

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

**ORDER NO. R2-2019-0032**

**RESCISSION OF SITE CLEANUP REQUIREMENTS (ORDER NO. R2-2009-0036)  
for:**

**GREAT WESTERN CHEMICAL COMPANY,  
STINNES-WESTERN CHEMICAL CORPORATION, AND  
GWC PROPERTIES, LLC**

**for the property located at**

**945 AMES AVENUE  
MILPITAS, SANTA CLARA COUNTY**

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

**1. Regional Water Board Orders:** The Regional Water Board adopted Site Cleanup Requirements, Order No. 86-34 for this site in May 1986. This Order named Great Western Chemical Company and Stinnes-Western Chemical Corporation as dischargers, requiring them to evaluate interim cleanup alternatives and implement the preferred alternative. In September 1990, the Regional Water Board adopted Site Cleanup Requirements, Order No. 90-130, which rescinded Order No. 86-34 and required implementation of the final remedy (groundwater and soil vapor extraction and treatment), evaluation of the effectiveness of this remedy, and a five-year status report on the progress of overall cleanup. This remedy was implemented at the site. In 2006, the dischargers proposed a pilot of enhanced reductive dichlorination in lieu of groundwater extraction and treatment. In April 2009, the Regional Water Board adopted Site Cleanup Requirements, Order No. R2-2009-0036, which rescinded Order No. 90-130. This Order added the current property owner, GWC Properties, LLC as a discharger, approved the revised final remedy and set groundwater cleanup levels. The revised final remedy consisted of enhanced reductive dichlorination, followed by monitored natural attenuation. This Order also required the application of institutional controls (i.e., deed restriction and site management plan).

**2. Compliance with Board Orders:** The dischargers have implemented the revised final remedy for the site, as set forth in Order No. R2-2009-0036. The dischargers have also submitted an acceptable deed restriction and site management plan.

**3. Operable Units:** In the process of implementing the remedy, the site was divided into four operable units:

- 1) On-site Shallow Groundwater Zone (On-site SGZ)
- 2) On-site Intermediate Groundwater Zone (On-site IGZ)

- 3) Off-site Shallow Groundwater Zone (Off-site SGZ)
- 4) Off-site Intermediate Groundwater Zone (Off-site IGZ).

This allowed for each operable unit to be remediated and evaluated separately. Following remediation and monitoring activities, the dischargers evaluated each of the operable units with the Regional Water Board's July 2009, "Assessment Tool for Closure of Low-Threat Chlorinated Solvent Sites". Based on these evaluations, the Regional Water Board granted low-threat closure for the Off-site SGZ in October 2012, for the On-site SGZ and Off-site IGZ in December 2017. The On-site IGZ will be granted low-threat closure following adoption of this Order and the case file for the Site will be closed.

**4. Basis for Rescission:** This case qualifies for low-threat closure. Pollutant sources in all operable units have been identified and evaluated. The site is adequately characterized. Exposure pathways, receptors, and potential environmental concerns have been identified and assessed. Pollutant sources have been remediated to the extent feasible. Unacceptable risks to human health, ecological health, and sensitive receptors, considering current and future land and water uses, have been mitigated. Unacceptable threats to groundwater and surface water resources, considering existing and potential beneficial uses, have been mitigated. Groundwater plumes are stable or decreasing. Cleanup levels will be met within a reasonable timeframe. Risk management measures are appropriate, documented, and do not require future Water Board oversight. In addition, all monitoring, extraction and injection wells have been removed.

**5. Risk Management Measures:** A deed restriction and an associated site management plan (SMP) have been applied to the property. The deed restriction will limit use of groundwater, restrict sensitive land uses, and require compliance with the SMP. Implementation of these risk management measures will provide for protection of human health and the environment in the future.

**6. California Safe Drinking Water Policy:** 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. This order promotes that policy because maximum contaminant levels (designed to protect human health and ensure that water is safe for domestic use) are and will continue to be met in existing and future supply wells. Residual impacts to groundwater in excess of Maximum Contaminant Levels (MCLs) are limited in extent, not expected to significantly migrate and are not a significant threat to water quality. The deed restriction and associated SMP will ensure no contact with the contaminated groundwater.

**7. CEQA:** This action rescinds 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. (Cal. Code Regs., tit. 14 §§ 15378 and 15061, subd. (b) (3).)

**8. Notification:** The Regional Water Board has notified the discharger and all interested agencies and persons of its intent under Water Code section 13304 to rescind site cleanup requirements for the discharge and has provided them with an opportunity to submit their written comments.

**IT IS HEREBY ORDERED**, pursuant to sections 13304 and 13267 of the Water Code, that Order No. R2-2009-0036 is rescinded.

I, Michael Montgomery, 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 December 3, 2019.

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Michael Montgomery  
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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