

March 11, 2009

4. Historical activities at SSFL that contributed to discharges from the site included rocket engine testing cooling water, operation of fire suppression equipment, and pressure testing of equipment used to support rocket engine testing. Other facility support activities such as cooling, heating, domestic waste treatment, and groundwater treatment also contributed to discharges from the site.
5. During the early 1950s to the mid-1970s, volatile organic compounds were utilized for the cleaning of hardware and rocket engine thrust chambers as well as other equipment. These solvents migrated into the subsurface, contaminating groundwater primarily with trichloroethylene (TCE) and 1, 2-di

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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 limits set forth in Board Order No. R4-2004-0111. The Permittee's effluent exceeded the limits 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 Regional Board issued a letter and directed the Permittee to submit a technical report including a workplan outlining how and when the Permittee proposed to meet the final effluent limitations of Board Order No. R4-2004-0111. The technical report was submitted to the Regional Board on December 16, 2005.
16. On November 30, 2005, a Cleanup and Abatement Order (CAO) No. R4-2005-0077 was issued to the Permittee. The CAO was issued in response to chronic exceedances of effluent limits contained in Regional Board Order Nos. 98-051 and R4-2004-0111 as well as the increased threat of erosion of soil and ash resulting from the Topanga wildfire. The CAO ordered the Permittee to: (i) initiate a cleanup and abatement program including the implementation of all BMPs necessary to abate impacts of any erosion and ash deposition to navigable waters of the United States; (ii) implement corrective and preventative actions to bring the Permittee's discharge into full compliance with Effluent Limitations and Receiving Water Requirements contained in Regional Board Order No. R4-2004-0111; and (iii) prepare a technical report summarizing the efforts being made to cleanup and abate the condition of pollution.
17. On November 30, 2005, a tentative Order amending Order No. R4-2004-0111 was issued for public comment. The tentative Order would incorporate new effluent limits based on the reasonable potential analysis of data collected since August 20, 2004, the effective date of Order No. R4-2004-0111. The tentative order was considered at the January 19, 2006, Board Meeting, updated by the Board and adopted as Order R4-2006-0008.
18. On January 24, 2006, a tentative Order, which incorporated updates associated with the metals and nutrients TMDLs for Los Angeles River was issued for public comment. During the March 9, 2006, Board Meeting the item was considered and the proposed amendment adopted as Order No. R4-2006-0036.

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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, Order R4-2006-0036. The permittee also requested that the permit be stayed pending a decision on the permit on the basis of merit.
20. On April 3, 2006, there was a State Board Hearing on the Permittee's request for a stay. Order WQ 2006-0002, which was adopted on April 7, 2006, from the State Board stayed effluent limitations for specified constituents at various outfalls. Subsequently, the State Board met en banc. After considering the evidence, the Board adopted Order WQ 2006-0007 on June 21, 2006, which vacated the previous Order and denied the request for a stay.
21. On December 13, 2006, after issuing a draft Order, the State Board held a public hearing to discuss issues related to the petition of the permit on the basis of merit. On that day, Order WQ 2006-0012 was issued by State Board. The Order:
 - Remanded the permit to the Regional Board to revise the provisions concerning Outfalls 001, 002, 011, and 018,
 - Stayed the effluent limitations at Outfalls 011 and 018 pending a determination by the Regional Board deleting either Outfalls 011 and 018 or Outfalls 001 and 002,
 - Directed the Regional Board to issue a Cease and Desist Order (CDO) with the shortest possible compliance schedule and interim effluent limitations, based on the effects of the Topanga Fire. The effective date of the CDO was to be January 19, 2006, and
 - Review the permit to ensure that numeric effluent limitations for different outfalls do not count the same violation twice in such a manner as to treat a single violation as multiple violations.

In all other respects, the petitions were denied.

22. On February 21, 2007, the Permittee submitted the first of a number of deliverables with the final document delivered on May 24, 2007, which included a revised ROWD and other supplemental information considered during the update of the permit. The revised permit and a CDO were considered by the Regional Board at the November 1, 2007 Board Meeting.
23. The Regional Board issued Complaint No. R4-2007-0035 for Administrative Civil Liability against the Boeing Company in the amount of \$471,190. On August 27, 2007, Boeing waived its right to a hearing and submitted full payment of the civil liability. A Notice of Conclusion of Enforcement Action was issued referencing this case on September 11, 2007.
24. On November 1, 2007, the Regional Board adopted Order R4-2007-0055 which amended the NPDES permit that regulates discharges from the facility. The Order deleted limits for operations that had been terminated and incorporated findings documenting the Remand.
25. Order No R4-2007-0056, a CDO was adopted by this Regional Board at the November 1, 2007, Board Meeting. The CDO included interim effluent limits for discharges from Outfalls 001 through 011, and 018, in compliance with the es0eha

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26. On June 11, 2008, the Regional Board issued a Notice of Violation and Requirement to Submit Information for Violations of Order Nos. R4-2004-0111, R4-2006-008, R4-2006-003602

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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

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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

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Cease and Desist Order No. R4-2009-00X