

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION**

TENTATIVE ORDER

TERMINATION OF SITE CLEANUP REQUIREMENTS (ORDER NO. 00-092) for:

FORMER FMC CORPORATION and 495 EAST BROKAW ROAD, LLC

For the property located at:

*495 EAST BROKAW ROAD
SAN JOSE
SANTA CLARA COUNTY*

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

1. **Regional Water Board Orders:** The Regional Water Board adopted Site Cleanup Requirements Order No. 00-092 for the property located at 495 East Brokaw Road in San Jose (Property) on August 24, 2000. The Order named FMC Corporation and 495 East Brokaw Road, LLC, as dischargers and rescinded prior cleanup orders, Order No. 90-032 and Order No. 92-053, adopted in 1990 and 1992, respectively.
2. **Compliance with Board Orders:** Order No. 00-092 required the dischargers to remediate groundwater pollution at the Property. All requirements of the Order have been satisfactorily completed.
3. **Basis for Termination:** Termination of Order No. 00-092 is appropriate for the reasons discussed below:
 - a. The nature and extent of the chemicals of concern (COCs) in soil, groundwater, and soil vapor have been adequately characterized through investigations beginning in 1991. The COCs are volatile organic compounds (VOCs) associated with the manufacture of logging equipment and military ordinance.
 - b. The following remedial actions have successfully addressed COCs in soil and groundwater:
 - a) Soil, soil vapor, and groundwater pollution have been adequately remediated to protect water quality, human health, and the environment.
 - b) Approximately 1,200 cubic yards of VOC impacted soil were removed for off-site disposal in 1988. No VOCs were detected in soil vapor during a 2010 investigation.
 - c) Contaminated groundwater was treated with in-situ injections: enhanced bioremediation in 2000 and 2001, chemical oxidation in 2006, zero-valent iron in 2007, and enhanced anaerobic bioremediation/chemical oxidation in 2022.
 - d) Post remediation groundwater monitoring conducted between 2000 and 2024 indicates that the Property has been fully assessed. Concentrations of VOCs in samples collected at the Property in 2024 are less than cleanup goals, except

for four small groundwater treatment areas where breakdown products from treatment exceed cleanup levels. The remediation at the Property has significantly reduced the groundwater contamination, which is expected to continue to decrease by natural attenuation to reach cleanup goals. To address the remaining residual pollution, a deed restriction that prevents groundwater use was recorded for the Property in 2001. The Regional Water Board also approved a risk management plan in 2001 that outlines procedures to minimize exposure to residual chemicals in groundwater. The residual contamination in groundwater poses minimal threat to human health or the environment.

- e) A deed restriction recorded for the Property in 2001 prohibits the use of shallow groundwater and cites a risk management plan, approved in 2001, that describes procedures to address residual contamination during potential construction activities.

4. **Human Right to Water:** It is the policy of the State of California that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes (Wat. Code, §106.3; see also State Water Board Resolution No. 2016-0010.). The human right to water extends to all Californians, including disadvantaged individuals and groups and communities in rural and urban areas. The termination of Order No. 00-092 will not affect the human right to water.
5. **CEQA:** This action terminates an order to enforce the laws and regulations administered by the Regional Water Board. Rescission of the order is not a project as defined in the California Environmental Quality Act (CEQA). There is no possibility that the activity in question may have a significant effect on the environment. (California Code of Regulations, tit. 14, §§ 15378 and 15061, subd. (b)(3).)
6. **Notification:** The Regional Water Board has notified the discharger and all interested agencies and persons of its intent to terminate Water Code section 13304 site cleanup requirements for the discharge and has provided them with an opportunity to submit their written comments.

IT IS HEREBY ORDERED that Order No. 00-092 is terminated.

I, Eileen M. White, 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 _____, 2025.

Eileen M. White, P.E.
Executive Officer
