

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

ORDER No. 99-077

SITE CLEANUP REQUIREMENTS FOR:

GOLDEN TECHNOLOGY, INC., EH INTERNATIONAL, INC., POLLACK AND POLLACK PROPERTIES, ROBERT S. POLLACK, MICHAEL A. POLLACK, HELP DEVELOPMENT COMPANY, MILAN MANDARIC, GORDON MANDARIC, VED KHOSLA, and SANTOSH KHOSLA

for the property located at

3465 AND 3475 EDWARD AVENUE
SANTA CLARA
SANTA CLARA COUNTY

The California Regional Water Quality Control Board, San Francisco Bay Region (hereinafter Board), finds that:

1. **Site Location:** The site is located at 3465 and 3475 Edward Avenue between Highway 101 and the Montague Expressway in Santa Clara as shown in Figure 1. This area is used primarily for commercial and light industrial purposes, with nearby residential use. The Guadalupe River is about 1000 feet to the east. As shown in Figure 2, the site consists of two parcels bounded by Nelo Street to the north, Edward Avenue to the west, Aldo Avenue to the south, and other light industrial buildings to the east. There are two buildings on the site. The northern building is subdivided into five units consisting of 472 Nelo Street, 482 Nelo Street, 3485 Edward Avenue, 3479 Edward Avenue, and 3475 Edward Avenue. The southern building is also divided into five units consisting of 3465 Edward Avenue, 3461 Edward Avenue, 3459 Edward Avenue, 455 Aldo Street, and 451 Aldo Street.
2. **Site History:** The site was agricultural prior to 1970, as indicated by aerial photography. In about 1971, the buildings that currently occupy the site were constructed under the ownership of Help Development Company. The property was sold to Milan and Gordon Mandaric in about 1973 and was sold again in 1979 to Ved and Santosh Khosla. Pollack and Pollack Properties (hereinafter Pollack and Pollack), a partnership of Robert S. Pollack and Michael A. Pollack, bought the property from the Kloslas in October 1986. Pollack and Pollack currently own the property.

From 1971 to 1974, the use of the buildings is unknown. From about 1974 to about 1985, Golden Technology, Inc. (hereinafter Golden Technology) operated a printed circuit board manufacturing facility in both buildings. Golden Technology incorporated

in 1966. EH International merged with Golden Technology in 1980. While the records regarding the current corporate status of Golden Technology and EH International are not clear, both entities are believed to .

Since about 1986, the site has been leased to various commercial and light industrial businesses. Known uses include machine shops, graphic productions, medical equipment sales, carpet sales, rubber bumper manufacturing, a glass shop, and ceramic machining.

3. **Named Dischargers:** Pollack and Pollack Properties, Robert S. Pollack, and Michael A. Pollack are named as dischargers because they are the current owners of the property.

Golden Technology Inc. and EH International are named as dischargers because of substantial evidence that they discharged pollutants to soil and groundwater at the site.

Help Development Company, Milan and Gordon Mandaric, and Ved and Santosh Khosla are named as dischargers because they owned the property during the time of the activity that resulted in the discharge, and had knowledge or should have had knowledge of the discharge or the activities that caused the discharge, and had the legal ability to prevent the discharge.

If additional information is submitted indicating that other parties caused or permitted any waste to be discharged on the site where it entered or could have entered waters of the state, the Board will consider adding those parties' names to this order.

4. **Regulatory Status:** This site is currently not subject to a Board Order.
5. **Site Hydrogeology:** Native soils encountered at this site ranged from stiff clays to coarse sands with few fines. In general, the upper 3-5 feet of soil was found to be predominantly clay and the deeper zones were predominantly sands with some interlayers of clayey material. Groundwater is about 10 feet deep. The direction of groundwater flow is unknown, but it is expected to flow north to northeast based on the groundwater flow direction of nearby sites.
6. **Remedial Investigation:** In 1994, groundwater contamination, primarily trichloroethene (TCE) and tetrachloroethene (PCE), was found at the nearby property located at 437-439 Aldo Avenue during an environmental assessment for a pending sale. The highest concentration of TCE (35,000 (µg/l) micrograms per liter) was found at the property boundary adjacent to 3465-3475 Edward Avenue. As a result, Pollack and Pollack, the property owner of 3465-3475 Edward Avenue, was directed to perform a site investigation of their property.

Between December 1996 and October 1998, Terratech, Inc. performed a series of investigations for Pollack and Pollack, primarily in the courtyard area between the two buildings on the Pollack and Pollack property. This area is believed to be the location where Golden Technology formerly stored chemicals and had their main process drainage sumps. Eleven soil borings were drilled in the courtyard area and two soil samples were collected from each boring, one shallow sample (less than 5 feet below ground surface (bgs)), and one deeper sample (5-10 feet bgs). In all soil borings, the deeper samples had much higher concentrations of VOCs. The highest soil concentration detected in the courtyard area was TCE at 4.3 milligrams per kilogram (mg/kg). Figures 3 and 4 show the VOC soil concentrations from these investigations. Ten grab groundwater samples were also collected in the courtyard area during these investigations. TCE groundwater concentrations in the courtyard area ranged from 5,800 µg/l to 14,000 µg/l as shown in Figure 5.

