

STATE OF CALIFORNIA  
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY  
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

**In the Matter of:**

BKK Landfills and  
Leachate Treatment Plant  
2210 South Asuza Avenue  
West Covina, California 91792

**Stipulating Respondents:**

American Honda Motor Co., Inc.  
Anadarko Petroleum Corporation  
(for RME Petroleum Company)  
Atlantic Richfield Company  
Bayer CropScience, Inc., as legal successor  
to Stauffer Chemical Company  
Chemical Waste Management, Inc.  
Chevron Environmental Management  
Company, on behalf of Chevron U.S.A., Inc.,  
Texaco Exploration and Production, and  
Texaco, Inc.  
The City of Los Angeles, acting by and through  
the Los Angeles Department of  
Water and Power  
ConocoPhillips Company  
Ducommun Aerostructures, Inc., as successor  
by merger of Aerochem, Inc., and AHF-  
Ducommun Incorporated  
Exxon Mobil Corporation, for itself, its  
subsidiary ExxonMobil Oil Corporation and its  
other subsidiaries and affiliates  
General Motors Corporation  
Honeywell International, Inc., on behalf of  
Honeywell Aerospace and Honeywell Turbo  
Technologies

Docket No. I/SE-D 04/05-004

**INTERIM CONSENT AGREEMENT**

Health and Safety Code  
Sections 25355.5(a)(1)(B) and (C),  
25358.3(a), 58009 and 58010

- 1 National Steel and Shipbuilding Company )
- 2 Northrop Grumman Systems Corporation )
- 3 Quemetco, Inc. )
- 4 Rohr, Inc. )
- 5 Shell Oil Company )
- 6 Southern California Edison )
- 7 Thums Long Beach Company )
- 8 Union Carbide Corporation )
- 9 Union Oil Company of California )
- 10 Washington Mutual Bank, F.A. )
- 11 Western Waste Industries, Inc. )
- 12 Xerox Corporation )
- 13 \_\_\_\_\_ )

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15 The State Department of Toxic Substances Control (DTSC) and the Stipulating Respondents  
 16 described above (collectively, the Parties) enter into this Interim Consent Agreement and agree,  
 17 as follows:

18 1. DTSC issued an Imminent and Substantial Endangerment Order and Remedial Action  
 19 Order (ISE Order) on December 2, 2004, which became effective on December 9, 2004. The ISE  
 20 Order concerns the BKK Sanitary Landfills and Leachate Treatment Plant in West Covina,  
 21 California, as described in Section 1.2 of the ISE Order (the Site). With the exception of  
 22 ConocoPhillips Company, Northrop Grumman Systems Corporation and Union Carbide  
 23 Corporation, the Stipulating Respondents or associated entities were named as respondents in the  
 24 ISE Order.

25 2. This Interim Consent Agreement is entered by the Parties pursuant to Health and Safety  
 26 Code sections 25358.3(a), 25355.5(a)(1)(B) and (C), 58009 and 58010.

27 Health and Safety Code section 25358.3(a) authorizes DTSC to take various actions,  
 28 including issuance of an Imminent and Substantial Endangerment Determination and Order, when

1 DTSC determines that there may be an imminent and substantial endangerment to the public health  
2 or welfare or to the environment, because of a release or a threatened release of hazardous  
3 substance.

4 Health and Safety Code section 25355.5(a)(1)(B) authorizes DTSC to issue an order  
5 establishing a schedule for removing or remedying a release of a hazardous substance at a site, or  
6 for correcting the conditions that threaten the release of a hazardous substance. The order may  
7 include, but is not limited to requiring specific dates by which the nature and extent of a release  
8 shall be determined and the site adequately characterized, a remedial action plan prepared and  
9 submitted to DTSC for approval, and a removal or remedial action completed.

10 Health and Safety Code section 25355.5(a) (1) (C) authorizes DTSC to enter into an  
11 enforceable agreement with a responsible party for the site which requires the party to take  
12 necessary corrective action to remove the threat of the release, or to determine the nature and  
13 extent of the release and adequately characterize the site, prepare a remedial action plan, and  
14 complete the necessary removal or remedial actions, as required in the approved remedial action  
15 plan.

16 Health and Safety Code section 58009 authorizes DTSC to commence and maintain all  
17 proper and necessary actions and proceedings to enforce its rules and regulations; to enjoin and  
18 abate nuisances related to matters within its jurisdiction which are dangerous to health; and to  
19 compel the performance of any act specifically enjoined upon any person, officer, or board, by any  
20 law of this state relating to matters within its jurisdiction; and/or on matters within its jurisdiction, to  
21 protect and preserve the public health.

22 Health and Safety Code section 58010 authorizes DTSC to abate public nuisances  
23 related to matters within its jurisdiction.

