

[REDACTED]

From: Rocketdyne Cleanup Coalition <info@rocketdynecleanupcoalition.org>
Sent: Tuesday, May 31, 2016 10:07 PM
To: WB-RB4-losangeles
Cc: Ali, Mazhar@Waterboards
Subject: Comments on Boeing SSFL NPDES No. CA0001309, CI-6027, HHRA Work Plan.
Attachments: Boeing NPDES HHRA Work Plan comments 5-31-16.pdf; Joint comments to LARQCB on Boeing NPDES permit January 2015.pdf

Attached please find comments on Boeing's Santa Susana Field Laboratory NPDES No. CA0001309, CI-6027, HHRA Work Plan, as well as comments submitted in January 2015 which are referenced in our HHRA Work Plan comments.

We ask that these comments be distributed to all board members.

Sincerely,
Rocketdyne Cleanup Coalition, Physicians for Social Responsibility-Los Angeles, Southern California Federation of Scientists, Committee to Bridge the Gap, Teens Against Toxins, and the Aerospace Contamination Museum of Education.

**ROCKETDYNE CLEANUP COALITION
SOUTHERN CALIFORNIA FEDERATION OF SCIENTISTS
PHYSICIANS FOR SOCIAL RESPONSIBILITY – LOS ANGELES
TEENS AGAINST TOXINS
COMMITTEE TO BRIDGE THE GAP
AEROSPACE CONTAMINATION MUSEUM OF EDUCATION
CONSUMER WATCHDOG**

May 31, 2016

Board Members
and Executive Officer Sam Unger
Los Angeles Regional Water Quality Control Board
320 West 4th Street, Suite 200
Los Angeles, CA 90013

via email to: losangeles@waterboards.ca.gov, cc: mazhar.ali@waterboards.ca.gov

Dear Board Members and Executive Officer Unger:

The above-identified organizations hereby submit comments on the Boeing Santa Susana Field Laboratory (SSFL) NPDES No. CA0001309, CI-6027, Human Health Risk Assessment (HHRA) Work Plan.

Our comments are simple. We do not believe that any HHRA put forth by Boeing, as the party responsible for the pollution at SSFL and its migration offsite at illegal levels, can be viewed as credible. We also must say we no longer have any confidence in the Los Angeles Regional Water Quality Control Board (LARWQCB) due to years of lax enforcement of Boeing's ongoing pollution violations, conflicts of interest at high levels of the LARWQCB, and the Board's dismissal of detailed concerns such as those we expressed in a January 9, 2015 letter (see attached) regarding Boeing's new NPDES permit.

The HHRA Work Plan states that the assessment was ordered by the LARWQCB "in response to health concerns expressed by members of the public regarding exposure to NPDES discharges in the drainages near the SSFL." But if the Board were truly concerned about health impacts from exposure to SSFL contaminants, it would not have approved the weakening of Boeing's already lax NPDES permit. At the February 12, 2015 hearing, our requests and presentations were rejected, and Boeing was given virtually everything it wanted in terms of weakening its obligations to protect the environment. The announcement of an HHRA at the hearing was clearly not meant to respond to detailed community concerns, but to deny them.

For the Los Angeles Regional Water Quality Board to ask Boeing to perform an assessment of the risks to the public from its illegal activities would be like the Justice Department asking the Mafia to perform a study of whether its illegal activities had

caused harm. You might say that the analogy is extreme, but Boeing is a scofflaw responsible for scores of violations of pollution laws for water leaving its SSFL site. The Regional Water Board has fined Boeing in excess of a million dollars for these violations, which continue unabated, and issued a Cease and Desist Order, Curtailment and Abatement Order, and an Order to perform an Interim Source Removal Action, none of which has brought the company into compliance. Boeing just continues to violate the pollution laws your Board is supposed to enforce, but about which it just gives slaps on the wrist. Asking the polluter Boeing, violator of the law, to assess the risks from its violations will have zero credibility. Our review of Boeing's proposal (e.g., considering only recreational exposures to their polluted water, limiting data to primarily drought years, etc.) demonstrates that they have indeed skewed the proposed review radically so as to guarantee a pre-determined outcome, trying to let themselves off the hook for the harm they have done and continue to do from releasing contaminated water at levels in excess of their permits limits and benchmarks.

We have reluctantly concluded that we have no confidence whatsoever in the Board, that it is largely captured by and serves the interests of the polluter Boeing. As we noted last year, there is a conflict of interest as one of the Water Board Members (and then Chair) is Charles Stringer, who is also Principal and General Counsel at Renewable Resources Group (RRG), a Los Angeles-based consulting firm that was hired by Boeing for work relating to Boeing's efforts to be relieved of any obligation for a full cleanup of contamination at the Santa Susana Field Laboratory. No disclosure or recusal document was made public and in any case, recusal is insufficient. We stated, "Any staff member who might think about truly enforcing the pollution regulations against Boeing will know that the Chair of the Board has these ties to Boeing and SSFL and that relationship can have a chilling effect on coming down hard on a company with which the Board Chair is so financially entwined."

