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United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

WASHINGTON, DC 20510-6175

BETTINA POIRIER, *MAJORITY STAFF DIRECTOR*
RUTH VAN MARK, *MINORITY STAFF DIRECTOR*

May 5, 2011

Honorable Lisa Jackson
Administrator
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Administrator Jackson,

I am asking that you personally ensure that the Environmental Protection Agency (EPA) takes immediate action to help the children and families in Mecca, California, who are living in unbearable conditions caused by the horrendous odors that have plagued this community.

Overpowering odors in Mecca have sickened scores of people, including students and teachers at Saul Martinez Elementary School. According to news reports, the smell is so strong that it has forced students to stay inside during recess. Hundreds of area residents have lodged complaints with state regulators and have attended town hall meetings with state and federal officials to voice their concerns and to ask for this problem to be addressed. I have attached to this letter some of the recent news reports for your review.

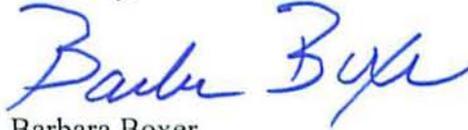
It is imperative that this serious problem be solved immediately. To that end, my staff has contacted state and federal officials to urge swift protective action for the residents of Mecca. I understand that state officials have taken dozens of samples and have worked with at least one facility in the area to address certain waste handling practices.

My understanding from EPA regional officials is that an investigation is underway and that I can expect action in the very near future to address this serious problem. The EPA has broad authority under federal environmental laws, including section 7003 of the Resource Conservation and Recovery Act (RCRA), which allows EPA to work rapidly with all parties to address threats to public health from dangerous pollution.

The EPA must take prompt action to protect the children and families in this community. Parents should not fear for their children's safety simply because they are breathing the air. I know that you share my belief in our important mission to protect our children.

Please let me know in detail what immediate steps EPA will be taking -- because this situation is intolerable. You can reach me through my Staff Director, Bettina Poirier, at the Environment and Public Works Committee.

Sincerely,



Barbara Boxer
Chairman

CC: Honorable Jared Blumenfeld, Region 9 Administrator, Environmental Protection Agency

Editorial: Leaders must demand an end to the Mecca stink

May 5, 2011, The Desert Sun

Something stinks in Mecca.

For months now, children at Saul Martinez Elementary School have been sickened by an odor of unknown origin.

More than a dozen students and teachers have been treated by paramedics at the school. A couple have been sent to the hospital. Teachers have complained. Parents have complained.

There have been three town hall meetings since the odor became a problem in mid-December, with empathetic public officials and promises to provide answers.

Environmental inspectors with Riverside County District Attorney Paul Zellerbach's office have toured the area, but when The Desert Sun's editorial board asked Zellerbach about the issue last week, he said he had no idea there was a problem in Mecca.

The state has sent out its environmental team. And yet, nothing has changed.

Here's what we know: Mecca and the surrounding area have been besieged by a sad history of outrageous environmental abuses. Piles of human waste were mounded nearby. One illegal dump was infamous for spontaneously combusting, sending plumes of smoke across the sky.

You would think Gov. Jerry Brown, who pushed for tough environmental regulations before they were en vogue, would demand answers.

And yet, we see no evidence he cares about the stink in Mecca.

Mecca is an unincorporated eastern Coachella Valley community fighting to be heard.

They've asked for help. Parents and teachers regularly call state officials to complain about strange odors.

For years, the jurisdictional buck has been passed. The dumps and waste pile are on sovereign land belonging to the Torres-Martinez and the Cabazon tribes. State regulators pointed at federal regulators. You know the drill.

If the dumps were near Indian Wells or Rancho Mirage, we can't help but wonder if action would have been swift. How many years and how many public meetings would it have taken not just to mitigate such offensive acts but to take action to remove the source of the offense?

The residents of Mecca do not carry much political clout.

The unemployment rate is 27 percent here.

The state took over its school district because of poor academic performance.

But tomorrow and the next day, and next week, children and teachers will file into Saul Martinez Elementary holding their noses.

They'll try to focus on improving test scores. They'll wonder what's in the air. Could it cause lasting harm?

Well, Gov. Brown, will it?

**Officials promise to clear foul odor from Mecca air
Residents, frustrated by pace of probes, press for timeline for results**

Apr. 29, 2011, The Desert Sun

The 200 or so Mecca residents who packed into the Saul Martinez Elementary School cafeteria Thursday received no new insight into what chemicals, particles or other substances could be causing the foul odors that have sickened scores in the community since December.

