



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

February 10, 2005

The following letter was sent on February 10, 2005 to: American Honda, BKK Corporation, The Boeing Co., Brady Investment & Successor to Precision Metals Inc., BP/Arco, California Department of Transportation, ChevronTexaco Corp., Clean Steel, Ducommon AeroStructures, Inc., Exxon Mobil Oil Corp., Federal Reserve Bank of San Francisco, Gemini Industries, Inc., General Motors Corp., Goodrich Corp., Honeywell International Inc., International Light Metals Corp., Lockheed Martin Corp., Department of Water and Power, Martin Marietta Carbon, Inc., National Steel and Shipbuilding Co., Quemetco, Raytheon Co., RME Petroleum Co., Shell Oil Co., Southern California Edison Co., Stauffer Management Co., Thums Long Beach Co., Unocal, Department of the Navy, Washington Mutual, Inc., Waste Management Inc., waymire Drum and Container Co., Western Oil and Refining, Western Waste Industries, and Xerox Corp.

Dear XXX-XXX:

NOTICE OF PROPOSED DETERMINATION OF NONCOMPLIANCE WITH ORDER I&SE-D 04/05-004

The Department of Toxic Substances Control (DTSC) sent you an Imminent and Substantial Endangerment Determination and Order and Remedial Action Order number 04/05-004 (Order) addressing the BKK facilities that was effective on December 9, 2004. This Order required you to commence conducting all essential operations and maintenance of the Site as outlined in Exhibit B on or before January 21, 2005 (as extended by DTSC). In addition, by this date the Order required you to submit in writing: 1) the name, address, and telephone number of a project coordinator whose responsibilities will be to receive all notices, comments, and approvals, and other communications from DTSC, 2) a communication and coordination plan which specifies the requirements and procedures by which Respondent(s) will communicate and coordinate with one another in carrying out the requirements of the Order, and 3) the name and address of the project engineer or geologist chosen, the resume of the engineer or geologist, and the statement of qualifications of the consulting firm responsible for the work. As of February 9, 2005, our records show that you have not completed these responsibilities. Based on this fact, pursuant to Health and Safety Code Section 25355.5(a)(2), we are hereby notifying you that DTSC intends to determine your company to be out of compliance with the terms of the Order.

If within ten (10) calendar days from the date of this letter, you demonstrate to DTSC that you have fully complied with the requirements of the Order that were due on

January 21, 2005, DTSC will withdraw this notice. If you believe DTSC should modify the Order, you may submit an explanation of your position to DTSC in writing within ten (10) calendar days from the date of this letter. This explanation must include your reasons for the modification as well as a thorough description of the actual modification and proposed Order amendment language. DTSC, at its sole discretion, will make a determination on the merits of the proposed changes. If your request is rejected, DTSC will issue a Notice of Final Determination of Noncompliance. If your request is accepted, the Order will be amended and reissued as appropriate. Failure to complete the required activities or to request changes to the Order will result in the issuance of a Final Determination of Noncompliance. If DTSC issues a Final Determination of Noncompliance, DTSC may perform the work stipulated in the Order and/or pursue other legal remedies. In addition, DTSC will seek cost recovery for all costs incurred including administrative costs, penalties, and treble damages allowed under the law.

Please submit all documentation to:

Don Plain, Branch Chief (three copies)
Attention: Andy Burow
Emergency Response and Special Projects Branch
Site Mitigation and Brownfields Reuse Program
Department of Toxic Substances Control
8810 Cal Center Drive
Sacramento, California 95826-3200

Jose Kou, Branch Chief (two copies)
Attention: Richard Allen
Southern California Permitting and Corrective Action Branch
Hazardous Waste Management Program
Department of Toxic Substances Control
1011 North Grandview Avenue
Glendale, California 91201-2205

Please contact Ms. Marilee Hanson, Senior Staff Attorney, at 916-327-0979 if you have any legal questions regarding this matter. You may also call me at 916-255-6565 with questions or comments.

Sincerely,

Signature on original letter.

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