Additionally, the Board's former Executive Officer exhibited a similar disturbing aspect of the "revolving door." A lawyer/lobbyist representative Boeing on SSFL testified under oath some years ago about SSFL. The then-Acting Director of the California Department of Toxic Substances Control wrote to the Board to inform them that statements made by the Boeing representative under oath were false. The Board's Executive Officer wrote back, declining to take action. Shortly thereafter, she left the Board and went to work for – the same Boeing representative.

The Board's actions over the last few years have more and more appeared to be beholden to Boeing and to ignore its duty to protect the public rather than the polluter. We no longer have any confidence in you.

We urged in January 2015 that Boeing's new NPDES permit be rejected and replaced with one that is representative of the board's duty of regulating the polluter. Instead, the Board approved the weakened permit and simultaneously announced that it would order an HHRA, as if that would alleviate our concerns.

It should come as no surprise to the board that we reject Boeing's HHRA. In a February 3, 2015 email, Jennifer Fordyce from the Board's Office of Chief Counsel asked us why we felt that Boeing did not adequately represent our organization's interests. Denise Duffield, Associate Director of Physicians for Social Responsibility-Los Angeles, responded on behalf of our organizations on February 6, noting:

First of all, let me say that we appreciate the agency's sense of humor. You ask us to explain "why the Boeing Company does not adequately represent your organizations' interests." You ask this after we have submitted a 16-page letter detailing Boeing's persistent and flagrant violations of its existing permit, its undue influence with the Regional Board that is supposed to enforce the permit, and our opposition to numerous provisions in the new permit that would further relieve Boeing of obligations to prevent toxic pollution from leaving its site at levels the Board has deemed unsafe for the public and/or the environment.

Nonetheless, to answer your question: Boeing cannot represent our interests because Boeing is the polluter, the serial violator of its permit, the party that has been (successfully) lobbying for ever weaker provisions in the permit, the corporate party that is perceived as having to a significant degree captured the Regional Board that is to regulate it. Boeing's principal interest is its bottom line, of saving money by lobbying to get out of having to comply with requirements designed to protect the public and the environment. Its interest is to externalize its costs of doing business, putting onto the public that resides nearby the costs of Boeing having contaminated its site and failing to control the releases of those toxic materials to the offsite communities. In so doing, Boeing saves money but the public can pay a significant health and environmental price. Boeing puts its money into lobbying to avoid being made to meet environmental and public health requirements.

The interests of our organizations, by contrast, are to protect the public health and environment, to assure that Boeing doesn't get out of its obligations to prevent releases of pollution and that its efforts to capture its regulators cease to succeed. The interests of the polluter, the Boeing Company, and our public health and environmental organizations are directly opposed.

It is for these reasons that we have no confidence in Boeing's HHRA. If the Board truly wanted to respond to public concern, it would have taken into consideration the many weaknesses of Boeing's new NPDES permit that we outlined, and denied the permit. Instead, it ordered Boeing, which has long rebuffed health impacts from SSFL, to produce another report that is certain to repeat these claims. The LARWQCB should require that Boeing stop pollution from leaving SSFL – not ask them to produce a report denying that that pollution causes harm.

Sincerely,
Marie Mason
Rocketdyne Cleanup Coalition

Denise Duffield
Physicians for Social Responsibility-LA

Sheldon C. Plotkin, Ph.D., P.E.
Southern California Federation of Scientists

Catherine Lincoln
Committee to Bridge the Gap

Davis Gortner
Teens Against Toxins

William Preston Bowling
Aerospace Contamination Museum of Education

Liza Tucker
Consumer Watchdog

**ROCKETDYNE CLEANUP COALITION
SOUTHERN CALIFORNIA FEDERATION OF SCIENTISTS
PHYSICIANS FOR SOCIAL RESPONSIBILITY – LOS ANGELES
TEENS AGAINST TOXINS
COMMITTEE TO BRIDGE THE GAP
CENTER ON RACE, POVERTY AND THE ENVIRONMENT
PEOPLE’S SENATE
AEROSPACE CONTAMINATION MUSEUM OF EDUCATION
CONSUMER WATCHDOG**

January 9, 2015¹

Mr. Sam Unger, Executive Officer
Los Angeles Regional Water Quality Control Board
320 West 4th Street, Suite 200
Los Angeles, CA 90013

via email to: losangeles@waterboards.ca.gov, cc: mazhar.ali@waterboards.ca.gov

Dear Mr. Unger:

The above-identified organizations hereby submit comments on the Tentative NPDES (pollution discharge) permit for the Boeing Company for the Santa Susana Field Laboratory (SSFL). We are deeply disturbed by the proposed weakening of an already far-too-weak permit and by the process the Board staff has followed which has kept these changes largely hidden from public view. There has been a significant loss of public trust due to years of lax enforcement of Boeing’s continued pollution violations and conflicts of interest that have existed at high levels.