But they did get renewed assurances from state and federal environmental health officials that the air quality tests will continue — including at the soil-recycling plant they believe to be the source of the stench — until the strong, gas-like smell is eradicated.

“Our work will not be done until the odors are eliminated. Period,” South Coast Air Quality Management District Executive Officer Barry Wallerstein said, flanked by federal EPA inspectors and local government officials. “You have our full commitment as a team”

Many in the audience said they are discouraged at what they see to be minimal progress to root out the cause of, and eliminate, the stench. Since Dec. 15, the air quality department has received more than 200 complaints, including daily reports of odor outbreaks from Saul Martinez students and teachers.

The department has completed 60 investigations of the odor since December. On 25 occasions, department staff has confirmed the Western Environmental plant, which recycles contaminated soil upwind of Mecca, to be responsible for the odor, AQMD senior enforcement officer Ed Pupka told the crowd.

“Give us a timeline. Give us something, so that we can believe you, so that we can work with you,” Coachella Valley Unified School District Superintendent Daryl Adams told the panel of public officials.

Echoing the findings of a report released earlier this month, state air quality officials told residents Thursday they've found nothing to be “a cause for concern, from a known-toxic perspective.” So far, the compounds in Mecca and at the plant have tested at levels below what's considered a health risk, officials say.

Nonetheless, for the second time this week, residents publicly expressed their fears that whatever is causing the overwhelming smell could also lead to cancer and other illnesses.

Shannon Tincher, a kindergarten teacher at Saul Martinez, said she won't be back to teach next year because the fumes have taken a toll on her physical well-being. She told officials she's tired of being told she's “not sick and everything (at the plant) is within federal and state limits.”

Residents also confronted David Roosevelt, chairman of the Cabazon Band of Mission Indians, accusing the tribe of “not being a good neighbor” and not sufficiently regulating Western Environmental, which operates on the tribe's land.

In recycling dirty soil, "I believe that what Western Environmental is doing is a good thing," Roosevelt said. The facility is "taking care of the earth" and that fits within the tribe's philosophy, he added. "The tribe isn't making a lot of money off this operation. The intent was to do recycling, to take something that was bad and recycling it for better uses."

That prompted residents to tell Roosevelt that the plant, which has accepted more than 165,000 tons of hazardous waste since January 2009, feels more like a landfill operation to them. "Do what you will do, but not at the expense of my children, not at the expense of my community," special education teacher and Mecca resident Celia Garcia told Roosevelt. "You don't feel it. My baby coughing at night, you don't stay up at night with him."

Still, Roosevelt said the tribe is working toward a solution and expressed a willingness to work with the Mecca community. However, the tribe is proceeding cautiously because the Mecca odor problem is a "precedent-setting event" that could impact all the other tribes in California. Officials mentioned a potential cooperative agreement between the tribe and AQMD, which does not have jurisdiction on tribal lands.

Western Environmental officials attended the meeting but did not speak. They've eliminated an oil-removing pond at the plant and stopped accepting soy-whey materials in attempts to tackle the odor. They further stressed that environmental health officials have been unable to pinpoint them as the sole source of the odor.

"We just keep going around in circles," Saul Martinez teacher Kendra Baxter said of progress against the stench. "We don't have the option to move slowly anymore. We have to figure out what this is."

Mecca-area residents air their odor concerns

Apr. 26, 2011, The Desert Sun

With a faint, gas-like smell drifting in the air, about 30 Mecca residents and students gathered in the Saul Martinez Elementary School cafeteria to express their concerns about the noxious odor outbreaks that have affected the east valley community since late 2010.

It was the first of two meetings scheduled this week to address the problem. The second, a town hall meeting organized by the South Coast Air Quality Management District, will take place at 6 p.m. Thursday at the school.

Previous community meetings on the odor have left residents complaining that they weren't able to express their concerns.

On Monday, those who attended got a lot off their chests.

"We're not animals, we're human beings," Mecca resident Manuel Soto vented, calling for more urgency to solve the problem. "This isn't a game, this is serious," he said.

"My concern is not the smell, (but later), when they find out what's causing it — the medical problems," resident Norma Rodriguez added. "I have insurance, but the co-pay is a lot out of my pocket."

No government agencies attended the Monday meeting, but they're expected to attend Thursday.

The South Coast Air Quality Management District has tested the air in Mecca over the past few months. "In most cases," it found no elevated levels of toxic pollutants or odorous chemicals — even when the smell was at its worst, according to a status report the state agency released earlier this month.

