

CONTINUAL BOEING EXCEEDANCES

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Committee to Bridge the Gap
Before the Los Angeles
Regional Water Quality Control
Board
THURSDAY JUNE 3RD, 2010

- Last year, this Board granted Boeing a one year waiver of enforceable numeric limits for Outfalls 8 and 9 based in part on representations by Boeing's "Expert Panel" that the Interim Source Removal Action (ISRA) should be conducted simultaneously with construction of Engineered Natural Treatment Systems (ENTS) to prevent contamination mobilized by the soil removal operation from leaving the site.

- “There are two major items that we would like to address today.... our panel's finding that there is a need for ENTS throughout the 008 and 009 watersheds before, during, and after ISRA activities.”
- Jon Jones, Boeing “Expert Panel,” May 8, 2009 testimony to Board

- **“Perhaps this is the most important point that we can leave you with today as a panel. From our perspective, and based on the work we've done over the past year and a half, our panel has concluded that ISRA and ENTS combined offer the best protection for water quality.... To accomplish these objectives, in our panel’s opinion, ISRA and ENTS should be implemented simultaneously.”** Jones
testimony, emphasis added

- A month or so after the Board, based on these representations, granted Boeing a year's replacement of enforceable numeric limits for Outfalls 8 and 9 with unenforceable "benchmarks," Boeing quietly abandoned its plans for constructing ENTS at this time and proceeded with ISRA without ENTS.

- What is the purpose of today's hearing?

- “[In June 2010] we're going to be looking at the performance of Boeing under the benchmarks. We're going to be determining whether or not the benchmarks stay there or we go back to numeric limits.”

- Board Member Glickfeld, July 16, 2009 hearing

- “That's an opportune time for us to say, you know, Boeing, you've either done a great job and we'll move forward with you, or you've not and we need to take a different direction.”
- Board Chair Lutz, July 16, 2009 hearing

Performance Data

- A couple of months ago, Boeing informed the Board it would not provide the ISRA performance data and evaluation until June 30—weeks after today's Board vote.

- The first quarter monitoring report was only posted a few days ago – weeks after staff issued its proposed permit renewal for comment and the public comment period expired.

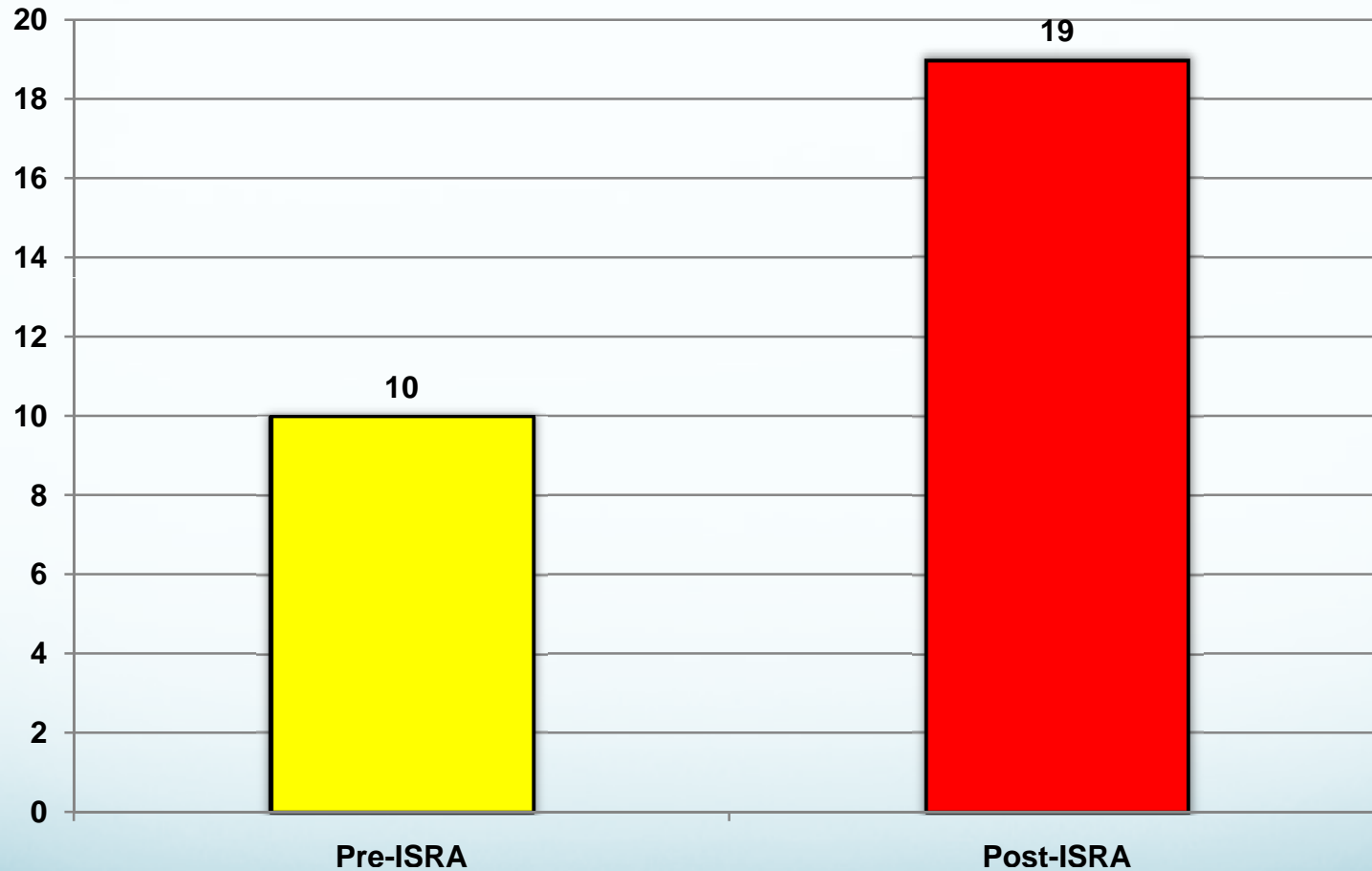
- Board Staff did not analyze the performance data in its proposed permit renewal published for public comment, and the public could not review it in advance of the close of the comment period.

