

**State of California
California Regional Water Quality Control Board
Santa Ana Region**

July 30, 2021

ITEM: 11

SUBJECT: Executive Officer's Report

1. CLEANUP AND ABATEMENT ORDER R8-2021-0006 FOR UNITED EL SEGUNDO, INC., RAPID GAS, INC., CF UNITED PROPCO LLC, RESTRUCTURE PETROLEUM MARKETING SERVICES OF CALIFORNIA, INC. AND MY MONTECITO INC SH

Background

As you recall, on June 19, 2021, the Santa Ana Regional Water Quality Control Board (Santa Ana Water Board) adopted Cleanup and Abatement Order R8-2021-0006 (Order) against United El Segundo, Inc. (United), Rapid Gas, Inc. (Rapid Gas), CF United PropCo LLC (CF PropCo), Restructure Petroleum Marketing Services of California, Inc. (RPMS), and My Montecito Inc SH (My Montecito) for the site investigation and remediation of 6020 Arlington Avenue and 6160 Arlington Avenue in the city of Riverside, and the commingled plume stemming from the respective source properties. The Order requires the Responsible Parties to conduct investigations and remediate soil and groundwater contamination attributed to the respective source properties and imposes joint and several liability against all responsible parties for releases and discharges that have migrated beyond the respective site boundaries and commingled beneath adjacent properties and rights-of-way.

The Order requires the responsible parties to take corrective action to abate the effects of those unauthorized releases and waste discharges pursuant to authorities granted under Health and Safety Code section 25296.10, California Code of Regulations, title 23, sections 2720–2727, and Water Code sections 13304 and 13267. Any failure to comply with requirements of the Order would subject the Responsible Parties to enforcement action, including but not limited to the following: a civil penalty of not more than \$10,000 for each day of violation of any corrective action established by, or issued pursuant to, Health and Code section 25296.10 for each underground storage tank as provided in Health and Safety Code section 25299, subdivision (d)(1); administrative civil liability, pursuant to Water Code sections 13268 and 13350, in an amount not to exceed \$1,000 and \$5,000, respectively, for each day in which the violation occurs under Water Code sections 13267 or 13304; and/or the Santa Ana Water Board may refer the matter to the Attorney General to seek injunctive relief or civil or criminal liability.

Project Update

Upon adoption by the Santa Ana Water Board, the following compliance schedule was established for performing certain tasks or actions required by the Order, including: (1) groundwater monitoring and reporting; (2) interim corrective action; (3) site assessment and delineation of contaminant plume; (4) remedial action plans; (5) soil gas investigations; and (6) quarterly remediation and status reports.

Cleanup and Abatement Order R8-2021-0006 - Required Actions & Deadlines

Required Activity	Required Action	Deadline
(1) Groundwater Monitoring & Reporting	submit work plans (60 days)	August 17, 2021
(2) Interim Corrective Action	submit work plans (60 days)	August 17, 2021
(3) Site Assessment & Delineation of Contaminant Plume	submit work plans (90 days)	September 16, 2021
(4) Remedial Action Plans	submit work plans (120 days)	October 16, 2021
(5) Soil Gas Investigations	submit work plans (60 days)	August 17, 2021
(6) Quarterly Remediation and Status Reports	submit report of findings	April 30, July 30, October 30, and January 30 of each year

On June 22, 2021, Santa Ana Water Board senior staff sent letters to each of the Responsible Parties to formally notify them that Cleanup and Abatement Order R8-2021-0006 had been adopted. A copy of the Order, signed by the Executive Officer, was enclosed. Compliance deadlines for submittals due within the first 60 days were also provided. Each transmittal letter (and enclosure) was sent to the appropriate responsible party contact via both electronic mail and Postal Service certified mail. Based on a query of the Postal Service tracking system, delivery of the certified letters to all Responsible Parties has been confirmed.

On July 12, 2021, I sent an additional letter to each the Responsible Parties, to (1) memorialize compliance deadlines established pursuant to the Order and (2) outline penalties associated with non-compliance. Each letter was again sent to the appropriate responsible party contact via both electronic mail and Postal Service certified mail. Similar effort will be taken by Staff to confirm delivery of these letters.

It is Staff's intent to send additional correspondence to the Responsible Parties regarding the required actions/deliverables approximately two weeks prior to the associated 60-day deadline, to help assure timely compliance with the Order's requirements. Staff will work with Santa Ana Water Board legal counsel and the Deputy Attorney General to take progressive enforcement on the Responsible Parties for any failure to comply.

2. Newport Bay *Caulerpa prolifera* Infestation

In my June 18, 2021 Executive Officer's report, I alerted the Board to the discovery of a highly invasive algal species in Newport Bay. The alga is scientifically known as *Caulerpa prolifera* (*C. prolifera*). It can grow quickly, choking out native seaweeds and potentially harming marine life through lost habitat.

