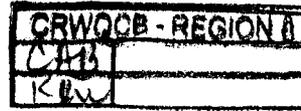




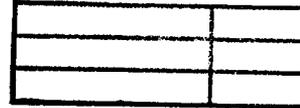
The Boeing Company
2201 Seal Beach Boulevard
P.O. Box 2515
Seal Beach, CA 90740-1515

September 9, 2011
JW 09sep11 001



SEP 12 2011

California Regional Water Quality Control Board
Santa Ana Region
3737 Main Street, Suite 500
Riverside, CA 92501-3348



Attention: Mr. Carl Bernhardt

Subject: Expedited Payment Option to Address a Mandatory Minimum Penalty
for Violation of Order NO. R8-2007-0008, NPDES NO. CAG918001
Groundwater Extraction and Treatment System
The Boeing Company, Huntington Beach Facility
Huntington Beach, California

Dear Mr. Bernhardt:

Please find enclosed two (2) copies of the *Acceptance of Conditional Resolution and Waiver of Right to Hearing* signed by The Boeing Company. These documents are being submitted in response to the letter, "Expedited Payment Option to Address a Mandatory Minimum Penalty for Violation of Order No. R8-2007-0008, NPDES No. CAG918001," by California Regional Water Quality Control Board Santa Ana Region (SARWQCB), dated September 2, 2011.

Please note that the address that SARWQCB has for Boeing is incorrect. The correct address has been written on the attached letter and is shown below:

Ms. Jennifer Wiley
Project Manager
Enterprise Remediation – Environment, Health & Safety
The Boeing Company
2201 Seal Beach Blvd.
MC 110-SE17
Seal Beach, CA 90740-1515

If you have any questions, please contact the undersigned at (818) 292-6713.

Sincerely,

Jennifer L. Wiley
Project Manager
Enterprise Remediation – Environment, Health & Safety
MC 110-SE17

Enclosure



California Regional Water Quality Control Board

Santa Ana Region



Matthew Rodriguez
Secretary for
Environmental Protection

3737 Main Street, Suite 500, Riverside, California 92501-3348
Phone (951) 782-4130 • FAX (951) 781-6288
www.waterboards.ca.gov/santaana

Edmund G. Brown Jr.
Governor

September 2, 2011

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Ms. Jennifer Wiley
Project Manager
Environmental Remediation – Environment, Health & Safety
The Boeing Company

4501 E. Conant Street
Long Beach, CA 90808-1767

Incorrect Address
2201 Seal Beach Blvd
MC 110-SE17
Seal Beach, CA 90740-1515

**Subject: Expedited Payment Option To Address A Mandatory Minimum
Penalty For Violation Of Order No. R8-2007-0008, NPDES No
CAG918001
Boeing Company Facility
5301 Bolsa Avenue, Huntington Beach**

Dear Ms. Wiley:

This is to notify The Boeing Company, hereinafter "Boeing", that Boeing is alleged to have violated California Water Code (CWC) Section 13385(h) for which the Regional Board shall assess mandatory minimum penalties. This letter outlines an expedited methodology for settling the outstanding violation and the mandatory minimum penalty associated with it.

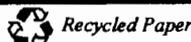
VIOLATIONS AND STATUTORY AND DISCRETIONARY LIABILITIES:

Table 1 identifies Boeing's violation of its NPDES permit that is subject to a mandatory penalty. Pursuant to CWC Section 13385(h), a mandatory penalty of three thousand dollars (\$3,000) shall be assessed for each serious violation.

Table 1 – NPDES Violation for Boeing (2nd Quarter 2011)

Date	1,1-Dichloroethane Violation > 5 µg/l Average Monthly	Number of Violations	Violations Subject to Mandatory Penalties
4/5/2011	8.1 ug/l	1	1
Total Violations			1

California Environmental Protection Agency

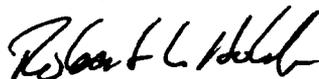


received during the public comment period, Board staff will try to address those comments. If the comments cannot be satisfactorily addressed by staff, the expedited payment option will be withdrawn and a formal administrative complaint may be issued and a public hearing may be scheduled at a regularly scheduled Regional Board meeting.

2. If Boeing chooses to contest any of the violations cited in Table 1, please identify the basis for the challenge (e.g., factual error, affirmative defense, analytical error, etc.) prior to October 3, 2011 and contact Carl Bernhardt at 951-782-4495. Board staff will evaluate the contested violation and determine that either the violation is not supported and amend Table 1, or determine that the alleged violation is meritorious and inform Boeing of the staff decision. If Boeing is not satisfied with the staff decision, a formal administrative complaint and a public hearing may be considered.

If you have any questions about this letter or the attachments, please contact Carl Bernhardt of our Underground Storage Tank Section at (951) 782-4495 or by electronic mail at cbernhardt@waterboards.ca.gov.

Sincerely,



Robert L. Holub
Division Chief

Enclosures: Attachment 1 (Acceptance of Conditional Resolution and Waiver of Right to a Hearing)

Addressee: Jennifer Wiley, Boeing Company: Jennifer.I.wiley@boeing.com

cc: w\enclosures (by electronic mail only):

Board Members
Executive Officer
State Water Resources Control Board, Office of Chief Counsel – David Rice
State Water Resources Control Board, Office of Enforcement – Reed Sato
U.S. Environmental Protection Agency, Region 9 (WTR-7) – Ken Greenberg

CAB/boeing mmp.doc



California Regional Water Quality Control Board

Santa Ana Region



Matthew Rodriguez
Secretary for
Environmental Protection

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Phone (951) 782-4130 • FAX (951) 781-6288
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Edmund G. Brown Jr.
Governor

ACCEPTANCE OF CONDITIONAL RESOLUTION AND WAIVER OF RIGHT TO HEARING

The Boeing Company

Mandatory Minimum Penalty Order No. R8-2011-0048

By signing and returning this Acceptance of Conditional Resolution and Waiver of Right to Hearing (Acceptance and Order), The Boeing Company (Boeing) hereby accepts the resolution of the mandatory minimum penalty assessment for violation of Order No. R8-2007-0008 NPDES No. CAG918001, cited in Table 1, in the Expedited Payment Option letter dated September 2, 2011, for which mandatory minimum penalties shall be assessed by the Regional Board. By signing the Acceptance and Order, Boeing also waives its right to a hearing before the Regional Board. Table 1, in the Expedited Payment Option letter dated September 2, 2011, is incorporated into this Acceptance and Order by reference.

Boeing agrees that this document and Table 1 together will serve as a Complaint pursuant to Article 2.5 of the California Water Code (CWC) and that no separate Complaint is required by the Regional Board to assert jurisdiction over the alleged violations. Boeing agrees to pay the mandatory minimum penalty of \$3,000 as shown in the expedited payment option letter dated September 2, 2011, which shall be deemed payment in full for the violation listed in Table 1, pursuant to CWC Section 13385.

Boeing understands that pursuant to 40 CFR Section 123.27(d)(2)(iii), the Regional Board is required to provide public notice for at least 30 days and seek comments of any settlement agreement with the dischargers related to NPDES permit violations, prior to the Executive Officer executing any settlement agreements such as this Acceptance and Order. Boeing understands that if significant comments are received, this Acceptance and Order may not be executed and the offer for expedited payment and settlement may be withdrawn and the Regional Board may choose to take formal enforcement action.

Boeing understands that once this Acceptance and Order is executed by the Executive Officer of the Regional Board, payment is due within 30 days and a check for \$3,000 made payable to the State Water Resources Control Board shall be submitted to the Regional Board office.

California Environmental Protection Agency