7. **Interim Remedial Measures:** No interim remedial measures have been proposed at this time. Interim remedial measures need to be implemented at this site to reduce the threat to water quality, public health, and the environment posed by the discharge of waste and to provide a technical basis for selecting and designing final remedial measures.
8. **Adjacent Sites:** The property at 3495 De La Cruz Boulevard is located across the street from 3475 Edward Avenue. The owners of 3495 De La Cruz Boulevard are currently performing groundwater remediation involving contamination with metals, primarily nickel and chromium. None of the adjacent sites to 3465-3475 Edward Avenue property are currently regulated by the Regional Board. Contaminated groundwater is known to exist on adjacent properties, but this contaminated groundwater is likely the result of groundwater migration from the 3465-3475 Edwards Avenue site. The Regional Board has no information at this time indicating that contamination sources from adjacent properties exist.
9. **Basin Plan:** The Board adopted a revised Water Quality Control Plan for the San Francisco Bay Basin (Basin Plan) on June 21, 1995. This updated and consolidated plan represents the Board's master water quality control planning document. The revised Basin Plan was approved by the State Water Resources Control Board and the Office of Administrative Law on July 20, 1995, and November 13, 1995, respectively. A summary of regulatory provisions is contained in 23 CCR 3912. The Basin Plan defines beneficial uses and water quality objectives for waters of the State, including surface waters and groundwaters.

The potential beneficial uses of groundwater underlying and adjacent to the site include:

- a. Municipal and domestic water supply
- b. Industrial process water supply
- c. Industrial service water supply
- d. Agricultural water supply

The existing and potential beneficial uses of the Guadalupe River include:

- a. Municipal and domestic supply
- b. Agricultural supply
- c. Industrial process supply or service supply
- d. Groundwater recharge
- e. Water contact and non-contact recreation
- f. Wildlife habitat
- g. Cold freshwater and warm freshwater habitat
- h. Fish migration and spawning
- i. Navigation
- j. Estuarine habitat
- k. Shellfish harvesting
- l. Preservation of rare and endangered species

10. **Other Board Policies:** Board Resolution No. 88-160 allows discharges of extracted, treated groundwater from site cleanups to surface waters only if it has been demonstrated that neither reclamation nor discharge to the sanitary sewer is technically and economically feasible.

Board Resolution No. 89-39, "Sources of Drinking Water," defines potential sources of drinking water to include all groundwater in the region, with limited exceptions for areas of high TDS, low yield, or naturally-high contaminant levels.

11. **State Water Board Policies:** State Water Board Resolution No. 68-16, "Statement of Policy with Respect to Maintaining High Quality of Waters in California," applies to this discharge and requires attainment of background levels of water quality, or the highest level of water quality which is reasonable if background levels of water quality cannot be restored. Cleanup levels other than background must be consistent with the maximum benefit to the people of the State, not unreasonably affect present and anticipated beneficial uses of such water, and not result in exceedance of applicable water quality objectives. Given the Board's past experience with groundwater pollution cases of this type, it is unlikely that background levels of water quality can be restored. This initial conclusion will be verified when a cleanup plan is prepared. This order and its requirements are consistent with Resolution No. 68-16.

State Water Board Resolution No. 92-49, "Policies and Procedures for Investigation and Cleanup and Abatement of Discharges Under Water Code Section 13304," applies to this discharge. This order and its requirements are consistent with the provisions of Resolution No. 92-49, as amended.

12. **Preliminary Cleanup Goals:** The discharger will need to make assumptions about future cleanup standards for soil and groundwater, in order to determine the necessary extent of remedial investigation, interim remedial actions, and the draft cleanup plan. Pending the establishment of site-specific cleanup standards, the following preliminary cleanup goals should be used for these purposes:
 - a. **Groundwater:** Applicable water quality objectives (e.g. maximum contaminant levels, or MCLs) or, in the absence of a chemical-specific objective, risk-based levels (e.g. drinking water equivalent levels).
 - b. **Soil:** 1 mg/kg total volatile organic compounds (VOCs), 10 mg/kg total semi-volatile organic compounds (SVOCs), and background concentrations of metals.
13. **Basis for 13304 Order:** The discharger has caused or permitted waste to be discharged or deposited where it is or probably will be discharged into waters of the State and creates or threatens to create a condition of pollution or nuisance.
14. **Cost Recovery:** Pursuant to California Water Code Section 13304, the discharger is hereby notified that the Board is entitled to, and may seek reimbursement for, all reasonable costs actually incurred by the Board to investigate unauthorized discharges of waste and to oversee cleanup of such waste, abatement of the effects thereof, or other remedial action, required by this order.
15. **CEQA:** This action is an order to enforce the laws and regulations administered by the Board. As such, this action is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15321 of the Resources Agency Guidelines.
16. **Notification:** The Board has notified the discharger and all interested agencies and persons of its intent under California Water Code Section 13304 to prescribe site cleanup requirements for the discharge, and has provided them with an opportunity to submit their written comments.
17. **Public Hearing:** The Board, at a public meeting, heard and considered all comments pertaining to this discharge.