The Santa Ana Water Board staff took the lead to secure \$308,000 from the State Water Resources Control Board's Cleanup and Abatement Fund to remove the *C. prolifera* infestation in China Cove, located in the Newport Bay entrance channel. These funds were awarded to the consultant teams of Merkel & Associates and Marine Taxonomic Services, who were most familiar with the eradication of the earlier infestation of *Caulerpa taxifolia*, a different algal species yet very similar in its invasive nature. Mobilization of SCUBA divers, filtration tanks, suction pumps, sand berm construction, and other equipment took place on July 6, 2021 on the main beach at China Cove. The removal process began on July 7 and is expected to conclude sometime during the week of July 12.

The invasive algae are being removed by diver-assisted suction pumps and by hand for small fragments and loose clumps. The removed material is pumped into large boxes lined with filter cloth to remove the solids, which are then buried in temporary pits above the high tide line to ensure that the material is not collected by people using the beach adjacent to the staging area. Once the removal has been completed, the material will be trucked offsite, dried, and then sent to a landfill for disposal.

Abundant detrital material or "wrack" containing both native algae and *C. prolifera* were found on the bay floor in the cove two weeks after the pre-removal diver surveys. Strong swells and spring tides resulted in fragmentation and partial burial of the invasive algae, which is slowing down the removal process. A small clump of *C. prolifera* that was not identified earlier during the pre-removal diver surveys was found in the navigation channel at a depth of 22.5 feet mean lower low water (MLLW) downslope and adjacent to the main infested area in China Cove.

Additional diver surveys are planned once the diver-assisted suction removal of the larger intact algal clumps has been completed to ensure that all fragments of *C. prolifera* have been picked up and removed from the sites. After these initial diver surveys have been completed, the main beach will be completely opened, and the swim lines and buoys surrounding the infested area will be removed. Diver surveys will continue at two, four, eight, and twelve weeks to check for and remove any regrowth. The source of the invasive algae is likely from the dumping of a saltwater aquarium either directly into Newport Bay or into a storm channel or drain that discharges to the Bay. Tracking down the source of the algae has not yet been started as the focus has been on removing the known infestation.

Orange County CoastKeeper is anticipated to start its diver surveys of the areas adjacent to China Cove on July 16, 2021. The U.S. Fish and Wildlife Service is providing funds for this effort. Additional diver surveys in the areas southeast of the Newport Bay entrance channel, including the Crystal Cove State Marine Protected Area and Area of Special Biological Significance, are being funded by NOAA's National Marine Fisheries Service. Diver surveys of these other areas should start before the end of July 2021.

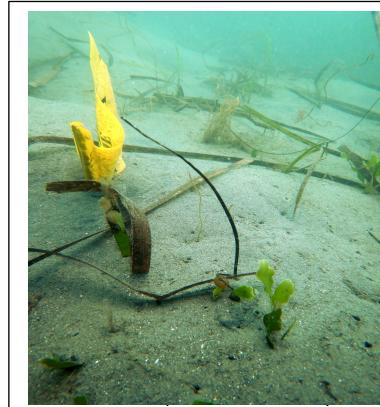
Furthermore, the U.S. Army Corps of Engineers (Corps) hired Merkel & Associates to survey the northern end of the Newport Bay entrance channel up to within 300 feet of the China Cove infestation. The 300-foot buffer zone was established to ensure that navigational dredging operations by the Corps would not potentially impact the infested area. These diver surveys have been completed, and the remaining area was cleared for dredging. The Corps anticipates completing the dredging by July 16, 2021.

Even with the funding and dive support already received, long-term monitoring will need to be conducted to ensure the success of the eradication. An estimated additional \$255,050 in funds are needed to complete the longer term monitoring of two to three years of quarterly diver surveys in China Cove to ensure that there continues to be no regrowth of *C. prolifera* (per Phase 2 of the Southern California *Caulerpa* Action Team's Rapid Response and Eradication Plan for *Caulerpa*) and another \$195,500 for surveillance-level diver surveys in other areas of Lower Newport Bay that are considered to be at lower risk of harboring the invasive algae (per Phase 3, task 3 of the Eradication Plan). The local, State, and federal agencies continue to meet to investigate additional funding options and evaluate the progress of removing the invasive alga.

Photos of the *C. prolifera* and the removal process are highlighted in the six photos on the next page.



Caulerpa in loose wrack on the bay floor.



Diver-assisted suction pump removal of *Caulerpa*.



Caulerpa prolifera solid bed.



Setting up the removal staging area.



Filter boxes and pumps used for the removal.