

Minutes of the Air Quality Task Force Meeting

Mexicali / Imperial

December 8th, 2016

Mexicali

Co-chairs: Reyes Romero; Margarito Quintero

Attendance:

Guadalupe Acuña, Director of the Laguna Salada Board of Sustainable Financial Development L; **Holly Buck**; Cornell University; **Ray Askins**, environmentalist; **Humberto Lugo**, IVAN Air Monitoring Project Coordinator; **Patricia Avilés Muñoz**, Citizen National Congress (CONACI), Cell 686, Mexicali Pollution; **Diana Gabriela Aranguré Quevedo**, Leonardo Da Vinci School Academic Coordinator and member of CONACI, Cell 686, Mexicali Pollution; **Luz María Ortega Villa**, concerned Mexicali citizen; **Jeremy Bauer**, U.S. E.P.A., San Diego Office; **Ana Lorena Moreno Garay**, Activist BC; **Blanca Sánchez**, OBSERBC; **José Luis Huape Rodríguez**, OBSERBC; **Temoc Avila**, Instituto Politécnico Nacional-MC; **Fernando Méndez**; Activist BC, Cell 686; **Baltasar Macías**; Frente Ambientalista de Mexicali; **Claudia Cristerna**, environmentalist; **Michael Schor**; UABC Engineering Institute and member of the Researchers National System, Level 3; **José Flores**, Professor at Brawley Union High School and California School Board employee; **Miguel Canales**, Superintendent at Brawley Union High School; **Leticia Ramírez**, UABC Engineering Institute student; **René Acuña**, Mexicali Board of Financial Development (CDEM); **Ramón Nuño**, citizen; **Natalia Luna**, Informática, Concientízate y Actúa; **Lourdes Montserrat Meza Trejo**, professor at UABC; **Oscar Rivera**, Ecological Coordinator for the Law Faculty Elected Society; **Enrique Villegas**, Environmental Consultant; **Patricia Ferro**, OBSERBC, Cell 686; **Gabriela Ruiz Reyes**, OBSERBC; **Fernanda Flores Aguirre**, Youth Coordinator at OBSERBC; **Fernando Flores**, OBSERBC; **Arturo Jiménez Trejo**, Secretariat of Farming Development; **Belen Leon**, Imperial Valley Air Pollution Control District; **Raúl Rodríguez Ponce**; Ejido Heriberto Jara; **Rosa Imelda Rojas**, interested on environmental issues; **Carlos Ramírez Siqueiros**, concerned citizen; **Saúl Elizondo**, environmentalist; **Luis Flores Solís**, Mexicali Director of Environmental Protection; **Meozotis Torres**, SPA; **José Landeros**, technician in charge of the environmental monitoring stations operated by ARB in Mexicali; **Patricio Vázquez**, Public Relations at Solaris, Mexicali; **Amelia Campos**, Coronita Neighborhood; **José Luis Tamay**, architect graduated from UABC; **María de Jesús Rodríguez Ponce**, Ejido Heriberto Jara; **Ramona Rodríguez Ponce**, Ejido Heriberto Jara; **Rafael Angel Ruiz**, Ejido en Laguna Salada; **Jesús Manuel Alberto López Pérez**, EcoZonemx/ Proyecto Incluyente Mexicali Project Director; **Eduardo Martínez Palomera**; President of OBSERBC; **Rebeca Corella**, English and French interpreter / translator; **Alejandro García Pérez**, Ejido Heriberto Jara; **Arena Camargo**, UABC Nursing Faculty; **José Alfredo García Pérez**, Ejido Heriberto Jara; **Ernesto Reynoso**, environmental consultant.

I. Welcome and Initial Comments

Reyes Romero welcomed everyone and said to be very glad to have such a great turnout. He handed the microphone over to **Margarito Quintero**, who is the representative for the Secretariat of Environmental Protection. **Margarito** also welcomed everyone and said that this would be the last meeting of the year for this task force and that he was glad to see so much interest in the issue to be addressed at the meeting.

II. Revision of Minutes from Prior Meeting

Reyes Romero said he hoped they had had time to go over the minutes from the prior meeting, which was held on September 8th, in the city of Calexico. **Margarito Quintero** pointed out that if they had any comments regarding the minutes now would be the time to make them. Since there were no comments the minutes were approved

III. Presentations; questions and answers

Mexicali – Imperial Valley EcoZonemx/Environment; B.C. Citizens Observatory (OBSERBC); Mr. Eduardo Martínez Palomera, José Luis Huape Rodríguez, and Blanca Sánchez Astorga

Baltazar Macías asked if this project complied with all the requirements under the Peace Agreement within the NAFTA Agreement as far as the distance that should be kept from the border in order to establish these kinds of projects; he also asked who the electrical power generated through this project would be sold to, if the project's environmental impact had been considered, including generation of minor particles and dust, how they plan to accomplish sustainable forestation in a desert zone, and how they are going to keep biodiversity in the area where they plan to have this project. He finished saying they were against the project mainly because of lack of transparency in the regulatory process.