For these reasons, and more, we request that this letter and the attachments thereto, be provided in their entirety directly to the Board Members, with the exception of the Board Chair, who has a conflict-of-interest due to his work, and that of his firm, for Boeing related to SSFL. Staff merely summarizing our points and then defending its actions would be inappropriate. The Board Members should see directly this letter and its attachments, and act on the requests contained herein.

¹ The Fact Sheet included as Attachment F of the Tentative NPDES Permit states at page F-62 that written comments on Tentative Permit were due “by 5:00 p.m. on January 9, 2015.” The letter transmitted by Board staff to Boeing on December 4, and attachments thereto, however, said comments were due on January 8. We are therefore submitting our comments based on the date in the Tentative Permit itself, and so notified Board staff by email on the 8th.

We request the following:

1. Board staff be directed to prepare a comprehensive and detailed identification of every change proposed in the Tentative Permit compared to the prior Permit, identifying what has changed; whether it strengthens or weakens pollution prevention; the rationale for the change; and whether Boeing suggested the change.
2. The identification of revisions described above be made publicly available for review and comments on the proposed permit based on that disclosure of the modifications it contains be allowed, with at least 30 days provided.
3. That the monitoring data for the last quarter of 2014, which included several rain events, be made publicly available for review and incorporation into the public's comments on the proposed permit.
4. That the hearing on the proposed permit be changed to a date 30 days after the comment deadline set for comments based on release of the above information.
5. Irrespective of whether the Board grants the above requests, that our organizations be collectively granted party status in the proceeding regarding the proposed permit and be collectively given an equal time slot to that given collectively to Boeing and its consultants.

A Deeply Troubled Process

Given the conflicts of interest at high levels of the Regional Board, discussed in more detail later in these comments, and the long history of the public viewing the Board as treating with kid gloves Boeing's continued violations of its permit obligations, also discussed in more detail below, one would think that there would be an incentive for the Board to carefully consider a renewed NPDES permit for Boeing in a fully transparent manner. But that has not been the case.

The prior permit was issued in 2010. It was controversial because of a number of provisions that many viewed as weak—use of “benchmarks” for some outfalls instead of enforceable numeric limits, eliminating many of the requirements for grab samples, allowing many critical pollutants such as radionuclides to be measured only once a year, etc.

The permit required Boeing to submit by October 13, 2013, a Report of Waste Discharge (ROWD) as application for issuance of new waste discharge requirements.² We have been diligently checking both the Board's website and Boeing's (Boeing was supposed to post the relevant documents, such as monitoring reports, on its website); no ROWD has been posted, to the best of our knowledge. Either Boeing did not submit it by the required date, or it has been submitted and has been kept essentially secret from the public. The public cannot know then what Boeing is lobbying the Board to do to potentially weaken

² Order No. R4-2010-0090, NPDES No CA0001309, Table 3

the new permit. Keeping Boeing's application for permit renewal secret leads to a situation where essentially backroom deals between polluter and regulator can result, with no public knowledge or oversight.³

The 2010 NPDES permit expired on April 10, 2014. Boeing has thus been operating with an expired permit ever since. Even were the Board to act in February to approve renewal, Boeing will have gotten essentially a free one-year extension of its permit. Put differently, it will have been allowed to operate for nearly a year on an expired permit.

Presuming that Boeing did in fact submit the ROWD/renewal application by October 13, and the Board and Boeing chose to keep it secret from the public, the Board's long delay in responding and issuing a Tentative new permit is nonetheless hard to understand. Board staff took fourteen (14) months from the time the ROWD was supposed to be submitted to issue a Tentative permit.

The Notice of Public Hearing that Board staff directed Boeing in December to issue is entitled "Proposed *Reissuance* of Waste Discharge Requirements—National Pollution Discharge Elimination System Permit." (emphasis added) If it were merely a reissuance of the permit, as Board staff claimed in the public notice, then it is hard to understand why that took fourteen months. If, on the other hand, they took fourteen months to make extensive changes to the permit, so it is not a reissuance but a markedly altered permit, then there has been a lack of candor in the public notice. The latter, as we shall see, appears to be the case.

In any case, Board staff allowed the permit to expire, and Boeing to keep discharging based on an expired permit. Staff gave itself 14 months to review the Boeing renewal application, without the public being allowed to know it had been filed let alone see it themselves. But then, having taken 14 months for their review, Board staff gave the public only 30 days to comment—and chose to have those 30 days over the *Christmas/Hanukah/New Years holiday*. This creates the clear impression of trying to discourage any opportunity for detailed review and comment on the proposed permit, further reinforced by the failure to disclose the revisions to the permit that had been made, why they had been made, or even that any revisions had been made at all.

