



# South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4178  
(909) 396-2000 • www.aqmd.gov

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July 26, 2006

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**Mr. Wayne Nastri**  
Regional Administrator  
U.S. Environmental Protection Agency  
Region IX  
75 Hawthorne Street  
San Francisco, CA. 94105

**RE: Illegal Burning on the Torres Martinez Indian Reservation**

Dear Mr. Nastri:

As you may know, for over ten years, the South Coast Air Quality Management District (AQMD) staff has observed, which would otherwise be illegal under Rule 444 – Open Burning on the Torres Martinez Indian Reservation. This is occurring at several dump sites on the reservation containing commercial demolition waste, residential trash and contaminated grape stakes from local agricultural sources. Our inspection staff has worked closely with the local residents and growers as well as the tribe and your agency to attempt to eliminate the illegal dumping and subsequent burning of the trash. However, despite these efforts, the burning is continuing and appears to be more regular than ever before. Our concern is its potential to contribute to the non-attainment status of this region and to introduce toxic air contaminants to local residents.

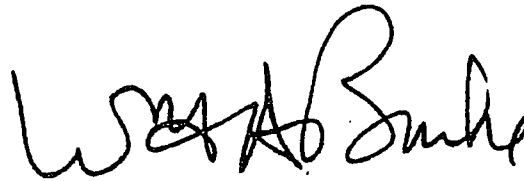
AQMD staff recognizes the financial limitations of the tribe to restrict illegal access and activities on their land. These limitations were highlighted at the recent inter-agency summit, hosted by your agency to cooperatively explore further enforcement and funding options with local, state and other federal agencies. Our staff informed me that this meeting was very helpful in understanding the various authorities and available funding that could be called into play to end illegal dumping and burning activities.

Our staff recently met with Riverside County Supervisor and AQMD Board Member, Dr. Roy Wilson, to brief him on this deteriorating air quality situation. As a result, Dr. Wilson has met with Riverside County waste officials regarding the possibility of having local landfills accept treated wood waste. These efforts should assist in providing cost-effective options to local growers.

However, AQMD staff is aware of the pending litigation that your agency has initiated against a tribal member who is responsible for a significant amount of illegal dumping and burning. The success of this effort will be critical in halting these activities and will serve as a warning to other perpetrators of the potential legal consequences of their activities. We offer our assistance to your enforcement staff in off-reservation surveillance and/or monitoring of activities. In addition, because of the air quality impact of this burning to our District, I am requesting the opportunity to have members of my staff at the table during any settlement discussions as a stakeholder.

I have asked Carol Coy at 909.396.2434 ([ccooy@aqmd.gov](mailto:ccooy@aqmd.gov)) and Lee Lockie at 909.396.2390 ([llockie@aqmd.gov](mailto:llockie@aqmd.gov)) to serve as contacts for follow up discussions regarding this letter. Thank you again for your efforts to this point and in the future to alleviate this serious problem.

Sincerely,



Dr. William A. Burke, Ed.D.  
Chairman, Governing Board

BRW:EC:LT:LL

Enclosure

c: Doug McDaniel, Chief, EPA Region IX  
Air Enforcement Office  
S. Roy Wilson, Riverside County Supervisor  
Elaine Chang  
Laki Tisopulos  
Carol Coy  
Peter Mieras  
Lee Lockie

Torres Martinez Indian Reservation  
 Chronology of Events  
 From Area Sources Files  
 And  
 Toxics and Waste Management Files

