

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

**REVISED TIME SCHEDULE ORDER NO. R4-2021-0034-XX  
REQUIRING CF ALPHA & GOLF PROPCO LLC AND MOLINA HEALTHCARE, INC.**

**TO COMPLY WITH THE REQUIREMENTS PRESCRIBED IN  
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  
(NPDES NO. CAG994004, CI-9766)**

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

1. 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”.
2. 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 in 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 discharge.
3. 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 the General Dewatering Permit on May 14, 2019. Analytical results of groundwater samples from the Facility, submitted to enroll into Order No. R4-2018-0125, showed that mercury was detected above the screening level. Consequently, mercury effluent limitations were prescribed in the Facility’s Notice of Applicability (NOA), which was issued on May 14, 2019.

4. The current mercury effluent limitations are as follows:

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

5. Since June 2019, discharges from the Facility have exceeded the mercury effluent limitations of 0.05 µg/L as a monthly average and 0.1 µg/L as a daily maximum. Following the exceedances, the Discharger implemented accelerated monitoring as required in the Facility’s Monitoring and Reporting Program (MRP). The accelerated monitoring results showed that mercury concentrations ranging from 0.33 µg/L to 0.39 µg/L.

6. On February 10, 2020, Molina Healthcare, Inc. submitted a letter requesting revisions to its enrollment authorization (i.e. the NOA) and a Time Schedule Order (TSO) to facilitate achieving compliance with the mercury effluent limitations. Since the groundwater discharges consistently exceeded effluent limitations for mercury, the Discharger needed time to identify the mercury source in the groundwater at the facility and explore possible treatment options to achieve compliance with the mercury limitations.

7. On June 3, 2020, the Los Angeles Water Board issued a revised NOA to increase discharge volume up to 1 million gallons per day (mgd) and reduce mercury monitoring frequency from weekly to monthly as the accelerated monitoring was no longer needed given the consistent levels of mercury in the groundwater. In addition, Los Angeles Water Board requested that the Discharger submit a schedule with milestones to complete the investigation to identify the potential sources of mercury in the discharge and to mitigation measures to eliminate the mercury exceedances in the discharge.

8. Since September 2020, the Facility has also experienced exceedances of its nitrate-N and total nitrogen effluent limitations in the NOA. The effluent limitations for nitrogen compounds are based on the existing Los Angeles River Nitrogen Total Maximum Daily Load (TMDL) and are as follows:

Parameter	Units	Average Monthly	Maximum Daily
Nitrate-NO <sub>3</sub>	mg/L	8.0	NA
Total Nitrogen (NO <sub>3</sub> +NO <sub>2</sub> )	mg/L	8.0	NA

9. On July 15, 2020, Molina Health Care, Inc. proposed a schedule of milestones to achieve compliance with mercury and nitrogen compounds effluent limitations.

10. On January 21, 2021, Time Schedule Order No. R4-2021-0034 (TSO) was issued to Molina Healthcare Center. The TSO included interim effluent limitations for mercury,

nitrate-N and total nitrogen (nitrate-N + nitrite-N) along with milestones to comply with the final effluent limitations. The TSO will expire on December 31, 2024.

11. Following issuance of the TSO and further review of the applicable permit limitations, the Los Angeles Water Board determined that the Los Angeles River Nitrogen TMDL is not applicable to the discharges to the Los Angeles River Estuary. Thus, on September 27, 2021, the Los Angeles Water Board revised and re-issued the NOA to remove effluent limitations for nitrate-N and total nitrogen (nitrate-N + nitrite-N) and re-issued an updated TSO, Order No. R4-2021-0034-A1, to remove milestones and interim effluent limitations for nitrate-N and total nitrogen (nitrate-N + nitrite-N), and requirements to achieve compliance with the Los Angeles River Nitrogen TMDL.

12. To date, the Discharger has completed the following milestones required in TSO No. R4-2021-0034-A1:

	<b>Task</b>	<b>Compliance Dates</b>	<b>Milestone Task Met (Yes/No)</b>
1	Conduct Mercury Source Investigation and evaluate Non-Treatment Options.		
1a	Conduct Field Data Collection and Testing to Determine a Solution to the Groundwater Intrusion Issue and Submit a Technical Report.	February 26, 2021	Yes. Field data was submitted
1b	Design and Construct any Recommended Dewatering System Modifications to address the Groundwater Intrusion Issue. Submit a Progress Report	December 31, 2021	Yes. Construction started and the task continued beyond the compliance date.
1c	Submit Final Report on Mercury Source Investigation and Non-Treatment Option Evaluation	June 1, 2022	Yes. Mercury source investigation was partly completed due to COVID-19. Non-treatment option evolution was completed.
2	Continue to monitor. Submit a Progress Report.	December 31, 2022	Yes. Progress report was submitted
3	Identify any permit modification requirements necessary to utilize the adopted approach.	June 1, 2023	Yes. Discharger opted to provide an alternate method of groundwater disposal to sanitary sewer system. No

	<b>Task</b>	<b>Compliance Dates</b>	<b>Milestone Task Met (Yes/No)</b>
			permit modifications were needed.
4	Continue to monitor. Submit a Progress Report.	December 2023	Yes.
5	Complete any necessary facility modifications to comply with the Final Effluent Limitations.	March 15, 2024	Yes. No facility modifications were necessary. Discharger obtained industrial discharge permit from the County Sanitation District to discharge groundwater to sanitary sewer.
6	Monitor and submit Final Report. Comply with the Final Effluent Limitations for Mercury.	December 31, 2024	No. Discharger requested extension of TSO to complete construction of sanitary sewer line connection.