IT IS HEREBY ORDERED, pursuant to Section 13304 of the California Water Code, that the discharger (or its agents, successors, or assigns) shall cleanup and abate the effects described in the above findings as follows:

A. PROHIBITIONS

1. The discharge of wastes or hazardous substances in a manner which will degrade water quality or adversely affect beneficial uses of waters of the State is prohibited.
2. Further significant migration of wastes or hazardous substances through subsurface transport to waters of the State is prohibited.
3. Activities associated with the subsurface investigation and cleanup which will cause significant adverse migration of wastes or hazardous substances are prohibited.

B. TASKS

1. **REMEDIAL INVESTIGATION WORKPLAN**

COMPLIANCE DATE: December 1, 1999

Submit a workplan acceptable to the Executive Officer to define the vertical and lateral extent of soil and groundwater pollution. The workplan should specify investigation methods, the locations of proposed sampling, the type of analyses to be performed, and a proposed time schedule.

2. **COMPLETION OF REMEDIAL INVESTIGATION**

COMPLIANCE DATE: 90 days after approval of the Task 1 workplan

Submit a technical report acceptable to the Executive Officer documenting completion of necessary tasks identified in the Task 1 workplan. The technical report should define the vertical and lateral extent of pollution down to concentrations at or below typical cleanup standards for soil and groundwater.

3. **INTERIM REMEDIAL ACTION WORKPLAN**

COMPLIANCE DATE: June 1, 2000

Submit a workplan acceptable to the Executive Officer to evaluate interim remedial action alternatives and to recommend one or more alternatives for implementation. The workplan should specify a proposed time schedule. Work may be phased to allow the investigation to proceed efficiently. If groundwater extraction is selected as an interim remedial action, disposal of the treated groundwater must be addressed. If neither reclamation nor discharge to the sanitary sewer is technically or economically feasible, then a "Notice of Intent" shall be submitted to obtain coverage under the general NPDES permit for discharge of extracted and treated groundwater to waters of the State (Order No. 94-087, NPDES No. CAG912003).

4. **COMPLETION OF INTERIM REMEDIAL ACTIONS**

COMPLIANCE DATE: 90 days after approval of the workplan

Submit a technical report acceptable to the Executive Officer documenting completion of necessary tasks identified in the Task 3 workplan. For ongoing actions, such as soil vapor extraction or groundwater extraction, the report should document start-up as opposed to completion.

5. **PROPOSED FINAL REMEDIAL ACTIONS AND CLEANUP STANDARDS**

COMPLIANCE DATE: October 1, 2000

Submit a technical report acceptable to the Executive Officer containing:

- a. Results of the remedial investigation
- b. Evaluation of the installed interim remedial actions
- c. Feasibility study evaluating alternative final remedial actions
- d. Risk assessment for current and post-cleanup exposures
- e. Recommended final remedial actions and cleanup standards
- f. Implementation tasks and time schedule

Item c should include projections of cost, effectiveness, benefits, and impact on public health, welfare, and the environment of each alternative action.

Items a through c should be consistent with the guidance provided by Subpart F of the National Oil and Hazardous Substances Pollution Contingency Plan (40 CFR Part 300), CERCLA guidance documents with respect to remedial investigations and feasibility studies, Health and Safety Code Section 25356.1(c), and State Board Resolution No. 92-49 as amended ("Policies and Procedures for Investigation and Cleanup and Abatement of Discharges Under Water Code Section 13304").

Item e should consider the preliminary cleanup goals for soil and groundwater identified in finding 12 and should address the attainability of background levels of water quality (see finding 11).

6. **Delayed Compliance:** If the discharger is delayed, interrupted, or prevented from meeting one or more of the completion dates specified for the above tasks, the discharger shall promptly notify the Executive Officer and the Board may consider revision to this Order.

C. PROVISIONS

1. **No Nuisance:** The storage, handling, treatment, or disposal of polluted soil or groundwater shall not create a nuisance as defined in California Water Code Section 13050(m).
2. **Good Operation and Maintenance (O&M):** The discharger shall maintain in good working order and operate as efficiently as possible any facility or control system installed to achieve compliance with the requirements of this Order.
3. **Cost Recovery:** The discharger shall be liable, pursuant to California Water Code Section 13304, to the Board for all reasonable costs actually incurred by the Board to investigate unauthorized discharges of waste and to oversee cleanup of such waste, abatement of the effects thereof, or other remedial action, required by this Order. If the site addressed by this Order is enrolled in a State Board-managed reimbursement program, reimbursement shall be made pursuant to this Order and according to the procedures established in that program. Any disputes raised by the discharger over reimbursement amounts or methods used in that program shall be consistent with the dispute resolution procedures for that program.
4. **Access to Site and Records:** In accordance with California Water Code Section 13267(c), the discharger shall permit the Board or its authorized representative:

