

# Fact Sheet

Our mission is to protect California's people and environment from harmful effects of toxic substances by restoring contaminated properties, identifying and promoting safer ingredients in consumer products, and ensuring stewardship through enforcement, regulation and pollution prevention.

## DTSC's Commitment to Protecting the Mecca Community

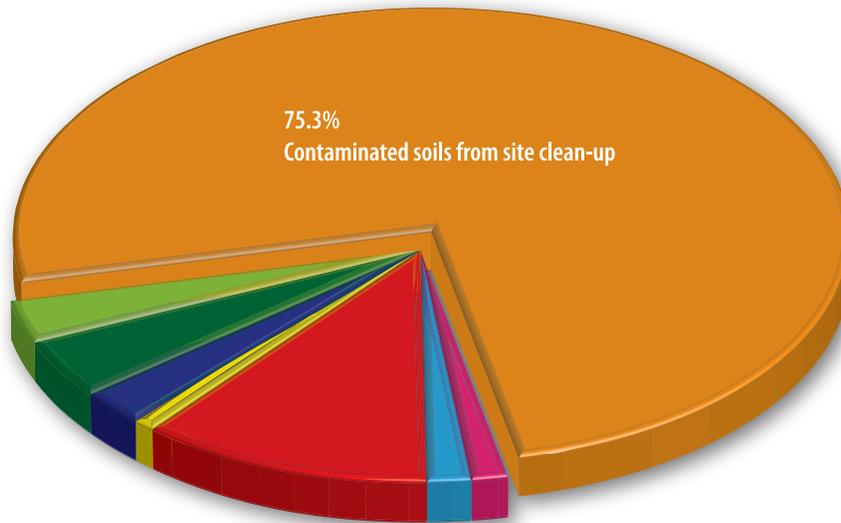
The California Department of Toxic Substances Control (DTSC) is committed to protecting the people of Mecca and the community's environment from toxic harm. Several steps have already been taken to address community and the State's concerns associated with the Western Environmental, Inc. (WEI) facility located on the Cabazon Band of Mission Indians' land in Mecca (see map below). An open process that allows the community to get information and work as a partner with DTSC is essential. As part of this effort, DTSC conducted an audit of its past activities and is releasing that information to the public.



**NOTICE TO HEARING IMPAIRED INDIVIDUALS:** TDD users may use the California Relay Service at 1-888-877-5378 (TDD) and ask to speak to Maya Akula at 818-717-6566.



## 2010 Waste Categories Delivered to Western Environmental Incorporated



Waste Code	Description	Tonage	%
134	Aqueous solution (2<PH,12.5) W org residues <10%	860.8	1.7
181	Other inorganic solid waste	5769.2	11.3
221	Waste oil and mixed oil	345.4	0.7
223	Unspecified oil-containing waste	1286.9	2.5
321	Sewage Sludge	2178.9	4.3
352	Other organic solids	1507	3
611	Contaminated soils from site clean-up	38,417.1	75.3
	*Other	650	1.3

Conducted during a four-week period, the audit shows weaknesses in DTSC’s ability to raise critical policy issues to management, a lack of effective cross-program communication channels within the Department, and inadequate tools to track, identify and communicate potential issues in California’s hazardous waste management system.

The audit shows a lack of clarity and a high level of uncertainty within DTSC over its ability to regulate hazardous waste disposal or treatment on Indian lands. DTSC management showed an unwillingness to raise the issue to a level where an effective approach to WEI could be developed.

Key findings include:

- DTSC management did not deal with regulatory issues associated with WEI for several years even though the Department had information that non-RCRA hazardous waste was being transported to the facility.
- The Cabazon Band of Mission Indians approached Cal/EPA and DTSC in 2004 to discuss a possible cooperative agreement. However, those talks were discontinued.
- DTSC received complaints from external parties about WEI's regulatory status, but failed to develop an approach to address the situation.
- Key managers within DTSC were aware of and involved in efforts to reach a cooperative agreement between the Cabazon Band of Mission Indians and the State, but failed to inform the executive management so that the issue of sovereignty vis-a-vis the applicability of state law could be effectively resolved.
- Some managers who knew of the concern with WEI's regulatory status were also aware that waste was transported to the facility. Yet, lack of a decision on an effective approach allowed WEI to continue receiving waste without assurances that odors and any off-property migration of waste could be controlled.
- DTSC staff tracking manifest data raised concerns about WEI's acceptance of non-RCRA hazardous waste to management and the DTSC Legal Office. However, those concerns were not effectively acted on.
- DTSC field staff received and gave conflicting information to external parties about the status of WEI's permit. In some cases DTSC staff explicitly told those conducting hazardous waste cleanups that WEI could accept waste. In another case, DTSC staff informed school officials in Riverside

that WEI could not accept non-RCRA waste.