Ernesto Reynoso mentioned that Mexicali produces a great amount of hazardous waste for which they have to be accountable. As far as the hazardous waste comprehensive treatment area for this project, he said they were still working in its development and that they would consider public opinion through a manifesto, which he hoped they would take advantage of to express their opinion.

Temoc Avila said he wanted the U.S. parties at the meeting to know that a lot of the people in favor of EcoZone at this meeting had been brought by the interested party. He also said that in his opinion at this time the most important issue regarding this project was the fact that they are changing its name to *Incluyente Mexicali* because this shows that they do have something to hide. He added that the person who introduced himself as the EcoZone project director is now only its general coordinator according to a recent national press release, being the new director of this project **Armando Vizcarra Calderón**. With regards to what ecologist **Ernesto Reynoso** had mentioned as far as hazardous waste and according to studies made by them, he mentioned that Baja California produces only 23,000 tons of hazardous waste a year and that with this project, 6 million tons of hazardous waste a year would be brought to Baja California. He said he would not allow for that to happen. Lastly, he said that if they would take a look at the authorization, according to article 51 under the general law for hazardous waste comprehensive prevention and management, you can clearly see that everything is ready to make the change of name and this is the reason why the project has already been presented as *Mexicali Incluyente* to the Federal representatives of the PAN party.

Fernando Méndez said that toxic waste produced by the maquiladora industry of Baja California is all returned to the U.S. because there is an agreement in place to do so. He mentioned that other produced toxic products are very simple and they are not toxic or hazardous because they are not chemicals or heavy metals. Therefore, he mentioned that a toxic waste classification and treatment center such as the one this project suggests prevents the best foreign planned investments for Mexicali because investment would become less attractive and thus this will prevent Mexicali from becoming a sustainable city

Guadalupe Acuña asked why the company's promoters were not formally invited to this meeting so that they would not be making assumptions. He asked for this to go on the record as well as **Mr. Martínez Palomera's** position in this matter, who says not to be against EcoZone Project, but that he has a lot of questions

Patricia Avilés said to be a part of a group called Citizens National Congress (Congreso Nacional Ciudadano) formed about six months ago, and that she wanted to congratulate the Imperial Mexicali Air Quality Task Force for its work. She mentioned that they had also as citizens, gathered 120 signatures and asked SEMARNAT for information about this project. She said that after a month and a half of waiting the answer they received was that they were not legal citizens, even though they had identified themselves with their name, signature, and a copy of their official identification (INE). However, in addition to this they were asked to present proof of residence per person. In response to this, she said they complied with that requirement and sent their request for information again. She added that there were Mexican official regulations in place, which this Project was not in compliance with, and that as citizens they were wondering why if they say they do not pollute they seem to be hiding and lacking transparency. She finished saying that this Citizens National Congress did not agree on having more hazardous waste coming to their city.

Ray Askins said that since the local government is not really doing anything about it, EcoZone offers a solution to keep the city clean.

Humberto Lugo asked if the EPA had been consulted on this matter to ask for help with regards to environmental impact reports because of the concerns of having more hazardous waste brought to their city.

Jeremy Bauer said they had not been consulted. However, he mentioned they had reached out to their state counterparts as well as SEMARNAT to learn more about the project. He also mentioned that there is also a waste task force within Border 2020, which would be the most appropriate task force to address this issue.

An attendee mentioned that EPA did not have any information on the EcoZone project up until now, except for the EPA in San Diego.

An attendee and representative of the company in charge of the project said that they would be more than glad to respond any questions about the project as soon as this task force requested it. He added that they were very happy to see so much interest on an issue that has been a problem in Mexicali for many years. He also said they were interested on having the transparency that they were asking for. Lastly, he said that as soon as they were formally invited to do so, they would present their project and they would answer any questions and would clear any concerns and above all, any rumors about this project.

An attendee asked why they did not formally invite the company to present their project.

