



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 • TDD (951) 782-3221
www.waterboards.ca.gov/santaana

Edmund G. Brown Jr.
Governor

November 30, 2011

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

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

MANDATORY MINIMUM PENALTY ORDER NO. R8-2011-0048

Dear Ms. Wiley:

On September 9, 2011, you signed Mandatory Minimum Penalty Order No. R8-2011-0048 and Stipulations for Settlement regarding penalty assessments for violations of your waste discharge requirements. The document was posted on our website for 30 days to provide the public an opportunity to comment on the proposed penalty assessments. We did not receive any public comment.

I have signed the document on behalf of the Santa Ana Regional Water Quality Control Board and it now serves as an Order issued by the Board (copy enclosed). Payment of the penalty assessment is due within 30 days. Please submit a check in the amount \$3,000, made payable to the State Water Resources Control Board, by December 30, 2011.

If you have any questions, please contact Carl Bernhardt of my staff at (951) 782-4495, or by electronic mail at cbernhardt@waterboards.ca.gov.

Sincerely,

Kurt V. Berchtold
Executive Officer

Enclosure: Order No. R8-2011-0048

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

Board Members
State Water Resources Control Board, Office of Chief Counsel – David Rice
State Water Resources Control Board, Office of Enforcement – Cris Carrigan

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California Environmental Protection Agency



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Jennifer Wiley The Boeing Co.
Street, Apt. No.
or PO Box No. *2201 Seal Beach Blvd.*
City, State, ZIP+4
Seal Beach, CA 90740-1515

PS Form 3800, August 2006

See Reverse for Instructions



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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