- DTSC did not have any system for informing field staff which facilities were approved to accept or treat hazardous waste, nor were there instructions for field staff to ensure hazardous waste was being transported to an approved facility.

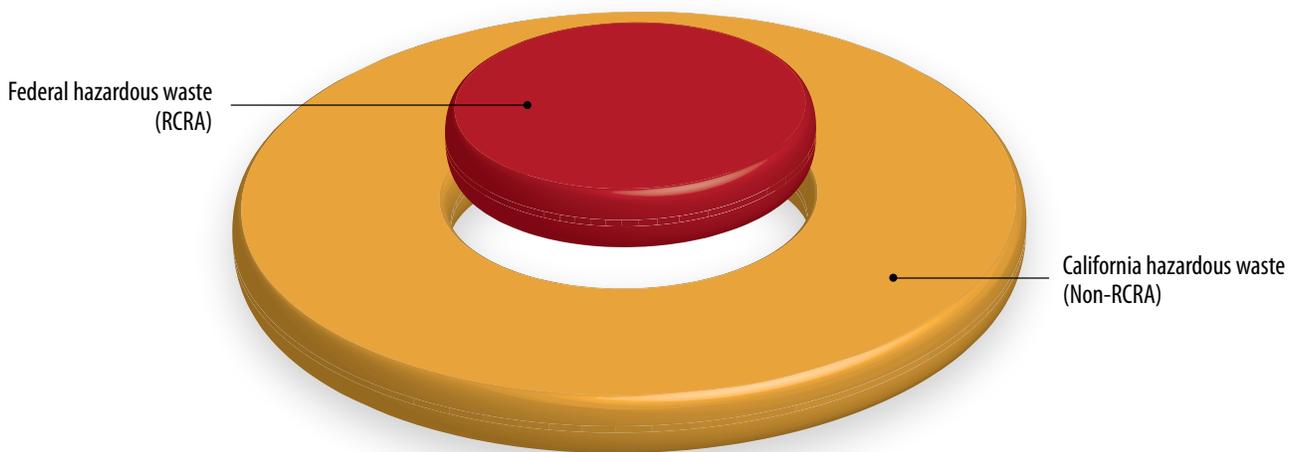
Several steps have already been taken to address these findings, including:

- All staff members and managers have been made aware that WEI cannot accept hazardous waste.
- DTSC has notified generators (including Caltrans, school districts and the military) that WEI cannot accept California-only waste. Transporters have also been notified.
- After being informed by DTSC, CalRecycle suspended recycling incentive payments to WEI because the facility does not have authorization from DTSC to accept used oil.
- Acting on DTSC's notification, the State Water Resources Control Board informed those associated with its Underground Storage Tank (UST) Program that it would no longer reimburse costs associated with UST cleanups where the waste was sent to WEI until DTSC determines the facility is in compliance with state law.
- A new process has been instituted that requires project managers overseeing cleanup projects to ensure that waste is going to an appropriately regulated facility.
- A multi-program team has been created to communicate critical policy issues internally.
- DTSC policy makers have clarified and communicated the state's position on DTSC's authority with respect to the transportation of hazardous waste to Indian reservations.



Further steps are necessary. DTSC is in the process of gaining access to the facility where it can for the first time sample materials and review WEI's records. This information will help DTSC begin discussions with WEI and the Cabazon Band of Mission Indians on the process for creating a cooperative agreement. This cooperative agreement, if completed and approved, would allow the Tribe to permit the facility with standards equivalent to those of California's requirements. This process would be conducted publicly and with opportunity for comment from the community.

## Hazardous Waste in California



### Three Primary Differences

- California doesn't recognize many of the federal exemptions such as household hazardous wastes
- More aggressive testing methods
- California's standards are more strict for concentrations

### Primary Examples of non-RCRA (California Only) Hazardous Wastes

- Auto shredder fluff (zinc, copper and lead)
- Cement kiln dust (solid corrosivity)
- Arsenic-treated wood
- Contaminated soils
- PCB wastes
- Asbestos wastes