

STATE OF WASHINGTON
DANGEROUS WASTE MANAGEMENT PERMIT
FOR CORRECTIVE ACTION

Department of Ecology
Northwest Regional Office
15700 Dayton Avenue North
Shoreline, Washington 98133

Issued in accordance with the applicable provisions of the Hazardous Waste Management Act in Chapter 70A.300 Revised Code of Washington (RCW), and the regulations promulgated thereunder in Chapter 173-303 Washington Administrative Code (WAC).

ISSUED TO:

The Boeing Company
100 North Riverside
Chicago, Illinois 60606

FOR:

The Boeing Company – Boeing Commercial Airplane Group – Everett Plant
3003 West Casino Road
Everett, Washington 98204

This Permit is effective as of September 15, 2021, and shall remain in effect until September 15, 2031 unless revoked and reissued, modified, or terminated under WAC 173-303-830(3) and (5) or continued in accordance with WAC 173-303-806(7).

ISSUED BY: WASHINGTON STATE DEPARTMENT OF ECOLOGY



Raman Iyer, Section Manager
Washington Department of Ecology
Hazardous Waste & Toxics Reduction Program
Northwest Regional Office
September 15, 2021

INTRODUCTION

PERMITTEE: The Boeing Company

I.D. Number: WAD 041585464

Pursuant to Chapter 70A.300 RCW, the Hazardous Waste Management Act of 1976, as amended, and regulations codified in Chapter 173-303 WAC, a permit is issued to The Boeing Company (Boeing) to conduct corrective action at the Boeing Commercial Airplane Group – Everett Plant, located at 3003 Casino Road, Everett, Washington 98204. Boeing must comply with all conditions of this Permit.

Pursuant to RCW 70A.305.030(1)(d), the Washington State Department of Ecology (Ecology) is designated by the Washington State Legislature to carry out all State programs authorized by the United States Environmental Protection Agency (EPA) pursuant to the federal Resource Conservation and Recovery Act (RCRA), 42 U.S.C. Sec. 6901 et. seq., as amended. Ecology has authority to issue this Permit in accordance with RCW 70A.300.220 and is responsible for enforcement of all conditions of this Permit. Anyone may appeal these permit conditions or decisions by Ecology to the Pollution Control Hearings Board in accordance with WAC 173-303-845.

PART I - GENERAL CONDITIONS

I.1 Boeing shall comply with all requirements of WAC 173-303-810, which are hereby incorporated by reference into this Permit.

I.2. Modifications to the Enforcement Order No. DE 20573 and Agreed Order No. DE 20575 shall not require a permit modification, except when required by WAC 173-303-830, Appendix I (N)(5) to incorporate a substantial change requiring public comment under WAC 173-340-600. The Enforcement Order No. DE 20573 and Agreed Order No. DE 20575 is not appealable to the Pollution Control Hearings Board. The Enforcement Order No. DE 20573 and Agreed Order No. DE 20575 may be reviewed only as provided under the Model Toxics Control Act, Chapter 70A.305.070 RCW.

I.3. Compliance with the terms of this Permit does not constitute a defense to any order issued or any action brought under any other state or federal laws governing protection of public health or the environment. However, compliance with the terms of this Permit does constitute a defense to any action alleging failure to comply with the applicable standards upon which this Permit is based.

I.4. Pursuant to WAC 173-303-806(6), Boeing shall submit a new application for a final permit 180 days prior to the expiration date of this permit, unless Ecology grants a later date provided that such date is not later than the expiration date of the Permit. This Permit and all its conditions will remain in effect beyond the Permit's expiration date until Ecology has made a final permit determination if: (1) Boeing has submitted a timely application for a final status permit; (2) Ecology determines that the final permit application is complete as set forth in WAC 173-303-840(1)(b); and (3) Ecology has not made a final permit determination as set forth in WAC 173-303-840.

If Boeing fails to comply with the terms and conditions of the expiring or expired permit, then Ecology may take action consistent with WAC 173-303-806(7)(b). If the Boeing fails to submit a timely, complete application as required herein, then those permit conditions necessary to protect human health and the environment will remain in effect beyond the Permit's expiration date in accordance with WAC 173-303-815(2)(b)(ii), until Ecology terminates the conditions.

PART II - CORRECTIVE ACTION

II. Ecology is requiring that Boeing fulfill corrective action responsibilities for the facility, as defined by WAC 173-303-040, using the Model Toxics Control Act (MTCA), (Chapter RCW 70A.305), as amended, and its implementing regulations (Chapter 173-340 WAC), and the Dangerous Waste Regulations [(Chapter 173-303 WAC – specifically, WAC 173-303-646]. See Section III.1, *infra*. The actions taken must meet or exceed all substantive corrective action requirements of the Resource Conservation and Recovery Act (RCRA), the state Hazardous Waste Management Act, and the Dangerous Waste Regulations.

Boeing's corrective action obligations with respect to the facility under the Enforcement Order No. DE 20573 and Agreed Order No. DE 20575, effective September 15, 2021, are enforceable conditions of this Permit under the authority of Chapter 70A.300 RCW, and its implementing regulations, Chapter 173-303 WAC.

PART III - CORRECTIVE ACTION CONDITIONS

III.1. The Enforcement Order No. DE 20573 and Agreed Order No. DE 20575, effective September 15, 2021, was issued pursuant to the Model Toxics Control Act (MTCA), Chapter 70A.305 RCW, as amended, its implementing regulations, Chapter 173-340 WAC, and the Dangerous Waste Regulations, WAC 173-303-646. The Enforcement Order No. DE 20573 and Agreed Order No. DE 20575 and its attachments are incorporated by reference as fully enforceable under this Permit. Regardless of whether or not the Enforcement Order No. DE 20573 and Agreed Order No. DE 20575 is vacated, Boeing's corrective action obligations continue to be

enforceable conditions of this Permit under the authority of the Hazardous Waste Management Act (HWMA), Chapter 70A.300 RCW, and its implementing regulations, Chapter 173-303 WAC.

III.2. Ecology has selected a final cleanup as detailed in the Cleanup Action Plan dated September 15, 2021 for the Boeing Commercial Airplane Group – Everett Plant. The final cleanup remedies include containment of contaminated soil and groundwater, groundwater monitoring, soil vapor extraction, groundwater extraction, excavation, enhanced in situ bioremediation, dynamic groundwater recirculation, and monitored natural attenuation.

III.3. Boeing will continue the cleanup action until all of the conditions and requirements of the Enforcement Order No. DE 20573, Agreed Order No. DE 20575, and CAP have been met.