

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LOS ANGELES REGION
ADMINISTRATIVE CIVIL LIABILITY COMPLAINT NO. R4-2025-0268
IN THE MATTER OF**

THE BOEING COMPANY

This Administrative Civil Liability Complaint (Complaint) is issued by the Assistant Executive Officer of the Los Angeles Regional Water Quality Control Board (Los Angeles Water Board) on behalf of the Los Angeles Water Board Prosecution Team to The Boeing Company (Respondent) pursuant to California Water Code (Water Code) sections 13350 and 13385, which authorizes the imposition of administrative civil liability, Water Code section 13323, which authorizes the Executive Officer to issue this Complaint, and Water Code Division 7, which authorizes the delegation of the Executive Officer's authority to a deputy, in this case, the Assistant Executive Officer. This Complaint is based on evidence that the Respondent exceeded effluent limitations in its National Pollutant Discharge Elimination System (NPDES) permits for the Santa Susana Field Laboratory (SSFL) located at 5800 Woolsey Canyon Road in Canoga Park, California (Facility).

The Assistant Executive Officer of the Los Angeles Water Board alleges the following:

BACKGROUND

1. The Respondent, an industrial discharger, is an owner and operator of a portion of the Facility.
2. The Facility occupies approximately 2,850 acres and is located at the top of Woolsey Canyon Road in the Simi Hills, Ventura County, California.
3. For the period relevant to the violations alleged herein, stormwater discharges from the Facility were regulated under Waste Discharge Requirements for The Boeing Company, Santa Susana Field Laboratory, Order Nos. R4-2015-0033, NPDES No. CA0001309 (2015 Permit) and R4-2023-0359, NPDES No. CA0001309 (2023 Permit).
4. The 2015 Permit was adopted on February 12, 2015 and became effective on April 1, 2015. Despite the 2015 Permit expiring on March 31, 2020, the terms and conditions of the order were administratively extended until the effective date of the 2023 Permit.
5. The 2023 Permit was adopted on October 19, 2023 and became effective on January 1, 2024. The 2023 Permit rescinded the 2015 Permit upon the effective date of the order except for enforcement purposes.

6. The Facility, in part, discharges stormwater runoff to Bell Creek and Arroyo Simi, both waters of the state. For purposes of the effluent limitation violations alleged herein, Discharge Points 001, 002, and 011 discharge to Bell Creek and Discharge Points 004, 006, 009, and 010 discharge to Arroyo Simi.
7. Bell Creek is a tributary to the Los Angeles River. Bell Creek is a Clean Water Act section 303(d) listed impaired waterbody for bacteria.
8. Arroyo Simi is a tributary to Calleguas Creek. Arroyo Simi is a Clean Water Act section 303(d) listed impaired waterbody for ammonia, boron, chloride, chlorpyrifos, sulfates, total dissolved solids, bifenthrin, cyfluthrin, cypermethrin, deltamethrin, iron, permethrin, pyrethroids, chlordane, copper, dichlorodiphenyltrichloroethane (DDT), nitrate/nitrite, selenium, sedimentation/siltation, trash, and toxicity.
9. The Water Quality Control Plan for the Los Angeles Region (Basin Plan) designates the following beneficial uses for Bell Creek and Arroyo Simi:
 - a. Bell Creek:
 - i. Existing: Wildlife Habitat (WILD)
 - ii. Intermittent: Ground Water Recharge (GWR), Water Contract Recreation (REC-1), Non-Contact Water Recreation (REC-2), Warm Freshwater Habitat (WARM)
 - iii. Potential: Municipal and Domestic Supply (MUN)¹
 - b. Arroyo Simi:
 - i. Existing: Wildlife Habitat (WILD)
 - ii. Intermittent: Industrial Service Supply (IND), Ground Water Recharge (GWR), Freshwater Replenishment (FRSH), Water Contract Recreation (REC-1), Non-Contact Water Recreation (REC-2), Warm Freshwater Habitat (WARM), Municipal and Domestic Supply (MUN)¹
10. According to the Respondent's self-monitoring reports, the Respondent exceeded effluent limitations for manganese, TCDD Equivalents, iron, lead, pH, mercury, and

