, some community members noted that the primary concern is no longer air pollution but addressing ground and water contamination. There are significant amounts of ash on the project site that need to be mitigated.

- One online participant stated “there are probably 20-30 tons of ash that does not meet Title 22 TTLC [Total Threshold Limit Concentration]. It is unlikely the plant will come back up. It has had its heyday; the challenge now is how to get water cleaned up. The ground conditions around the facility need to be addressed. How are you going to put penalties on DVP when the power is shut down?”

After the Notice of Violation

Several community members asked what happens after the steps of the NOV come to an end. EPA mentioned that it is currently in negotiations with the company to resolve the alleged violations identified in the NOV. Resolution of the violations alleged in the NOV will likely include penalties, corrective actions and additional actions to improve the environment with certain requirements and parameters.

Next Steps

Christian thanked the participants for attending the meeting and encouraged them to visit the resource below and contact any of the contacts listed below.

<https://www.epa.gov/ca/desert-view-power>

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Appendix

Presentation PowerPoint