A Game of Hide-the-Ball

As indicated above, the Notice of Public Hearing was entitled "Proposed Reissuance of Waste Discharge Requirements." However, the proposed permit was in no way a reissuance but instead a dramatic alteration and modification of the requirements in the prior permit. This not only wasn't disclosed; the notice clearly told the public this was

³ Board staff may assert that one could submit a Public Records Act request or travel to Board offices and ask to review their files. This is not how public transparency is supposed to work. The public doesn't even know if an ROWD has been submitted. The Board has provided notice it received such an application, let alone posted it on its website. As discussed further in this letter, even the Tentative permit was not posted on the website as recently as January 6, 2015.

merely a reissuance. Not a word can be found in the notice or the Tentative permit itself, as far as we can see, disclosing that provisions have been modified, what provisions have been changed, why they were altered, whether those changes weaken or strengthen the pollution restrictions, and whether Boeing asked for the revisions.

This “hiding the ball” is unseemly for a public agency. We note that not only is the public not put on notice what is proposed to be changed so it can comment meaningfully, the Board Members themselves are not on notice about the proposed changes buried in the document. How can the public comment in a meaningful way or the Board Members vote in a responsible fashion when the changes are hidden like this? Does one expect the Board Members to go through, page by page the 195 pages of the 2010 permit and compare it with the 180 pages of the new Tentative Permit, line-by-line, to hunt out what has been removed and what has been altered, and then to try to figure out why that was done? That is apparently what has been demanded of the public, over the holidays no less.

Failure to Meaningfully Notify the Public of Tentative Permit and Opportunity to Comment

As recently as January 6, 2015, two or three days before the supposed comment deadline, the Boeing Tentative NPDES permit was not even listed or posted on the Regional Board’s webpage for Tentative permits. No notice of opportunity to comment was posted. Nor was any agenda for the February 2015 Board meeting posted, which would show the matter being on the agenda.⁴ (By January 9, the tentative permit was belatedly posted, with a note saying comments were due January 8.⁵)

On December 4, 2014, Mr. Mahzar Ali of the LA Water Board sent an email to Paul Costa of Boeing, with cc’s to several dozen government officials and a handful of community members. The body of the email merely said, “Attached please find correspondences [sic] from the Los Angeles Regional Water Quality Control Board (Regional Water Board).” The attached correspondence was between the Board and Mr. Costa of Boeing, giving Boeing a copy of the Tentative NPDES permit and some instructions to Boeing for arranging a public notice.

The email was addressed to Boeing alone, informing Boeing of attached correspondence to it. Some people were cc’d on the email. Most of us, of course, did not even receive it. But even if we had, all it said was please find attached some correspondence, which was to Boeing. There was *no* email to the concerned public that said: PUBLIC COMMENT SOLICITED ON PROPOSED PERMIT.

This is simply not the way a responsible agency puts the public on notice of an opportunity to comment. The Board kept Boeing’s application secret, didn’t post the Tentative Permit on its Tentative permit webpage, did not send out a general email to the

⁴ Screen captures of the Board’s website taken on January 6 are attached hereto.

⁵ As we noted earlier, the Fact Sheet says the due date is January 9. In either case, the belated posting was far too late to put anyone on notice.

concerned public (e.g., didn't even ask DTSC to email out to its basic SSFL interest list), and the only email sent was to Boeing, with a handful of cc's, merely saying some correspondence with Boeing was attached. And, critically, as indicated above, nowhere did the Board staff notify the public or the Board Members of the contemplated changes in the permit.

Objections to Weakening of the Permit Requirements

In the time permitted for comments, much of which coincided with the holidays, and in the absence of any disclosure by Board staff of the changes it was proposing, we have done our best to try to compare the hundreds of pages of old and proposed permit to identify at least some of the hidden revisions. In the time allowed, and given the laborious effort required, we have not been able to do a comprehensive comparison.

We note that—and this is important—the vast majority of hidden alterations in the permit weaken it. This is troubling, given the already very weak nature of the prior permit.

We here summarize some of the more troubling changes, and our opposition to them. This is in no way intended to be a comprehensive list, and we call attention to our requests on the second page of this letter that the staff be required to identify in writing each change, whether it weakens or strengthens the restrictions in the prior permit, the rationale for the proposed change, and whether Boeing requested it. We ask that that identification of changes be made public, comments solicited, and no hearing occur until that process has been completed.

We here summarize some of the more troubling changes, and our opposition to them. But this represents only a sampling from a far larger set of revisions of concern.

1. *The permit eliminates all monitoring and compliance requirements for acute toxicity.* No reason is given for eliminating these protections of the environment.
2. *All monitoring and pollution limits are entirely eliminated for Outfalls 12, 13, and 14.* The new permit asserts “no longer used.” But the old permit identified those outfalls as stormwater, and stormwater of course continues. Nothing has changed since the adoption of the prior permit in 2010. Rocket testing at the site ended in 2006, long before the prior permit was issued requiring monitoring and compliance for these three outfalls. There have been 15 exceedances at these three outfalls from 2008 to the first quarter of 2014. Equally concerning is the fact that, per Boeing's own reports, these violations were found in 17 sampling events. This means that the surface water running through these outfalls' was tested 17 times and there were 15 exceedances. We fail to comprehend how the removal of these outfalls is in anyway beneficial to environmental protection when the number of exceedances is almost equivalent to the number of sampling events. Eliminating monitoring and pollution restrictions for these outfalls is inappropriate.
3. *All monthly average limitations have been removed from the permit.* There have been numerous violations of monthly average limitations in recent years. Removing the

requirement and allowing exceedances of those levels is unexplained and appears to be a further step backwards.

