

# DTSC PUBLIC NOTICE

DTSC's Mission is to protect California's people, communities, and environment from toxic substances, to enhance economic vitality by restoring contaminated land, and to compel manufacturers to make safer consumer products.

## Notice of Proposed HSAA and CERCLA Administrative *De Minimis* Settlement for the BKK Class I Landfill

**30-Day Public Comment Period: April 22, 2022 through May 23, 2022**

**WHAT IS BEING PROPOSED:** The California Department of Toxic Substances Control ("DTSC") invites public comment on a Proposed Administrative Consent Order and Settlement Agreement *De Minimis* Contributors ("Proposed Order and Agreement"), Docket Number HSA-FY21/22-114. In accordance with applicable law, DTSC hereby provides notice of a proposed *de minimis* settlement concerning the BKK Class I Landfill in West Covina, California (the "Site").

DTSC proposes to enter into this order and *de minimis* settlement pursuant to the Carpenter-Presley-Tanner Hazardous Substance Account Act, Health and Safety Code sections 25358.3, 25360, and 25360.6, and Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA") sections 107 and 113 (42 U.S.C. §§ 9607, 9613). This settlement is intended to resolve liabilities of the 17 settling parties identified below (individually, "*De Minimis* Settling Party," and collectively, "*De Minimis* Settling Parties") for past and future response costs incurred at the Site. The Proposed Order and Agreement serves as an administrative order and settlement with DTSC, and a private party settlement with the BKK Working Group ("BWG"), a group comprised of potentially responsible parties that have incurred response costs related to the Site. The *De Minimis* Settling Parties will receive a Site-wide covenant not to sue from DTSC and the BWG, as well as contribution protection for the specific matters addressed in the settlement, pursuant to section 25360.6(b) of the California Health and Safety Code, and section 113(f)(2) of CERCLA (42 U.S.C. § 9613(f)(2)).

The *De Minimis* Settling Parties collectively sent a combined total of 25,609.40 tons of waste to the Site, which represents 0.49 percent of the approximately 5.18 million tons of manifested waste disposed of at the Site. This settlement requires the *De Minimis* Settling Parties to collectively pay a combined total of \$11,970,089.64. Ten percent of the settlement amount will be paid to DTSC as reimbursement for past response costs relating to the Site. After certain costs related to the Proposed Order and Agreement are reimbursed to DTSC and the BWG, as specified in the Second Disbursement Amendment to the Third Partial Consent Decree (see *Cal. Dep't of Toxic Substances Control v. Am. Honda Motor Co. Inc.*, No. 2:15-CV-00729-DDP-AJW (C.D. Cal., Feb. 2, 2015)), the



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remaining settlement amount will be distributed to the Third-Party PRP Settlement Escrow Account, which will fund future response actions at the Site.

The identities of the *De Minimis* Settling Parties that have elected to settle their liability with DTSC and the BWG under Proposed Order and Agreement, Docket Number HSA-FY21/22-114 are as follows:

1. **Dulien Enterprises, Fredrick M. Dulien and the Estate of Merle Dulien;**
2. **Reuland Electric Co.;**
3. **Matrix Science Corporation;**
4. **Intel Corporation;**
5. **Nalco Chemical Company c/o Ecolab Inc.;**
6. **Georgia-Pacific LLC;**
7. **Faberge, Inc.;**
8. **Bestfoods, Inc.;**
9. **Fragrance Development Corporation;**
10. **Helene Curtis Industries, Inc.;**
11. **Cheesebrough-Pond's USA Co.;**
12. **Textron, Inc.;**
13. **Robertshaw Controls;**
14. **Norac Co.;**
15. **Armco Steel Corp.;**
16. **Avery Dennison Corporation;** and
17. **Alcan Aluminum Corp.**

**HOW YOU CAN PARTICIPATE:** You can review the Proposed Order and Agreement and submit your comments, if any, to DTSC.

**WHERE TO FIND THE PROPOSED ORDER AND AGREEMENT:** The Proposed Order and Agreement can be found for review at the following locations:

- (1) On the following DTSC website: <https://dtsc.ca.gov/third-party-initiative-cost-recovery>.
- (2) At the West Covina Library: 1601 W. West Covina Parkway, West Covina, CA 91790. The telephone number for the West Covina Library is (626) 962-3541.
- (3) In EnviroStor, which can be accessed at [https://www.envirostor.dtsc.ca.gov/public/profile\\_report.asp?global\\_id=19490005](https://www.envirostor.dtsc.ca.gov/public/profile_report.asp?global_id=19490005) (additional Site documents also can be found in EnviroStor).

**WHERE TO SUBMIT COMMENTS:** Comments should be in writing and should be submitted to BKK Third Party Initiative, 8800 Cal Center Drive, Sacramento, CA 95826 or [BKKPRPsupport@dtsc.ca.gov](mailto:BKKPRPsupport@dtsc.ca.gov). All comments should include "BKK Proposed Order and Agreement Docket Number HSA-FY21/22-114" in the subject line of the email or letter.

DTSC will accept written comments relating to the Proposed Order and Agreement between **April 22, 2022** and **May 23, 2022**. DTSC will consider all comments postmarked or received during this period and may modify or withdraw the Proposed Order and Agreement with respect to any *De Minimis* Settling Party if any comment discloses facts or considerations indicating that the Proposed Order and Agreement is inappropriate, improper, or inadequate as to that *De Minimis* Settling Party.

**FOR ADDITIONAL QUESTIONS ABOUT THE SITE:** Please contact the following DTSC staff:

BKK Third Party Initiative  
8800 Cal Center Drive  
Sacramento, CA 95826  
(833) 343-0053

[BKKPRPsupport@dtsc.ca.gov](mailto:BKKPRPsupport@dtsc.ca.gov)

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In order to receive public notices for future proposed *de minimis* settlements via email, please visit <https://dtsc.ca.gov/dtsc-e-lists> and subscribe to the E-List titled, "BKK Class I Landfill PRP Public Notices."