

COMMUNITY UPDATE

The mission of DTSC is to protect California's people and the environment from harmful effects of toxic substances through the restoration of contaminated resources, enforcement, regulation and pollution prevention.

BKK Landfills Facility Third Consent Decree

21210 South Azusa Avenue, West Covina, CA 91792

Public Comment Period: February 2, 2015 through March 5, 2015

You are invited to comment on the BKK Landfills Facility Third Consent Decree

Kung gusto mong pabigkas na isaling-wika sa Tagalog ang impormasyong nasa Community Update na ito, mangyaring makipag-ugnayan kay Jose Marcos (714) 484-5492.

Si usted desea informacion en espanol sobre este aviso, favor de llamar a Jesus Cruz sin costo al (866) 495-5651.

如您需此給社區的近況報導簡訊的中文口頭翻譯，請電 (714) 484-5485與張寧武先生 或 (714) 484-5406 與黃則忠先生聯絡

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The Department of Toxic Substances Control (DTSC) has entered into an agreement called the Third Partial Consent Decree (Third Consent Decree) about the BKK Landfills Facility, which is located at 2210 South Azusa Avenue in West Covina, California 91792 (the Facility). A consent decree is an agreement reached by the parties and submitted to the court for approval. DTSC will lodge the proposed Third Consent Decree with the United States District Court for the Central District of California.

DTSC welcomes your comments on the Third Consent Decree. You may review the Third Consent Decree and other related project documents at the locations listed below. Comments on the Third Consent Decree must be submitted in writing on or before March 5, 2015 in order to be considered. Comments sent by e-mail or fax must also be mailed and postmarked by March 5, 2015. After reviewing and considering all public comments, DTSC and the California Attorney General's Office will convey those comments, with DTSC's responses, to the Court. The Third Consent Decree is an agreement between DTSC and the BKK Working Group (BWG), which is a group of former customers who disposed of hazardous waste at the closed BKK Class I (hazardous waste) landfill. The Third Consent Decree requires the BWG to investigate groundwater contamination from the closed Class I landfill. It is the next step forward in DTSC's program to maintain safety at the Class I landfill.

Background

The 190-acre Class I landfill is part of the 583-acre Facility. The Facility includes the closed Class I landfill, a closed Class III (municipal waste) landfill, a leachate treatment plant (LTP) that serves both landfills, and associated infrastructure. The Class I landfill accepted municipal waste from about 1964 to 1987 and hazardous waste from approximately 1968 to 1984. In October 2004, the BKK Corporation (BKK), the Facility's owner /operator, notified DTSC and the United States Environmental Protection Agency that BKK could no longer afford to conduct postclosure activities for the closed Class I landfill and to run the LTP. In November 2004, DTSC began an emergency response action and engaged a contractor to take over day-to-day maintenance activities for the Class I landfill and the LTP. At the same time, DTSC started enforcement against private and public parties.

The First and Second Consent Decrees

In December 2004, DTSC issued an order to a group of parties called "potentially responsible parties" or "PRPs," who disposed of hazardous waste at the Class I landfill or had owned or operated the Facility. The order directed the PRPs to maintain the closed Class I landfill on a regular basis and to conduct critical studies and tasks. Some of those parties formed the BWG and agreed to take on the first stages of work required in the order. DTSC and the BWG formalized their agreement in the Amended First Consent Decree, which the Court approved in March 2006 (First Consent Decree). The First Consent Decree required the BWG to maintain the landfill on a daily basis and perform certain critical studies and tasks.

The Second Consent Decree became effective in 2010. It requires the BWG to continue daily maintenance and to prepare a study of the Class I landfill called an Engineering Evaluation/Cost Analysis (EE/CA). The EE/CA will assess the condition of the landfill cover system, the gas migration, collection and disposal systems, and the leachate collection and treatment system (including the LTP). It will also evaluate alternatives and make recommendations to maintain the long-term stability of the systems. DTSC expects the EE/CA to be finished in 2016. While the two Consent Decrees have been in effect, DTSC has continued to conduct groundwater monitoring and related studies.

The Third Consent Decree

The California Attorney General's Office, on behalf of DTSC, will lodge the proposed Third Consent Decree with the United States District Court, Central District of California, on or about February 2, 2015. If approved by the Court, the Third Consent Decree will require the BWG to continue essential maintenance activities and to address groundwater contamination coming from the Class I landfill. Specifically, the BWG will take over groundwater monitoring and conduct a Remedial Investigation/Feasibility Study (RI/FS). An RI/FS is a two-phased study. In the first phase, the BWG will investigate the extent of groundwater contamination from the Facility. That investigation will include an evaluation of the risk to humans and the environment. The second phase will evaluate alternative options to reduce or eliminate risks identified in the earlier investigation. The details of the RI/FS are spelled out in the Statement of Work (Exhibit D) of the Third Consent Decree. An RI/FS typically takes three to five years to complete.

During the term of the Third Consent Decree, DTSC will continue to oversee the BWG's work and DTSC's contractors may conduct other work at DTSC's direction. The Third Consent Decree also partly resolves responsibility for who pays for DTSC's past and future costs, including oversight expenses.

DTSC will accept public comments on the Third Consent Decree through March 5, 2015

As a courtesy, please send copies of comments to Mr. Jim Dragna, the BWG's representative, at the address displayed below. If the comments disclose facts or considerations that show the Third Consent Decree is inappropriate, improper or inadequate, DTSC may withhold its consent or modify the Third Consent Decree. The Court will make the final approval decision. If approved, the Third Consent Decree will become a legally binding order of the Court.

Please submit comments on the BKK Third Consent Decree by March 5, 2015 to both persons listed below:

Marilee Hanson	Jim Dragna
DTSC	Morgan, Lewis & Bockius LLP
Office of Legal Counsel	355 S. Grand Avenue
P.O. Box 806	Los Angeles, CA 90071
Sacramento, CA 95812	jim.dragna@Morganlewis.com
Marilee.Hanson@dtsc.ca.gov	

FOR MORE INFORMATION

An index of background documents for the Third Consent Decree, as well as many documents about the BKK Landfills Facility may be viewed at:
<http://www.dtsc.ca.gov/HazardousWaste/Projects/BKK.cfm>

If you have further questions about the BKK Landfills Facility, you may go to the DTSC website at:
https://www.envirostor.dtsc.ca.gov/public/profile_report.asp?global_id=19490005

You may also visit the West Covina Public Library, 1601 West Covina Parkway, West Covina, CA 91790 (626) 962-3541.

For Questions on the BKK Landfills Facility Contact:

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