

**STATE OF CALIFORNIA
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LOS ANGELES REGION**

**REVISED TIME SCHEDULE ORDER NO. R4-2021-0034-A1
REQUIRING CF ALPHA & GOLF PROPCO LLC AND MOLINA HEALTHCARE, INC.
200 AND 300 OCEANGATE, LONG BEACH, CALIFORNIA**

**TO COMPLY WITH REQUIREMENTS PRESCRIBED IN
GENERAL NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM AND WASTE
DISCHARGE REQUIREMENTS
FOR
DISCHARGES OF GROUNDWATER FROM CONSTRUCTION AND PROJECT
DEWATERING TO SURFACE WATERS IN COASTAL WATERSHEDS OF LOS
ANGELES AND VENTURA COUNTIES**

(NPDES NO. CAG994004, CI-9766)

The California Regional Water Quality Control Board, Los Angeles Region, (hereinafter, Los Angeles Water Board) finds:

CF Alpha & Golf PropCo LLC owns a commercial facility located at 200 and 300 Oceangate, Long Beach, California (Facility). The Facility houses various businesses, including Molina Healthcare, Inc. Molina Healthcare, Inc. is the current operator of the Facility. CF Alpha & Golf PropCo LLC and Molina Healthcare, Inc. are collectively referred to as “Discharger”.

Groundwater dewatering is necessary at the Facility to protect the integrity of the building structure from rising groundwater. The seepage groundwater collected from multiple collection lines around the building flows by gravity to a sump located at the basement of the building. The groundwater from the sump is pumped to a storm drain system located on Oceangate adjacent to the building, thence to the Los Angeles River Estuary. Currently, treatment is not provided to the groundwater prior to the discharge.

The discharge of groundwater from the Facility is currently regulated under Order No. R4-2018-0125, General National Pollutant Discharge Elimination System Permit and Waste Discharge Requirements for Discharges of Groundwater from Construction and Project Dewatering to Surface Waters in Coastal Watersheds of Los Angeles and Ventura Counties (General Dewatering Permit) adopted by the Los Angeles Water Board on September 13, 2018. The Facility was enrolled under Order No. R4-2018-0125 on May 14, 2019.

During the reasonable potential analysis required as part of the enrollment process for Order No. R4-2018-0125, the sample of groundwater to be discharged from the Facility exceeded the screening level for mercury. Consequently, effluent limitations for mercury

were prescribed for the discharge from the Facility in the May 14, 2019, enrollment authorization letter. The prescribed effluent limitations for mercury are as follows:

Table 1. Mercury Effluent Limitations Contained in the May 14, 2019 Enrollment Authorization for the General Dewatering Permit

Parameter	Units	Average Monthly	Maximum Daily	Rationale
Mercury	µg/L	0.05	0.1	CTR Saltwater Criteria

Since June 2019, discharges from the Facility have been exceeding the mercury effluent limitations. Following the exceedances, the Discharger implemented accelerated monitoring as required in the Facility's Monitoring and Reporting Program (MRP). Since the implementation of accelerated monitoring, the results for mercury in the groundwater discharges have ranged from 0.28 µg/L to 0.45 µg/L.

On February 10, 2020, Molina Healthcare, Inc. submitted a letter requesting revisions to its enrollment authorization and a Time Schedule Order (TSO) to facilitate compliance with the mercury effluent limitations in the General Dewatering Permit.

On June 3, 2020 the Los Angeles Water Board issued a revised enrollment authorization and requested that the Discharger submit a schedule with milestones to complete the investigation into the potential sources of mercury and to eliminate the mercury exceedances in the discharge.

On July 15, 2020, Molina Health Care, Inc. submitted a schedule of milestones to achieve compliance with mercury effluent limitations. Molina Healthcare, Inc. also submitted supplemental groundwater monitoring data for mercury collected during the mercury source evaluation at the site. The mercury in the groundwater samples ranged from 0.0041 µg/L to 11 µg/L. The groundwater samples were collected from depth discrete intervals from existing groundwater extraction Wells No. 200 and No. 300 located at the Facility. The monitoring data thus indicated that the Discharger is not able to comply with the final effluent limitations for mercury.

California Water Code (CWC) section 13300 states: "Whenever a regional board finds that a discharge of waste is taking place or threatening to take place that violates or will violate requirements prescribed by the regional board, or the state board, or that the waste collection, treatment, or disposal facilities of a discharger are approaching capacity, the board may require the discharger to submit for approval of the board, with such modifications as it may deem necessary, a detailed time schedule of specific actions the discharger shall take in order to correct or prevent a violation of requirements."

CWC section 13385, subdivisions (h) and (i), require the Los Angeles Water Board to impose mandatory minimum penalties upon dischargers that violate certain effluent limitations. Section 13385(j)(3) exempts violations of an effluent limitation from mandatory minimum penalties "where the waste discharge is in compliance with either a

cease and desist order issued pursuant to Section 13301 or a time schedule order issued pursuant to Section 13300, *if all of the [specified] requirements are met.*" (emphasis added).