4. *The permit length has been extended to, in effect, 6 years from expiration of the prior permit, compared with the 4 years of the earlier permit. Delaying Board review by 50% over the prior permit length makes no sense. Boeing needs more scrutiny, not less.*

5. *The oil and grease limitation at outfalls 3-10 has been changed from 2,227 lbs. per day to 8,048 lbs. per day. This would now allow more than 4 tons to be discharged per day, nearly a four-fold increase.*

6. *The mercury daily limitation has been changed from .02 lbs to .07 lbs per day at outfalls 003 – 010. This is a more than tripling of the allowable amount.*

7. *The thallium daily limitation has been changed from .3 lbs per day to 1.1 lbs per day at outfalls 003 – 010. This nearly quadruples the allowable release.*

8. *Zinc daily limitation has been changed from 24lbs to 64lbs per day at outfalls 003 – 010.*

9. *Boron daily limitation has been changed from 148 lbs to 537lbs per day at outfalls 003 – 010.*

10. *Nitrate + Nitrate daily limitation has been changed from 1,888lbs to 5,365lbs per day at outfalls 003 – 010.*

11. *The total facility permitted flow has been increased to 187 million gallons per day from 168.*

12. *The requirements for sampling at the point of discharge into the unnamed canyon tributary to Arroyo Simi have been modified so as to not occur unless there is a discharge into the Arroyo Simi. No explanation for the change is given, but it suggests that discharges into that canyon that would previously have been sampled would now not be if it could be argued that the discharge did not, in one sweep, get all the way down to the Arroyo Simi.*

13. *Monitoring of Outfall 19 appears to be eliminated, including for stormwater, replaced instead by sampling at the discharge point for the groundwater extraction and treatment system. The same limitation on monitoring appears for the new 020.*

14. *Table E-2a footnote 14 has been removed for Boron, Fluoride, Barium, Iron, Manganese, Antimony, Arsenic, Beryllium, Chromium, Nickel, Silver, and Thallium, which require that if there is a detection, the frequency of analysis must be increased to once per discharge.*

15. *The requirements for monitoring for radioactivity have changed in a fashion that weakens them.* If a gamma scan is done, only cesium-137 is to be measured for, despite the potential for other radionuclides to be present. If potassium-40 is found to be elevated, it is to be ignored and assumed to be natural, even though the site used sodium-potassium (NaK) coolant for its nuclear reactors.

16. *The ammonia removal section of the prior permit has been eliminated.*

This is by no means an exhaustive list. And because the Board staff did not either identify the revisions or provide an explanation for them, there may be a rationale for some of these changes that is not immediately apparent. This suggests further the necessity of having the staff provide a comprehensive list of the changes and reasons for them and allow public review and comment based thereon, prior to acting on the proposed changes.

Existing Worrisome Provisions Carried Over

In addition to weakening the prior permit, it carries over a number of troublesome provisions from the earlier version, which we oppose. It is remarkable, for example, that a facility that had a partial nuclear meltdown, at least three other reactor accidents, decades of releases from open-pit burning of radioactive and toxic materials, and which was found by US EPA to have 500 locations with radioactive contamination in soil remaining, would be required to only monitor once a year for radioactivity leaving the site in surface water discharges. The permit sets a single sample per year for numerous chemical contaminants as well. It removed earlier requirements that there be both monthly average and daily minimums for other outfalls (the new permit removes the last such requirements). It eliminated requirements that both grab and composite samples be taken. It established non-enforceable “benchmarks” instead of enforceable numerical limits for several outfalls. We oppose all these weak provisions and recommend that they be remedied.

Background

SSFL is a former nuclear reactor and rocket testing facility located in the hills overlooking Simi Valley and the west San Fernando Valley. Boeing owns most of SSFL. For decades, accidents, spills, releases, sloppy practices, and violations of fundamental environmental laws and regulations resulted in widespread radioactive and chemical contamination of soil, structures, groundwater, and surface water. A partial nuclear meltdown in 1959 was but one of a series of nuclear accidents. Tens of thousands of rocket tests and work developing munitions resulted in a great deal of chemical contamination as well. For decades, Boeing and its predecessors have released large amounts of surface water to offsite areas with pollutants in excess of permissible levels. Actions taken by the Water Board to enforce Boeing’s NPDES discharge permits, which were constantly being violated, were weak and ineffective. Many in the community viewed this state of affairs as due to a too-cozy relationship between regulator and polluter. Boeing has historically had a great deal of influence with the Water Board, resulting in hand-slaps rather than significant enforcement action. In any case, whatever

the Water Board has done hasn't worked, as the violations and other exceedances of pollution limits in water leaving the property continue.

