
Los Angeles Regional Water Quality Control Board

FEBRUARY 2, 2022 ORDER ON REQUESTS FOR PARTY STATUS, PROCEDURAL MATTERS, AND ORDER OF PROCEEDINGS

**RENEWAL OF WASTE DISCHARGE REQUIREMENTS AND NPDES PERMIT FOR STORMWATER DISCHARGES BY THE BOEING COMPANY, SANTA SUSANA FIELD LABORATORY
(NPDES PERMIT NO. CA0001309)**

On February 10, 2022, the Los Angeles Regional Water Quality Control Board (Los Angeles Water Board) will hold a public hearing on the tentative National Pollutant Discharge Elimination System (NPDES) Permit for The Boeing Company (Boeing), Santa Susana Field Laboratory (SSFL) site. The Los Angeles Water Board set forth the process it will use at the hearing on the tentative NPDES Permit in a Notice of Opportunity for Public Comment and Notice of Public Hearing dated December 8, 2021 (Notice), and a Revised Notice on January 5, 2022 (Revised Notice).¹ This Order sets forth certain procedural matters for the public hearing; the Los Angeles Water Board Chair's rulings on requests for party status; and the preliminary order of proceedings. The final order of proceedings will be issued no later than the morning of February 10, 2022.²

PROCEDURAL MATTERS

The following procedural matters are addressed herein:

As specified in the Notice and the Revised Notice, the hearing on the tentative NPDES Permit for SSFL (Agenda Item 13 on the February 2022 Board Meeting Agenda) will be held on February 10, 2022 at the regularly scheduled meeting of the Los Angeles Water Board (February 2022 Board Meeting). **The hearing on the tentative NPDES Permit for SSFL will begin no earlier than 12:30 p.m.**

REQUESTS FOR PARTY STATUS

¹ The Revised Notice is available here: [Notice for Public Comment and Public Hearing \(ca.gov\)](#)

² These Procedural Matters are in addition to, and supplement, those set forth in the Revised Notice on January 5, 2022, and the Agenda for the Los Angeles Water Board's February 10, 2022 Board Meeting ([Feb. 2022 Board Meeting Agenda \(ca.gov\)](#)). If anything in this Order conflicts with anything in the Revised Notice or the Agenda, this Order shall govern.

The Notice designated the applicant/permittee, Boeing, as a party to this proceeding. The Notice advised members of the public as follows:

“Any other persons requesting party status must submit a written or electronic request to staff not later than 20 business days before the hearing. All parties will be notified if other persons are so designated.” Twenty business days before the hearing (scheduled for February 10, 2022) was January 12, 2022.

The Los Angeles Water Board received one timely request for party status in this matter, and one untimely request for party status. The Chair of the Los Angeles Water Board, Lawrence Yee, having reviewed the requests, rules as follows:

Timely request: On January 12, 2021, the Los Angeles Water Board received a request via email for party status from Dan Hirsch on behalf of a number of organizations, including:

- Physicians for Social Responsibility - Los Angeles (PSR-LA)
- Committee to Bridge the Gap (CBG)
- Parents Against the Santa Susana Field Lab (PASSFL)
- Rocketdyne Cleanup Coalition (RCC)
- Public Employees for Environmental Responsibility (PEER)

The request was based on the assertion that Boeing could not adequately represent these organizations’ interests.³ Specifically, the Community Organizations assert that the proposed permit would allow Boeing to “continue to adversely impact public health and the environment without consequence,” which “is in direct conflict with our groups’ collective aims to protect the health of the public and the environment.” The Community Organizations also allege that their interests would be affected by the outcome of this proceeding, because they “work to protect the communities and environment near SSFL from the contamination that migrates from it, and which will continue to migrate from it if the site is not cleaned up and if pollution discharge limits are not vigorously enforced.” In addition, several of the organizations here (PSR-LA, CBG and RCC) were granted party status when the Los Angeles Water Board last considered the SSFL NPDES Permit in 2015.