¹ MUN is designated under State Water Board Resolution No. 88-63 and Los Angeles Water Board Resolution No. 89-03. However, the Los Angeles Water Board has only conditionally designated these receiving waters with the MUN beneficial use.

sulfate in the 2015 Permit or 2023 Permit on thirty-nine (39) instances from January 2023 to March 2025.²

LEGAL AND REGULATORY CONSIDERATIONS

11. The 2015 Permit contains, in part, the following effluent limitations for Discharge Point 011:

Parameters	Units	Maximum Daily	Notes
TCDD (TEQ)	µg/L	2.8E-08	--
TCDD (TEQ)	lbs/day	2.75E-08	2
Iron	mg/L	0.3	--
Iron	lbs/day	295	2
Manganese	µg/L	50	--
Manganese	lbs/day	49.1	2

Note 2: The mass-based effluent limitations are calculated using the maximum flow of 117.83 million gallons per day (mgd) for Outfalls³ 001, 002, 011, and 018. The flow used for Outfalls 019 and 020 is 0.144 mgd. The flow used to calculate the mass for Outfalls 003, 004, 005, 006, 007, 009, and 010 is 64.33 mgd. For Outfall 008, the flow rate of 7.21 mgd was used. If the recorded flow is different, the mass should be recalculated using the equation: Mass (lbs/day) = Flow (mgd) * 8.34 * concentration (mg/L).

12. The 2015 Permit contains, in part, the following effluent limitations for Discharge Points 009 and 010:

Parameters	Units	Maximum Daily	Notes
Lead, Total Recoverable	µg/L	5.2	5
Lead, Total Recoverable	lbs/day	2.8	2, 5
TCDD	µg/L	2.8E-08	--
TCDD	lbs/day	1.5E-08	2

Note 2: The mass-based effluent limitations are calculated using the maximum flow of 117.83 million gallons per day (mgd) for Outfalls 001, 002, 011, and 018.

² The Complaint only addresses those violations specifically alleged herein. The Complaint does not include alleged violations of the 2023 Permit related to the effluent limitations for aluminum that may have occurred from January 2024 to March 2025. The Los Angeles Water Board Prosecution Team believes the effluent limitations for aluminum are the subject of an ongoing appeal related to the 2023 Permit. The Los Angeles Water Board Prosecution Team is using its prosecutorial discretion not to allege exceedances of the effluent limitation for aluminum at this time and reserves any and all rights to pursue any and all enforcement actions authorized by law for any such potential violations at a later date.

³ The term "outfall" is used interchangeably with the term "discharge point" in the 2015 Permit and 2023 Permit.

The flow used for Outfalls 019 and 020 is 0.144 mgd. The flow used to calculate the mass for Outfalls 003, 004, 005, 006, 007, 009, and 010 is 64.33 mgd. For Outfall 008, the flow rate of 7.21 mgd was used. If the recorded flow is different, the mass should be recalculated using the equation: Mass (lbs/day) = Flow (mgd) * 8.34 * concentration (mg/L).

Note 5: Concentrations correspond to a total hardness of 100 mg/L.

13. The 2023 Permit contains, in part, the following effluent limitations for Discharge Points 001, 002, 011, and 018:

Parameters	Units	Maximum Daily	Notes
pH	standard units	6.5 to 8.5	b
Manganese	µg/L	50	a
Manganese	lbs/day	49.1	a
Sulfate	mg/L	300	--
Sulfate	lbs/day	294,810	a
Lead, TR	µg/L	5.2	f and g
Lead, TR	lbs/day	5.1	a
TCDD Equivalents	µg/L	2.8E-08	i
TCDD Equivalents	lbs/day	2.75E-08	a

Note a: The mass-based effluent limitations are calculated using the maximum flow of 117.83 million gallons per day (MGD) for Discharge Points 001, 002, 011, and 018 combined as follows: Mass (lbs/day) = Flow (mgd) * 8.34 * concentration (mg/L).