- So what do the partial data released a few day ago reveal?

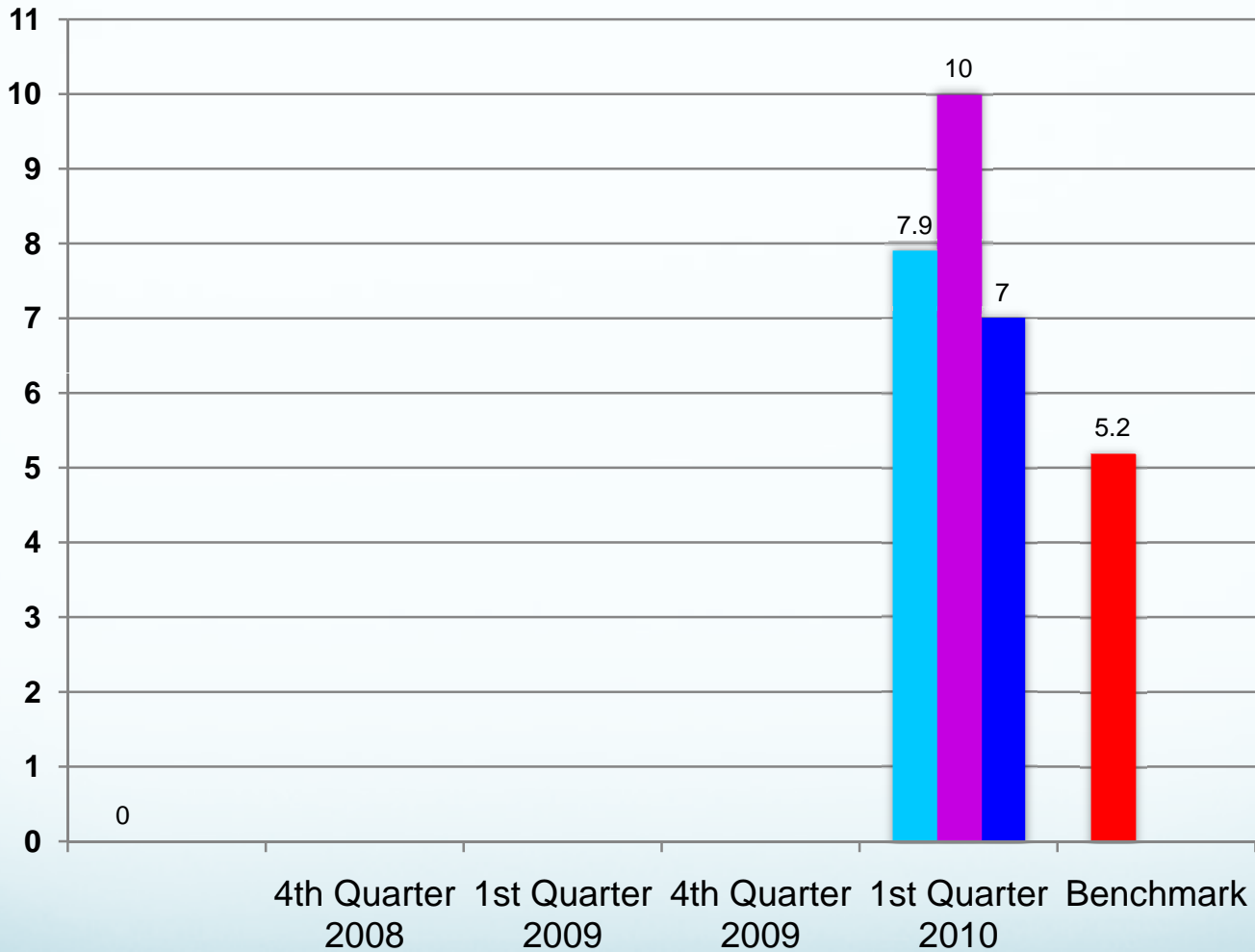
Outfalls 8 and 9 Combined TOTAL EXCEEDANCES

