Violence has erupted in southern California where large amounts of toxic sewage sludge are being illegally dumped on Indian lands while federal officials look the other way. With federal law enforcement in a state of collapse, community leaders and activists are fighting the sludge dumpers in virtual hand-to-hand combat. On August 6, an Indian youth, Michael Hamilton, 14, was found dead near Anza, California, shot twice in the head. The boy's aunt, Rose Hamilton, has been an outspoken opponent of the sludge dumping on land owned by the Torres-Martinez Desert Cahuilla Indians, near Thermal, in southern California. Ms. Hamilton says her own life was threatened August 4. She believes her nephew was killed in connection with her and her community's ongoing opposition to waste dumping on six Indian reservations in southern California, including Torres-Martinez near Thermal; Cahuilla near Anza; the Soboba Indian Reservation near Valle Vista; the Los Coyotes Band of Mission Indians, near Warner Springs; the Cabezon Band of Mission Indians near Coachella; and the Campo Indians near Campo.

During the night of August 7th, the San Ysabel home of Marina Ortega, a well-known environmental justice activist, was raked by gunfire from an automatic weapon. Ms. Ortega's daughter and infant grandchild were in the house at the time but no one was hit. The local sheriff has refused to investigate.

According to the DESERT SUN newspaper in Palm Springs, the situation continues to deteriorate because federal officials have refused to step in and enforce federal law. As a result, the community itself is moving to stop the dumping through direct action. Some 40 Indians and environmentalists formed a human blockade at the Torres-Martinez dump site August 4th, preventing at least a dozen trucks from dumping their loads of sewage sludge laced with toxic metals and persistent organic compounds. The activists endured triple-digit heat, buzzing flies and foul odors as they stood vigil all day, preventing trucks from entering the dump site, according to the RIVERSIDE PRESS ENTERPRISE August 5.

"We've got family members whose kids have gotten sick from the dump," said Mary Belardo, chairperson of the Torres-Martinez tribe.

According to the PRESS-ENTERPRISE, in February and March of this year, water samples drawn by state officials, and by a hydrogeologist hired by the sludge-dump operators, revealed higher-than-natural levels of arsenic, chromium, cadmium, lead, and nitrates in five local wells. Other wells have not shown contamination.

The Torres-Martinez tribal council --the elected government of the tribe--passed a resolution August 5th noting that the Bureau of Indian Affairs has issued two "cease and desist" orders against the dumping but has failed to enforce its own orders. The tribal council itself has passed a resolution January 10, 1994, calling for an end to the waste dumping on Torres-Martinez lands.

The Indigenous Environmental Network (IEN), with headquarters in Bemidji, Minnesota, issued a nationwide call August 16th for environmental justice groups and human rights organizations to focus urgent attention on the waste wars on Indian land in southern California. Mary Belardo, tribal chairperson of the Torres Martinez tribe, has asked for a meeting with Carol Browner, chief of U.S. EPA [Environmental Protection Agency], Bruce Babbitt, Secretary of Interior, and Attorney General Janet Reno, but so far federal officials have ignored her pleas.

President Clinton issued an executive order on environmental justice February 11, 1994; in it, he ordered all federal agencies "to the greatest extent practicable" to make "achieving environmental justice" part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs." Section 6-606 of that executive order specifically applied the order to Indian lands. Federal environmental and Indian agencies appear to be ignoring the President.

According to the resolution passed by the Torres-Martinez tribal council August 5, half a million tons (a billion pounds) of industrially-contaminated sewage sludge lie heaped on the Torres-Martinez reservation. The sludge was brought in by corporations named Chino Corona Farms, Inc., Terra Farms, Inc., and "Kellogg Supply Co. and/or HCK Company." Chino Corona Farms has since "vanished from California and the United States," the council resolution says. The sludge was dumped on land owned by Geraldine Ibanez, a tribal member, and by other Ibanez family members, with the Ibanezes' consent, starting in 1989. Executives of the corporations claim they are running a "recycling" and composting operation, not a waste dump, and thus are exempt from the Resource Conservation and Recovery Act (RCRA), the nation's federal waste management law.

However, other federal law (25 U.S.C. 415 and 25 CFR Part 162) requires a signed contract, approved by the Bureau of Indian Affairs (BIA), before such dumping would be legal. The BIA (in the Interior Department) is obligated under law to uphold the federal government's trust responsibility for Indian lands. Because massive quantities of toxin-contaminated waste are involved, approval of such a contract would be a "significant federal action" with major environmental impacts, so approval should be accompanied by a full environmental impact statement or at least an environmental assessment, as required by the National Environmental Policy Act (NEPA). However, no contract was signed, and no environmental studies were undertaken. This means the sludge dump is doubly illegal. As the Torres-Martinez council said in its resolution August 5, the corporations running the dump "are in trespass on federally-owned Indian trust property."