Note b: The effluent limitations for pH are 6.5 as an Instantaneous Minimum and 8.5 as an Instantaneous Maximum.

Note f: Samples analyzed must be unfiltered samples.

Note g: Concentrations correspond to a total hardness of 100 mg/L.

Note i: TCDD equivalents shall be calculated using the following formula contained in footnote (i) to Table 4 in the 2023 Permit.

14. The 2023 Permit contains, in part, the following effluent limitations for Discharge Points 004, 006, 009, and 010:

Parameters	Units	Maximum Daily	Notes
Lead, TR	µg/L	5.2	f and g
Lead, TR	lbs/day	2.8	a
Mercury, TR	µg/L	0.024	f
Mercury, TR	lbs/day	0.013	a
TCDD Equivalents	µg/L	2.8E-08	h
TCDD Equivalents	lbs/day	1.5E-08	a

Note a: The mass-based effluent limitations are calculated using the maximum flow for Discharge Points 003, 004, 005, 006, 007, 009, and 010, which is 64.33 MGD, as follows: $\text{Mass (lbs/day)} = \text{Flow (mgd)} * 8.34 * \text{concentration (mg/L)}$.

Note f: Samples analyzed must be unfiltered samples.

Note g: Concentrations correspond to a total hardness of 100 mg/L.

Note h: TCDD equivalents shall be calculated using the following formula contained in footnote (h) to Table 5 in the 2023 Permit.

15. The 2023 Permit does not contain effluent limitations for iron at Discharge Point 011 based on new information from Surface Water Expert Panel studies indicating “iron concentrations are likely from soils that are naturally occurring and not related to past industrial activity that occurred at the site.” (2023 Permit, Att. F, § 4.4.1, p. F-58.)
16. Water Code section 13350, subdivision (a) states, in part, “A person who ... (2) in violation of a waste discharge requirement, waiver condition, certification, or other order or prohibition issued, reissued, or amended by a regional board or the state board, discharges waste, or causes or permits waste to be deposited where it is discharged, into the waters of the state ... shall be liable civilly, and remedies may be proposed, in accordance with subdivision (d) or (e).”
17. Water Code section 13350, subdivision (e) allows a regional board to impose civil liability administratively pursuant to Article 2.5 (commencing with Section 13323) of Chapter 5 either on a daily or per gallon basis, but not both.
18. Under Water Code section 13350, subdivision (e)(1), civil liability imposed on a daily basis shall not exceed five thousand dollars (\$5,000) for each day the violation occurs.
19. Under Water Code section 13350, subdivision (e)(2), civil liability imposed on a per gallon basis shall not exceed ten dollars (\$10) for each gallon of waste discharged.
20. Pursuant to Water Code section 13327 in determining the amount of discretionary administrative civil liability, the Los Angeles Water Board shall take into consideration the nature, circumstances, extent, and gravity of the violation, whether the discharge is susceptible to cleanup or abatement, the degree of toxicity of the discharge, and, with respect to the violator, the ability to pay, the effect on the ability to continue in business, any voluntary cleanup efforts undertaken, any prior history of violations, the degree of culpability, economic benefit or savings, if any, resulting from the violation, and other matters as justice may require.

