

Violations in 4th Quarter 2021

Boeing NPDES Permit

Analysis and Summary by

Committee to Bridge the Gap

Parents Vs. SSFL

Physicians for Social Responsibility-LA

Public Employees for Environmental Responsibility

Rocketdyne Cleanup Coalition

(Parties in the Permit Proceedings)

APRIL 5, 2022

Over our objections, the Water Board had scheduled its hearing on Boeing's proposed National Pollutant Discharge Elimination System (NPDES) discharge permit for February 10, 2022 – a mere five days before Boeing's monitoring report for the prior quarter was to be submitted. In written comments submitted by our groups and others on the proposed permit, and in oral comments we and others made at the hearing on February 10, we urged the Board to hold off on the matter until the report was available and it could, with public comment thereon, be considered against Boeing's claims they had gotten the site into compliance with its permit.

One, although only one, of those issues relates to the revelations in the now-filed 4th Quarter Boeing NPDES permit monitoring report:

Revelations in the Monitoring Report

Boeing has repeatedly asserted it has discharges from the site under control and that the violations and exceedances of permit limits and benchmarks in recent years was due to the Woolsey Fire. Boeing said the exceedances immediately after the fire were due to damage to the SSFL stormwater control plastic piping, which burned up and which Boeing has claimed it has since remedied. Fines for virtually all of the violations in the two quarters covering the period after the fire were controversially waived, based on claims, which we have rebutted, that Boeing had no responsibility for the spread of the fire or for the release of contaminants that were required by a Consent Order to have been cleaned up by 2017.

The recent quarterly monitoring report, with numerous violations and exceedances, belies Boeing's claims that it now has the pollution releases under control. One can understand why there was pressure to have the hearing on the proposed revised permit before those data were revealed. The report shows:

1. **Boeing Compliance Disproven:** Boeing's claims that they have compliance under control and past problems were due to the immediate period after the Woolsey Fire in 2018 are disproven by the revelation there were **twelve** violations of permit limits and exceedances of permit benchmarks across six different outfalls just in the last quarter of 2021. Measured contaminant levels were as much as **twenty-four times higher** than the permit level.
2. **Proposed Permit Would Legalize Prior Violations:** If the proposed weakening of the NPDES permit were to go through, by relaxing limits or waiving them entirely, **seven** of the twelve violations and exceedances **would no longer be counted** were they to occur under the proposed gutted permit.
3. **Monitoring Shows Why Proposed Permit Should Be Strengthened:** The new data prove that Outfalls 001 and 002 should have enforceable limits, the violation of which can result in fines, rather than, as currently, non-enforceable "benchmarks," the violation of which has no consequences. Boeing has for years argued that the Board should not impose enforceable limits at Outfalls 001 and 002 because they are half-a-mile downstream of Outfalls 011 and 018, and any violation found at Outfall 001 or 002 would just be duplicative of violations founds at Outfalls 011 and 018 upstream. The new data show that Boeing's claims of duplicative violations are false. **None** of the exceedances in Outfalls 001 and 002 last quarter were duplicative of violations in Outfalls 011 and 018. As we pointed out in our testimony, 60% of the surface water flow leaves SSFL (to go into the LA River) via Outfalls 001 and 002 and they are fed by large watersheds below Outfalls 011 and 018 that can be contaminated. **Breaching pollution limits at Outfalls 001 and 002 should be violations and result in fines.**
4. **Monitoring Underlines Needs for Limits on All Toxic Chemicals.** It is important to keep in mind that **the vast majority of toxic chemicals that have been detected at SSFL are allowed in the NPDES to be released without any limit at all.** The absence of limits for many chemicals is of concern because SSFL, where a partial nuclear meltdown and tens of thousands of rocket tests occurred, is one of the most contaminated sites in the nation, and the most contaminated site in the Board's jurisdiction. It still holds a witches' brew of radionuclides and hundreds of toxic chemicals. The permit needs to be comprehensive, because, among other reasons, SSFL is the headwaters of the LA River.

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