

COMMUNITY UPDATE

Department of Toxic Substances Control (DTSC) Our mission is to protect the people, communities, and environment of California from harmful chemicals by cleaning up contaminated sites, enforcing hazardous waste laws, and compelling the development of safer products.

BKK FACILITY CLASS I LANDFILL

MARCH 2021 UPDATE

Update May 5, 2021

The **Department of Toxic Substances Control (DTSC)** has developed this Community Update to provide you with information about the current activities at the Class I Landfill, part of the BKK Facility (Site).



BKK Facility

SITE LOCATION AND HISTORY

The Site is located at 2210 Azusa Avenue, West Covina, California and is approximately 583 acres in size. The Site includes a closed Class I hazardous waste landfill (regulated by DTSC), a closed Class III municipal solid waste landfill (regulated separately by CalRecycle), an active leachate treatment plant (LTP), an energy plant (owned and operated by a commercial company), and other related landfill infrastructure.

The Class I Landfill began operations around 1963, and from approximately 1970 through

1984, accepted more than 5 million tons of liquid and solid hazardous waste in addition to large quantities of municipal solid waste. After 1984, the Class I Landfill ceased accepting hazardous waste but continued to accept municipal solid waste, including asbestos, until 1987. DTSC acknowledged closure and oversaw post closure activities in 1989. BKK Corporation (owner and operator of the two landfills) began post-closure care.

In October 2004, BKK Corporation notified DTSC that it lacked the financial resources to continue post-closure care of the Class I Landfill. Based on this notification, DTSC initiated an emergency response action and began conducting operation and maintenance (O&M) activities and performing critical tasks at the Class I Landfill. In December 2004, DTSC issued an Imminent and Substantial Endangerment Determination and Order (ISE Order) to approximately 50 potentially responsible parties (PRPs), which required them to perform response actions and take over O&M activities at the Class I Landfill. Several of the PRPs named in the ISE Order came together to form the BKK Working Group (BWG). Since then, DTSC and the BWG have entered into three judicially approved consent decrees (C/D) requiring the BWG to finance and perform response activities at the Site with DTSC's oversight and to partially reimburse DTSC for its oversight costs.

The consent decrees further require the BWG to conduct investigations at the Class I Landfill. Discussed below, the BWG is



required to evaluate and investigate three major landfill systems (Second C/D) and conduct investigations to determine the nature and extent of groundwater contamination (Third C/D).

CURRENT INVESTIGATIONS

DTSC and the BWG are conducting an engineering evaluation and cost analysis (EE/CA) investigation of the three major landfill systems at the Class I Landfill: (1) the landfill cover system, (2) the landfill gas extraction and destruction system, and (3) the leachate extraction and treatment system. An EE/CA report, prepared by the BWG, will summarize the investigations and provide recommendations to either replace, repair, or make no changes to the existing landfill systems. A draft EE/CA report was submitted to DTSC in June 2019. DTSC is currently reviewing the draft EE/CA to ensure it is comprehensive and the selected remedy recommendations are compliant with all applicable laws and are protective of human health and the environment.

Additionally, DTSC and the BWG are conducting a remedial investigation and feasibility study (RI/FS) to determine the nature and extent of groundwater contamination. A draft RI report will be submitted to DTSC once field work is complete and a report can be generated.



Installation of Landfill Gas Wells

EVALUATION OF THE CLOSED CLASS I LANDFILL

Both the EE/CA and the RI/FS investigations are part of a multistage process to evaluate the integrity of the landfill systems and contamination in groundwater from historic landfill operations. Once each investigation is completed and the remedies are selected, DTSC will oversee the design phase for the remedies, followed by the construction phase of the selected remedies. After the remedies are implemented, there will be a period of heightened inspections and monitoring to ensure the selected remedies are protective of human health and the environment. (See the flow chart on the following page illustrating the “BKK Class I Landfill Regulatory History and Site Investigation/Remediation Process.”)

DEFINITIONS

Consent Decree (C/D): A C/D is a legal document, approved by a judge, that formalizes an agreement reached between DTSC and with one or more PRPs outlining the terms under which the PRPs will conduct all or part of a response action, pay past costs, cease or correct actions or processes that are polluting the environment, or comply with regulations where failure to comply caused a regulatory enforcement action. The consent decree is subject to a public comment period prior to its approval by a judge and is enforceable as a final judgment by a court.



Engineering Evaluation and Cost Analysis (EE/CA): An EE/CA is a comparative analysis of removal action options for a hazardous substances site. The EE/CA process is used to develop, evaluate, and select remedies for a non-time critical removal action.

California Environmental Quality Act (CEQA): CEQA requires state and local government agencies to inform decision makers and the public about the potential environmental impacts of proposed projects, and to reduce those environmental impacts to the extent feasible.

Potentially Responsible Party (PRP): Any individual or entity including facility owners and operators, transporters who selected the disposal site, or persons who arranged for the treatment or disposal of hazardous substances who may be liable under state and/or federal environmental laws as contributors to the contamination of a site.

Public Review: The public review process ensures that public input and concerns are considered before final decisions are made. Through public participation mechanisms, such as use of the internet, newspapers, public meetings and the distribution of fact sheets by hand or mail, DTSC ensures that residents, businesses, community groups, PRPs, industry and other stakeholders receive adequate notice and are informed of opportunities to get involved and comment on activities occurring at the Class I Landfill.

Imminent and Substantial Endangerment Determination and Order (ISE): An order issued under DTSC's statutory authority to require PRPs to clean-up a site upon a determination by DTSC that an actual or threatened release of a hazardous substance(s) poses an imminent and substantial endangerment to the public health/ welfare or environment.