21. The State Water Resources Control Board's (State Water Board) Water Quality Enforcement Policy establishes a methodology for assessing discretionary administrative civil liability. The use of this methodology addresses the factors that are required to be considered when imposing an administrative civil liability as outlined in Water Code section 13327. On April 4, 2017, the State Water Board adopted Resolution No. 2017-0020, which adopted the 2017 Water Quality Enforcement Policy (2017 Enforcement Policy). The 2017 Enforcement Policy was approved by the Office of Administrative Law (OAL) and became effective on October 5, 2017. The State Water Board subsequently adopted Resolution No. 2023-0043 on December 5, 2023, which adopted the 2024 Water Quality Enforcement Policy (2024 Enforcement Policy). The 2024 Enforcement Policy was approved by OAL and became effective on November 7, 2024. Appendix D to the 2024 Enforcement Policy addresses the applicability of the policies. Generally, the policy in place at the time the violation occurs should apply and substantive changes to the policy cannot be applied retroactively; however, clarifications or procedural changes may be applied to new matters upon the effective date of the 2024 Enforcement Policy.
22. Violations 1-35 allegedly occurred during periods covered by the 2017 Enforcement Policy or 2024 Enforcement Policy. The penalty calculation methodology in the 2024 Enforcement Policy, including its clarifications and procedural changes, is used in Attachment A, hereby incorporated by reference, as neither of the substantive changes⁴ in the 2024 Enforcement Policy are applicable.⁵
23. Water Code section 13385, subdivisions (h) and (i) require assessment of mandatory minimum penalties of three thousand dollars (\$3,000) as follows:
- a. Under Water Code section 13385, subdivision (h)(1) for each "serious violation", defined under subdivision (h)(2) as "any waste discharge that violates the effluent limitations contained in the applicable waste discharge requirements for a Group II pollutant, as specified in Appendix A to Section 123.45 of Title 40 of the Code of Federal Regulations, by 20 percent or more for a Group I pollutant, as specified in Appendix A to Section 123.45 of Title 40 of the Code of Federal Regulations, by 40 percent or more."

⁴ Substantive changes in the 2024 Enforcement Policy include not collapsing days under Step 3 and the definition of "violation" under History of Violations in Step 4.

⁵ Violations 36-39 occurred during the period covered by the 2017 Enforcement Policy. The penalty calculation methodology in the 2017 Enforcement Policy does not apply to these violations because the Los Angeles Water Board Prosecution Team seeks mandatory minimum penalties, rather than discretionary administrative civil liabilities for these violations.

- b. Under Water Code section 13385, subdivision (i) “for each violation whenever the person does any of the following four or more times in any period of six consecutive months, except that the requirement to assess the mandatory minimum penalty shall not be applicable to the first three violations:
- (A) Violates a waste discharge requirement effluent limitation.
 - (B) Fails to file a report pursuant to Section 13260.
 - (C) Files an incomplete report pursuant to Section 13260.
 - (D) Violates a toxicity effluent limitation contained in the applicable waste discharge requirements where the waste discharge requirements do not contain pollutant-specific effluent limitations for toxic pollutants.”
24. Pursuant to Water Code section 13350, subdivision (j) and Water Code section 13385, subdivision (g), liability shall not be recoverable under both Water Code sections 13350 and 13385 for the same underlying violation.
25. Issuance of this Complaint to enforce Water Code, Division 7, Chapter 5.5 is exempt from the provisions of the California Environmental Quality Act (Pub. Resources Code, §21000 et seq), in accordance with California Code of Regulations, title 14, section 15321, subdivision (a)(2).

ALLEGED VIOLATIONS

26. Violations 1-35: The Los Angeles Water Board Prosecution Team alleges that the Respondent violated the daily maximum effluent limitations for TCDD equivalents, lead, mercury, manganese, or sulfate as well as the instantaneous maximum for pH in the 2015 Permit or 2023 Permit on thirty-five (35) instances from January 2023 – March 2025, as identified in Attachment A. The alleged violations are discharges in violation of waste discharge requirements subject to discretionary administrative civil liability under Water Code section 13350.
27. In the alternative, Violations 2-35 are subject to mandatory minimum penalties under Water Code section 13385, subdivision (h) and/or (i) as identified in Attachment B, hereby incorporated by reference. There is no mandatory minimum penalty for Violation 1 as it is a chronic violation for which there are no known violations of the type identified in Water Code section 13385, subdivision (i) in the six months preceding Violation 1.
28. Violations 36-39: The Los Angeles Water Board Prosecution Team alleges that the Respondent violated the daily maximum effluent limitations for iron in the 2015 Permit on four instances from January – March 2023, as identified in Attachment

C, hereby incorporated by reference. The alleged violations are serious violations under Water Code section 13385, subdivision (h) as iron is a Group I pollutant and each alleged violation exceeded the effluent limitation by 40 percent or more.