Reyes Romero said that his understanding was that they already had it scheduled for the next meeting. He explained that they had invited **Mr. Palomera** and **Temoc Avila** because they had approached this task force and they were familiar with them. He pointed out that this task force did not have any position regarding this project.

An Attendee asked OBSERBC if the protocol followed with this company was one they already had in place if they were going to follow it exclusively with this company, or if there was going to be implemented for every new investment.

An attendee responded that they intended for any company to be established in Mexicali to comply with all the requirements and regulations. He mentioned that the federal state and local governments do not offer transparency, do not inform the community and therefore, allow for citizens to think that something is been hidden. He said he was not against the EcoZone Project, but that he was only asking for transparency and accountability.

EcoZone Project Assessment (hazardous waste management), Doctor Luz María Ortega Villa, UABC Professor-Researcher

Ernesto Reynoso said that they were not taking into account the fact that this project includes production of sustainable photovoltaic energy. He mentioned that they were demonizing other parts of the project that could be improved with the help of the community's participation

Ramón Nuño congratulated the professor on her presentation since he found it very interesting. He mentioned that they did not know what had happened with all the trash that has been produced through the processes of the different industries.

Baltazar Macías asked for this to go on the record and said that Professor Ortega's interpretation does not correspond with the original official version of this project . He stated that in his opinion this was the first Project in Mexicali to answer to the international guidelines of sustainable development. He also said that it has the support of all the sectors concerned with Mexicali finally entering a transition process to become a sustainable city of low carbon production. He said he did not agree with lynching practices or inviting media to try to generate a false perception of the project.

An attendee said she wanted to take this opportunity to congratulate **Doctor Ortega's** presentation because in her opinion it was very clear, and speaking of transparency, **Doctor Ortega** had mentioned scientific data. She also said she was concerned that despite this, they get insisting on assumptions and rumors because the people from Mexicali are not dumb. She said to have requested and received data from INA as to the zone which was bought for this Project, and they were informed that there are 44 archaeological sites within it. She said she does not understand the insistence on saying that what are said about this Project are just assumptions and rumors.

Lourdes Montserrat Meza Trejo said that in her opinion it would be very interesting to go over what sustainability is, and that she thought that in this case the economical interest has more weight than the environmental part. She said they should evaluate the sustainability of this project and they should also evaluate if this company is going to become a white elephant that in the end would take advantage of cheap labor bringing more pollution to their own home.

Rebeca Corella said she wanted to congratulate **Eduardo Martínez Palomera** and his OBSERBC team for their valuable participation.

Luz María Ortega Villa said that responding to the comments made by **Baltazar Macías**, on the same document of the Project it was clear that it was going to be focused mainly on selling their photovoltaic Project to the U.S., which clearly shows that their interest is financial. On the other hand, with regards to his comment of her presentation not corresponding to the original and official version of the Project, she said she could point out each of the pages of the information mentioned on her presentation. She also added that the idea of EcoZone coming to solve the pollution issues that already exist in Mexicali is a very deceiving communication strategy because those problems exist since many years back, and if they had not been solved it is not because companies have not come to be established in Mexicali; it is because of lack of political will and because the community does not show interest on environmental issues until they live them up-close. She concluded saying that the environmental impact manifesto on the Project had so many deficiencies that when they were pointed out at the information public meeting, SEMARNAT had no other option but to ask for additional information and the document with this information is almost double in size from the prior one.

An attendee congratulated **Doctor Ortega Villa** for her participation, and said she wanted to take this opportunity to make reference to an article that stated that the EcoZone Project should not have been approved because according to article 95 under the general law of hazardous waste comprehensive prevention and management, under sections 1,2, and 3 establishes that the hazardous waste should be located outside unstable geological sites, outside natural areas, and outside flood zones. She mentioned that all of the documents they had gathered with regards to this project had not been provided by EcoZone and that EcoZone had not given them any information and that they always show up empty handed to the meetings. She said this is what causes a terrible lack of trust regarding their project. She concluded saying that Mexicali citizens did not want to live under the fear of having an earthquake like the one in 2010 and having hazardous waste spills polluting their groundwater reserves as well as the Reforma Canal, which feeds the water pipeline which supplies so many neighboring communities.

Baltazar Macías said to be very happy of being at this meeting. He said that what they wanted was a natural protected area under state jurisdiction, including all of *Sierra Cucapah* and *El Mayor*. He invited everyone to become a member of *Frente Integral de Mexicali* (Mexicali Comprehensive Front) to fight against this project.