- a. Entry upon premises in which any pollution source exists, or may potentially exist, or in which any required records are kept, which are relevant to this Order.
 - b. Access to copy any records required to be kept under the requirements of this Order.
 - c. Inspection of any monitoring or remediation facilities installed in response to this Order.
 - d. Sampling of any groundwater or soil which is accessible, or may become accessible, as part of any investigation or remedial action program undertaken by the discharger.
6. **Contractor / Consultant Qualifications:** All technical documents shall be signed by and stamped with the seal of a California registered geologist, a California certified engineering geologist, or a California registered civil engineer.
7. **Lab Qualifications:** All samples shall be analyzed by State-certified laboratories or laboratories accepted by the Board using approved EPA methods for the type of analysis to be performed. All laboratories shall maintain quality assurance/quality control (QA/QC) records for Board review. This provision does not apply to analyses that can only reasonably be performed on-site (e.g. temperature).
8. **Document Distribution:** Copies of all correspondence, technical reports, and other documents pertaining to compliance with this Order shall be provided to the following agencies:
- a. City of Santa Clara
 - b. County of Santa Clara
 - c. Santa Clara Valley Water District

The Executive Officer may modify this distribution list as needed.

9. **Reporting of Changed Owner or Operator:** The discharger shall file a technical report on any changes in site occupancy or ownership associated with the property described in this Order.

10. **Reporting of Hazardous Substance Release:** If any hazardous substance is discharged in or on any waters of the State, or discharged or deposited where it is, or probably will be, discharged in or on any waters of the State, the discharger shall report such discharge to the Regional Board by calling (510) 622-2300 during regular office hours (Monday through Friday, 8:00 to 5:00).

A written report shall be filed with the Board within five working days. The report shall describe: the nature of the hazardous substance, estimated quantity involved, duration of incident, cause of release, estimated size of affected area, nature of effect, corrective actions taken or planned, schedule of corrective actions planned, and persons/agencies notified.

This reporting is in addition to reporting to the Office of Emergency Services required pursuant to the Health and Safety Code.

13. **Periodic SCR Review:** The Board will review this Order periodically and may revise it when necessary. The discharger may request revisions and upon review the Executive Officer may recommend that the Board revise these requirements.

I, Loretta K. Barsamian, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on September 15, 1999.



Loretta K. Barsamian
Executive Officer

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FAILURE TO COMPLY WITH THE REQUIREMENTS OF THIS ORDER MAY SUBJECT YOU TO ENFORCEMENT ACTION, INCLUDING BUT NOT LIMITED TO: IMPOSITION OF ADMINISTRATIVE CIVIL LIABILITY UNDER WATER CODE SECTIONS 13268 OR 13350, OR REFERRAL TO THE ATTORNEY GENERAL FOR INJUNCTIVE RELIEF OR CIVIL OR CRIMINAL LIABILITY
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- Attachments: Figure 1. Site Location Map
Figure 2. Site Map
Figure 3. Shallow (0-5 ft.) Soil VOC Concentrations
Figure 4. Deep (5-10') Soil VOC Concentrations
Figure 5. Groundwater VOC Concentrations