Prerequisites to issuing a TSO include those set forth in Water Code section 13385 subdivisions (j)(3)(C)(i), (j)(3)(C)(iii) and (j)(3)(D):

The TSO must establish "a time schedule for bringing the waste discharge into compliance with the effluent limitation that is as short as possible, taking into account the technological, operational, and economic factors that affect design, development and implementation of the control measures that are necessary to comply with the effluent limitation," (Wat. Code § 13385, subd. (j)(3)(C)(i)) The TSO shall not exceed five years in length unless an extension is granted in accordance with Water Code section 13385, subdivision (j)(3)(C). If the time schedule exceeds one year from the effective date of the order, the schedule shall include interim requirements and the dates for their achievement. The interim requirements shall include both (I) Effluent limitations for the pollutant or pollutants of concern. (II) Actions and milestones leading to compliance with the effluent limitation. (Wat. Code § 13385, subd. (j)(3)(C)(iii).) The discharger must "[have] prepared and [be] implementing in a timely and proper manner, or [be] required by the regional board to prepare and implement, a pollution prevention plan pursuant to section 13263.3." (Wat. Code § 13385, subd. (j)(3)(D).)

In accordance with CWC section 13385(j)(3)(B)(i), the Los Angeles Water Board finds that: (a) the effluent limitations for mercury identified in Table 1 are new and more stringent limitations than prescribed in the enrollment authorization for the previous version of the General Dewatering Permit adopted by Order No. 2013-0095, (b) the Discharger needs to implement new or modified control measures in order to comply with the new mercury effluent limitations, and (c) the new or modified control measures cannot be designed, installed, and put into operation within thirty calendar days and (d) the Discharger is implementing a pollution prevention plan.

The time schedule set forth herein ends on December 31, 2024. This schedule does not exceed 5 years.

Since the time schedule for completion of the actions necessary to come into compliance with the mercury effluent limitations exceed one year, this TSO includes interim limitations for mercury based on the groundwater monitoring data. The interim limitations are based on the levels of mercury detected in the effluent from the Facility and in the groundwater beneath the Facility. This TSO will provide the required time to make infrastructural changes and implement appropriate control measures (e.g., install a treatment system or obtain a permit to discharge to the sanitary sewer system) to bring the Facility into full compliance with the final effluent limitations for mercury in the General Dewatering Permit by December 31, 2024.

Pursuant to CWC section 13385(j)(3), full compliance with the requirements of this TSO exempts the Discharger from mandatory minimum penalties only for violations of the final effluent limitations for mercury that occur while this TSO is effective. If an interim effluent limitation contained in this TSO is exceeded, the Discharger may be subject to enforcement actions.

The issuance of this TSO is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to California Code of Regulations, Title 14, section 15301 because the TSO pertains to an existing facility and involves negligible or no expansion of an existing use. In addition, the issuance of this TSO is categorically exempt from CEQA pursuant to California Code of Regulations, Title 14, sections 15307, 15308, and 15321, subdivision (a)(2). The issuance of this TSO is an action to assure the maintenance, restoration, enhancement and protection of the environment and a natural resource and is also an enforcement order issued by the Los Angeles Water Board.

All technical and monitoring reports required under this TSO are required pursuant to Water Code section 13383. The Los Angeles Water Board needs the required information in order to determine compliance with this TSO and the General Dewatering Permit.

Pursuant to Water Code section 13167.5, subdivision (a)(3), the Los Angeles Water Board has notified the Discharger, interested agencies, and interested persons of its intent to issue this TSO concerning compliance with waste discharge requirements and provided a 30-day comment period. The Los Angeles Water Board accepted written comments and considered all comments pertinent to this matter prior to issuing this TSO.

Any person aggrieved by this action of the Los Angeles Water Board may petition the State Water Resources Control Board (State Water Board) to review the action in accordance with CWC section 13320 and CCR, title 23, sections 2050 and following. The State Water Board must *receive* the petition by 5:00 p.m., 30 days after the date of this Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at http://www.waterboards.ca.gov/public_notices/petitions/water_quality or will be provided upon request.

IT IS HEREBY ORDERED that, pursuant to California Water Code section 13300 and 13385, subdivision (j)(3), CF Alpha & Golf PropCo LLC, as the owner, and Molina Health Care, Inc., as the current operator of the Facility, shall comply with the requirements listed below to ensure that its discharges comply with the final effluent limitations for mercury contained in the enrollment authorization for Order R4-2018-0125, CI-9766 or revisions thereof.

Comply immediately with the following interim effluent limitations at Discharge Point 001.

Table 3. Interim Effluent Limitations

Parameter	Units	Average Monthly	Maximum Daily
Mercury	µg/L	1.2 ¹	5.4 ²

¹ The average monthly interim effluent limitation was derived by using the 95th percentile data point of the Facility's monitoring data collected from Discharge Point 001 from June 22, 2019 to March 2020, plus the mercury water quality data collected from Well #200 and Well #300 during the pollutant source investigation.