24 3. To facilitate ongoing settlement discussions concerning the ISE Order, the Stipulating  
25 Parties have agreed to advance to the DTSC Five Hundred Thousand Dollars (\$500,000) to fund  
26 certain operation and maintenance activities at the Site.

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1           4.   Accordingly, the Stipulating Parties shall pay DTSC the sum of \$500,000, by  
2 March 14, 2005. The Stipulating Respondents shall send a check made payable to the  
3 Department of Toxic Substances Control to:

4                   Accounting Office  
5                   Department of Toxic Substances Control  
6                   1001 I Street, 21<sup>st</sup> Floor  
7                   P.O. Box 806  
8                   Sacramento, California 95812-0806

9           A photocopy of the check shall be sent to:

10                   Marilee Hanson, Esq.  
11                   Office of Legal Counsel and Investigations  
12                   Department of Toxic Substances Control  
13                   1001 I Street, 21<sup>st</sup> Floor  
14                   P.O. Box 806  
15                   Sacramento, California 95812-0806

16           On the check, the Stipulating Respondents shall state "BKK Future Costs."

17           5.   DTSC stipulates that the payment to be made under this Interim Consent Agreement is  
18 to fund "response costs" at the Site as defined under the Comprehensive Environmental Response,  
19 Compensation and Liability Act (CERCLA) and the State Hazardous Substances Account Act  
20 (HSAA), and that those response costs are consistent with the National Contingency Plan (NCP).

21           6.   Upon receipt of the Stipulating Respondents' advance payment, DTSC:

22           (a)   shall, subject to the terms of this paragraph, deem the Stipulating Respondents  
23 named in the ISE Order to be in compliance with the ISE Order from its effective date through  
24 April 13, 2005, or until such time as compliance with the ISE Order is addressed by an executed  
25 future settlement agreement, whichever occurs first. However, in the event that compliance with  
26 the ISE Order is not addressed by an executed future settlement agreement on or before  
27 April 13, 2005, the Parties agree that the compliance determination referenced above shall no  
28 longer apply to the period from the effective date of the ISE Order through March 14, 2005, and the  
Preliminary Notice of Noncompliance issued to Stipulating Respondents named in the ISE Order on  
February 10, 2005, shall apply to the period from the effective date of the ISE Order through  
March 14, 2005, and as applicable after April 13, 2005; and

1 (b) agrees not to initiate any enforcement action against the Stipulating Respondents  
2 with respect to the Site from this Interim Consent Agreement's effective date through April 13, 2005,  
3 except any enforcement action that is necessary to address imminent and substantial  
4 endangerment or emergency conditions at the Site (including, but not limited to, acts or occurrences  
5 such as fire, earthquake, explosion, landslide or imminent human exposure to hazardous  
6 substances caused by the release or threatened release of hazardous substances) that arise from  
7 this Interim Consent Agreement's effective date through April 13, 2005.

8 7. This Interim Consent Agreement is an interim agreement that has been negotiated for  
9 the limited purpose of facilitating additional settlement discussions concerning the ISE Order during  
10 March and through April 13, 2005. This Interim Consent Agreement does not constitute compliance  
11 with or satisfaction of the ISE Order or the HSAA for any periods other than the compliance periods  
12 as identified in Paragraph 6 (a) above. This Interim Consent Agreement is also not a release from  
13 liability for any conditions or claims arising as a result of past, current, or future operations of the  
14 Stipulating Respondents.

15 8. The Stipulating Respondents' advance payment to DTSC shall be reflected in any future  
16 settlement agreement concerning the ISE Order. If DTSC and the Stipulating Respondents are  
17 unable to reach any further settlement concerning the ISE Order, the Stipulating Respondents'  
18 advance payment to DTSC shall be treated as a credit to be applied towards the Stipulating  
19 Respondents' liability with respect to the Site, if any.

20 9. The effective date of this Interim Consent Agreement is the date that it is signed by  
21 DTSC.

22 10. This Interim Consent Agreement constitutes the entire agreement between the Parties  
23 and may not be amended, supplemented, or modified, except in writing that is signed by both the  
24 Parties. Nothing in this Interim Consent Agreement shall be deemed to be an admission of liability  
25 or of any fact by the Stipulating Respondents with respect to the Site.

26 11. Each undersigned representative of the Parties certifies that he is fully authorized to  
27 enter into the terms and conditions of this Interim Consent Agreement and to execute and legally  
28 bind the Parties to this Interim Consent Agreement.

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12. This Interim Consent Agreement may be executed and delivered in any number of counterparts, each of which when executed and delivered shall be deemed to be an original, but such counterparts shall together constitute one and the same document.

FOR THE CALIFORNIA DEPARTMENT OF TOXIC SUBSTANCES CONTROL:

Dated: 3/14/05

By: //original signed by//  
B.B. BLEVINS, Director

FOR THE STIPULATING RESPONDENTS:

Dated: 3/11/05

By: //original signed by//  
JAMES J. DRAGNA, Esq.