In an editorial August 8, the DESERT SUN in Palm Springs blamed the BIA for the violence. "The confused response of BIA officials to the issue has created a volatile and increasingly dangerous situation," the SUN said.

The SUN also said in an earlier editorial that U.S. Environmental Protection Agency has evaded its responsibilities in the matter. EPA claims it has no authority to protect groundwater on the Torres-Martinez reservation because the sludge was dumped illegally. "Even after months of repeated complaints by residents and state officials, the EPA still has failed to perform basic groundwater testing at the site," the DESERT SUN said in an editorial February 1, 1994. "The agency, which enforces environmental laws on all Indian-owned land, has failed miserably in its responsibility to protect the public," the SUN said.

According to Indigenous Environmental Network national coordinator Tom Goldtooth, both BIA and EPA are actively promoting waste dumping on Indian lands. Marina Ortega has videotaped federal officials saying they lack authority to stop the sludge dumping on Torres-Martinez lands and in the next breath offering to help Indian tribes develop their own regulatory programs so they too get the economic benefits that come with a waste dump.

Many Indian communities in southern California find themselves in conflict over waste proposals or waste operations on their lands.

** For at least two years, the Cahuilla Band near Anza has been trying to stop a toxic waste dump operating on its land. A tribal member organized the Candelaria Land Company, which is reportedly accepting petroleum-contaminated soil, sewage sludge, and perhaps other toxic wastes. According to IEN, recently-obtained trucker manifests indicate some of the waste is coming from Camp Pendleton military base.

** The Soboba reservation has a history of accepting hazardous waste. In 1990, a corporation called Ranpac, Inc., brought 220 truckloads of soil to the reservation, contaminated with toxic lead.
The soil was reportedly dumped on land owned by tribal chairperson Robert Salgado, with his consent. According to IEN, Ranpac was subsequently fined $1.2 million in civil and criminal penalties. More recently, Robert Salgado's brother, Ernie Salgado, is pursuing a waste recycling center on tribal land.

** For at least two years, Chambers Development, a large waste hauler from Pittsburgh, Pa., has been trying to establish a regional toxic waste landfill on land owned by the Los Coyotes Band of Mission Indians, according to IEN. Chambers has promised the Band $2 million per year, to be distributed as they see fit, plus a scholarship fund, housing assistance, a cultural center, and jobs.

** The Campo Indians have been the first to seek and gain federal approval for a solid waste dump they are building on their land in cooperation with Mid-American Waste Systems, a partner of WMX Technologies, Inc. (formerly Waste Management, Inc.) of Oak Brook, Illinois, according to IEN. We visited Campo in 1991 and examined the site of the then-proposed dump. The tribe was divided over the proposal at that time. The dump was intended to provide economic development.

For its part, the Clinton administration is proposing to create new loopholes for toxic wastes that are allegedly being "recycled," as are the wastes being dumped on Torres-Martinez lands. On July 15, EPA officially proposed to exempt over 100 million pounds of toxic waste from the reporting requirements of the Toxic Release Inventory (TRI), if the wastes are going to be recycled or if energy will be recovered from them (by, for example, burning them in a cement kiln). EPA's proposal would make it more difficult for state and local officials, and community members, to track waste shipments to and from their area.

Paul Orum of the Working Group on Community Right to Know in Washington, D.C., says, "The EPA claims to be interested in pollution prevention, but this opens a loophole big enough to drive a truck through. This loophole would gut the Pollution Prevention Act of 1990, which Congress passed to promote prevention."

For further information on the waste wars in southern California, contact: California Indians for Cultural and Environmental Protection (CICEP), Star Route Mesa Grande, San Ysabel, CA 92070; phone and fax: (619) 782-3703. Or: The Indigenous Environmental Network (IEN), P.O. Box 485, Bemidji, MN 56601-0485; phone: (218) 751-4967; fax: (218) 751-0561.

--Peter Montague

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Descriptor terms: ca; michael hamilton; rose ann hamilton; torres-martinez indians; thermal, ca; cahuilla indians; anza, ca; soboba indian reservation; native people; us; valle vista, ca; los coyotes band of mission indians; cabezon band of mission indians; warner springs, ca; coachella, ca; campo band of mission indians; san ysabel, ca; marina ortega; desert sun newspaper; palm springs; ca; water pollution; sewage sludge; landfilling; composting; recycling; bia; epa; indigenous environmental network; bemidji, mn; mn; mary belardo; carol browner; bruce babbitt; doi; janet reno; doj; chino corona farms; terra farms; kellogg supply; hck company; geraldine ibanez; rca; nepa; environmental impact statements; tom goldtooth; candelaria land company; camp pendleton; army; military; ranpac, inc; robert salgado; ernie salgado; chambers development; mid-american waste systems; wmx; bill clinton; tri; paul orum; working group on community right to know; pollution prevention act of 1990;