



CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY NEWS RELEASE

Department of Toxic Substances Control

T - 60 - 05
For Immediate Release
November 2, 2005

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Department Announces BKK Landfill Consent Decree

SACRAMENTO – Department of Toxic Substances Control (DTSC) Acting Director Leonard Robinson today announced that DTSC and 27 defendants – including private companies from a variety of industries and one municipal agency – have entered into a Consent Decree that will help ensure the safe management and maintenance of the BKK Class Landfills Facility in West Covina, California. The Consent Decree is posted on the DTSC website at www.dtsc.ca.gov

The Decree partially settles a complaint filed by the California Office of the Attorney General on behalf of DTSC in the United States District Court, Central District, against the 27 defendants. Under the settlement, the defendants are required to take over the majority of the daily work at the BKK Landfills Facility currently being conducted by DTSC's emergency response contractors and overseen by DTSC.

"We are glad this group agreed to cooperate with the State to address some of the concerns about this facility. This agreement will ensure that needed maintenance will continue and that public health and safety will be protected," said Leonard Robinson, Acting Director of DTSC. "The agreement also provides some of the necessary financing for past state costs and future costs," Robinson added.

In addition to their agreement to conduct essential work activities, the Consent Decree requires the defendants to provide DTSC with up to approximately \$5.2 million to help pay for work conducted before the defendants take over maintenance of the site. The defendants will also pay more than \$1 million for some of DTSC's costs to oversee their activities during the approximately two-year term of the Decree. DTSC and the defendants view the Consent Decree as an interim step toward longer term management of the site by responsible parties.

The BKK Landfill Facility covers approximately 583 acres and consists of two landfills (hazardous waste and nonhazardous waste). The hazardous waste landfill accepted waste from mid 1960's to the late 1980s. The nonhazardous waste (municipal) landfill accepted waste from 1987 to the mid-1990s. The two landfills share several systems, such as a storm drain, gas and leachate collection and the leachate treatment plant, which is physically located at the hazardous waste landfill. The defendants have agreed to maintain certain shared systems, such as gas and leachate collection.

In October 2004, the BKK Corporation, the owner and operator of the facility, announced it could no longer care for the Class I landfill and leachate treatment plant, and associated systems, after mid-November 2004. DTSC hired an emergency response contractor and started overseeing essential activities and various repairs after receiving BKK's notification.

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In December 2004, DTSC issued an order to 51 parties, which required them to conduct essential activities and to undertake various repair projects. Most of the Consent Decree's defendants were named as respondents in the order. But some of the respondents named in the order have not entered into the Consent Decree or otherwise complied with the order. DTSC will continue to pursue enforcement against other parties who are not complying with the order.

DTSC will be holding a public comment period, November 14 through December 13, 2005, on the Consent Decree. Written comments on the proposed Consent Decree must be submitted on or before December 13, 2005. DTSC may withhold its consent or modify the Consent Decree if such comments disclose facts or considerations that indicate the proposed Consent Decree is inappropriate, improper or inadequate. The Court must approve the Consent Decree in order for it to become effective.

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The Department of Toxic Substances Control's mission is to restore, protect, and enhance the environment and ensure public health, environmental quality and economic vitality by regulating hazardous waste, conducting and overseeing cleanups, and developing and promoting pollution prevention.

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