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San Joaquin Valley Residents of Avenal & Kettleman City Celebrate Victory as Avenal Power Center LLC Drops Proposed Fossil Fuel Power Plant Project

Avenal & Kettleman City, CA – The Avenal Power Center, a fossil fuel power plant proposed for Avenal in Kings County in the San Joaquin Valley, will not be built. On Friday, June 26, attorneys for Avenal Power Center, LLC notified the California Energy Commission (CEC) of its “Intent to Let the License for the Project Expire on September 16, 2015.”

Residents of Avenal and Kettleman City, who are already exposed to many other pollution sources, are celebrating the news along with their allies who joined this fight for clean air, health and environmental and climate justice.

The proposed power plant faced significant opposition from community, environmental justice and environmental groups since submitting an application to USEPA in February 2008. El Pueblo Para el Aire y Agua Limpia/People for Clean Air and Water of Kettleman City, represented by Center on Race, Poverty and the Environment, and Greenaction for Health and Environmental Justice, represented by Earthjustice, challenged the project throughout the administrative process, and ultimately sued the Environmental Protection Agency for exempting the facility from compliance with federal air quality standards. Sierra Club and Center for Biological Diversity also joined the litigation. Greenaction filed a Title VI civil rights complaint against the San Joaquin Valley Air Pollution Control District for its approval of the power plant, and entered into a settlement agreement that improved the District’s public participation, public notice and translation policies and practices.

In August 2014, the 9th Circuit Court of Appeals ruled for petitioners and struck down Avenal Power Center’s air permit. In its decision, the court admonished the USEPA, saying the Clean Air Act “does not permit EPA to waive ... requirements whenever it finds it convenient to do so.”

The company then pursued the construction of a smaller plant to allow it to avoid the Clean Air Act pollution limits altogether, and received an extension from the CEC to begin construction. The letter sent last Friday, June 26, 2015, brings an end to this 7 ½ year battle.

“This is a great victory for our communities that already suffer too much from pollution,” said Maricela Mares Alatorre, Kettleman City resident and member of El Pueblo.

“It’s about time that industry and government listen to the people and stop polluting us,” said Miguel Alatorre, Kettleman City resident and Greenaction Board member.

"This is a great victory," said Marylou Mares, Kettleman City resident and El Pueblo member. "It was clear from the start that this company did not care about the community's health. They proved this by trying to get permission to bypass federal clean air laws."

“Low-income people of color living near the proposed power plant are already burdened by birth defects and infant mortality, diesel traffic fumes, pesticides, and the largest toxic dump in the west,” said Bradley Angel, executive director of Greenaction for Health and Environmental Justice. “We need solar power on roof tops, not fossil fuel power plants that pollute the air, contribute to climate change and make people sick.”

“The Central Valley is ground zero for poverty, pollution, and traditional energy production. We need to ensure that California’s most vulnerable populations do not shoulder the pollution burden of our state’s energy needs,” said Ingrid Brostrom, Senior Attorney with the Center on Race, Poverty & the Environment. “Avenal Power Center’s decision to abandon a polluting power plant opens the door for cleaner, more sustainable energy solutions for our state.”