Santa Ana Regional Water Quality Control Board

CERTIFIED MAIL, RETURN RECEIPT REQUESTED

May 11, 2022

My Montecito Inc. SH
c/o Mahmood Yoonessi
6790 Crest Road
Rancho Palos Verdes, CA 90275
myoonessi@cox.net

APPROVAL OF WORK PLANS WITH EXECUTIVE OFFICER REVISIONS UNDER CLEANUP AND ABATEMENT ORDER R8-2021-0006; 6020 AND 6160 ARLINGTON AVENUE, RIVERSIDE CALIFORNIA (GLOBAL ID# 0606500004 & 0606535975; RB CASES 083300039T & 083304005T)

Dear Mr. Yoonessi,

Santa Ana Regional Water Quality Control Board (Santa Ana Water Board) staff have reviewed the following submittals from My Montecito Inc SH (My Montecito), as prepared by their consultant, BA Environmental (BAE):

- Revised Groundwater Monitoring Program Work Plan (August 9, 2021)
- Revised Interim Corrective Action Work Plan (August 9, 2021)
- Revised Soil Vapor Investigation Work Plan (August 9, 2021)
- Site Characterization Work Plan (November 9, 2021)

Additionally, Santa Ana Water Board staff have reviewed supplemental correspondence from BAE, outlining additional details on the proposed scope for interim corrective action, as well as the proposed time schedule (Gantt chart) for the soil gas investigations, provided to this agency on October 6 and October 15, 2021, respectively.

BACKGROUND

On June 18, 2021, the Santa Ana Water Board adopted Cleanup and Abatement Order R8-2021-0006 (CAO), directing My Montecito, United El Segundo, Inc., Rapid Gas, Inc., CF United PropCo LLC and Restructure Petroleum Marketing Services of California, Inc. (RPMS) (collectively, Responsible Parties), to take corrective action in response to unauthorized releases and abate the effects of waste discharges emanating from retail fueling operations at 6020 Arlington Avenue (United Source Property) and 6160 (E-Z Serve Source Property) Arlington Avenue, Riverside, California. In particular, the CAO requires the Responsible Parties (including My Montecito) to conduct investigations and remediate soil and groundwater contamination attributed to the respective source properties. The CAO imposes joint and several liability against all Responsible Parties with respect to releases and discharges that have migrated beyond the respective site boundaries and commingled beneath adjacent properties and rights-of-way (ROW).

Upon adoption by the Santa Ana Water Board, a compliance schedule was established for performing certain tasks required by the CAO, 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.

GROUNDWATER MONITORING AND SAMPLING WORK PLAN

CAO Required Actions 1(b) and 1(c)

Pursuant to Required Actions 1(b) and 1(c) of the CAO, My Montecito has submitted a groundwater monitoring and sampling work plan to outline the monitoring and data collection protocols and standard operating procedures (SOPs), as well as the quality assurance/quality control methods for sample collection, preservation, transport and laboratory analysis, that are to be employed in conjunction with monitoring activities performed for the wells identified in CAO Attachment A (Tables 2 and 3). BAE is proposing that groundwater monitoring and sampling activities be conducted on a quarterly basis for a period of one year. Results generated from the groundwater monitoring program will then be evaluated to determine if changes or modifications to the proposed schedule are appropriate.

Proposed Work Plan

According to BAE, groundwater monitoring and sampling activities associated with on-site/near-source areas (E-Z Serve Area of Responsibility) will include a well set comprised of EZ-1, EZ-2, EZ-3, EZ-4, EZ-5, EZ-11, EZ-15, EZ-16, EZ-17, EZ-18, MW-7, MW-13, and MW-14, in accordance with the assignments in CAO Attachment A. Similarly, monitoring and sampling activities conducted in off-site/downgradient areas (Commingled Plume Area) will include a well set consisting of EZ-6, EZ-7, EZ-8, EZ-9,

EZ-10, EZ-12, EZ-13, EZ-14, MW-15, MW-16, MW-17, MW-22, JT-1 and JT-2, pursuant to assignments outlined in CAO Attachment A.

