

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

ORDER NO. R2-2022-0001

**RESCISSION OF SITE CLEANUP REQUIREMENTS (ORDER NO. R2-2005-0032)
and REQUIREMENT FOR TECHNICAL REPORT for:**

**Teltec Corporation (former)
Universal Paint Corporation
Robert Stribling
Adelaide Garoppo
Richard and Jenny Cotarelo**

For the Source Property located at:

**1485-1509 BERGER DRIVE
SAN JOSE, 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 Order:** The Regional Water Board adopted Site Cleanup Requirements for the property located at 1485-1509 Berger Drive in San Jose (Property) on May 18, 2005 (Order No. R2-2005-0032). The order named Universal Paint Corporation and Teltec Corporation, Robert Stribling, Adelaide Garoppo, and Richard and Jenny Cotarelo as dischargers.
2. **Compliance with Board Order:** Order No. R2-2005-0032 required the dischargers to investigate and remediate soil and groundwater pollution at the Property. The discharger has completed these tasks.
3. **Basis for Rescission:** Rescission of the order is appropriate for the reasons discussed below:
 - a. *Pollutant sources are identified and evaluated:* Pollutant A discharge occurred at the subject Property (the Source Property) from one underground storage tank (UST) of unknown capacity that was used to store solvents. The UST was removed and the secondary sources in soil and groundwater were evaluated.
 - b. *The pollution is adequately characterized:* The nature and extent of the pollution was characterized through a series of soil, soil vapor, and groundwater investigations beginning in 1998. The chemicals of concern (COC) at the Property were determined to be trichloroethene (TCE), cis-1,2-dichloroethene, (cis-1,2-DCE), and vinyl chloride. Groundwater quality was monitored from 1998 to 2021 and soil vapor was sampled in 2017 and 2021. The COCs in groundwater were found to extend approximately 150 feet west of the Source Property, onto a neighboring parcel that is currently a paved open-air lot (i.e., no enclosed structures) used to store building materials.
 - c. *Exposure pathways, receptors, and potential risks, threats, and other environmental concerns have been identified and assessed:* The Property is in a commercial/industrial area. Shallow groundwater is not currently used as a source of drinking water.

- d. *Pollutant sources are remediated to the extent feasible:* The UST was removed from the Property in 1980. Groundwater was treated in 2004 and 2019 by injecting substrates to promote the bioremediation of VOCs.
- e. *Unacceptable risks to human health, ecological health, and sensitive receptors, considering current and future land and water uses, are mitigated:* Soil vapor samples collected at four of 13 locations contain COCs at concentrations greater than environmental screening criteria. This prompted the collection of indoor air samples in 2017 and 2021. The results of the indoor air samples indicate that there is no health risk to occupants of buildings.
- f. *Unacceptable threats to groundwater and surface water resources, considering existing and potential beneficial uses, are mitigated:* The low concentrations of VOCs in shallow groundwater do not pose an unacceptable threat to the deeper drinking water aquifer because a regional aquitard separates the upper and deeper water bearing zones.
- g. *Groundwater plumes are decreasing:* The following table provides the historic maximum and current concentrations of COCs in groundwater. The remediation at the Property has significantly reduced the magnitude and size of the groundwater plume, which continues to decrease.

Concentrations of COCs in Groundwater (micrograms per liter)

	TCE	Cis-1,2-DCE	Vinyl Chloride
Maximum Concentration	5,100	2,400	270
Current Concentration	51	58	56
Cleanup Level	5	6	0.5

- h. *Cleanup levels can be met within a reasonable timeframe:* Natural attenuation and continued reductive dichlorination is expected to reduce remaining concentrations of TCE, vinyl chloride, and cis-1,2-DCE in shallow groundwater to below cleanup levels (based on drinking water standards) before the shallow groundwater is used as a source of drinking water.
- i. *Risk management measures are appropriate, documented, and do not require future Water Board oversight:* A deed restriction was recorded for the Property in 2005 that restricts sensitive land uses and the use of groundwater. The Regional Water Board requested a site management plan in August 2021 to address residual contamination should the Property undergo redevelopment.

4. **Next Steps Prior to Case Closure:** Monitoring wells owned or used by the discharger at or near the Property need to be properly closed before this case is closed by the Regional Water Board to eliminate vertical conduits for potential future groundwater contamination. Therefore, submittal of technical report documenting the proper closure of the wells is necessary.

5. **Human Right to Water:** Under Water Code §106.3, the State of California's policy is 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. This order promotes the human right to water by requiring discharges to meet maximum contaminant levels designed to protect human health and ensure that water is safe for domestic use.
6. **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 (California Code of Regulations., title 14, §§ 15378 and 15061, subdivision (b) (3)).
7. **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 that Order No. R2-2005-0032 is rescinded.

IT IS FURTHER ORDERED that, pursuant to Water Code section 13267, the discharger shall document the proper closure of monitoring and extraction wells in a technical report to be submitted to the Regional Water Board within 30 days following the completion of closure activities.

I, Thomas Mumley, Interim 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 January 31, 2022.



Thomas Mumley
Interim Executive Officer

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 Referral To The Attorney General For Injunctive Relief Or Civil Or Criminal Liability.
