

April 26, 2024

Mr. Neal McPherson  
Chief Operating Officer  
Vanlen Consultants  
5015 Canyon Crest Drive Ste 205  
Riverside, CA 92507

Dear Mr. McPherson:

It is our understanding that you and Vanlen Consultants are preparing a base map of the City of West Covina's properties adjacent to the BKK landfills. Furthermore, our understanding is that this base map is in order to assist with potential future development of this city-owned land. **Several months ago you and your firm solicited from the City any information about this land that might be relevant to that.**

With the foregoing in mind, please be aware that a substantial portion of the city-owned land at BKK is directly adjacent to a Class I toxic hazardous waste landfill. According to the California Department of Toxic Substances Control (DTSC), that landfill is unlined – there is no physical barrier between it and the adjacent land, including the city's land. That is particularly noteworthy since over 5 million tons of hazardous waste was disposed at BKK and most of that was liquids, either poured onto the surface of the landfill or injected directly into it.

Also according to DTSC this landfill is leaking. Currently extraction wells are being utilized to slow leakage. Nevertheless, this landfill has NOT been remediated. A remediation plan is being prepared and in March of 2021 the DTSC announced the preliminary remediation price tag was \$869 million.

The following is a partial list of the hazardous substances that were disposed at this landfill: acids, arsenic, cyanide, lead, mercury, asbestos, chromium, degreasing agents, oil sludge, gasoline, pesticides, vinyl chloride, plating solutions, acetone, heavy metal solutions, pharmaceuticals, hazardous spills cleanups, paint waste, and polychlorinated biphenyls (PCBs).

We have attached a complete list of hundreds of toxic substances disposed at this landfill. That list is from the DTSC, directly from Docket No. HAS-FY23/24-101, which is current litigation.

Moreover, please be aware that the following six issues are also relevant with respect to potential future development of the city-owned land at BKK and the work you are performing for the City:

1. Failure to fulfill commitments associated with development of the Heights Shopping Center and the Sportsplex
  - Matter dates to 2003
  - Commitments made to U.S. Fish and Wildlife Service (USFWS), U.S. Army Corps of Engineers, residents of West Covina
  - Commitments detailed in letter to City of West Covina from USFWS dated September 1, 2020
    - "Conservation and perpetual management of 47 acres of coastal sage scrub"
    - "Replace deed restriction with conservation easement once grading was complete"
    - USFWS issue added due to delay in implementation: Temporal loss of habitat value associated with substantial delay in implementing restoration."
  - City is has been receiving formal non-compliance notices from the USFWS March 2022. Precursor to litigation. Potential litigation also from Center for Biodiversity – see Center's letter to the City dated January 14, 2022
  
2. Failure to maintain Coastal Sage Scrub Conservation District
  - Matter dates to 2004
  - City Council adopted Resolutions to create the District
  - Created taxing authority
  - Funds are being expended from this account, however does not appear that any habitat is being maintained
  - Matter left to the City for the time being. See email to senior City Staff October 5, 2022 4:18pm

3. Failure to repair flood control and water quality basin on 134 acres of City-owned land at BKK
  - Matter dates to 2008. Basin failed 14 years ago
  - In 2010 City of West Covina prevailed in mediation regarding faulty construction of the basin. City awarded \$1,024,998.
  - City attempted basin repair on September 2021
    - Failed inspection by the Regional Water Quality Control Board in October 2021
    - City has not fulfilled commitment to Regional Water Quality Control Board to provide a repair plan developed by certified engineering with specialized retention/detention basin experience and expertise
  - Consequences of failure to repair basin detailed in email to City Council and City Staff February 15, 2022
  
4. Failure to re-initiate landfill gas systems inspection oversight for the Heights Shopping Center
  - Matter dates to 2018
  - Property owners are responsible for periodic inspection on on-going maintenance of the landfill gas systems associated with each building
  - Prior to 2018 the City of West Covina:
    - Required receipt by the City of each inspection report (City cced). City pursued any property owner that did not provide an inspection a minimum of annually
    - West Covina Fire Department previously performed un-announced spot inspections of systems to ensure systems operating correctly
  - Fire Chief Capelle does not respond to any request to discuss the matter.
  
5. Failure by the City to reimburse BKK Corporation in accordance with existing agreements
  - City is required to reimburse BKK for:
    - Vegetation management on the licensed portion of the top deck of the Class III
    - Maintenance of portion of the landfill gas safety system nearest the Sportsplex (2.5-3 years overdue)
    - Electricity for the City's communications tower (current?)
  - City has been repeatedly contacted to make payment and does not even respond
  - City point of contact is Assistant City Manager, Paulina Morales
  - *Failure to reimburse directly impacts BKK Corporation's ability to keep the site safe*

6. Failure to secure the site

- Matter dates back to 2017
- Gate at the terminus of Aroma and Fairgrove is the city's gate.
- This is a serious safety issue
- Provides access to the landfills
- Provides direct access to the city-owned land at BKK and lots owned by M&A Gabae
- According to the West Covina Fire Department this is how the fires occurred on July 4, 2023
- City has been repeatedly asked to resolve the situation. Stop treating it like a maintenance issue. Treat it like a safety and security issue.

Please note that the city of West Covina, including all senior staff and the City Council, is aware of all the of the foregoing in this letter and has been repeatedly provided all the supporting source documentation from regulatory agencies, previous litigation, current litigation, as well as from the city's own archives. We are hopeful Vanlen Consultants finds this information helpful as you prepare documents for the city regarding potential future development of the city-owned land at BKK.

In closing please be aware that a book was recently written about the BKK landfills. It traces this land's history from the late 1950s (when dumping began) through to the present. This is the link to the book, which is available free of charge:

<https://www.livablewestcovina.org/history-of-bkk>

Sincerely and respectfully,



Brian Jobst  
on behalf of Livable West Covina  
[www.LivableWestCovina.org](http://www.LivableWestCovina.org)  
jobstb@earthlink.net

Cc: Acting City Manager Paulina Morales  
Assistant City Manager Roxanne Lerma

Director of Economic Development Gerardo Rojas  
Planning Director Joanne Burns  
Finance Director Stephanie Sikkema  
City Clerk Lisa Sherrick  
Code Enforcement Manager Milan M. Mrakich  
Public Services Manager Kelly McDonald  
Fire Chief Vince Capelle  
Mayor Brian Tabatabai  
Councilwomen Rosario Diaz  
Councilman Ollie Cantos  
Councilwomen Letty Lopez-Viado  
DTSC  
CalRecycle  
U.S. Environmental Protection Agency  
California Department of Fish and Wildlife  
U.S. Fish and Wildlife Service  
South Coast Air Quality Management District  
Los Angeles Regional Water Quality Control Board