Date	Summary
1992-2002	Inspectors witnessed frequent illegal burning on the reservation during this time. Records too voluminous to record for purposes of this chronology.
January 2002	Inspector Rick Gluck referred a smoke and odor complaint against Virgil Lawson, (Lawson Ranch & Enterprises), located on the Torres Martinez Indian Reservation to US EPA-Tribal Operations Committee.
March 6, 2003	Inspector Dan Kasper, SCAQMD, responded to a complaint against Lawson Ranch & Enterprise, located on the Torres Martinez Indian Reservation.
March 18, 2003	Inspector Dan Kasper investigated complaints against Duro Ranch (Duro Trailer Park, Duro Dump), and Lawson Ranch & Enterprises, both located on the Torres Martinez Indian Reservation.
March 25, 2003	Inspector Arun Kumar, SCAQMD, contacted Rebeca Jamison, US EPA-Tribal Representative (415-972-3382) and e-mailed her the complaint report.
April 29, 2003	Inspector Arun Kumar referred Dan Kasper's complaint report to Rebeca Jamison, US EPA-Tribal Representative. Rebeca Jamison referred the report to Heidi Hall, US EPA.
May 9, 2003	Inspector Arun Kumar wrote an e-mail to Heidi Hall, US EPA, asking for the status of EPA's investigation.
May 15, 2003	SCAQMD received notification from US EPA that TORLAW, Kim Lawson, Scott Lawson, and Virgil Lawson, dba Lawson Ranch and Enterprises, are Ordered to cease open burning of solid waste at the Lawson Dump (US EPA Docket No. RCRA 7003-03-0003).

June 26, 2003	Inspector Elio Torrealba, SCAQMD, observed open burning (burning solid waste) on the Torres Martinez Indian Reservation and reported his findings to Inspector Arun Kumar. Inspector Arun Kumar also had received a complaint of illegal burning on the Torres Martinez Indian Reservation.
June 26, 2003	Inspector Arun Kumar contacted Mr. Dorian Cooley, Fire Chief. According to Mr. Cooley it took 170 fire personnel, 20 fire engines, and 2 helicopters to put out the fire on the Torres Martinez Indian Reservation.
July 8, 2003	Inspector Arun Kumar e-mailed Heidi Hall, US EPA, and informed her about the complaint he received, the fire investigation report and the complaint report by Inspector Elio Torrealba relative to incidents on the Torres Martinez Indian Reservation.
September 24, 2003	Lee Lockie, Director, Area Sources, SCAQMD, contacted Fran Schultz, US EPA (415-972-3297) and discussed the problem associated with illegal burning on the Torres Martinez Indian Reservation.
December 11, 2003	Inspector Rick Gluck received smoke and odor complaints against Larsen Farms located on the Torres Martinez Indian Reservation. Inspector Rick Gluck referred this complaint to Rebecca Jamison, US EPA-Tribal Representative. Rebecca Jamison requested that Rick Gluck contact James Sullivan, US EPA-Waste Management Division regarding this complaint. [Larsen Farms is not Lawson Ranch and Enterprises (TORLAW)].
December 12, 2003	Inspector Rick Gluck conducted surveillance of Larsen Farms, located on the Torres Martinez Indian Reservation, and observed trucks containing green waste and construction debris entering Larsen Farms full and departing Larsen Farms empty. Previously this site was known as IBANEZ FARMS. Inspector Rick Gluck met with Alberto Ramirez, Tribal Director-Torres Martinez EPA. Inspector Rick Gluck notified Alberto Ramirez of the complaints of open burning on Larsen Farms. Alberto Ramirez told Inspector Rick Gluck that Larsen Farms has been issued a permit from the BIA, possibly for composting, but that no composting is going on, and that the property owner, Vincent Ibanez is working with BIA to revoke the Permit issued to Larsen Farms. Alberto Ramirez also told Inspector Rick Gluck that the Torres Martinez Tribal Council has concerns about Larsen Farms and stated that the Torres Martinez Tribe has issued a ban on Open Burning on the Torres Martinez Indian Reservation. Alberto Ramirez also told Inspector Rick Gluck that the Torres Martinez Tribe will issue a Notice of Violation to Larsen Farms.