13. In February 2023, Discharger initiated discussions with the City of Long Beach and the Long Beach Water Department (LBWD) regarding sewer connection of their groundwater discharges. The LBWD required flow studies to be conducted to determine whether the nearest sewer line along West Ocean Boulevard has sufficient capacity to accept their groundwater discharge. The Discharger completed the flow studies in December 2023 and provided a report on the results of the studies to the LBWD in January 2024. On February 4, 2024, the LBWD approved discharge to the sewer line along West Ocean Boulevard.

14. On December 21, 2023, the Los Angeles Water Board reissued the General Dewatering Permit via Order No. R4-2023-0429 (2023 General Dewatering Permit). The 2023 General Dewatering Permit includes updated mercury effluent limitations of 0.024 ug/l for average monthly and 0.012 ug/l for maximum daily. The new mercury effluent limitations are based on the Part 2 of the Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries of California—Tribal and Subsistence Fishing Beneficial Uses and Mercury Provisions" (Mercury Provisions). The Discharger is unable to meet these revised Mercury effluent limitations.

15. On June 12, 2024, the Discharger submitted a request to extend the TSO until January 21, 2026, to enable completion of the sanitary sewer connection project. The established time schedule is as short as possible considering the time needed to make infrastructural changes to connect the discharge to the sanitary

sewer system and to bring the Facility into full compliance with the final effluent limitations for mercury in the 2023 General Dewatering Permit through elimination of the discharge.

16. 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.”
17. 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..." and (2) “the effluent limitation is a new, more stringent, or modified regulatory requirement that has become applicable to the waste discharge after the effective date of the waste discharge requirements and after July 1, 2000. New or modified control measures are necessary in order to comply with the effluent limitation, and the new or modified control measures cannot be designed, installed, and put into operation within 30 calendar days.”.
18. Water Code section 13385.1 defines effluent limitation for the purposes of this section as “a numeric restriction or a numerically expressed narrative restriction, on the quantity, discharge rate, concentration, or toxicity units of a pollutant or pollutants that may be discharged from an authorized location. An effluent limitation may be final or interim and may be expressed as a prohibition. An effluent limitation ... does not include a receiving water limitation, a compliance schedule, or a best management practice.”
19. Prerequisites to issuing a TSO include those outlined in Water Code section 13385 subdivisions (j)(3)(C)(i), (j)(3)(C)(iii) and (j)(3)(D):

The TSO must establish “a 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 (l) 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 or 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).)

20. Since the time scheduled for completion of the actions necessary to come into compliance exceeds the December 31, 2024, deadline of the existing TSO and exceeds one year from the effective of this TSO, this TSO carries interim limitations for mercury, which was included in the previous TSOs, and actions and milestones leading to compliance with the final effluent limitation for mercury. The length of this TSO (including time granted in the previous TSOs) does not exceed five years.
21. 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.
22. The issuance of this TSO is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CWC section 13389, since the adoption or modification of a NPDES permit for an existing source is statutorily exempt from CEQA and this TSO only serves to implement a NPDES permit. (Pacific Water Conditioning Ass’n, Inc. v. City Council of City of Riverside (1977) 73 Cal.App.3d 546, 555-556.).
23. 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.
24. 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.
25. 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](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 NOA for Order R4-2023-0429, CI-9766 or revisions thereof.

26. Comply immediately with the following interim effluent limitations at Discharge Point 001, which shall be deemed effective from January 1, 2025, to January 21, 2026.

**Table 3. Interim Effluent Limitations**

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

<sup>1</sup>The average monthly interim effluent limitation was derived by using the *95<sup>th</sup> 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.

<sup>2</sup>The maximum daily interim effluent limitation was derived using the *99<sup>th</sup> 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.

27. Complete the following actions and milestones consistent with the schedule proposed by Molina Health Care Inc.:

No.	Milestone Task	Compliance Dates
1	Obtain necessary regulatory permits including encroachment permit and sanitary sewer discharge permit	March 31, 2025
2	Complete sewer line construction	December 31, 2025
3	Start functional testing of sanitary sewer discharge	January 1, 2026
4	Final report on Mercury effluent limitation compliance	January 21, 2026

28. Achieve full compliance with the final effluent limitations for mercury in the NOA for Order No. R4-2023-0429, CI-9766, by connecting groundwater discharges to the newly constructed sanitary sewer line, no later than January 21, 2026.

29. Submit semi-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 June 30<sup>th</sup> and December 31<sup>st</sup> and shall include milestones completed and any new pertinent updates. Submit a final report on the implementation and evaluation of the selected actions/measures by January 21, 2026.

30. 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.”

31. 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.

32. All other provisions of Order No. R4-2023-0429 not in conflict with this TSO, including effluent limits not addressed by this TSO, are in full force and effect.

33. 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.

34. This Time Schedule Order became effective on January 1, 2025, and it expires on January 21, 2026.

IT IS SO ORDERED.

\_\_\_\_\_  
Susana Arredondo  
Executive Officer

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Date