Prior to initiating monitoring activities, a site specific health and safety plan will be developed to ensure worker safety during all field activities. BAE will also obtain a lane closure and encroachment permit from the City of Riverside (City), as required to monitor street wells located in Arlington Avenue, Adams Street, and Colorado Avenue. Additionally, BAE will obtain an access agreement from the adjacent property owner to sample monitoring wells installed during their own investigations, including MW-7, MW-13, MW-14, MW-15, MW-16, MW-17, MW-22, JT-1 and JT-2. Lastly, BAE will secure an access agreement with the Riverside Unified School District (RUSD), as needed to access the three off-site groundwater monitoring wells (EZ-8, EZ-9, EZ-10) located on the Adams Elementary School property.

Prior to sampling, each well will be gauged to determine depth to groundwater and measure liquid-phase petroleum hydrocarbon (LPH)/free product thicknesses, where present. According to BAE, any wells observed to contain significant quantities of free product will not be purged and sampled, while any wells containing only a sheen, or less than 0.5 inches of free product will be purged and sampled to obtain analytical data. All groundwater samples will be labeled, preserved and transported under strict chain of custody control to a state-certified laboratory and will be analyzed for total petroleum hydrocarbons (full carbon-chain range) and volatile organic compounds (VOCs), by USEPA Methods 8015M and 8260B, respectively. Waste liquids will be containerized for temporary storage on-site, pending disposal manifesting.

Upon completion of the field activities, BAE will prepare a report of findings, to compile available data including, calculated groundwater elevations, gradient, and flow; tabulated data of accumulated groundwater concentrations and free product levels; site plans depicting groundwater elevations and contaminant concentrations (including those of the adjacent property); and any resulting conclusions or recommendations drawn from the data.

Discussion and Required Revisions

BAE has already indicated that they will obtain a lane closure and encroachment permit from the City, as required to monitor street wells located in Arlington Avenue, Adams Street, and Colorado Avenue. Please note that street access will also be needed in order to monitor and sample groundwater wells MW-17 and MW-22, in conjunction with the commingled plume. As a result, the lane closure and encroachment permit obtained from the City will also need to include access to San Vicente and Brunswick Avenues.

At a minimum, all groundwater monitoring and sampling activities must be scheduled to occur simultaneously, as necessary to generate the comprehensive data set across the expanse of groundwater impacts attributed to both site releases, inclusive of LPH and dissolved-phase hydrocarbons, VOCs and fuel additives being observed beneath the

respective source properties and numerous downgradient or surrounding properties and ROW.

Approval of Groundwater Monitoring Work Plan with Revisions

In consideration of the above, the work plan is approved, subject to the following revisions, which shall be implemented in accordance with the CAO:

1. All groundwater monitoring and sampling activities shall be conducted semiannually, rather than quarterly (as proposed by BAE).

2. Monitoring activities associated with the adjacent source properties and the commingled plume must be performed by the Responsible Parties on a coordinated schedule occurring during the 2nd Quarter and 4th Quarter.

3. For a minimum of one year, at least **six** groundwater samples collected from wells located on the source property and within the commingled plume, respectively, must be analyzed for total lead by EPA Method 6020.

Per CAO Required Action 6, groundwater monitoring data shall be compiled in quarterly remedial progress reports due on April 30, July 30, October 30 and January 30.

The Responsible Parties are required to implement their approved monitoring programs in accordance with a schedule approved by the Executive Officer and the resulting monitoring and sampling data and relevant findings were to be presented in progress reports submitted the Santa Ana Water Board in accordance with Required Action 6.

INTERIM CORRECTIVE ACTION WORK PLAN

CAO Required Actions 2(b) and 2(c)

Per Required Action 2, the Responsible Parties were required to implement interim corrective action to remove free product from any wells in their respective monitoring well network (where present), consistent with assignments in CAO Attachment A.

Proposed Work Plan

In accordance with Required Actions 2(b) and 2(c), My Montecito submitted an interim corrective action plan to detail their proposed scope for recovery activities in the respective on-site/near source area and off-site Commingled Plume Area, respectively.

