

# NOTICE OF PUBLIC COMMENT PERIOD SECOND CONSENT DECREE

**BKK Landfills Facility**  
West Covina, California

**PUBLIC COMMENT PERIOD: May 7, 2010 through June 7, 2010**

**WHAT IS BEING PROPOSED?** The Department of Toxic Substances Control (DTSC) invites you to comment on its proposal to finalize a Second Consent Decree (Second CD) regarding the BKK Class I (hazardous waste) landfill, which is part of the larger BKK Landfills Facility located at 2210 South Azusa Avenue, West Covina. On or about May 5, 2010, DTSC filed a second complaint in U.S. District Court, Central District of California against a number of defendants under the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. §§ 9601 and 9607, and California Health and Safety Code § 25358.3(e). The Second CD is intended to resolve the liability of the defendants for certain DTSC past and future response costs, and for oversight costs that DTSC will incur during the time that the defendants conduct site activities. The Second CD obligates the defendants to conduct certain work at the BKK Landfills Facility for at least three (3) years. In return, the Second CD provides covenants not to sue and contribution protection for these costs and work, and provides standstills and tolling of litigation deadlines for the parties to the Second CD. The First Amended CD has been in effect since March 2006.

DTSC encourage you to review and provide comments on the proposed Second CD during the Public Comment Period running from **May 7, 2010 – June 7, 2010**. DTSC will consider all comments before finalizing its recommendation to the Court.

Comments sent only by mail must be postmarked or received **by June 7, 2010**. Comments sent by fax should also be mailed. All comments should refer to the BKK Landfills Facility Second CD and **must be sent to** the following:

Marilee Hanson  
DTSC Office of Legal Counsel  
P.O. Box 806  
Sacramento, CA 95812-0806  
Fax: (916) 323-5542  
[mhanson@dtsc.ca.gov](mailto:mhanson@dtsc.ca.gov)

**With a copy to:**

Jim Dragna,  
Bingham McCutchen  
355 South Grand Avenue  
Los Angeles, CA 90071-3106  
Fax: (213)830-8636  
[jim.dragna@bingham.com](mailto:jim.dragna@bingham.com)

**WHERE DO I GET MORE INFORMATION?** The proposed Second CD and the administrative record are available at the following locations:

West Covina Public Library  
1601 West Covina Parkway  
West Covina, CA 91790  
(626) 962-3541

DTSC's Cypress Office  
5796, Corporate Avenue  
Cypress, CA 90630  
(714) 484-5337

The Second CD, the administrative record index, and many of the documents in the administrative record are also available on DTSC's web site at: <http://www.dtsc.ca.gov/HazardousWaste/Projects/BKK.cfm>

**FOR ADDITIONAL INFORMATION:** If you have questions or would to discuss the Second CD, please contact:

Marilee Hanson  
Office of Legal Counsel  
(916) 327-0979  
[MHanson@dtsc.ca.gov](mailto:MHanson@dtsc.ca.gov)

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**NOTICE TO HEARING IMPAIRED INDIVIDUALS:** TDD users may use the California Relay Service at 1-888-877-5378 (TDD) and ask to speak to Marilee Hanson at (916) 323-5542.