December 18, 2003	Inspector Rick Gluck inspected Larsen Farms, located on the Torres Martinez Indian Reservation, with Santiago Perales, Air Quality Specialist, Torres Martinez EPA. Inspector Rick Gluck observed numerous piles of green waste on fire and burning. Inspector Rick Gluck also observed that workers were on site and that the workers were not attempting to extinguish any of the burning material. Additionally, Inspector Rick Gluck observed a dump truck arrive at Larsen Farms and unload the contents at Larsen Farms which consisted of construction debris including containers containing PVC primer.
December 2003	Inspector Rick Gluck received a Public Information Request from the Coachella Valley Unified School District for documents on open burning, and waste disposal on the Torres Martinez Indian Reservation.
April 15, 2004	Inspector Rick Gluck notified Jim Fletcher, Superintendent-BIA Southern California Field Office, and Jim Sullivan, US EPA, that TORLAW, located on the Torres Martinez Indian Reservation was on fire and burning.
April 19, 2004	Inspector Arun Kumar received an e-mail from Fire Captain Tony Fox regarding an illegal open burn at the Durro Dump, located on the Torres Martinez Indian Reservation. The Durro Dump is located on the Durro Trailer Park. The Durro Trailer Park is directly north of TORLAW.
April 20, 2004	Lee Lockie, Director, Area Sources, SCAQMD, contacted Allen Mednick, Sr. Deputy District Counsel, SCAQMD, to seek advice as to what enforcement authority the SCAQMD may have relative to this type of situation occurring on the Torres Martinez Indian Reservation.
April 20, 2004	Lee Lockie, David De Boer, Senior Staff Specialist, SCAQMD, Inspector Rick Gluck and Inspector Arun Kumar, met with Allen Mednick and discussed open burning on Torres Martinez Indian Reservation. Allen Mednick contacted James Sullivan, Waste Management Division, US EPA and informed him of the recent incident of open burning on the Torres Martinez Indian Reservation. James Sullivan informed SCAQMD staff that Lawson Enterprise (TORLAW) was under a Cease and Desist order by the US EPA. James Sullivan requested copies of the recent documents that SCAQMD staff has relative to the Torres Martinez Indian Reservation.
April 21, 2004	Inspector Rick Gluck sent above requested documents by FAX to James Sullivan, US EPA.

April 22, 2004	Allen Mednick, Inspector Rick Gluck and Inspector Arun Kumar had a teleconference with Letitia Moore, Assistant Regional Counsel, US EPA. Letitia Moore requested information on the Torres Martinez Indian Reservation.
April 23, 2004	Allen Mednick and Inspector Arun Kumar had another conference call with US EPA.
April 27, 2004	Inspector Arun Kumar contacted Santiago Perales, Air Quality Specialist, Torres Martinez EPA, and Tony Fox, Riverside Fire Captain, and informed them about the teleconference. Mr. Fox informed Inspector Arun Kumar that he was being contacted by US EPA staff.
July 15, 2004	Inspector Arun Kumar received a call from Riverside Fire Captain De La Cruz about an illegal fire on the Torres Martinez Indian Reservation.
July 30, 2004	Inspector Arun Kumar reported the July 15, 2004 incident to Letitia Moore and James Sullivan, US EPA, via e-mail and sent a copy of the fire department report on the fire via certified mail. Inspector Arun Kumar also requested an update on what was accomplished to date by US EPA staff relative to the Torres Martinez Indian Reservation complaint issues.
August 2, 2004	Inspector Arun Kumar received an e-mail from James Sullivan, US EPA, stating that he would provide the updated information as soon as he received it.
September 1, 2004	Inspector Arun Kumar received a complaint from a local resident regarding an open fire at the Torres Martinez Indian Reservation. The complainant stated that the regulatory agencies were aware of the situation but neglected to take any action. Inspector Arun Kumar contacted David Bradley, Riverside Fire Department. Mr. Bradley informed him that the fire started on August 31, 2004. He stated that he had observed burning of waste materials and palm fronds (2-3 feet high) covering two acres.
September 3, 2004	Inspector Arun Kumar forwarded the complaint information and Captain Bradley's investigation report to James Sullivan, US EPA, and requested an update on EPA's action.
February 4, 2005	Inspector Arun Kumar received an e-mail from Fire Captain Jose Sanchez. Captain Sanchez reported that fire crews spent 21 hours handling a refuse burning incident on a site owned by tribal member George Auclair, located on the Torres Martinez Indian Reservation. Fire Captain Jose Sanchez mentioned burning of tires and telephone polls. The message was forwarded to David Jones, Air Quality Analysis and Compliance Supervisor, SCAQMD.

