

Los Angeles Regional Water Quality Control Board

NOTICE OF PUBLIC MEETING

**TO CONSIDER TENTATIVE RESOLUTION NO. 2022-XX
APPROVING THE DRAFT MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE
LOS ANGELES REGIONAL WATER QUALITY CONTROL BOARD AND THE BOEING
COMPANY ESTABLISHING THE PROCESSES, METHODOLOGIES, AND STANDARDS
FOR ASSESSING STORMWATER DISCHARGES AND APPLICABLE REQUIREMENTS
FOLLOWING THE BOEING COMPANY'S SOIL CLEANUP AT THE FORMER SANTA
SUSANA FIELD LABORATORY SITE AND AUTHORIZING THE EXECUTIVE OFFICER TO
SIGN THE MOU**

**Board of Supervisors Hearing Room
Ventura County Government Center
800 S. Victoria Avenue #1920
Ventura, CA 93009**

NOTICE

On June 9, 2022, at 9:00 AM, the Los Angeles Regional Water Quality Control Board (Los Angeles Water Board) will hold a public meeting to consider the adoption of a resolution to approve a memorandum of understanding (MOU) between the Los Angeles Water Board and The Boeing Company (Boeing) regarding the process, terms and conditions to be used to evaluate the need for Boeing's NPDES permit for stormwater discharges at the former Santa Susana Field Laboratory (SSFL) site after it completes its soil cleanup.

IMPORTANT:

To provide a fair and equal forum for interested persons, and so that the Board can consider all comments in context, all comments on the resolution and the MOU will only be heard on June 9, 2022. Therefore, while the Board has a regularly scheduled board meeting on May 12, 2022, no comments on the resolution and the MOU will be heard during that meeting.

The current NPDES permit for the SSFL site will not be discussed or considered at either the May or June meeting. The continuation of the public hearing on the renewal of the current NPDES permit, which began on February 10, 2022, has been postponed to a later date to be announced.

All comments at this meeting will be limited to comments on the resolution and/or the MOU.

In-person and Remote Options:

This meeting will occur with both a physical meeting location, set forth above, and with an option for the public to participate from a remote location. For all Los Angeles Water Board meetings, there is no expectation of privacy regarding any communications. Meetings are recorded and names of participants are listed in the Zoom forum. Participation in a recorded meeting will be deemed consent to be recorded. For those who only wish to watch the meeting, the customary English webcast remains available at <https://cal-span.org/static/index.php> and should be used UNLESS you intend to comment. For members of the public who wish to comment, in-person attendance is welcomed. Click on link to register to speak in person:

<https://forms.office.com/g/00JQTVVmaJ> or you can participate telephonically or via the remote meeting solution. Additional information about participating telephonically or via the remote meeting solution is available here:

https://us02web.zoom.us/webinar/register/WN_TS99H5L4RsC2OBajZhH9Og For those who wish to watch the meeting and/or comment with Spanish translation, additional information about Spanish translation services via the remote meeting solution is available here:

https://www.waterboards.ca.gov/losangeles/board_info/remote_meeting/SpanishWebcast.pdf

Invitation to Comment at Public Meeting:

The public is invited to comment on the tentative resolution and draft MOU at the public meeting scheduled on June 9, 2022, which will start at 9:00 AM. If a member of the public cannot be present at the meeting in-person or remotely, but would like to comment, please contact Brian Anderson at Brian.Anderson@waterboards.ca.gov to request an accommodation no later than June 2, 2022.

All public comments will be limited to 3 minutes unless directed otherwise by the Board Chair or previously approved by the Executive Officer in writing. Depending on the number of speakers and the time available, the Board Chair retains the discretion to limit the time to less than 3 minutes for each person to speak, so that all have an opportunity to be heard. **Persons requesting more than 3 minutes to speak on this agenda item must make the request via email to Brian.Anderson@waterboards.ca.gov not later than 5:00 p.m., June 2, 2022.**

Timely requests will be evaluated by the Chair and the time granted will be communicated in advance of the meeting. Persons not requesting additional time to speak may register in person or via the links above at any time before or during the Board meeting.

If a person intends to use a PowerPoint presentation or other visual aids, they must be received by the Los Angeles Water Board's IT Department, to the attention of Khalid.Abdullah@waterboards.ca.gov at least 48 hours prior to the meeting, unless otherwise stated. Presentations submitted after the deadline will not be accepted.

BACKGROUND: CalEPA, DTSC and the Los Angeles Water Board Mediation with Boeing:

The former SSFL site is owned in part by Boeing and in part by the United States of America. NASA administers the portion of the property owned by the federal government. In addition, the U.S. Department of Energy (DOE) also owned and operated several buildings that were constructed on a portion of the land owned by Boeing. From 1947 to 2006, Boeing and its predecessors, and NASA and DOE, conducted industrial activity at the site that included

research, development, assembly and testing of rocket engines, small-scale nuclear reactors and chemical lasers. As of 2006, all industrial activity had ceased at the site.