Failure of the Water Board to Effectively Bring Boeing into Compliance

For more than a decade the water board has failed to bring Boeing into compliance.

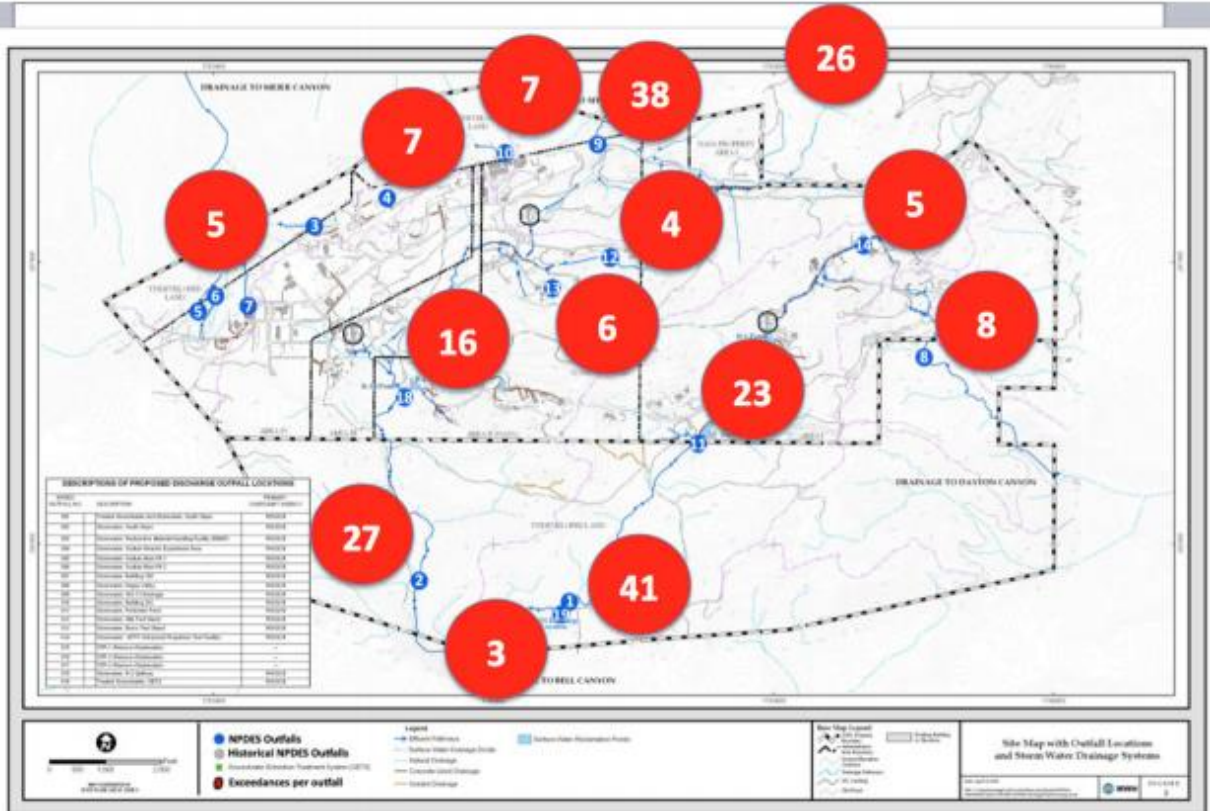
In 2005, the Regional Board issued Boeing a Cleanup & Abatement Order, but the violations continued. In 2007, the Regional Water Board Issued a Cease and Desist Order, but the violations continued. Because of continuing violations, in December 2008, the Regional Water Board Issued an Order Directing an Interim Source Removal Action (ISRA) for Outfalls 8 and 9, but the violations continued. In 2010, the Board and Boeing negotiated a Consent Judgment, setting stipulated penalties for violations, but the violations continued. Recently, Boeing and the Board cut a new deal, extending the 2010 deal, with its weak penalties that have not resulted in Boeing coming into compliance.

And now, despite this long history of violations and exceedances, Board staff proposes weakening the permit further, eliminating many of the requirements Boeing has been breaching.

Recent History of Exceedances

Between 2008 and early 2014 Boeing has had 216 exceedances at the Santa Susana Field Laboratory. Surface water continues to leave the site at levels higher than those specified in the original permit as permissible.

The map below shows the number of exceedances by outfall during this time period.