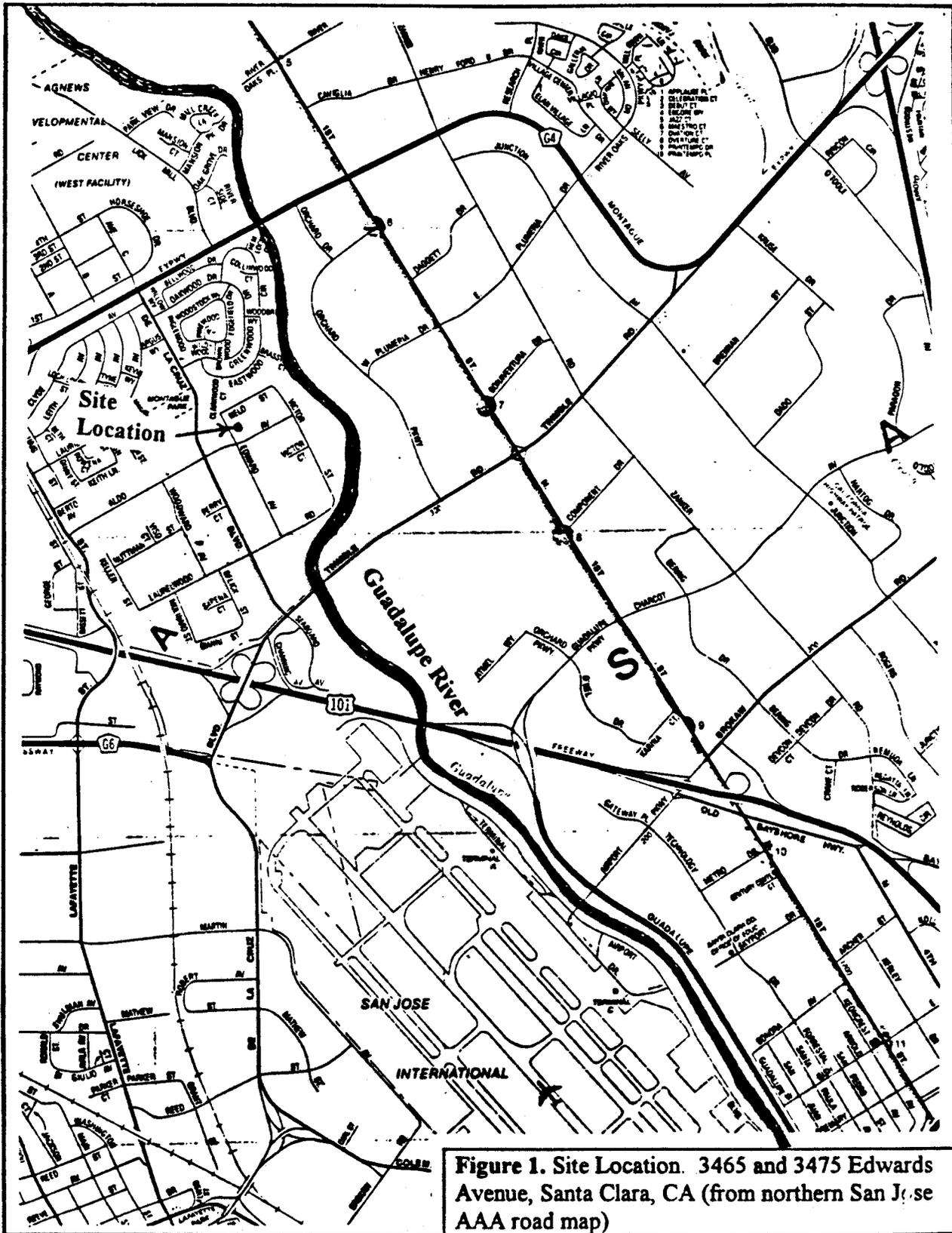


Figure 1. Site Location. 3465 and 3475 Edwards Avenue, Santa Clara, CA (from northern San Jose AAA road map)