According to BAE, the proposed corrective action measures will mirror the previously-discussed groundwater monitoring/sampling scope, whereby free product will be removed from on-site/near-source areas (E-Z Serve Area of Responsibility),

including EZ-1, EZ-2, EZ-3, EZ-4, EZ-5, EZ-11, EZ-15, EZ-16, EZ-17, EZ-18, MW-7, MW-13, and MW-14, respectively. Similarly, interim corrective action will be conducted to remove free product in off-site/downgradient areas (Commingled Plume Area) using wells EZ-6, EZ-7, EZ-8, EZ-9, EZ-10, EZ-12, EZ-13, EZ-14, MW-15, MW-16, MW-17, MW-22, JT-1, and JT-2, respectively.

All interim corrective action activities will be conducted in accordance with a site-specific health and safety plan, in order to ensure worker safety during each field mobilization. Prior to initiating the corrective action measures, BAE will obtain a lane closure and encroachment permit from the City, as required to access street wells located in Arlington Avenue, Adams Street, and Colorado Avenue. Additionally, BAE will obtain an access agreement from the adjacent property owner to access monitoring wells installed in conjunction with their own investigations, including MW-7, MW-13, MW-14, MW-15, MW-16, MW-17, MW-22, JT-1 and JT-2. BAE will also secure an access agreement with the RUSD, as needed to access three off-site groundwater monitoring wells located on the Adams Elementary School property (EZ-8, EZ-9, EZ-10).

Initially, a vacuum truck will be used to remove free product in any of the above-identified wells where thicknesses are measured at greater than 0.5 feet. Wells containing lesser free product thicknesses will be bailed manually. Prior to initiating each corrective action event, the identified wells will be gauged to determine thickness measurements and identify the sequence for extraction efforts during that field effort. Free product removal activities will be sequenced such that wells containing the greatest thicknesses will be visited first, and then progress to wells containing lesser thicknesses thereafter. According to BAE, free product removal will be conducted on a weekly basis for one month, and monthly thereafter; however, after two months, the removal method will be evaluated for efficacy. In the event that the interim removal efforts are determined to be inefficient, dedicated skimmers will be deployed in the wells. Skimmers would continue to be monitored and emptied on a monthly basis and free product removal schedules would continue to be periodically evaluated, to maximize removal activities.

Liquids removed by vacuum truck extraction and/or manual bailing will be visually monitored throughout each event for observations/indications regarding the characteristics of fluid removed. At the conclusion of each event, containerized liquids will be measured using an interface probe or clear bailer to determine free product thicknesses and calculate the total volumes of free product and impacted groundwater removed, respectively. According to BAE, waste liquids removed during the vacuum truck extraction activities will be transported off-site for disposal or recycling after each event. The smaller volumes of free product and groundwater recovered by manual bailing activities will be containerized in 55-gallon drums and stored on-site, pending waste characterization and off-site disposal.

Approval of Interim Corrective Action Work Plan

After reviewing BAE's proposal, Santa Ana Water Board staff have determined that the work plan appears to be technically sufficient to achieve relevant objectives for interim corrective action. Accordingly, the work plan is hereby approved.

Per CAO Required Actions 2(b) and 2(c), My Montecito shall initiate interim corrective action in accordance with the approved work plan by no later than **June 10, 2022.** Pursuant to CAO Required Action 6, all technical information generated in conjunction with the interim remedial action measures must be summarized in quarterly reports submitted to the Santa Ana Water Board by no later than April 30, July 30, October 30 and January 30 of each year.

SOIL GAS INVESTIGATIONS WORK PLAN

CAO Required Actions 5(b) and 5(c)

Per CAO Required Action 5, the Responsible Parties are required to conduct additional soil gas testing, as necessary to provide and updated survey of the distribution of site contaminants in the subsurface and generate the necessary analytical data required to thoroughly evaluate the potential vapor exposure risk posed to occupants of residential and/or commercial structures that overlie petroleum hydrocarbon-impacted soil and groundwater attributed to the source properties. Soil gas testing associated with existing probes, as well as that conducted in conjunction with the installation and testing of subsequent soil gas investigations (including those required by the CAO) were to be conducted in accordance with the scopes assigned in CAO Attachment A.