Below is a chart summarizing the exceedances by pollutant:

SSFL Water Pollution Exceedances 2008- 2014 (First Quarter)

Contaminant	Number of Exceedances
Iron	33
Iron (mass/day)	3
Fluoride	1
Dioxin (TCDD-TEQ)	50
Dioxin (TCDD-TEQ)	6
Dioxin (TCDD-TEQ) (per month)	2
Dioxin (TCDD-TEQ) (w/o DNQ values)	8
Chloride	3
Zinc	3
Zinc (per month)	1
Nitrate as Nitrogen	1
Nitrate + Nitrate	2
Total Residual Chlorine	4
Total Residual Chlorine (per day)	2
Manganese	20
Lead	27
Lead (per month)	5
Bis Phthalate	1
pH	9
Chronic Toxicity	1
Cadium	2
Copper	2
Copper (per month)	2
Chromium	1
Total Dissolved Solids	1
Gross Alpha	1
E.Coli	11
E.Coli Geometric	3
Fecal Coliform	8
Fecal Coliform Geometric Mean	8
Total Exceedances:	216

Reduced Sampling and Rain Events

We are aware that on occasion Boeing has claimed that they have made improvements at the site due to the reduced amount of violations in recent years. But Boeing failed to mention that it has been steadily reducing the amount times it samples.

As the chart below will show, throughout the duration of the original permit the amount of sampling conducted by Boeing has steadily declined.

SSFL Sampling Events

Year	Sampling Events
2008	50
2009	26
2010	45
2011	45
2012	16
2013	3
2014 (through 2nd quarter)	2

The elimination of any of the outfalls based on the reduced number of violations in recent years would simply be misguided. There cannot be any exceedances if they are not being tested for. In its last full calendar year of reporting (2013), Boeing's sampling and testing activities had been reduced by about 94%.

Another factor to take into account is the reduced amount of rain we have received in recent years. In order for there to be an accurate measure of the levels of the contaminants still at the site, it is necessary that there be a good amount of surface water. Below is a chart showing us how the rainfall at the site has steadily declined in recent years:

SSFL Rainfall Numbers per Year

Year	Rainfall (in inches)
2008	16.91
2009	13.85
2010	25.03
2011	12.81
2012	12.05
2013	3.6

As seen above, the rainfall at the site significantly declined throughout the duration of the original permit; but in spite of this, exceedances at the SSFL site have been present as late as early 2014. (Data for the last part of 2014, when there was increased rainfall, have not been released by Boeing yet.)

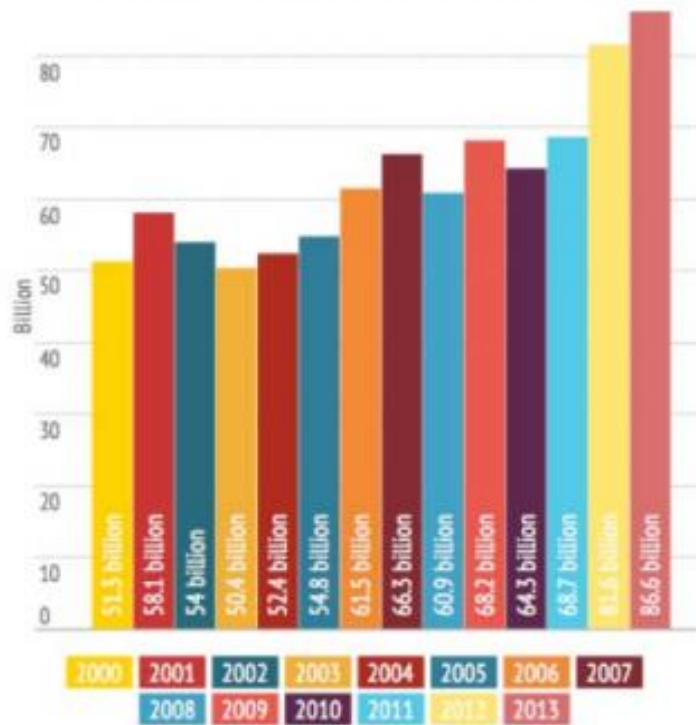
Boeing's Preferential Treatment Despite Violations

Even though Boeing has repeatedly violated the terms of NPDES permit it seems as if it is getting lenient treatment from the Board, the latest example being the inexplicable relaxation of its cleanup duties in the proposed permit. But this isn't the first time the board has taken action that is seemingly in favor of Boeing. In fact, it has a long history of doing so. One example is the fines the board has issued to Boeing for past violations. Since 2002 Boeing has been fined over \$1.2 million for the violation of pollution discharge limits at the Santa Susana Field Laboratory. These fines were implemented as an attempt supposedly to force Boeing to take effective action at stopping the ongoing pollution violations at the site, but these fines have been unsuccessful in doing so. When looking at the individual fines imposed and what they represent from a financial perspective for Boeing, it is easy to see why they have not done much to curtail violations at the site.



Above is a chart listing the fines Boeing has been issued over the past 12 years. As previously mentioned, the fines have accumulated to a total of about \$1.2 million. This means that Boeing has paid an average of \$100,000 in fines per year. In the same period of time, Boeing's income has steadily increased and reached \$86.6 billion in the year 2013. When taking these numbers into account, the average annual fine (\$100,000) Boeing receives for violating pollution limits at the Santa Susana Field Laboratory represents only about **one-millionth** of its annual income.