- In Rainy Season Before ISRA: 10
- In Same Period After ISRA: 19
- **EXCEEDANCES APPROXIMATELY
DOUBLED**

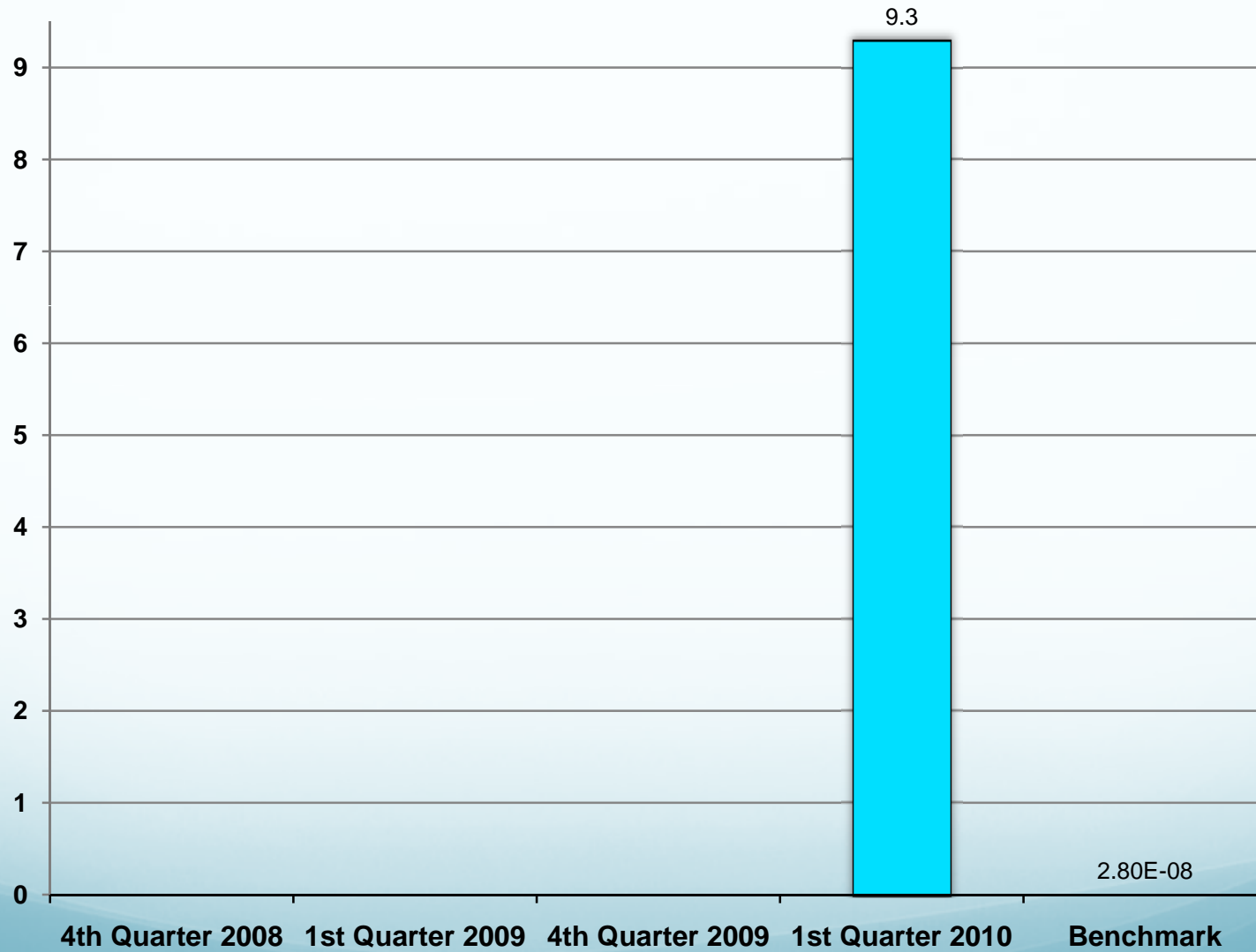
TOTAL EXCEEDANCES OUTFALLS 8 AND 9 COMBINED