February 4, 2005	Inspector Rick Gluck inspected the George Auclair site located on the Torres Martinez Indian Reservation, with Santiago Perales, Air Quality Specialist-Torres Martinez EPA. Inspector Rick Gluck observed numerous piles of trash, construction debris, green waste and tires on fire and burning. The report and the photos were forwarded to Willard Chin, US EPA.
April 12, 2005	Inspector Rick Gluck received a notification from the Riverside County Fire Department that Lawson Ranch and Enterprises (TORLAW), located on the Torres Martinez Indian Reservation, was on fire and had been burning for about one week.
April 14, 2005	Inspector Rick Gluck conducted surveillance of TORLAW, located on the Torres Martinez Indian Reservation, and observed that TORLAW was on fire and burning, and that trucks containing green waste were entering TORLAW full, and departing TORLAW empty. Inspector Rick Gluck observed Violations of Rule 401 (visible emissions), and Rule 444 (open burning), and Rule 208 (a burn authorization for open burning). Inspector Rick Gluck did not issue a NOV because AQMD Rules do not apply on Tribal Land.
April 15, 2005	Inspector Rick Gluck notified Jim Fletcher, Superintendent-BIA Southern California Field Office, and Jim Sullivan, US EPA, that TORLAW, located on the Torres Martinez Indian Reservation was on fire and burning.
April 26, 2005	Inspector Rick Gluck was notified by the Riverside County Fire Department that TORLAW, located on the Torres Martinez Indian Reservation, was still on fire and burning, and that now the George Auclair site, also located on the Torres Martinez Indian Reservation, was on fire and burning. Inspector Rick Gluck notified Gil Stuart, BIA, that TORLAW, located on the Torres Martinez Indian Reservation, was still on fire and burning and that now the George Auclair site, also located on the Torres Martinez Indian Reservation was on fire and burning.

April 27, 2005	Inspector Rick Gluck was notified by the Riverside County Fire Department that TORLAW, and the George Auclair site located on the Torres Martinez Indian Reservation, were still on fire and burning. Inspector Rick Gluck notified Gil Stuart, BIA, that TORLAW, and the George Auclair site located on the Torres Martinez Indian Reservation, were still on fire and burning. Inspector Rick Gluck also told Gil Stuart that AQMD received 10 Smoke Complaints since this incident at TORLAW started. Inspector Rick Gluck FAXED Gil Stuart the AQMD Complaint Summary Report for TORLAW from April 9-25, 2005. Inspector Rick Gluck also notified Willard Chin, US EPA of these incidents and FAXED Willard Chin the AQMD complaint summary report.
April 28, 2005	Inspector Rick Gluck conducted surveillance of TORLAW, located on the Torres Martinez Indian Reservation. Inspector Rick Gluck observed light gray smoke originating from stockpiles of green waste at TORLAW. Inspector Rick Gluck was contacted by the following individuals and Inspector Rick Gluck informed them of the above recent TORLAW, and George Auclair, open burning incidents: (1) Jim Fletcher, Superintendent-BIA, Riverside Office, (2) Gil Stuart-BIA, Riverside Office (3) Willard Chin-US EPA, (5) Gina Nichole-US EPA, Federal Emergency Response Center, (6) Sara Dwight-US EPA, Federal Emergency Response Center, (7) Jim Sullivan, US EPA, Waste Management Division, (8) Daniel D Shillito, Attorney-BIA
August 15, 2005	Inspector Rick Gluck was notified by the Riverside County Fire Department of a refuse fire on the George Auclair site, located on the Torres Martinez Indian Reservation. Inspector Rick Gluck referred this notification to Willard Chin, US EPA, Francisco Arcute, US EPA, and Gil Stuart, BIA, on September 7, 2005.
August 17, 2005	Inspector Rick Gluck was notified by the Riverside County Fire Department of a refuse fire on the George Auclair site, located on the Torres Martinez Indian Reservation. Inspector Rick Gluck referred this notification to Willard Chin, US EPA, Francisco Arcute, US EPA, and Gil Stuart, BIA, on September 7, 2005.
September 7, 2005	Inspector Rick Gluck was notified by the Riverside County Fire Department of open burning and black smoke going on at TORLAW, located on the Torres Martinez Indian Reservation. Inspector Rick Gluck referred this notification to Craig Benson, US EPA, Federal On-Scene Emergency Response Coordinator, Willard Chin, US EPA, Francisco Arcute, US EPA, and Gil Stuart, BIA.