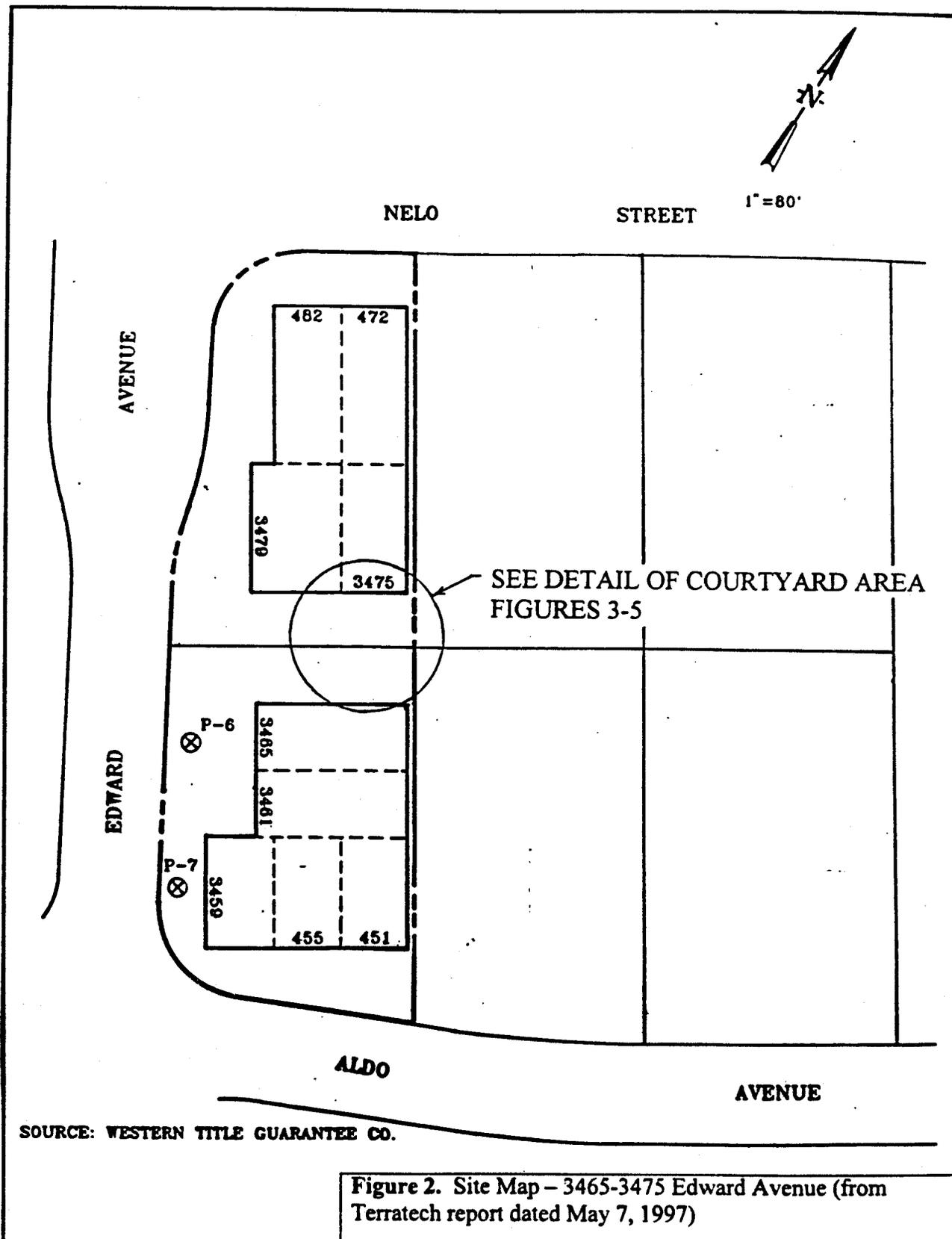


Figure 2. Site Map - 3465-3475 Edward Avenue (from Terratech report dated May 7, 1997)

EXPLANATION

P - PCE (TETRACHLOROETHENE)

T - TCE (TRICHLOROETHENE)

D - CIS-1,2 DCE (DICHLOROETHENE)

ALL CONCENTRATIONS PRESENTED IN mg/Kg
(PARTS PER MILLION)



1"=20'

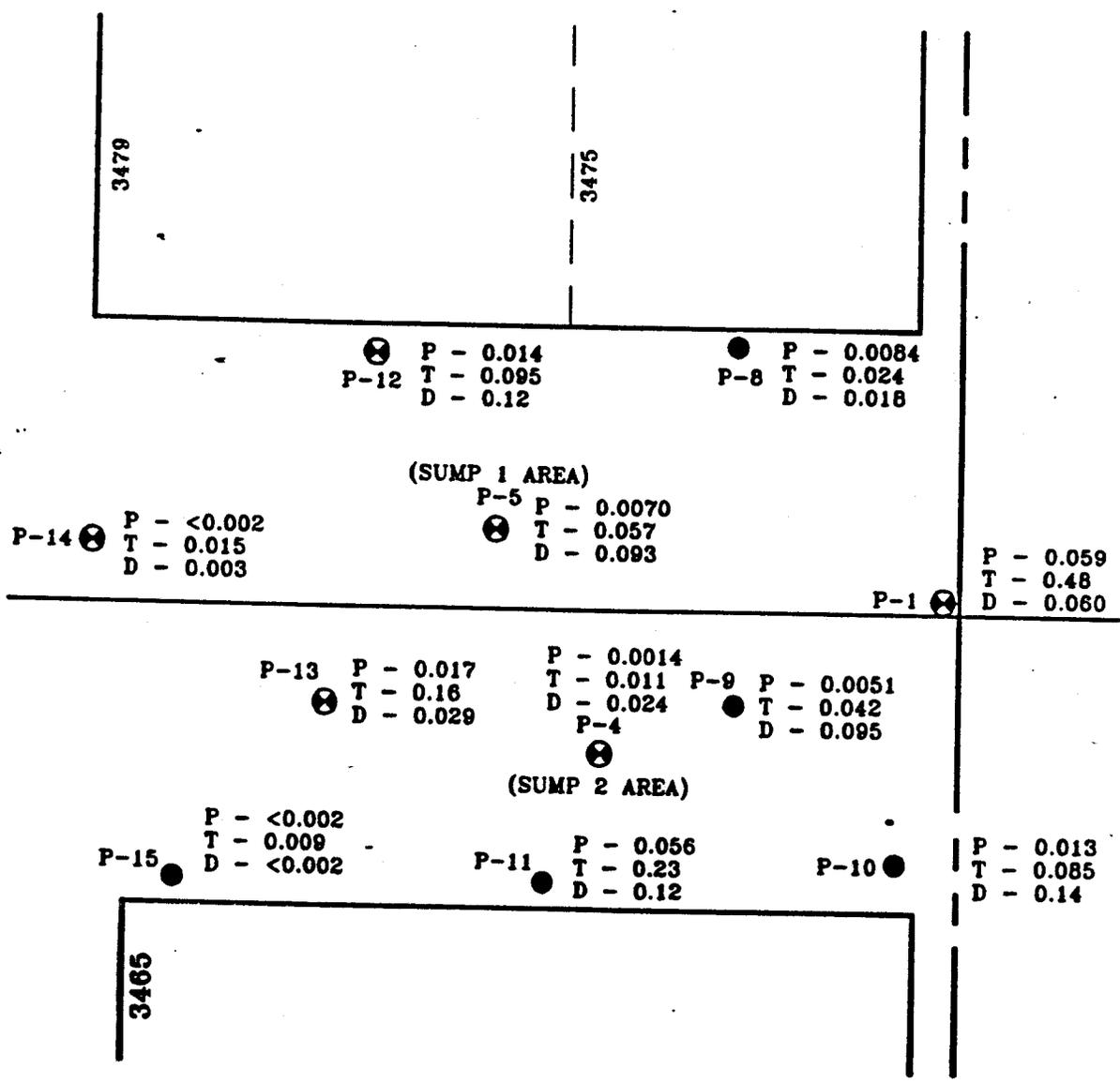


Figure 3. VOCs in Shallow Soil (0-5 ft. bgs) (from Terratech report dated May 7, 1997)

