



Alan C. Lloyd, Ph.D.
Agency Secretary
Cal/EPA



Department of Toxic Substances Control

8800 Cal Center Drive
Sacramento, California 95826-3200



Arnold Schwarzenegger
Governor

December 23, 2004

The following letter was sent on January 10, 2005 to all recipients of the December 9, 2004 Imminent and Substantial Endangerment Determination and Order and Remedial Action Order Docket Number I/SE-D 04/05-004.

NOTICE RE: DEADLINE EXTENSIONS AND TOUR OF BKK FACILITY

Dear XXX-XXX

This letter confirms two recent commitments the Department of Toxic Substances Control (DTSC) made concerning the Imminent and Substantial Endangerment Determination and Order and Remedial Action Order (Order) effective December 9, 2004 that DTSC issued to a group of 51 potentially responsible parties (PRPs) concerning the BKK landfills facility (Facility) in West Covina, California. DTSC has agreed to extend certain deadlines in the Order and to offer a tour of the Facility. This letter specifies the deadline extensions and requests you to respond to DTSC if you want to participate in a technical tour of the Facility tentatively scheduled for January 4 and 5, 2005. We also remind you of the importance of establishing a steering committee as soon as possible.

Approximately 55 representatives of PRPs attended the meeting that DTSC held in Berkeley, California on December 17, 2004 to discuss this Order and to prepare for implementation of the emergency work required by the Order. At that meeting, representatives of numerous PRPs requested an extension of certain deadlines. Subsequent to the meeting, some PRPs requested an extensive technical tour of the Facility essential operations.

Deadline Extensions

At the December 17, 2004 meeting, DTSC agreed to extend three (3) deadlines by two (2) weeks. DTSC has also extended several other related deadlines. The extensions are shown below:

Section 5.1.1 “On or before ~~January 7, 2005~~ **January 21, 2005**, Respondent(s) shall conduct all essential landfill operations and maintenance of the Site outlined in Exhibit B....”

Section 5.1.2 “On or before ~~February 28, 2005~~ **March 14, 2005**, Respondent(s) shall complete and submit to DTSC an assessment that identifies tasks Respondent(s) determine should be conducted in the near term to adequately operate and maintain the Facility and/or protect public health, safety, and the environment....”

Section 5.3 ...”Respondents shall conduct the baseline community survey and submit the PPP for DTSC’s review on or before ~~February 28, 2005~~ **March 14, 2005**....”

Section 6.1.1 “Communication and Coordination Plan (CCP). On or before ~~January 7, 2005~~ **January 21, 2005**, Respondent(s) shall submit to DTSC for its approval a CCP which specifies the requirements and procedures by which Respondent(s) will communicate and coordinate with one another in carrying out the requirements of this Order.”

Section 6.2 “Project Engineer/Geologist. ... On or before ~~January 7, 2005~~ **January 21, 2005**, Respondent(s) must submit: a) The name and address of the project engineer or geologist chosen by Respondent(s); and b) in order to demonstrate expertise in hazardous substance management and post-closure landfill care, the resume of the engineer or geologist and the statement of qualifications of the consulting firm responsible for the work.”

Section 7. “On or before ~~December 21, 2004~~ **January 4, 2005**, Respondent(s) shall provide written notice, in accordance with Section 6.5 Submittals of this Order, stating whether or not Respondent(s) will comply with the terms of this Order. ...”

Please note that not all deadlines in the Order have been extended. For example, the schedules in Section 5.1.3 pertaining to the Facility storm drain system have not been adjusted. If you have any questions regarding the extensions, please contact Marilee Hanson by e-mail at mhanson@dtsc.ca.gov or via phone at (916) 327-0979.

Tour of BKK Facility

DTSC has agreed to provide an extensive tour of the Facility to allow technical representatives to see first hand all of the essential operations referred to in the Order. The magnitude of this tour combined with the size of the site, limited accessibility, and the number of essential systems involved make it critical that we limit the number of

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individuals on this tour to about six people. We have tentatively scheduled this two-day event for January 4, 2005 and January 5, 2005 from approximately 9:00 am to 5:00 pm each day. If these days are not acceptable, please let us know other dates that same week that would be feasible. Please be aware that the scheduling of this tour is contingent on weather conditions at the facility. It is important that the tour occur prior to the January 21, 2005 deadline for the PRPs to assume responsibility for essential Facility operations. Please contact Mr. Dan Ziarkowski by e-mail at dziarkow@dtsc.ca.gov or via phone at (916) 255-6580 regarding this matter.

Steering Committee

DTSC is requesting that a PRP steering committee be established and led by a few key representatives who would be the primary contacts for meetings, discussions with DTSC, and dissemination of information. It is particularly important that this committee be established as soon as possible to coordinate activities such as the Facility tour and other actions that may be necessary to ensure that the PRPs' assumption of essential operations on January 21, 2005 goes as smoothly as possible. Please contact Ms. Marilee Hanson if you have any questions regarding this request.

We look forward to working closely with you to carry out the emergency operations outlined in the Order. Please feel free to contact me via e-mail at dplain@dtsc.ca.gov or via phone at (916) 255-6565. You may also contact Mr. Ziarkowski or Ms. Hanson as noted above.

Sincerely,

Signature on original letter.

Donald R. Plain, Chief
Emergency Response and Special Projects Branch