

Laws, Regulations &

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Managing Hazardous Waste

*Preventing environmental
damage from hazardous
wastes, and restoring
contaminated sites for all
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California



Department of
Toxic Substances
Control

Public Involvement

FACT SHEET, November 2005

BKK Landfills Facility Consent Decree

If you would like to request a copy of this fact sheet translated into Mandarin, Spanish, or Tagalog please contact Kim Rhodes (916) 255-3651.

如您需要一份中文說明簡訊或有任何疑問，請電 714-484-5406 與黃則忠先生或 714-484-5485 與張寧武先生聯絡。

Kung nais ninyong makakuha ng kopya nitong "fact sheet" sa Tagalog o kung kayo ay may katanungan, paki-tawagan si Jose Marcos sa (714) 484-5492.

Si usted desea una copia de este aviso en espanol o tiene preguntas, por favor comunice con Jesus Sotelo (916) 255-6670.



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BKK Landfills Facility Consent Decree

The BKK Corporation (BKK), owner and operator of the BKK Landfills Facility (Facility), notified the Department of Toxic Substances Control (DTSC) in October 2004 that BKK did not have sufficient funds to continue operating and maintaining the closed Class I Landfill (hazardous waste) and leachate treatment plant beyond mid-November 2004. DTSC began an emergency response action in November 2004 to ensure the continued essential day-to-day maintenance activities of the Facility. The Facility is located at 2210 South Azusa Avenue in the City of West Coving.

DTSC issued an order in December 2004 to 51 companies and public agencies, called "responsible parties." Most of these parties disposed of hazardous waste at the Class I Landfill. Over the past year, DTSC has met with the largest group of responsible parties, composed of 27 companies and one public agency, to negotiate financial support, day-to-day operations, and maintenance and monitoring activities at the Facility. Recently, DTSC and this group of responsible parties reached an agreement called a consent decree. A consent decree is a judicial order that is negotiated and agreed to by the parties and submitted to the court for approval. After it is approved and finalized, it has the force of a court order. The California Attorney General's Office on behalf of DTSC, filed the BKK Consent Decree (Decree) with the Federal District Court, Central District of California, on October 31, 2005.

BKK Consent Decree Summary

The BKK Consent Decree is an interim agreement for almost two years that allows the parties to develop a longer-term solution for conditions at the Facility. The Decree requires the 27 responsible parties to perform essential maintenance work at the Facility shortly after the Decree becomes effective or an earlier date if the responsible parties want to begin work sooner. The Decree also requires them to fund a portion of DTSC's activities at the site and it includes a number of other legal terms and conditions. The Decree can be viewed at www.dtsc.ca.gov. (Click on "BKK Corporation Landfill" listed under "Hot Topics," then click on "Consent Decree 2005" and "Consent Decree Exhibits 2005." The Decree can also be viewed at the information repositories listed on the back of this fact sheet.

DTSC will take public comments on the Decree through December 13, 2005. After the comment period ends, DTSC and the Attorney General's Office will review and develop responses to all comments received during the public comment period and submit them to the District Court. If the comments disclose



facts or considerations that indicate the Decree is inappropriate, improper, or inadequate, DTSC may withhold its consent or modify the Consent Decree. The Court will make the final approval decision. If approved, the Decree will become a legally binding order of the Court.

DTSC Involvement will Continue

DTSC will continue to oversee maintenance of the Facility until the responsible parties begin work. Before the responsible parties start work, they will submit work plans to DTSC and work side-by-side with DTSC's staff and contractor to learn the details about running various systems at the Facility. The responsible party's project manager is already collaborating with DTSC and the responsible parties have chosen a contractor with significant landfill experience to manage the site on a daily basis. After the responsible parties assume the essential management functions, DTSC will oversee their work. Additionally, DTSC's contractors may conduct other work at DTSC's direction.

Additional Information

If you would like to submit comments on the Decree, they must be in writing in order to be considered. All comments must be submitted on or before 5:00 P.M. on December 13, 2005. Any comments sent electronically should also be sent by mail. Comments must refer to the BKK Landfills Facility Consent Decree and should be mailed to the following individuals:

Marilee Hanson
Department of Toxic Substances Control
Office of Legal Counsel
P. O. Box 806
Sacramento, CA 95812-0806
E-mail: mhanson@dtsc.ca.gov

With a copy to:

Jim Dragna
Bingham McCutchen
355 South Grand Avenue
Los Angeles, CA 90071-3106
E-mail: jim.dragna@bingham.com

FOR MORE INFORMATION
If you have questions about the BKK Landfills Facility, please visit our website at www.dtsc.ca.gov or contact:

DTSC Public Participation Specialist
Kim Rhodes
8800 Cal Center Drive
Sacramento, CA 95826
(916) 255-3651
Krhodes1@dtsc.ca.gov

DTSC Public Information Officer
Jeanne Garcia
1011 North Grandview Avenue
Glendale, CA 91201
(818) 551-2176
jgarcia@dtsc.ca.gov

You may also call our toll-free number at (866) 284-0721 and leave us a voice message.

Information Repositories

Documents regarding the BKK Landfills Facility can be reviewed at the following locations:

West Covina Public Library
1601 West Covina Parkway
West Covina, California 91790

Walnut Public Library
21155 La Puente Road
Walnut, California 91789

Department of Toxic Substances Control
1011 North Grandview Avenue
Glendale, California 91201