EXPLANATION

P - PCE (TETRACHLOROETHENE)

T - TCE (TRICHLOROETHENE)

D - CIS-1,2 DCE (DICHLOROETHENE)

ALL CONCENTRATIONS PRESENTED IN mg/Kg
(PARTS PER MILLION)



1" = 20'

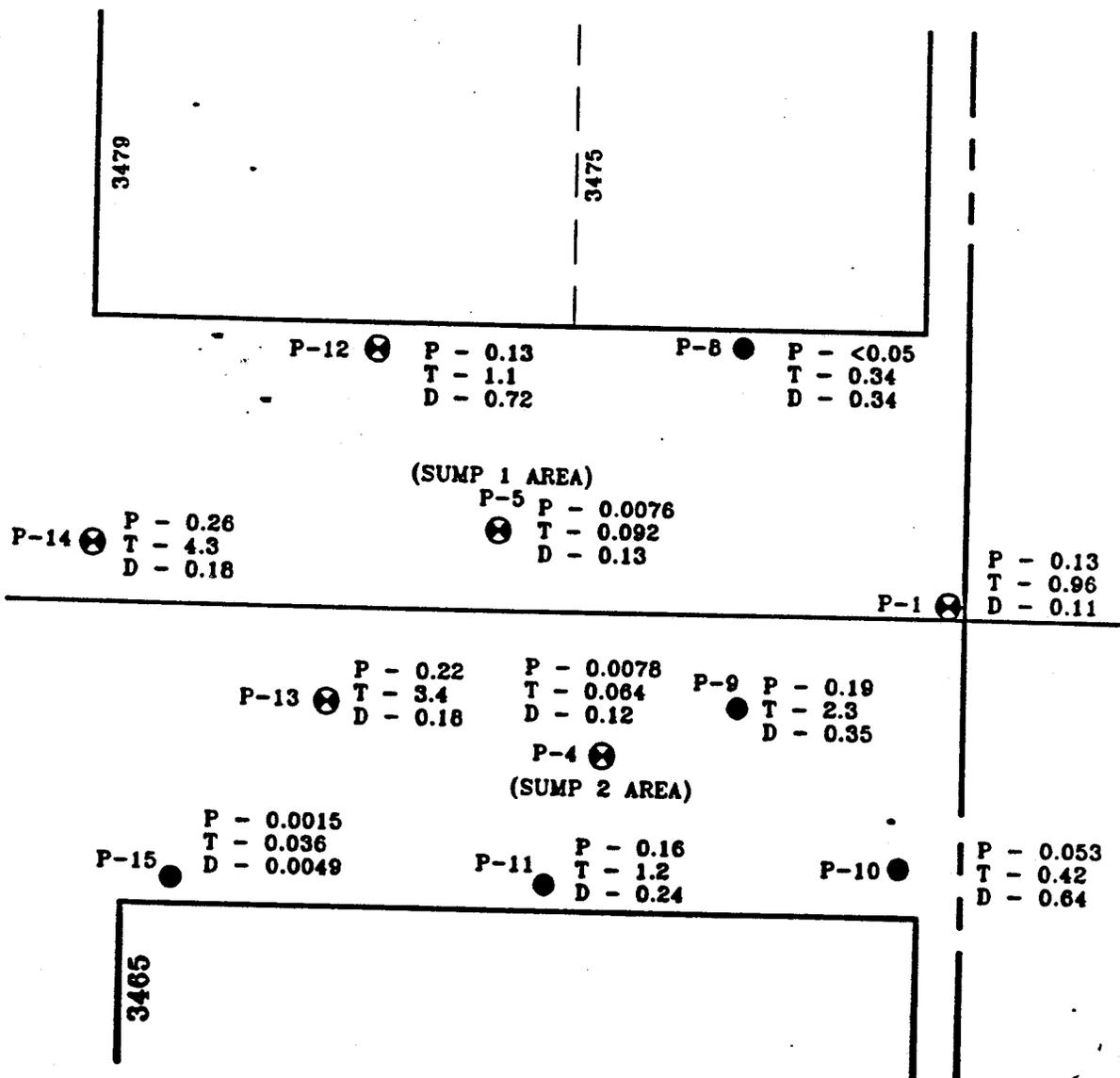


Figure 4. VOCs in Deeper Soil (5-10 ft. bgs) (from Terratech report dated May 7, 1997)

EXPLANATION

- P - PCE (TETRACHLOROETHENE)
- T - TCE (TRICHLOROETHENE)
- D - CIS-1,2 DCE (DICHLOROETHENE)

ALL CONCENTRATIONS PRESENTED IN ug/L
(PARTS PER BILLION)



1"=20'