Proposed Work Plan

My Montecito has submitted a work plan detailing a proposed scope for soil gas investigations in the respective on-site/near source areas and off-site commingled plume areas, respectively.

According to BAE, existing nested vapor probes VP-3 and VP-4 (E-Z Serve Property), VP-5, VP-6 (situated in Colorado Avenue) and VP-11 and VP-12 (located at 8294 San Vicente Avenue) will be re-sampled, in order to obtain updated soil gas data needed to determine the distribution of contaminants in the subsurface present day.

Pursuant to Required Action 5(b), eight additional nested soil gas probes will also be installed (and tested) at various locations across the E-Z Serve Source Property, in order to further characterize site contaminants and evaluate vapor intrusion risk associated with former source areas not previously investigated. BAE is also recommending that 6 sub-slab vapor probe implants be installed within the existing commercial structure, in order to evaluate potential vapor intrusion directly into the overlying tenant-occupied businesses. Lastly, BAE has proposed that 2 nested soil gas

probes be installed (and tested) on the downgradient elementary school property, as well as 3 residences situated along San Vicente and Brunswick Avenues, in order to investigate potential vapor intrusion risk posed by soil and groundwater impacts attributed to the commingled plume.

Again, prior to initiating field work, BAE will also obtain the necessary lane closure and encroachment permits from the City, as needed to access and sample existing probes VP-5 and VP-6, situated in Colorado Avenue. BAE will also secure the necessary access agreement with the RUSD, as needed to install proposed vapor probes on the school property. Lastly, BAE will obtain access agreements to each of the private residences located at 8284 and 8294 San Vicente Avenue, and 8283 and 8293 Brunswick Avenue, respectively, as needed to install and test and/or re-sample existing soil gas probes at each location.

According to BAE, new probe locations will be advanced to a maximum depth of 20 feet below ground surface (bgs) utilizing a hollow stem auger drill rig. During drilling, soil samples will be collected at approximate 5-foot intervals from 5 feet to 20 feet below grade, for lithologic classification and field screening for vapor readings by photoionization detector (PID). Soil samples will be preserved in accordance with USEPA Method 5035 protocols and will then be transported to a state-certified laboratory to be analyzed for petroleum hydrocarbons and VOCs by USEPA Method 8260B.

Upon reaching a terminal depth of 20 feet bgs, each borehole will be completed as a nested soil gas probe with depth discrete sample ports set at approximately 5 feet, 10 feet, 15 feet and 20 feet bgs, respectively. According to BAE, all soil vapor sampling and testing activities will be conducted in accordance with California Department of Toxic Substances Control (DTSC) Guidance, *Active Soil Gas Investigations Advisory*, dated December 2015. In accordance with best practices, each newly-installed soil gas probe will be allowed to equilibrate, prior to being sampled. Shut-in and tracer gas/leak check test procedures will also be employed during sample collection, in order to verify sample integrity and ensure that the resulting data set is representative of site conditions. According to BAE, all soil gas samples generated during this phase of assessment will be submitted to an on-site mobile laboratory for quantification of VOCs by USEPA Method 8260B.

Upon completion of the above scope, BAE will evaluate available data to determine whether additional soil gas probe installations and/or routine monitoring and testing of existing probes is warranted. Pursuant to the Gantt chart provided to agency staff, BAE anticipates that the time needed to complete the soil gas investigations will be dictated, in part, by their ability to secure the necessary private property access agreements and county and local permits, as well as contractor availability, but has estimated that the field activities and reporting can be completed in approximately seven weeks.

Discussion and Required Revisions

Santa Ana Water Board staff have determined that additional information is needed to detail the scope and procedures for the six sub-slab vapor probe implants that are to be installed as a portion of this scope. At a minimum, supplemental information must be provided to clarify probe implant design, as well as the SOPs that will be employed during installation and testing, and must identify the specific location of each probe implant within the tenant-occupied commercial units.

