

# Public Notice

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: Settlement/Funding for Future Work

**NOTICE OF PUBLIC COMMENT PERIOD: October 31, 2016 through November 30, 2016**

**Kung gusto mong pabigkas na isaling-wika sa Tagalog ang impormasyong nasa public notice 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) invites you to comment on two related consent decrees concerning the closed BKK Landfills Facility, located at 2210 South Azusa Avenue in West Covina, California 91792 (the BKK Facility), which includes a former hazardous waste disposal site. Under DTSC oversight, a group of former customers of the BKK Facility, called the BKK Working Group (BWG), is conducting response actions at the BKK Facility to protect public health, safety and the environment from releases of hazardous substances.

A consent decree is an agreement reached by parties and submitted to a court for approval. DTSC is now seeking your comments on two related consent decrees. The first is between DTSC and JPMorgan Chase N.A. (JPMorgan). In 2008, JPMorgan purchased the assets of and assumed some responsibilities from Washington Mutual Bank, a former owner of the BKK Facility. The JPMorgan Consent Decree requires JPMorgan to pay \$85 million to fund future response actions at the BKK Facility and \$1 million to reimburse DTSC for past costs incurred by DTSC at the BKK Facility. JPMorgan will pay the \$85 million into two accounts, each of which may be used only to fund cleanup work at the BKK Facility. JPMorgan will pay \$27 million into a subaccount in the state treasury and \$58 million into a private escrow account in the name of the BWG. If approved by the United States District Court for the Central District of California, the JPMorgan Consent Decree will resolve JPMorgan's responsibility for the BKK Facility and provide JPMorgan with contribution protection pursuant to section 113(f)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. § 9613(f)(2).

The second consent decree, called the Disbursement Amendment, is between DTSC and the BWG. It governs the use of the settlement funds paid by JPMorgan pursuant to the JPMorgan Consent Decree. The Disbursement Amendment provides for the BWG to receive an annual reimbursement of a portion of the response costs the BWG incurred the prior year at the BKK Facility. The reimbursements will be made from the private escrow account and DTSC will oversee the reimbursement process. The Disbursement Amendment also provides for DTSC to use the money in the state treasury subaccount to fund response



actions at the BKK Facility that the BWG declines to conduct. In the event the BWG does not agree to implement additional response actions at the BKK Facility within a timeframe specified in the Disbursement Amendment, the BWG will transfer money remaining in the private escrow account to the state treasury subaccount.

**WHERE DO I SUBMIT MY COMMENTS?:** Comments on the proposed consent decrees should include “JPMorgan Settlement” in the subject line of the email or letter. All comments must be postmarked or emailed by November 30, 2016, and submitted to: Kamili Siglowide, Project Manager, 8800 Cal Center Drive, Sacramento, CA 95826 or [Kamili.Siglowide@dtsc.ca.gov](mailto:Kamili.Siglowide@dtsc.ca.gov). Following the comment period, DTSC will report to the United States District Court for the Central District about any comments that DTSC received regarding the consent decrees and ask the Court to approve the consent decrees.

**WHERE TO GET MORE INFORMATION:** Copies of the proposed consent decrees and other documents related to the BKK Facility are available by contacting Ms. Kamili Siglowide, the DTSC Project Manager; online at either <http://www.dtsc.ca.gov/HazardousWaste/Projects/BKK.cfm> or the DTSC EnviroStor website, [http://www.envirostor.dtsc.ca.gov/public/profile\\_report.asp?global\\_id=19490005](http://www.envirostor.dtsc.ca.gov/public/profile_report.asp?global_id=19490005); or West Covina Library, 1601 W. West Covina Parkway, West Covina, CA 91790, (626) 962-3541

**For questions about the BKK Facility:**

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