Boeing's Annual Income by Year



To put this into a better perspective we also made a comparison to what the financial implications of such fines would mean when scaled to the income of an average American family. According to the United States Census Bureau the average household income in the United States is \$53,046, and when we scale the fines Boeing is receiving in relation to their income it would be the equivalent of these families receiving a SIX CENT fine. This puts into perspective how ridiculously low the fines imposed on the Boeing company have been and it seems extremely reasonable to believe that one of the major reasons pollution violations at the SSFL site have not ceased is because it is cheaper for Boeing to pollute than to comply with state regulations.

Apparent Conflicts of Interest Between Key Board Officials and Boeing

We would also like to express our deep concern with what we feel is a very apparent conflict of interest and how it may be a reason as to why Boeing is receiving relaxed regulation in the new proposed permit. The Water Board is chaired by Charles Stringer. It is important to note that Stringer is also Principal and General Counsel at Renewable Resources Group (RRG), a Los Angeles-based consulting firm.⁶ This is significant because Renewable Resources has in the past acknowledged that it was hired by Boeing for work relating to its cleanup duties at the Santa Susana Field Laboratory. Mr. Stringer

⁶ In a letter to several of our organizations, Board Executive Officer Samuel Unger asserted that Mr. Stringer is not a principal of RRG. This is very puzzling, as the Board's own website, posting Mr. Stringer's biography, says: "Mr. Stringer is Principal and General Counsel with the Renewable Resources Group." See attached screen capture.

has directly been involved in the RRG contract work for Boeing regarding SSFL, the very site in question in this Boeing-Board agreement.

The work undertaken by RRG under contract to Boeing has been very controversial. It is widely perceived as trying to set up an “astroturf” or fake grassroots group to support Boeing’s efforts to be relieved of much of its obligation to clean up SSFL. Indeed, some of the people from the astroturf group RRG helped set up may well be lobbying the Board he chairs on behalf of the weak permit that relaxes requirements on Boeing.

Mr. Stringer has not publicly disclosed his ties to Boeing and its SSFL site. Not a word about that potential conflict regarding Boeing appears in any of his Form 700 statements of economic interests. Furthermore, we have found no formal public disclosure of Mr. Stringer’s ties to Boeing on the Board’s website. Nor have we found publicly posted any public recusal and direction to Board staff to exclude him from receiving any documents related to Boeing. (Excusing himself from voting is insufficient; there are many other ways in which influence is exercised.)

While there is nothing public on the Board website that we can find formally disclosing the potential conflict or creating a wall around him regarding transmission of information about Boeing, Boeing itself issued a press statement after the apparent conflict of interest was raised in a report by Consumer Watchdog.⁷ It asserted Mr. Stringer had recused himself from any decision related to Boeing. However, no such recusal document has been made public by the Board that we can find; there is no indication that such an action occurred beginning from his appointment to the Board; and in any case, recusal is insufficient. Any staff member who might think about truly enforcing the pollution regulations against Boeing will know that the Chair of the Board has these ties to Boeing and SSFL and that relationship can have a chilling effect on coming down hard on a company with which the Board Chair is so financially entwined.

Conclusion and Formal Requests

The tentative permit issued by the Water Board would be detrimental to both the public interest and the environment. The relaxed requirements being proposed are also unjustifiable. We strongly urge that this permit be rejected and replaced with one that is representative of the board’s duty of regulating the polluter.

We repeat our requests that:

1. Board staff be directed to prepare a comprehensive and detailed identification of every change proposed in the Tentative Permit compared to the prior Permit, identifying what has changed; whether it strengthens or weakens pollution prevention; the rationale for the change; and whether Boeing suggested the change.

⁷ Details of the work by Mr. Stringer and his firm to help Boeing get out of having to clean up all the contamination at SSFL is provided in Consumer Watchdog’s report, *Inside Job*, attached hereto.

2. The identification of revisions described above be made publicly available for review and comments on the proposed permit based on that disclosure of the modifications it contains be allowed, with at least 30 days provided.
3. That the monitoring data for the last quarter of 2014, which included several rain events, be made publicly available for review and incorporation into the public's comments on the proposed permit.
4. That the hearing on the proposed permit be changed to a date 30 days after the comment deadline set for comments based on release of the above information.
5. Irrespective of whether the Board grants the above requests, that our organizations be collectively granted party status in the proceeding regarding the proposed permit and be collectively given an equal time slot to that given collectively to Boeing and its consultants.

Please reply to us via email at info@rocketdynecleanupcoalition.org.

Sincerely,

Barbara Johnson
Rocketdyne Cleanup Coalition

Denise Duffield
Physicians for Social Responsibility-LA

Sheldon C. Plotkin, Ph.D., P.E.
Southern California Federation of Scientists

Daniel Hirsch
Committee to Bridge the Gap

Davis Gortner
Teens Against Toxins

Ingrid Brostrom
Center for Race, Poverty, and the Environment

The People's Senate

William Preston Bowling
Aerospace Contamination Museum of Education

Liza Tucker
Consumer Watchdog