As set forth in the CAO, additional rounds of soil gas investigations may be required, until the Executive Officer determines that the site releases are adequately characterized, such that they no longer present an exposure risk to overlying structures and no further testing is warranted. Accordingly, the need for further soil gas testing may still be required, but any such requirement will be determined pending receipt of the data generated from this phase of assessment.

Pursuant to the Gantt chart provided to agency staff, BAE has suggested that the time needed to complete this soil gas investigation scope will be dictated, in part, by their ability to secure the necessary private property access agreements and county and local permits, as well as contractor availability, but has estimated that the field activities and reporting can be completed in approximately seven weeks.

Approval of Soil Gas Investigation Work Plan with Revisions

In consideration of the above, the work plan is approved, subject to the following revisions, which shall be implemented in accordance with the CAO:

1. BAE has indicated that each of the new soil gas probe locations will be advanced via hollow stem auger drilling methods. Therefore, pursuant to applicable guidance, all newly-installed soil gas probes shall be allowed to equilibrate for a minimum of 48 hours, prior to commencing with leak check testing, purging and sample collection.

2. Supplemental information shall be provided to detail the scope of the proposed sub-slab vapor implants that will be installed within the existing commercial structure, to evaluate the vapor intrusion risk posed to overlying businesses. A brief addendum shall be submitted by **June 1, 2022**, and at a minimum include a diagram of a typical probe implant, SOPs for probe installation and sample collection, and a more detailed figure, indicating the location and distribution of the proposed probe implants in relation to the individual business units and former source areas.

3. Soil samples collected during vapor probe installation activities in on-site/near-source areas can be analyzed in accordance with the proposed scope; however, soil samples collected in off-site or peripheral locations shall first

be field screened by PID, and do not need to be submitted for laboratory analysis unless vapor readings exceed 250 parts per million by volume.

4. Soil samples collected during vapor probe installation activities shall be analyzed for both gasoline-range petroleum hydrocarbons and VOCs, as well as total lead, by USEPA Methods 8260B and 6010B, respectively.

5. All soil gas samples collected during this phase of work shall be analyzed for both gasoline-range petroleum hydrocarbons and VOCs, as well as oxygen content and the relevant tracer gas compound. Additionally, naphthalene detections must be quantified by USEPA Method TO-17.

6. Data generated in conjunction with this scope shall be summarized in a tabulated format that compares sample results to applicable screening levels, including the San Francisco Regional Water Quality Control Board's Environmental Screening Levels (ESLs) and the State Water Resources Control Board's Low-Threat Closure Policy vapor intrusion criteria, respectively.

Although BAE indicates that only seven weeks are required to complete the scope of work, Santa Ana Water Board staff are concerned that this schedule may be more ambitious than can realistically be executed. As a result, Santa Ana Water Board staff have determined that an alternate compliance schedule of 11 weeks is expected to be more achievable. Accordingly, the compliance deadline for report submission associated with this soil gas investigation scope will be **July 27, 2022**.

ADDITIONAL GROUNDWATER ASSESSMENT WORK PLAN

CAO Required Actions 3(b) and 3(c)

Per Required Action Item 3, the Responsible Parties are required to conduct additional soil and groundwater investigations needed to (1) adequately characterize hydrocarbon-impacted soil and groundwater present beneath their respective source properties and (2) delineate the full extent of groundwater contamination emanating therefrom. Subsequent phases of site characterization are required to be performed by the Responsible Parties, as directed by the Executive Officer, until the full expanse of the groundwater impacts attributed to both site releases, inclusive of LPH (free product) and dissolved-phase hydrocarbon, VOCs and fuel additives, have been fully defined.

Proposed Work Plan

BAE submitted a groundwater assessment work plan to outline scope and procedures for site assessment associated with on-site/near source areas (E-Z Serve Area of Responsibility) and off-site plume delineation (Commingled Plume Area).

