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March 11, 2009
Revised: April 6, 2009

Cease and Desist Order No. NY-01-2006-000303

Creek southwest of the intersection of Shoup Avenue and Sherman Way. Bell Creek subsequently flows east to the Los Angeles River. In September 2004, an interim measure with oversight from the DTSC was implemented in Happy Valley to remove perchlorate contaminated soil. Data collected in the area since the completion of the interim measure demonstrated compliance with the perchlorate effluent limit of 6 µg/L.

- Outfall

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12. By a letter to the Regional Board dated July 15, 2005, the Permittee requested that the Regional Board reopen and revise the NPDES permit issued in July 2004 to provide a compliance schedule for all outfalls where the Regional Board adopted more stringent numerical standards or analytical procedures that are different than the previous permit ("1998 permit").
13. On October 7, 2005, the Regional Board issued a NOV to the Permittee for violations of effluent limitations set forth in Board Order No. R4-2004-0111. The Permittee's effluent exceeded the limitations for Hg, TCDD, residual chlorine, oil and grease, sulfate, MBAS, chromium (Cr), iron (Fe), lead (Pb), manganese (Mn), total dissolved solids (TDS), and chronic toxicity from 1st Quarter 2005 through 2nd Quarter 2005. The NOV required a report detailing the corrective actions taken by the Permittee to achieve compliance with Board Order No. R4-2004-0111.
14. In a letter dated November 4, 2005, the Permittee, in response to the October 7, 2005, NOV, again asserted that the permit exceedances were consistent with the presence of naturally occurring constituents in site soils or in ash from area wildfires, rather than a result of site operations. The Permittee asserted that significant upgrades to the Best Management Practices (BMPs), to control runoff and to attempt to bring their discharge into full compliance with the waste discharge requirements had been implemented. However, due to the Topanga Wildfire on September 28, 2005, most of the BMPs were destroyed.
15. On November 22, 2005, pursuant to section 13267 of the California Water Code, the 069 0 Td (a)T 4.80917 0

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19. After the adoption of Order R4-2006-0008 in January 2006, the Permittee petitioned that order, activated the previous petition and petitioned the pending amendment,g

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34. The Permittee has upgraded and implemented a number of new BMPs onsite since the adoption of Order R4-2004-0111. However, discharges from the facility continue to have contaminant concentrations in excess of established effluent limitations even after the implementation of the new BMPs. This indicates that efforts to control the transport of contaminants to waters of the United States have been ineffective.

37. Section 13301 of the California Water Code states, in part, that:

“When a regional board finds that a discharge of waste is taking place or threatening to take place in violation of requirements or discharge prohibitions prescribed by the regional board or the state board, the board may issue an order to cease and desist and direct that those persons not complying with the requirements or discharge prohibitions (a) comply forthwith, (b) comply in accordance with a time schedule set by the board, or (c) in the event of a threatened violation, take appropriate remedial or preventive action.....”

This CDO requires the Permittee to comply with established requirements or prohibitions, to comply with a time schedule, or, if the violation is threatening, to take appropriate remedial or preventive action.

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42. This CDO provides a time schedule for the implementation of activities associated with the Section 13304 Order. Those activities include the

- selection of areas of source removal,
- evaluation of current data,
- determination of areas requiring additional sampling,
- development of a work plan for sampling,
- comment, response, and approval of the work plan,
- execution of the work plan for data gap analysis,
- permitting,
- delineation of areas affected by soil removal activities,
- alternatives evaluation,
- final work plan to remove soil,
- coordination of efforts for ISRA with efforts to implement ENTS in both watersheds,
- execution of soil removal work plan,
- evaluation of confirmation data from removal action,
- evaluation of effectiveness of ENTs,
- development and implementation of upgrades to ENTs, and
- final report on the ISRA and ENTs implementation.

Based on the number of activities and the complexities of these activities, Regional Board concludes that a three year compliance schedule is the shortest time practicable.

43. This CDO is an action taken for the protection of the environment and, as such, is exempt from the provisions of the California Environmental Quality Act in accordance with California Code of Regulations, title 14, section 15321.

The Regional Board notified Boeing, interested agencies, and parties of its intent to issue a CDO. The Regional Board heard and considered all testimony pertinent to this matter in a public hearing. All Orders referred to above and records of hearings and testimony therein are included herein by reference.

IT IS HEREBY ORDERED that, in accordance with section 13301 of the California Water Code, the Boeing Company shall cease and desist all discharges of contaminants in excess of the effluent limitations stipulated in Order No. R4-2009-00XX and this CDO, by complying with the following:

1. Submit for approval to the Executive Officer by May 1, 2009, Final ISRA Work Plan, as specified in the Section 13304 Order issued by the Regional Board on December 3, 2008. The Work Plan must include a detailed schedule.
2. Compliance for storm water runoff discharges from Outfalls 008 and 009 from June 10, 2009, to June 26, 2012 shall utilize the final effluent limitations that appear in I.B.4. of Order R4-2009-00XX as benchmarks. Exceedance of benchmarks triggers an evaluation of the BMPs in place with the potential for upgrading or replacing the BMPs (see Section II.C.7. of Order R4-2009-00XX).

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PREVIOUS ORDER SUPERSEDED

Cease and Desist Order No. R4-2007-0056, adopted by this Regional Board November 1, 2007, is hereby superseded by this Order. .

I, Tracy J. Egoscue, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted ~~on~~ ~~Nov~~ ~~11~~

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