² The maximum daily interim effluent limitation was derived using the 99th percentile data point from the Facility's monitoring data collected from Discharge Point 001 from June 22, 2019 to March 2020, plus the mercury water quality data collected from Well #200 and Well #300 during the pollutant source investigation.

The foregoing interim effluent limitations for mercury are in effect upon issuance of this TSO through December 31, 2024. During this time, the Discharger shall investigate and implement any required measures/upgrades at the Facility to ensure compliance with the final effluent limitations for mercury contained in the enrollment authorization for Order No. R4-2018-0125, CI-9766 or revisions thereof.

Complete the following actions and milestones consistent with the schedule proposed by Molina Health Care Inc., in its letter dated July 15, 2020 and updated in an email dated November 11, 2020, as follows:

Table 2. Schedule of Milestones to Comply with Mercury Effluent Limitations

No.	Task	Compliance Dates
1	Conduct Mercury ^a Source Investigation and evaluate Non-Treatment Options.	
1a	Conduct Field Data Collection and Testing to Determine a Solution to the Groundwater Intrusion Issue ^b and Submit a Technical Report.	February 26, 2021
1b	Design and Construct any Recommended Dewatering System Modifications to address the Groundwater Intrusion Issue. Submit a Progress Report	31 December 2021
1c	Submit Final Report on Mercury Source Investigation and Non-Treatment Option Evaluation	1 June 2022
2	Continue to monitor. Submit a Progress Report ^c .	31 December 2022
3	Identify any permit modification requirements necessary to utilize the adopted approach.	1 June 2023
4	Continue to monitor. Submit a Progress Report.	31 December 2023
5	Complete any necessary facility modifications to comply with the Final Effluent Limitations.	15 March 2024
6	Monitor and submit Final Report. Comply with the Final Effluent Limitations for Mercury.	31 December 2024

- a. New discharge limits for mercury were imposed in the enrollment authorization for Order No. R4-2018-0125, dated May 14, 2019. Molina detected mercury concentrations greater than the new discharge limits after enrollment and began an evaluation of the source of mercury immediately upon experiencing an exceedance in June 2019. This evaluation will continue with the investigations outlined in milestones #1a and #1b.
- b. The dewatering system for the Facility has become increasingly ineffective, causing flooding of the lowest level garage and raising safety concerns. The solution to this problem may impact the source investigation, so the non-treatment option evaluation in Task #1c cannot be completed until both Task 1a and Task 1b are complete.
- c. If mercury concentrations still do not meet effluent limitations and non-treatment options are not feasible, the Discharger shall evaluate treatment and sanitary sewer disposal options and include a treatment option evaluation and recommendation in the progress report

Achieve full compliance with the final effluent limitations for mercury in the enrollment authorization for Order No. R4-2018-0125, CI-9766 or revisions thereof, no later than December 31, 2024.

Submit annual progress reports of efforts taken towards compliance with the final effluent limitations for mercury. The reports shall summarize the progress to date, activities

conducted during the reporting period, and the activities planned for the upcoming reporting period. Each report shall be submitted to this Los Angeles Water Board by December 31st and shall include milestones completed and any new pertinent updates. The first annual report covering the activities through October 2021 shall be received by the Los Angeles Water Board by December 31, 2021.

Submit a final report on the implementation and evaluation of the selected actions/measures by December 31, 2024. The report shall include: a) a description of the actions/measures selected, b) the monitoring data collected after the implementation of the selected actions/measures including treatment process, if any, and c) an evaluation of the effectiveness of the selected actions/measures.

Any person signing a document submitted under this TSO shall make the following certification:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

If the Discharger fails to comply with any provision of this TSO, the Los Angeles Water Board may take any further action authorized by law. The Executive Officer, or designee, may take appropriate administrative enforcement action pursuant, but not limited to, CWC sections 13350 and 13385. The Los Angeles Water Board may also refer any violations to the Attorney General for judicial enforcement, including injunction and civil monetary remedies.

All other provisions of Order No. R4-2018-0125 not in conflict with this TSO including effluent limits not addressed by this TSO, are in full force and effect.

The Los Angeles Water Board may reopen this TSO at its discretion or at the request of the Discharger, if warranted. Lack of progress towards compliance with this TSO may be cause for the Los Angeles Water Board to modify the conditions of this TSO.

This Time Schedule Order became effective on July 19, 2021 and it expires on December 31, 2024. Any amendments to this TSO become effective immediately upon issuance.

CF Alpha & Golf PropCo LLC
Molina Healthcare Inc.
Time Schedule Order No. R4-2021-0034-A1

NPDES No.CAG994004
CI-9766

IT IS SO ORDERED.

Renee Purdy
Executive Officer

September XX, 2021
Date