IV. Border 2020 Program Projects and Updates; Jeremy Bauer (U.S. EPA)

Jeremy Bauer mentioned that through the Border 2020 Program, they do a two year action plan and they publish all of their active projects every two years. He said that they are currently finalizing the action plans for the years 2015 and 2016 and that the status of each of those projects and what the projects accomplished will be posted on their website by the end of this year or early next year as well as a draft action plan for the years 2017 and 2018, which will include projects that they will be implementing for goal one, which is reducing air pollution, and also projects for the 4 other goals within the program. He also mentioned that if anyone had any questions about this, they could contact him by e-mail or that he had a business card if anyone wanted one.

V. Updates from Federal, State, and Local Governments

Jeremy Bauer said that Imperial County is on nonattainment for the 2008 ozone standard with the classification of moderate, and that the district is currently developing a plan to adjust the standard. He also mentioned that the California Air Resources Board recommended that Imperial County be designated as nonattainment for the 2015 ozone standard, and they will finalize designations for 2015 ozone standard by October 2017, and that they expect by then, to agree with the state's recommendation for Imperial County. He said that on December first, EPA proposed to determine several PM 2.5 nonattainment areas in region 9 for the 2006 24 hour PM 2.5 standard, which include Nogales, Arizona; Chico, California; and Imperial County among others. He explained that this determination is required under the Clean Air Act, and that each area will remain as a moderate nonattainment area until EPA approves the plan submitted by the district and the state that demonstrates the areas will continue to attain the standard for at least 10 years. Lastly, he informed Imperial County continues to violate the 2012 annual fine particulate matter standards and the 1997 coarse particulate standards, and that they expected Imperial County and the Air Resources Board to submit plans in the coming months that will address these pollutants.

Reyes Romero mentioned that he hoped their State Implementation Plan, which they were currently working on in order to be on attainment with the PM 10, PM 2.5, and ozone standards would be approved by their Board of Supervisors by the end of March of the following year. He also said that they were hoping to present these plans in more detail at their next meeting in Calexico.

Margarito Quintero said to have been working on reactivating the core committee for the Mexicali Pro Aire Program. He said they had already held two meetings, and he said that with the reactivation of this committee they hoped to be able to work more on the strategies, measures and actions to be taken under this program. He mentioned that the day prior to this meeting the Core Committee Constitutive Act under the Management Program to Improve the Air Quality in the State of Baja California had been signed in Tijuana, and that he would like to mention that in this case in particular, instead of having a Pro Aire program for each region, they are going to have one at state level. He also mentioned that for this purpose, they were going to work on an emissions inventory and that they planned to have participation from all the government sectors and agencies so that around July or August next year, they would have this inventory, which has not been done since approximately 2005.

Gabriela Arangur  asked why the air quality monitors were not currently working. She mentioned that in Mexico City they were able to realize that 70,000 industries were polluting thanks to these monitors. She said she was tired of this situation and she demanded to have information as to which companies were polluting in Mexicali and the kinds of chemicals they were polluting with, even if this meant for these same companies to install their own monitors, or even if the citizens had to, but above all, she said they needed to legislate in order to penalize these companies if that were the case.

Margarito Quintero informed that the city of Mexicali has 6 monitors in charge of SPA out of which only 3 are currently working properly. However, he said they were expecting to receive equipment that the Secretariat had gotten through SEMARNAT so that they would all be operating 100% as soon as possible.

Gabriela Arangur  asked where the monitors currently operating were located.

Margarito Quintero said that she could access that information on the SPA website, clicking on air quality. He said she could also log on to the Air Quality National System (SINAICA) to watch what goes on each city that has air quality monitors and be aware of the status for each particular city.

An attendee asked why the company Sukarne was not asked to relief the impact they cause to the environment.

An attendee said he was a part of an environmental justice organization, and mentioned that in the Imperial Valley they have a monitoring network, and that they were also planning on setting monitors at UABC with collaboration from CARB, as a step forward to improve the air quality in the region.

An attendee said he was an attorney and informed that an environmental criminal lawsuit against CFE was going to be promoted, and invited anyone interested on this to approach him to get more information as to the process of it.

An attendee said that first of all, he wanted to congratulate and thank everyone for showing an interest on this matter, and he mentioned that as an ejido member it was very important for him to express that they have to acknowledge having an issue, and that they are the ones living it up-close and see this project as hope to solve a pollution issue that already exists in the city, and that in his opinion, it was not fair to be attacking a project without offering a better proposal.

Wrap Up / Date of Next Meeting

Margarito Quintero said the proposed date for the next meeting to be held in Calexico was February 9th, 2017.

Meeting Adjourned