Ruling: The timely request from Mr. Hirsch on behalf of the Community Organizations, PSR-LA, CBG, RCC, PEER and PASSFL, was GRANTED on January 14, 2022. The Community Organizations identified above are hereby collectively designated as additional parties to this proceeding, pursuant to section 648.1(a) of Title 23 of the California Code of Regulations. In the January 12, 2022 email from Mr. Hirsch requesting party status, the Community Organizations demonstrated that they have an interest in, and will be affected by, the Los Angeles Water Board’s decision in this proceeding. The Community Organizations have also demonstrated that Boeing does not adequately represent the organizations’ interests. As noted in their written

³ Hereafter, these organizations will be referred to collectively as the Community Organizations.

comments on the Tentative Permit and the January 12, 2022 email, the Community Organizations have presented arguments that are different from or in opposition to positions taken by Boeing. The Community Organizations have also presented arguments that are different from or in opposition to positions taken by the Los Angeles Water Board staff in the Tentative Permit. Accordingly, the Los Angeles Water Board finds that the Community Organizations' perspective and participation as a party will be beneficial to further develop the issues before the Board. In addition, because all parties and interested persons will be subject to reasonable time limits to make presentations, there is no impact on the efficient conduct of the hearing itself.

Untimely request: On January 18, 2022, the Los Angeles Water Board received an email from John Luker, requesting party status on behalf of the Santa Susana Mountain Park Association (SSMPA) and Save Chatsworth, Inc. (SCI). The request was made based on the following: That the organizations (SSMPA, SC) have been around since 1970 and their mission is to preserve, protect and restore the Simi Hills; and they have been following the investigation and cleanup for quite some time.

Ruling:

The untimely request for party status by Mr. Luker on behalf of SSMPA and SCI is DENIED. However, should SSMPA and SCI wish more than the standard amount of time to provide oral comments to the Los Angeles Water Board at the February 10, 2022 hearing, Mr. Luker and/or any other representative of SSMPA and SCI should contact the Los Angeles Water Board. **Any requests for additional time to present to the Los Angeles Water Board will be considered if they are made before 5:00 p.m. on Friday, February 4, 2022.**

The parties are hereby notified that any communications to the Los Angeles Water Board prior to the hearing by any party shall be copied to all other parties.

ORDER OF PROCEEDINGS

During the public hearing on this agenda item at the February 2022 Board Meeting, Los Angeles Water Board staff will provide an overview of the Revised Tentative Permit, including proposed modifications as a logical outgrowth of written comments received, and put forth their recommendations on the Tentative Permit. Parties and members of the public (called "Interested Persons") will then have the opportunity to orally address the Board. No new written materials may be submitted per the Revised Notice, which established a written comment deadline of January 18, 2022. If any person uses a PowerPoint presentation or other visual aids, they must submit a copy to the Los Angeles Water Board at least 48 hours prior to the start of the February 2022 Board Meeting to Duong Trinh via email at Duong.Trinh@waterboards.ca.gov. Parties and Interested Persons with similar concerns or opinions are encouraged to choose one representative to speak, and are encouraged to coordinate their presentations with each other, and to summarize their written comments. Repetitive comments are discouraged.

As set forth in the Agenda for the February 2022 Meeting (Agenda), all comments on the SSFL Tentative Permit will be limited to 3 minutes unless directed otherwise by the Board Chair or previously approved by the Executive Officer in writing. **Per the Agenda, persons requesting more than 3 minutes to speak on the SSFL Tentative Permit must register to participate in the meeting not later than 5:00 pm, Friday, February 4, 2022** via the Zoom registration link [Webinar Registration - Zoom](#) and indicate in their registration that they wish to speak on this item, Item 13, and the amount of time they are requesting.

To date, the Los Angeles Water Board has received requests from the Community Organizations and Boeing requesting additional time to present their oral comments at the hearing. **In consideration of these requests, the Chair is granting the Community Organizations 30 minutes collectively and Boeing 30 minutes.**

After the February 4, 2022 deadline for requesting additional time, the Los Angeles Water Board will consider all other requests, taking into account the complexity and number of issues under consideration, the extent to which the parties have coordinated, the number of parties and Interested Persons, the opportunity to submit written comments that are part of the administrative record, the extent to which the parties have identified unique interests, and the time available for the hearing, and it will issue an Amended Order of Proceedings. **The Amended Order of Proceedings will issue no later than February 7, 2022,** and it will include the time allocated to each party and interested person to present on this Agenda item to the Los Angeles Water Board at February 2022 Board Meeting. Questions from the Board and the time to answer them will not be charged against the parties' or interested persons' allotted time.