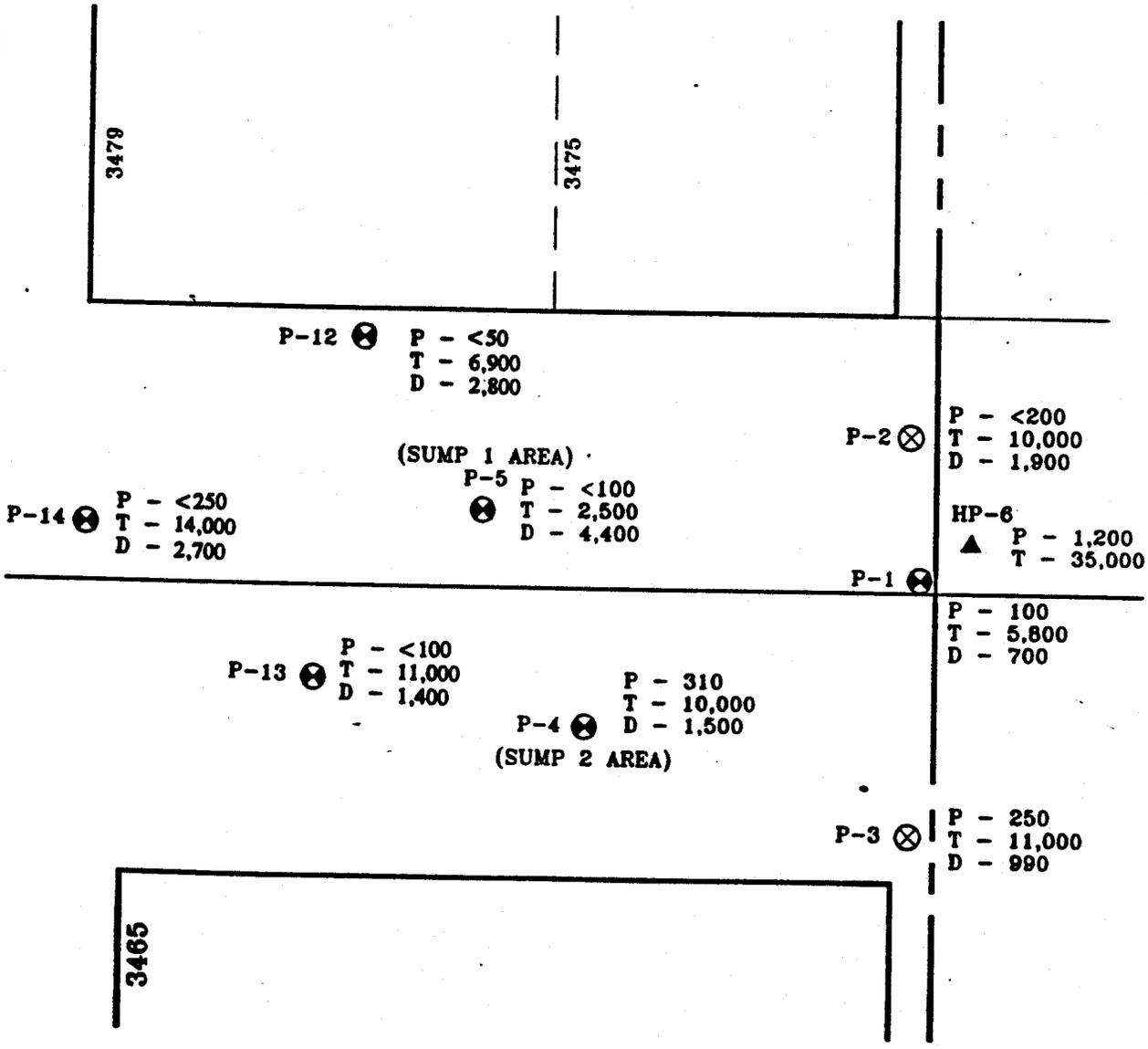


Figure 5. VOCs in Groundwater (from Terratech report dated May 7, 1997)



California Regional Water Quality Control San Francisco Bay Region

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Date: **SEP 30 1999**
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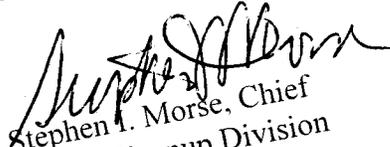
Ved and Santosh Khosla
1525 Lakeview Drive
Hillsborough, CA 94010

Subject: Board Order No. 99-077, Site Cleanup Requirements for 3465-3475 Edward Avenue, Santa Clara, CA

Enclosed is Board Order 99-077, Site Cleanup Requirements for 3465-3475 Edward Avenue in Santa Clara, which was adopted by the Regional Board on September 15, 1999.

If you have any questions regarding Board Order 99-077, please contact Vincent Christian of my staff at (510) 622-2336, or e-mail at vac@rb2.swrcb.ca.gov.

Sincerely,


Stephen I. Morse, Chief
Toxics Cleanup Division

Enclosure: Board Order No. 99-077

cc: Keith Howard
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California Environmental Protection Agency