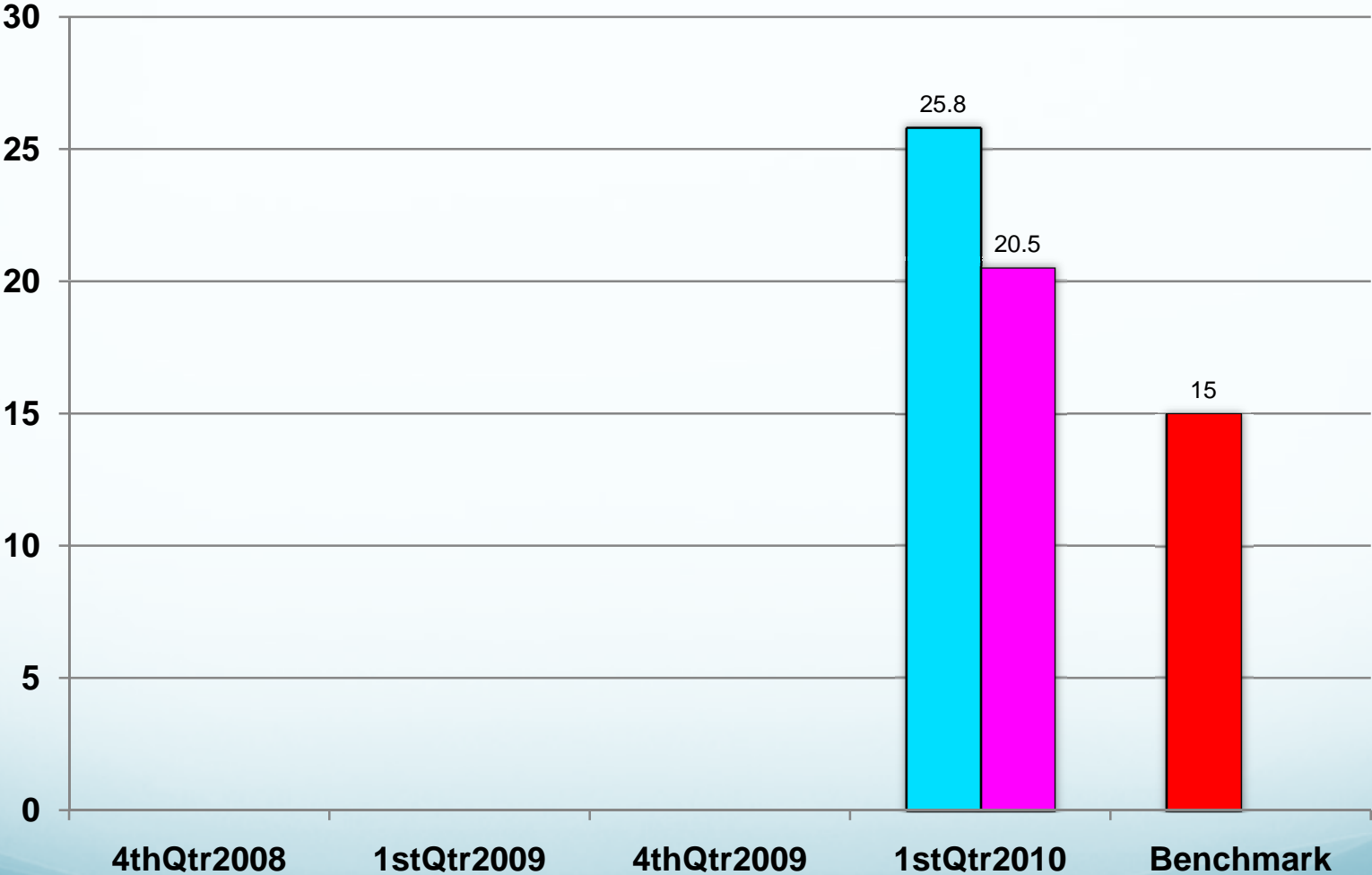
LEAD EXCEEDANCES AT OUTFALL 008



Dioxin (TCDD) Exceedance at OUTFALL 008



GROSS ALPHA RADIATION at OUTFALL 008



Outfall 8

Lead Exceedances

In Rainy Season Before ISRA: 0

In Same Period After ISRA: 3

Dioxin (TCDD) Daily Max Exceedances

In Rainy Season Before ISRA: 0

In Same Period After ISRA: 1

Gross Alpha Radioactivity Exceedances

- In Rainy Season Before ISRA: 0
- In Same Period After ISRA: 2

Total Exceedances

- In Rainy Season Before ISRA: 0
- In Same Period After ISRA: 6

Outfall 9

Lead Exceedances

- In Rainy Season Before ISRA: 3
- In Same Period After ISRA: 3

- “Boeing...conducted source removal activities in the Outfall 009 watershed to address TCDD and lead, among other constituents.... *It is likely that soil disturbance caused by these ongoing cleanup activities in the outfall 009 watershed contributed to the elevated lead concentration* noted in this sampling event.”

(emphasis added)

- February 15, 2010, Boeing “Fourth Quarter 2009 NPDES Discharge Monitoring Report Submittal”

Dioxin (TCDD) Daily Max Exceedances

- In Rainy Season Before ISRA: 4
- In Same Period After ISRA: 6

Dioxin (TCDD) Daily Mass Exceedances

- in Rainy Season Before ISRA: 3
- In Same Period After ISRA: 4