Remedial Investigation and Feasibility Study (RI/FS): A RI/FS follows a preliminary site investigation and is a two-phased process. The RI is conducted to determine the nature and extent of the contamination and to establish whether it poses public health and environmental threats; and the FS evaluates cost-effective alternative actions for the remediation of the contaminants.

Cost Recovery Initiative: DTSC and the BWG are planning a joint cost recovery initiative to recover past costs, secure future response costs and 100 years of O&M from PRPs that sent hazardous substances to the Class I Landfill. The first phase of the initiative will send settlement letters to *de minimis* PRPs, those who sent 4,000 or less tons of hazardous substances to the landfill. The initiative seeks to recover each PRP's proportionate share of liability.

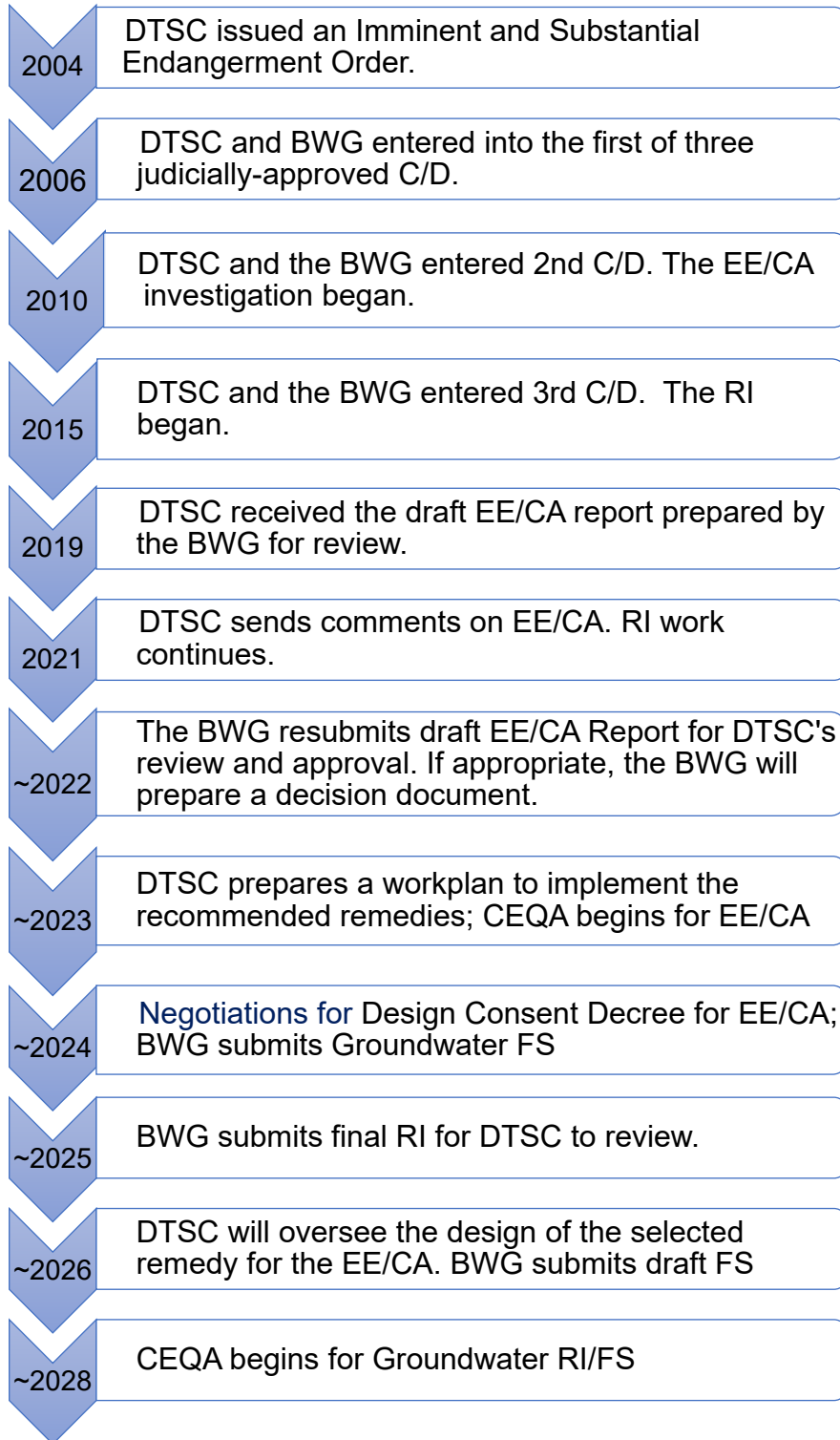
DTSC is authorized under Health and Safety Code section 25360.6 to enter into *de minimis* settlements with a PRP if the settlement involves only a minor portion of the response costs at a facility, and the amount of hazardous substances, toxicity or hazardous effects from hazardous substances contributed by that PRP is minimal in comparison to the amount or effects of other hazardous substances at the site.

De Minimis PRPs: PRPs who are deemed to be responsible for only a minor portion of the response costs at a facility. A determination of a PRP's responsibility is made based on the volume, toxicity or other hazardous effects of hazardous substances they contributed in comparison with other wastes at the facility.

For more information on the initiative, go to: <https://dtsc.ca.gov/third-party-initiative-cost-recovery/>



**BKK CLASS I LANDFILL REGULATORY HISTORY AND
SITE INVESTIGATION/REMEDATION PROCESS**
(DATES AFTER 2021 ARE APPROXIMATIONS AND SUBJECT TO CHANGE)



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