



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

1200 Sixth Avenue, Suite 155
Seattle, WA 98101

ENFORCEMENT &
COMPLIANCE ASSURANCE
DIVISION

Reply To: 20-C04

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Mr. John Sherman
Senior Environmental Manager
The Boeing Company
P.O. Box 3707, M/C 46-209
Seattle, Washington 98124

Re: **NOTICE OF VIOLATION**
Boeing - North Boeing Field
WAD980982037

Dear Mr. Sherman:

This Notice of Violation (NOV) is to inform Boeing – North Boeing Field of violations of the Washington State Hazardous Waste Management Act as authorized by the U.S. Environmental Protection Agency (EPA) pursuant to the Resource Conservation and Recovery Act (RCRA). These violations were identified as a result of an inspection performed by EPA on December 12-13, 2019, at the Boeing – North Boeing Field facility located at 7500 East Marginal Way in Seattle, Washington (“Facility”). The inspection was performed pursuant to EPA’s inspection authority under Section 3007 of RCRA, 42 U.S.C. § 6927.

From the observations made during the inspection, the following RCRA violations were identified at the Facility:

Violation 1: Failure to Keep Containers Closed

WAC 173-303-630(5)(a) allows the accumulation of dangerous waste in containers by a large quantity generator without a permit provided that, among other things, the container holding dangerous waste is closed at all times except when it is necessary to add or remove waste.

At the time of the inspection, the inspection team observed approximately 10 55-gallon drums (identified in Photographs one through four of the inspection report) that were not adequately closed. Inspectors observed that the drums either had a visible gap between drum and lid or else the lid was not fastened to the drum.

The failure to close these containers except when it was necessary to add or remove waste constituted a violation of WAC 173-303-630(5)(a).

Areas of Concern

In addition, the following Areas of Concern were noted during the inspection.

1. At the time of the inspection, inspectors observed that, throughout the paint hangars, there were multiple gasket rings missing or broken underneath easy access lids to 55-gallon paint waste and solvent waste drums. In several instances, portable monitor readings above 500 ppm were observed from the tops of 55-gallon drums and other smaller containers containing paint and solvent wastes. These included one 55-gallon drum within the wash hangar, two 55-gallon drums within Building 3-369 paint hangar and one 15-gallon container within Building 3-370 paint booth. Inspectors observed that it does not appear that the drum covers, as used by the Facility, provide adequate control of organic fugitive emissions from hazardous waste drums in satellite accumulation areas.
2. The inspection team observed evidence of past releases coming from the top of the Facility's distillation unit. The Facility did not provide any documentation substantiating any inspection of the distillation unit documenting the visual signs of a leak. The inspection team observed a portable monitor reading of 16,100 ppm on the distillation unit lid while the unit was in operation. The Facility made an attempt to tighten the lid, after which inspectors re-monitored the unit lid and observed a reading of 8,900 ppm. The overall condition and operating conditions of this unit as observed by the inspection team indicated that the hazardous secondary material is not contained.
3. WAC 173-303-201(9)(b)(vi) states that a large quantity generator must, as part of its contingency plan, have an evacuation plan for facility personnel where there is a possibility that evacuation could be necessary. At the time of the inspection, inspectors noted that the Facility's contingency plan did not include 90-day storage area which contained the roll-off container near the stormwater treatment system.

Required Action

The above violations may subject Boeing – North Boeing Field to enforcement action under Section 3008 of RCRA, 42 U.S.C. § 6928, including the assessment of civil penalties. Within 20 days of receipt of this NOV, EPA requests that you submit a written response and/or photographs that identify actions you have taken or will take to correct the violations, as well as provide responses to the Areas of Concern.

Please send all material submitted in response to this NOV to Kevin Schanilec, by email, at schanilec.kevin@epa.gov.

EPA Reservation of Rights

Notwithstanding this NOV or your response, EPA reserves the right to take any action pursuant to RCRA or any other applicable legal authority. Your response to this NOV does not constitute compliance with RCRA.

Nothing in this NOV or your response shall affect duties, obligations or responsibilities with respect to Boeing – North Boeing Field under local, state or federal law or regulation.

Thank you for your prompt attention to this important matter. If you have questions regarding this NOV, please contact Kevin Schanilec, of my staff, at schanilec.kevin@epa.gov or (206) 553-1061.

Sincerely,

**MORGAN
JENCIUS**

Digitally signed by
MORGAN JENCIUS
Date: 2023.01.17
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Morgan Jencius, Chief
Air and Land Enforcement Branch

cc: Mr. Tom Perkow
Compliance Unit Supervisor, Washington Department of Ecology NWRO