In accordance with Required Action 3(b), BAE recommends that two groundwater monitoring wells be installed at on-site locations located approximately 75 feet southwest of EZ-18 and 100 feet southwest of the EZ-17, respectively. BAE has also proposed that groundwater wells be installed at two off-site locations in Arlington Avenue, approximately 75 west of MW-13 and northwest of MW-14, respectively. Lastly, pursuant to Required Action 3(c), BAE is proposing that additional groundwater wells be installed in Adams Street and Brunswick Avenue, as necessary to address the data gaps in the existing monitoring well network identified between wells MW-17 and EZ-7 and EZ-7 and MW-22, respectively. According to BAE, the last two wells (discussed above) are being proposed to delineate the commingled plume and should therefore be a shared cost with the adjacent Responsible Party.

Prior to initiating monitoring activities, a site-specific health and safety plan will be developed to ensure worker safety during all field activities. BAE will also obtain a lane closure and encroachment permit from the City, as required to install the proposed monitoring wells in the public ROW. Additionally, BAE will secure the necessary well installation permits from Riverside County Department of Environmental Health.

According to BAE, each borehole will be advanced to a maximum depth of approximately 45 feet bgs utilizing a hollow stem auger drill rig. While soil samples will be collected at approximate 5-foot intervals from 5 feet below grade to terminal depth, in order to determine lithologic classification and perform field screening for VOCs by PID, no soil samples will be submitted for laboratory analysis in conjunction with this phase of investigation, as the proposed drilling will be conducted at off-site locations outside former source areas associated with historical fueling operations. Based on a review of recent monitoring data, BAE anticipates that groundwater will be encountered between 25 and 30 feet bgs during drilling activities. As such, each boring will be advanced until groundwater is encountered and will then be completed at a terminal depth extending approximately 10 feet into groundwater. Each borehole will subsequently be completed as a 4-inch groundwater monitoring well, constructed with 15 feet of screen spanning 5 feet above and 10 feet below the water table.

Each of the newly-installed wells will be developed, purged and sampled no sooner than 48 hours well after installation. Prior to sampling, each well will be gauged to determine depth to groundwater and measure free product thicknesses, if present. According to BAE, any wells observed to contain significant quantities of free product will not be sampled, but those containing only a sheen, or less than 0.5 inches of free product will be purged and sampled to obtain dissolved-phase data. All groundwater samples will be labeled, preserved and transported under strict chain of custody control to a state-certified laboratory and will be analyzed for total petroleum hydrocarbons (full carbon-chain range) and VOCs, by USEPA Methods 8015M and 8260B, respectively. Soil cuttings and waste liquids generated in conjunction with this scope will be containerized in 55-gallon drums, which will be temporarily stored on-site pending waste profiling and manifesting needed for off-site disposal.

After completion of the above scope, BAE will prepare a report of findings, to compile available data including, boring logs, calculated groundwater elevations, gradient, and flow; tabulated data of accumulated groundwater concentrations and free product levels; site plans depicting groundwater elevations and contaminant concentrations (including those of the adjacent property); and any resulting conclusions or recommendations drawn from the data. Pursuant to the Gantt chart provided in the work plan, BAE anticipates that the time needed to complete the groundwater investigation and associated data compilation/reporting will be approximately eight weeks.

Discussion and Required Revisions

Pursuant to Required Action 3(c), BAE proposes that additional groundwater wells be installed in Adams Street and Brunswick Avenue, as necessary to address the data gaps in the existing monitoring well network identified between wells MW-17 and EZ-7 and EZ-7 and MW-22, respectively. However, because the wells are being proposed to delineate the commingled plume, BAE asserts that this portion of the assessment scope should be a shared cost with the adjacent Responsible Party. Santa Ana Water Board staff concur with this assertion.

Pursuant to CAO Required Action 1, any additional monitoring wells installed by the Responsible Parties in conjunction with subsequent phases of site investigations shall be incorporated into ongoing monitoring activities conducted in accordance with the assignments outlined in Attachment A. Accordingly, proposed wells EZ-18 through EZ-21 and JT-3 and JT-4 must be incorporated into the respective monitoring well networks identified in Table 2 (E-Z Serve Site - Area of Responsibility) and Table 3 (Commingled Plume – Area of Responsibility) of Attachment A, respectively, and routine monitoring/sampling activities associated with the newly-installed wells shall be performed in accordance with the approved monitoring programs and schedule approved earlier in this correspondence.