Total Exceedances

- In Rainy Season Before ISRA: 10
- In Same Period After ISRA: 13

Outfalls 8 and 9 Combined TOTAL EXCEEDANCES

- In Rainy Season Before ISRA: 10
- In Same Period After ISRA: 19
- **EXCEEDANCES APPROXIMATELY
DOUBLED**

Outfall 9 Maximum Values

Dioxin (TCDD) Daily Max

- pre-ISRA: 1.2×10^{-5}
- post-ISRA: 2.15×10^{-5}
- ~ **twice as high**

Dioxin (TCDD) Daily Mass

- pre-ISRA: 1.1×10^{-8}
- post-ISRA: 6.91×10^{-8}
- **~six times as high**

Lead

- pre-ISRA: 20
- post-ISRA: 8.9
- **~half as high**

Outfall 8 Maximums

Dioxin (TCDD) Daily Max

- pre-ISRA: $<2.8 \times 10^{-8}$
- post-ISRA: 2.3×10^{-6}
- **at least ~one hundred times as high**

Lead

- pre-ISRA: <5.2
- post-ISRA: 10
- **at least ~twice as high**

Gross Alpha Radioactivity:

- pre-ISRA: <15
- post-ISRA: 25.8
- **at least ~twice as high**

Conclusion

- Boeing's reversal of its apparent commitment to utilize ENTS before, during and after the soil removal operation appears to have contributed to an increase in the number and severity of exceedances of pollution permit "benchmarks."

Recommendation

- Require enforceable numeric limits for Outfalls 8 and 9, not “benchmarks.”
- Pollution laws are there for a reason: to be enforced, not waived.