The Los Angeles Water Board is not in charge of the cleanup at the site. The Department of Toxic Substances Control (DTSC) is the regulatory agency overseeing the cleanup of soil and groundwater at the site. Boeing, NASA and DOE are each cleaning up separate designated areas of the site. However, Boeing *is* subject to regulation by the Los Angeles Water Board for its surface water discharges from the site under the National Pollutant Discharge Elimination System (NPDES) permit program. While industrial activity has ceased at the site, soil contamination remains; therefore, there is an NPDES permit for stormwater runoff from the site. This permit, first issued by the Los Angeles Water Board in 1998, requires rigorous management of stormwater before it leaves the site using advanced treatment systems and distributed best management practices.

In January 2021, the California Environmental Protection Agency (CalEPA) and the Department of Toxic Substances Control (DTSC) entered into non-binding mediation with Boeing to resolve ongoing disputes over Boeing's obligations for the soil and groundwater cleanup at the site and to limit further delays. The Los Angeles Water Board was invited to participate in the mediation given its jurisdiction over surface water at the site and its role in advising DTSC on the Water Boards' laws, policies and regulations regarding groundwater.¹ DTSC and the Los Angeles Water Board provided a [public statement](#) regarding their decision to engage in mediation and the Administration's commitment to protecting people and the environment at and around the site and accomplishing the cleanup at the site.

As a result of this mediation, two principal agreements have emerged. These two agreements are separate, but inter-dependent. Together, they establish a path toward comprehensive cleanup of the Boeing areas of responsibility and ensure that no stormwater runoff from those areas will impact human health or the environment following Boeing's soil cleanup.

The first agreement is a settlement agreement between DTSC and Boeing to resolve the previously noted disputes, and set forth the process, methodologies and schedules that will inform Boeing's soil and groundwater remediation obligations and ultimately lead to the cleanup standards for Boeing's areas of responsibility at the site. This agreement has been finalized and will be the subject of a public meeting that DTSC holds separately on June 2, 2022. **DTSC – Boeing settlement agreement is not the subject of this public meeting.**

The second agreement is proposed between the Los Angeles Water Board and Boeing. **This agreement is the draft Memorandum of Understanding or MOU that is the subject of this public meeting.** The MOU is an agreement that would establish the process, methodologies and standards for future decision-making by the Los Angeles Water Board *after Boeing completes its soil cleanup* at the site. A summary of the MOU is set forth below.

Summary of Draft MOU Between the Los Angeles Water Board and Boeing:

The MOU would establish the processes that the Los Angeles Water Board will use to evaluate the quality of stormwater discharges from Boeing's areas of responsibility that have been

¹ DTSC and the Los Angeles Water Board are both housed within CalEPA.

cleaned up, and to determine whether an NPDES permit will still be warranted for these areas. This MOU pertains to the portion of the site that is subject to Boeing's soil cleanup activities, with one exception: Specifically, the MOU requires the permitting of NASA and/or DOE under the NPDES permit program prior to the time that Boeing can ask the Los Angeles Water Board to release it from its NPDES permit.

As indicated above, DTSC, not the Los Angeles Water Board, is the entity responsible for the soil and groundwater cleanup at the site. **This MOU is between the Los Angeles Water Board and Boeing, and therefore, it is not tied at all to soil cleanup decisions. Rather, it is predicated upon the completion of Boeing's soil cleanup in its areas of responsibility at the site.** This is reflected in various places in the MOU, including Recitals L-P, and in Section 3.1 of the Terms of the MOU.

Under the MOU, Boeing is required to meet strict standards following completion of its soil cleanup before it can ask the Board to relieve it of its obligations under the NPDES stormwater permit. Each of the following controls and conditions must be satisfied before the Los Angeles Water Board will consider termination of Boeing's NPDES permit:

- (a) Boeing must complete soil cleanup in its areas of responsibility at the site;
- (b) DTSC must issue Boeing a Corrective Action Complete Determination for Soil;²
- (c) Modeling must show that stormwater from Boeing's areas of responsibility will no longer be polluted;
- (d) Post-cleanup confirmation stormwater testing, including chronic toxicity testing, as required and overseen by the Los Angeles Water Board, must demonstrate that the stormwater is in fact no longer polluted from Boeing's past industrial activities in Boeing's areas of responsibility at the site;
- (e) A human health risk assessment (HHRA) must be conducted and it must show that the stormwater runoff from Boeing's areas of responsibility will not impact human health or aquatic life;
- (f) Both DOE and NASA must be permitted under the NPDES program as necessary, so that there is no gap in stormwater permit coverage for industrial stormwater discharges from the site.

Only when the Executive Officer of the Los Angeles Water Board is satisfied that all of these conditions have been met will they support an application by Boeing to the Board to consider termination of Boeing's NPDES permit.

The MOU does not pre-determine any future decision by the Los Angeles Water Board. Any future action by the Los Angeles Water Board to consider releasing Boeing from its NPDES permit obligations *after the above conditions are satisfied* will be subject to all applicable requirements regarding public notice and comment and a public hearing as set forth in the Code of Federal Regulations and the California Water Code.

² A Corrective Action Complete Determination is a document issued by DTSC to Boeing that confirms that Boeing has completed the cleanup of contaminated soils according to DTSC's requirements.