



**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 Renton
EPA ID No. WAD009262171

Dear Mr. Sherman:

This Notice of Violation (NOV) is to inform Boeing Renton 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). The violations were identified as a result of an inspection performed by EPA on May 13, 2021, at the Boeing Renton facility located at 737 Logan Avenue North in Renton 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 Maintain Documentation

WAC 173-303-200(1)(b)(i) allows the accumulation of dangerous waste in containers by a large quantity generator without a permit provided that, among other things, the generator complies with the applicable air emission standards of 40 C.F.R. Part 265, Subparts AA, BB and CC.

40 C.F.R. Part 265 Subpart CC at § 265.1087(c)(5), requires that owner or operator shall maintain at the Facility a copy of the procedure used to determine that containers with capacity of 0.46 m³ or greater, which do not meet the applicable U.S. Department of Transportation (DOT) regulations on packaging hazardous materials for transportation as specified in paragraph (f) of that section, are not managing dangerous waste in light material service.

40 C.F.R. Part 265 Subpart AA at § 264.1031, states that "in light material service" means that the container is used to manage a material where the vapor pressure of one or more of the organic components in the stream is greater than 0.3 kilopascals (kPa) at 20 °C and the total concentration of the

pure organic components having a vapor pressure greater than 0.3 kilopascals (kPa) at 20 °C is equal to or greater than 20 percent by weight.

At the time of the inspection, inspectors determined that dangerous waste organic debris was generated and managed at the Facility. According to Profile BOE00001 for the organic debris, the composition of the waste includes:

- Benzene: 0.2 to 4.9 percent (vapor pressure: 10 kpa, 75 mm Hg)
- Methyl Ethyl Ketone: 4.9 to 9.8 percent (vapor pressure: 9.9 kpa, 74 mm Hg)
- F-listed solvents: 0.1 to 99 percent (vapor pressure: unknown)

Given these potential ranges, the liquid portion could constitute as much as 99 percent of the waste. Profile BOE00001 is therefore inconclusive as to whether containers which hold this dangerous waste are in light material service.

This failure to maintain at the Facility a copy of the procedure used to determine that containers with capacity of 0.46 m3 or greater, which do not meet the applicable DOT regulations on packaging hazardous materials for transportation as specified in paragraph (f) of that section, are not managing hazardous waste in light material service constituted a violation of WAC 173-303-200(1)(b)(i) and 40 C.F.R. § 265.1087(c)(5).

Areas of Concern

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

1. The inspection team observed a portable monitor reading of 5,055 ppm from a container in Building 3-369 that was labeled as non-hazardous waste. One of the inspectors requested the facility investigate the potential dangerous waste designation of D001 for the waste in the container, given the significant portable monitor reading.
2. The inspection team observed that the weekly inspection reports for the roll-off container area are not consistent with the weekly container inspections performed for the main central accumulation area, in that they do not include the same inspection elements.
3. During the inspection, the inspection team observed a portable monitor reading of 1,869 ppm on a tank labeled ABF-105 (Non-potable water). One of the inspectors requested the Facility provide any available analytical data for the contents of tank ABF-105.

Required Action

The above violations may subject Boeing Renton 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 Renton 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, Chief
Air and Land Enforcement Branch

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