Pursuant to the Gantt chart provided in their work plan, BAE anticipates that approximately eight weeks will be needed to complete the groundwater investigation and associated data compilation/reporting.

Approval of Work Plan with Revisions

In consideration of the above, the work plan is approved, subject to the following revisions, which shall be implemented in accordance with the CAO:

1. For a minimum of one year, groundwater samples collected from newly-installed wells installed in conjunction with the E-Z Serve Source Property and the Commingled Plume Area, respectively, must be analyzed for total lead by EPA Method 6020.

2. Wells EZ-18 through EZ-21 and JT-3 and JT-4 shall be incorporated into the respective monitoring well networks in Table 2 (E Z Serve Site – Area of Responsibility) and Table 3 (Commingled Plume – Area of Responsibility) of Attachment A; and routine monitoring/sampling activities associated with the newly installed wells shall be performed in accordance with the approved monitoring programs and schedule approved earlier in this correspondence.

Pursuant to Required Actions 3(b) and 3(c), the Responsible Parties shall complete the required investigations and submit the associated report of finding, including recommendations and conclusions for additional phases of characterization (as warranted), in accordance with a schedule approved by the Executive Officer.

When considering the scope and other project constraints, Santa Ana Water Board staff are concerned that the proposed time schedule may be more ambitious than can realistically be executed. As a result, staff have determined that a compliance period of 14 weeks appears to be more achievable. Accordingly, the compliance deadline for report submission associated with these groundwater investigations will be **August 17, 2022**.

All future monitoring and sampling activities associated with the newly-installed wells shall be conducted in accordance with the agency-approved monitoring program and schedule (2nd and 4th Quarter) approved earlier in this correspondence.

REMEDIAL ACTION PLANS

CAO Required Action 4

Under the CAO, the Responsible Parties are required to take corrective action in response to unauthorized releases and abate the effects of waste emanating from retail fueling operations at 6020 and 6160 Arlington Avenue, Riverside, California. Upon adoption by the Santa Ana Water Board, compliance schedules were established for performing certain tasks required by the CAO, 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.

In accordance with the above, My Montecito has submitted the respective work plans to outline the proposed scopes and procedures for routine groundwater monitoring and sampling activities (*Required Action 1*), interim corrective action (*Required Action 2*), groundwater assessment/plume delineation (*Required Action 3*) and soil gas investigations (*Required Action 5*), associated with their respective source property and the commingled plume. Each proposal has been detailed and approved herein (with certain revisions).

Extension for Compliance with CAO Required Action 4

Per Required Action 4, the Responsible Parties are required to develop and implement corrective action measures that are sufficiently scaled to (1) mitigate source-area soil and groundwater contamination beneath their respective properties and (2) prevent further off-site migration of contaminants via groundwater transport.

Additionally, the Responsible Parties are required to develop and implement a comprehensive remedial response, designed to mitigate the full extent of groundwater impacts, inclusive of LPH and dissolved-phase hydrocarbons, VOCs and fuel additives, which have migrated beyond site boundaries and commingled beneath numerous downgradient properties and ROW.

In accordance with Required Action 4(b) and 4(c), remedial action plans (RAPs) for cleanup associated with the respective E-Z Serve Source Property and the Commingled Plume Area were to be submitted within 120 days of CAO adoption, or by no later than October 16, 2021. However, in consideration of the fact that the proposed work scopes associated with CAO Required Actions 1, 2, 3 and 5 must still be scheduled and completed, My Montecito has requested an extension for submission of the RAPs that were required pursuant to CAO Required Action 4(b) and 4(c).