October 10, 2005	Fire Chief Ray Paiz, Riverside County Fire Department and Captain De La Cruz reported that they had observed a huge stock pile of treated grape stakes at George Auclair's property located on the Torres Martinez Indian Reservation.
October 28, 2005	Santiago Perales, Air Quality Specialist-Torres Martinez EPA contacted Inspector Arun Kumar asking for information and assistance to deal with the treated grapevine stakes. Inspector Arun Kumar provided him with the SCAQMD Policy on CCA Treated Grape Vine Stakes.
October 31, 2005	Captain De LaCruz reported that the above grape stakes were ignited by unknown individual(s).
November 1, 2005	David De Boer, Senior Staff Specialist, SCAQMD, wrote an e-mail to Allen Mednick informing him that this is an emergency situation and someone should take action.
November 16, 2005	Inspector Rick Gluck was notified by the Riverside County Fire Department that the George Auclair site, located on the Torres Martinez Indian Reservation was on fire. Inspector Rick Gluck referred this notification to Willard Chin, US EPA, Francisco Arcutes, US EPA, Gil Stuart, BIA.
December 15, 2005	Inspector Arun Kumar observed CCA treated grapevine stakes being transported to Lawson Enterprises (TORLAW) located at the Torres Martinez Indian Reservation. Inspector Arun Kumar contacted Kelly Dordon, US EPA and reported the incident.
January 13, 2006	Inspector Arun Kumar obtained a report from Santiago Perales, Air Quality Specialist-Torres Martinez EPA. The report stated that there had been an open burning incident at the Torres Martinez Indian Reservation on December 15, 2005.
January 13, 2006	SCAQMD Area Sources and Engineering and Compliance/Toxic staff had a meeting to develop a strategy on how to address the issues regarding the Torres Martinez Indian Reservation open burn problem. It was decided that the SCAQMD will write a letter to the Regional Administrator, US EPA asking for assistance.

January 24, 2006	Inspector Arun Kumar contacted Caleb Shaffer, US EPA and discussed the Torres Martinez Indian Reservation situation with him. Mr. Shaffer informed him that the US EPA is working with the Coachella Valley Association of Governments, DTSC and BIA on this issue. Inspector Arun Kumar e-mailed Mr. Schaffer copies of his December 15, 2005 inspection report along with the Tribal EPA's report.
January 25, 2006	David T. Jones, AQAC Supervisor, Toxics and Waste Management contacted Bill Beckman, DTSC. Mr. Beckman informed him that the vineyard industry should comply with Health and Safety Code 25150.7 (AB 1353). He said that DTSC is the enforcement agency for this issue.
January 31, 2006	Carol Coy, Deputy Executive Officer, SCAQMD contacted Doug Mc Daniel and discussed the Torres Martinez Indian Reservation situation with him.
February 7, 2006	Inspector Arun Kumar received a call from Michael Hingerty, US EPA. Mr. Hingerty asked specifically about the Lawson Enterprise problem on the Torres Martinez Indian Reservation. Inspector Arun Kumar discussed the grapevine stake issue and also provided him copies of his inspection report and Tribal EPA's report for December 15, 2006. Mr. Hingerty informed Inspector Arun Kumar that the US EPA is contemplating sending a Notice of Violation to certain generators or transporters of CCA treated grapevine stakes.
February 8, 2006	Inspector Rick Gluck was notified by the Riverside County Fire Department of a fire occurring at the Oasis Mobile Home Park, located on the Torres Martinez Indian Reservation. Inspector Rick Gluck referred this notification to Craig Benson, US EPA, Willard Chin, US EPA, and Francisco Arcutes, US EPA, and Gil Stuart, BIA.
May 18, 2006	Inspector Arun Kumar forwarded additional incident reports regarding illegal burning activities on the Torrez Martinez Indian Reservation to Michael Hingerty and Karen Ueno of U.S. EPA.
July 7, 2006	Inspector Arun Kumar received information from Coachella Valley Association of Governments that there was a wild fire on going at the Torrez Martinez Indian Reservation. Inspector Kumar telephoned Mecca Fire Department and was informed by Captain De Lacruz that the Bureau of Indian Affairs was handling the fire.