

Community Notice, May 2012

Reports on Western Environmental Inc., Mecca, California

The Department of Toxic Substances Control (DTSC) is announcing the May 2, 2012 release of two reports related to its evaluation of the Western Environmental Inc. (WEI) soil treatment and recycling facility in Mecca, California. The two reports are the (1) Evaluation Survey of WEI and (2) DTSC Evaluation of Soil Sampling at WEI.

Background

The WEI facility is operating under a permit issued by the Cabazon Band of Mission Indians (CBMI) to treat contaminated soils that are "non-hazardous" as defined by Federal law. The facility is located on Native American tribal land, and is under the authority of CBMI and the United States Environmental Protection Agency (US EPA). DTSC is not currently regulating WEI operations.

In some cases, California environmental laws are stricter than the federal laws and some of the soils being treated at WEI are considered hazardous under California law. The DTSC is the agency responsible for managing hazardous waste (See explanation of terms on page 3) in California, and wants to ensure that soils that meet California hazardous waste at WEI are handled in accordance with California standards for protecting the public health and the environment

DTSC undertook the Evaluation Survey and soil sampling to evaluate the current WEI operations and compare those operations to requirements for California permitted hazardous waste treatment facilities.



- **Community Meeting**

The DTSC will discuss the findings of the reports at a community meeting at 6:30 PM, on May 17, 2012, at the **Saul Martinez Elementary School**, Multi-purpose room, located at 65705 Johnson St. Mecca, CA 92254.

- **Where to Get the Reports**

Copies of the reports are available at the locations listed on Page 3 and on the DTSC website: www.dtsc.ca.gov/WEI.cfm



Department of
Toxic Substances
Control

*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.*



State of California



California
Environmental
Protection Agency



Evaluation Survey

DTSC conducted a site inspection and record search on August 29 and 30, 2011.

The main objective of the Evaluation Survey was to gain a better understanding of operations at the WEI site and evaluate operation with regard to California hazardous waste law.

The Primary Findings are:

- The existing liner system is inadequate for preventing leachate from migrating into the subsurface.
- The groundwater monitoring system is inadequate for detecting contamination that may have reached the uppermost aquifer.
- WEI should provide a demonstration that it meets location standards with regard to earthquake faults and the 100-year flood zone.
- The existing Closure Plan and evidence of Financial Assurance are inadequate for proper closure in the event of operator failure.
- Improvements are needed in procedures for waste acceptance, tracking of hazardous waste, testing during treatment, and release of treated soil, record keeping, and other aspects of facility operations that affect overall effectiveness and safety against potential harm to the environment.

Evaluation of Soil Sampling

DTSC oversaw sampling of soil stockpiles conducted by WEI on December 14 through 16, 2011.

The main objective of the sampling was to determine if the treated soils are safe for human health at commercial-industrial sites.

The secondary objectives were to verify the nature of untreated soils and compare them to treated soils to assess treatment effectiveness.

The key findings are:

- The treated soils are below federal and California hazardous waste limits.

- The treated soils are acceptable for commercial industrial use, but contain slightly elevated levels of arsenic and polychlorinated biphenyls (PCBs).
- Samples of untreated soil are confirmed non-hazardous, but one sample exceeds the California limit for lead.

Dioxin Testing

To evaluate the overall safety of treated soils, DTSC required testing for all common contaminants, including dioxin. DTSC also conducted limited offsite sampling to evaluate potential effect of local (background) dioxin on WEI soils.

- WEI did not provide dioxin data to DTSC as required.
- DTSC duplicate samples indicate the presence of dioxin in treated soils but within acceptable human health standards.
- Dioxin is present in offsite surface soils but below human health standards.

There is no indication that background dioxin is affecting WEI soils.

Next Steps

- DTSC will meet with CBMI and WEI to explain its findings and recommendations.
- CBMI will evaluate DTSC recommendations and decide if they are willing to implement the changes required by DTSC.
- If CBMI is willing to implement changes, DTSC and CBMI will undertake negotiations to formulate a legal mechanism that accommodates CBMI sovereignty and allows DTSC to enforce its regulatory requirements so WEI can accept and treat California hazardous waste.

Where to Find Site Documents

Mecca Library

91-260 Ave. 66
Mecca, CA. 92254
Contact: Miguel Guitron-Rodriguez
Phone: (760) 396-2363
Fax: (760) 396-1503
Hours: M-Th. & Sat. 10 a.m to 6 p.m.
Fri. & Sun. Closed

Saul Martinez Elementary School

65705 Johnson St.
Mecca, CA 92254
Phone: (760) 396-1935
Fax: (760) 396-2103

Our Lady of Guadalupe Sanctuary

65100 Dale Killer Rd.
Mecca, CA 92254
Contact: Mayra Lopez
Phone: (760) 396-2717
Fax: (760) 396-0047

Department of Toxic Substances Control

Regional Records Office
5796 Corporate Avenue
Cypress, CA 90630-4732
Phone (714) 484-5337
Mon – Fri 8:00a.m.– 5:00p.m.

Please contact Ms. Julie Johnson at the number above to make an appointment.

Who to Contact for Information

DTSC is committed to inform and engage all interested community groups and leaders in the Mecca/Coachella Valley area. If you have any questions, please contact:

Project Manager

Mr. Hamid Saebfar,
9211 Oakdale Ave
Chatsworth, CA 91311-6505
Phone: (818) 717-6530
E-mail: HSaebfar@dtsc.ca.gov

Community Outreach

If you have any questions or would like to be on the DTSC e-mail list, please send your e-mail address to:

Ms. Maya Akula
Public Participation Supervisor
9211 Oakdale Ave.
Chatsworth, CA 91311-6505

Phone: (818) 717-6566
Email: MAkula@dtsc.ca.gov

Media Inquiries

Ms. Charlotte Fadipe
Public Information Officer
Phone: (916) 323-3395
E-mail: CFadipe@dtsc.ca.gov

Definitions of Terms

Contaminated waste - waste materials containing harmful chemicals in amounts that make them unsafe for human exposure.

Hazardous waste – type of contaminated waste in which the amount of harmful chemicals reaches or exceeds the limits established by law. Materials classified as “hazardous waste” are required to be managed in a regulated way to prevent harm to people and the environment.

Federal hazardous waste – waste materials classified as “hazardous” because the amount of harmful chemicals exceeds federal limits.

California hazardous waste - materials classified as “hazardous” because the amount of harmful chemicals exceeds legal limits established by California. In most cases California limits are lower than federal limits. Thus, contaminated materials considered “non-hazardous” by the federal government may be considered “hazardous” by California.