PROPOSED ADMINISTRATIVE CIVIL LIABILITY

29. The Los Angeles Water Board Prosecution Team proposes an administrative civil liability of five hundred eighty-three thousand twenty-six dollars (\$583,026) under Water Code section 13350, subdivision (e) for Violations 1-35, as detailed in Attachment A. This proposed administrative civil liability was derived using the penalty calculation methodology in the 2024 Enforcement Policy. The proposed administrative civil liability takes into account the factors described in Water Code section 13327, such as the Respondent's culpability, history of violations, ability to pay, and other factors as justice may require.
30. Alternatively, Violations 2-35 are each subject to a three thousand dollar (\$3,000) mandatory minimum penalty under Water Code section 13385, subdivision (h) and/or (i), for a total of one hundred two thousand dollars (\$102,000).
31. Violations 36-39 are each subject to a three thousand dollar (\$3,000) mandatory minimum penalty under Water Code section 13385, subdivision (h), for a total of twelve thousand dollars (\$12,000).

THE RESPONDENT IS HEREBY GIVEN NOTICE THAT:

32. The Assistant Executive Officer of the Los Angeles Water Board proposes an administrative civil liability in the amount of five hundred eighty-three thousand twenty-six dollars (\$583,026) for Violations 1-35 and twelve thousand dollars (\$12,000) for Violations 36-39. The amount of the proposed administrative civil liability for Violations 1-35 is based upon a review of the factors cited in Water Code section 13327 and the 2024 Enforcement Policy.
33. A hearing on this matter will be conducted by the Los Angeles Water Board on February 26, 2026, unless the Respondent does any of the following by the deadline to submit the Waiver Form that is identified in the Hearing Procedure issued concurrent with this Complaint:
 - a. The Respondent waives the right to a hearing by completing the enclosed Waiver Form (checking the box next to Option 1) and returning it to the Los Angeles Water Board, along with full payment of the proposed administrative civil liability of five hundred ninety-five thousand twenty-six dollars (\$595,026) following the instructions in the Waiver Form; or,
 - b. The Los Angeles Water Board agrees to postpone any necessary hearing after the Respondent requests to engage in settlement discussions by

checking the box next to Option 2 on the enclosed Waiver Form and returning it to the Los Angeles Water Board; or,

- c. The Los Angeles Water Board agrees to postpone any necessary hearing after the Respondent requests a delay by checking the box next to Option 3 on the enclosed Waiver Form and returning it to the Los Angeles Water Board along with a letter describing the reasons for the delay and the explanation of why additional time is needed.

34. If a hearing is held, it will be governed by the Hearing Procedure issued concurrently with this Complaint. During the hearing, the Los Angeles Water Board will hear testimony and argument and affirm, reject, or modify the proposed administrative civil liability, or determine whether to refer the matter to the Attorney General for recovery of judicial civil liability.

35. The Assistant Executive Officer reserves the right to amend the proposed amount of administrative civil liability to conform to the evidence presented.

36. Notwithstanding the issuance of this Complaint, the Los Angeles Water Board retains the authority to assess additional civil liability for violations that have not yet been assessed or for violations that may subsequently occur.

Russ Colby
Assistant Executive Officer

Attachment A: Penalty Calculation Methodology

Attachment B: Violations 1-35: Effluent Limitation Exceedances and Mandatory Minimum Penalty Information

Attachment C: Violations 36-39: Mandatory Minimum Penalty Information for Iron Violations