After further consideration of the data that will be gained by completing the site characterization and testing scopes required pursuant to Required Actions 1(b) and 1(c), 2(b) and 2(c), 3(b) and 3(c) and 5(b) and 5(c), and with the acknowledgment that portions of the investigation work scopes will require securing access to off-site areas associated with the surrounding private properties and City ROW, the request for an extension appears to be justified. Understanding that time will be needed for data compilation/interpretation associated with the investigation scopes, as well as remedial evaluation and remedy selection, the revised compliance deadline for RAP submissions required pursuant to Required Actions 4(b) and 4(c) will be **September 28, 2022**.

Any additional requests for an extension will only be considered when accompanied by substantial demonstration of progress by Responsible Parties with respect to timely implementation of the various other CAO requirements.

REVISIONS TO WORK PLANS

To the extent that any of the Executive Officer revisions in this document impose new obligations, or expand the scope of existing obligations under the CAO, such revisions are within the Executive Officer's delegated authority under the Water Code, which includes the issuance of orders under Water Code sections 13267 and 13304. (Wat. Code, § 13223, subd. (a); Resolution R8-2019-0056.)

Revisions to My Montecito's work plans are necessary for the reasons already stated in the CAO (incorporated herein), as well as to ensure that My Montecito's work plans are

capable of fully achieving investigative and remedial objectives in a reasonable time frame, as provided for under applicable laws and policies.

The costs and other burdens of complying with specified revisions to investigation-work plans and other technical reports were previously considered in the issuance of the CAO. (See CAO Finding 9, pp. 22-26.) However, even if the specified revisions were to theoretically result in a 25 to 50 percent increase in My Montecito's overall cost of compliance (i.e., above amounts specified in CAO), such costs are nevertheless reasonable relative to the needs discussed above.

PARTIES STRONGLY ENCOURAGED TO WORK COOPERATIVELY

Under the CAO, each of the Responsible Parties is jointly and severally liable for completing the necessary tasks associated with the Commingled Plume Area, including further site characterization, monitoring and remediation. As a result, activities conducted within the Commingled Plume Area should be a cooperative effort, implemented by the collective group, to minimize duplicative effort and costs. **Santa Ana Water Board staff therefore strongly encourages Responsible Parties to work collaboratively.**

FAILURE TO COMPLY WITH CAO

Please be advised that any failure to comply with requirements of the CAO may subject the Responsible Party to further enforcement action, including but not limited to the following:

- Civil penalty of not more than $10,000 for each day of violation of any corrective action established by, or issued pursuant to, California Health and Safety Code section 25296.10 (Health and Safety Code) for each underground storage tank as provided in Health and Safety Code section 25299, subdivision (d)(1);

- Administrative civil liability, pursuant to California Water Code sections (Water Code) 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

- Referral of the matter to the Attorney General to seek injunctive relief and/or civil liability in superior court pursuant to the Water Code and Health and Safety Code, including Water Code sections 13268, 13304, and 13350 and Health and Safety Code sections 25299 and 25299.01.

The Santa Ana Water Board also has authority to take further enforcement actions as necessary and to the full extent of the law.

If you have technical questions, please contact Valerie Jahn-Bull at (951) 782-4903 or via email at Valerie.Jahn-Bull@waterboards.ca.gov, or myself, at (951) 782-3284 or Jayne.Joy@waterboards,ca,gov, respectively. For legal concerns, please contact David Lancaster at (916) 341-5195 or David.Lancaster@waterboards.ca.gov.

Sincerely,

[Signed Letter Posted on GeoTracker]
Jayne Joy, P.E.
Executive Officer
Santa Ana Regional Water Quality Control Board

cc: Russ Cote – BA Environmental (Division of Building Analytics) (rcote@buildinganalytics.com)

David Lancaster – State Water Resources Control Board, Office of Chief Counsel (David.Lancaster@Waterboards.ca.gov)

Katharine Buddingh – State Water Resources Control Board, Office of Chief Counsel (Katharine.Buddingh@Waterboards.ca.gov)

Jeannie Newman – Restructure Petroleum Marketing Services of CA (rpmsca@aol.com)

Mark Gilmartin, Esq. – Law Offices of Mark Gilmartin (mark@lombg.com)

Ed Rands – Frey Environmental, Inc. (EdRands@Freyinc.com)