Nonetheless, the smell has sickened scores of Mecca residents in recent months, including Saul Martinez teachers and students, several of whom visited the hospital.

On Monday, school principal Delia Alvarez said the students often stay inside during recess when the smell is strong, and that teachers and students are reporting odor problems to the air quality district every day.

Air quality officials suspect Western Environmental Inc., a soil-recycling plant on tribal land upwind of Mecca, to be the main source of the odor. Plant officials continue to stress that no agencies investigating the odor have been able to pinpoint Western Environmental as the only source of the smell.

But residents called for accountability of Western Environmental — as well as the government agencies charged with regulating their business, including the Cabazon Band of Mission Indians.

They also wondered why the state's Department of Toxic Substances Control allowed the plant to operate for about seven years without the proper permits.

Officials from that agency have declined to comment on “potential investigations” that could be going forward.

Several residents Monday compared the constant shutting of home doors and windows to avoid the odor to living in a jail cell. The daily practice is especially hard on young children, they said, who'd rather play outside but instead stay inside to avoid the smell.

The Western Environmental plant has accepted more than 165,000 tons of hazardous waste since January 2009, state records show.

Several residents said the Mecca community would have to shoulder the responsibility, too, organizing and showing strength in numbers to help force a solution.

“We have to fix it ourselves,” Mecca resident Manuel Montes said. “We have to be together.”

**Probe into foul smell in Mecca leads to crackdown
Soil-recycling plant is blamed for odor that sickened residents**

April 9, 2011, The Desert Sun

State regulators started cracking down this week on the soil-recycling plant believed to be the main source of a foul odor sickening Mecca residents.

The Department of Toxic Substances Control on Friday notified the Western Environmental Inc. plant that it should not accept any California waste.

The agency is also warning companies that ship hazardous materials to the Mecca plant that it lacks the proper state permits.

“We know from the manifests who has sent waste, but ... it's a difficult task to get to everybody,” said Jim Marxen, DTSC's acting deputy director for external affairs. Thousands of people likely will be contacted, he added.

It's not clear what impact the move will have on the plant or on the smell, which has sickened nearby residents since late last year.

Western Environmental officials were not available for comment Friday.

In a recent commentary published in The Desert Sun, Western Environmental Services Principal Bill Carr said the business has complied with “all applicable regulations.”

State air quality officials have pegged Western Environmental as the primary source of the unusually strong, petroleum-like odor that's generated at least 140 complaints in Mecca, but they don't have authority over the plant because it's on tribal land.

However, the toxic substances control department, the state agency that regulates the handling of hazardous waste, now says it has jurisdiction over the Western Environmental plant because it's neither a tribal entity nor tribal-owned.

“We've been looking at the issue for some time and our attorneys have determined they don't have the permit,” Marxen said Friday.

That was encouraging to Mecca resident Liria Vargas. The mother of four children, ages 1 to 14, said her family avoids going outside and has endured more frequent sore throats, headaches and flu symptoms ever since the odor appeared in December.

Air quality tests have come back negative for unsafe levels of toxins in the air.

“They say there's nothing bad for the health, but we believe it is,” Vargas said Friday.

Western Environmental, a recycling company that processes petroleum-contaminated soils and waste water, has operated in Mecca since 2004.

Much of the soil it takes otherwise would wind up in landfills, according to Carr. It has cooperated with environmental health officials since complaints about the odor surfaced.

The company replaced an oil-water separation pond with storage tanks and stopped accepting so-called "soy-whey" products. Both were thought to be causes of the odor, but the problem has persisted.

To comply with DTSC, Western Environmental could apply for the state permits, a process that involves fees and public hearings. Another route would be for the Cabazon Band of Mission Indians, which leases the land to Western Environmental, to lobby the California Environmental Protection Agency to serve as the plant's permit agency, Marxen said.

In the meantime, his agency has begun contacting a "vast net" of public and private agents who've shipped waste to the plant, he said.

Public agencies that ship to the plant include the Los Angeles Unified School District. It sends waste from cleanups at building sites for future schools, LAUSD office of environmental health and safety site assessment program administrator Ed Morelan said.

"We heard indirectly that that was going to happen, but we haven't heard anything officially," Morelan said the state's warnings not to ship to Western Environmental.

Meanwhile, paramedics have responded at least three times to Saul Martinez Elementary School, in the Coachella Valley Unified School District, to assist people sickened by the Mecca smell.