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# Water Enforcement: Missouri Department of Natural Resources and Owner of St. Louis, Missouri Manufacturing Facility Execute Abatement Order on Consent

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The Missouri Department of Natural Resources (“MDNR”) and the Boeing Company (“Boeing”) executed a July 19th Abatement Order on Consent (“Order”) addressing alleged violations of Missouri Water Pollution Control statutory provisions. See Order No. 2018-WPCB-1536.

The Order states that Boeing owns and operates a manufacturing facility (“Facility”) in St. Louis, Missouri.

The Facility is stated to be authorized to discharge stormwater from the Facility pursuant to a Missouri State Operating Permit. See MO-0004782 (Permit).

The Permit specifically authorizes stormwater discharges from the Facility to a tributary to Coldwater Creek.

MDNR is stated to have received a call on November 22, 2016, from Boeing personnel to report a release of Aqueous Film Forming Foam (“AFFF”). AFFF is a fire suppression agent and was stated to be released Coldwater Creek. The release was stated to have been associated with the fire suppression system in a Boeing main hangar to a storm drain.

MDNR staff is stated to have investigated the spill on November 23, 2016. They are further stated to have observed large white sections of foam on vegetated banks and forming foam in the riffles of Coldwater Creek. Such foam is stated to have been observed in a two-mile stretch of Coldwater Creek downstream of the outfall.

Boeing is stated to have engaged an environmental cleanup company to respond to the release. The company is stated to have utilized sprayers throughout the day and night of November 23, 2016, in an effort to break up the foam. Further, the company physically removed foam from brush and vegetation in the channel.

A representative of Boeing is stated to have sent email correspondence to MDNR on November 25, 2016, indicating a fire suppressant system was activated in response to a small fire. AFFF was stated to have been captured in a stormwater detention basin, the contents of which discharged into Coldwater Creek due to a valve failure. Minimal foam was stated to have been observed by MDNR staff in the upper section of Coldwater Creek. Foam was also stated to have been observed in an area approximately eight

miles downstream from the airport to approximately 13.5 miles downstream from the airport to the confluence with the Missouri River.

The Order further states that on December 22, 2016, MDNR received email correspondence from a Boeing representative stating an estimated 1,800 gallons of three percent concentrate AFFF had been released by the fire suppression system. It further stated that replacement valve seals for the stormwater detention basin were scheduled for delivery on January 3, 2017.

The Order references MDNR expenditures related to water sampling and analysis, travel expenses and other expenditures in the amount of \$2,625.34.

The Order alleges violations which include:

- Causing pollution of Coldwater Creek, waters of the state, or placed or caused or permitted to be placed a water contaminant in a location where it is reasonably certain to cause pollution of waters of the state, in violation of Sections 644.051.1(1) and 644.076.1, RSMo; and
- Discharge of a water contaminant, AFFF, into waters of the state, which reduce the quality of such waters below the General Criteria in the Water Quality Standards established by the Missouri Clean Water Commission, in violation of Sections 644.051.1(2) and 644.076.1, RSMo, and 10 CSR 20-7.031(4)(C).

The Order assesses a civil penalty in the amount of \$6,750. Further, Boeing is ordered and agrees to pay MDNR's investigative costs and damages in the amount of \$2,625.34.

Boeing does not admit to the validity of the factual or legal claims.

A [copy of the Order](#) can be downloaded here.