

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN FRANCISCO BAY REGION

ORDER No. R2-2008-0077

AMENDMENT OF SITE CLEANUP REQUIREMENTS (ORDER NO. 00-010) FOR:

SAFETY-KLEEN (SAN JOSE), INC., AND  
CLEAN HARBORS ENVIRONMENTAL SERVICES, INC.

for the property located at

1021 BERRYESSA ROAD  
SAN JOSE  
SANTA CLARA COUNTY

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

1. **Water Board Orders:** The Water Board adopted site cleanup requirements (Order No. 00-010) for this site on February 16, 2000.
2. **Reason for Amendment:** On September 11, 2002, Safety-Kleen (San Jose), Inc., completed the sale of its Chemical Services Division, including the 1021 Berryessa Road property, to Clean Harbors Environmental Services, Inc. Clean Harbors Environmental Services, Inc. should be named to the site cleanup requirements based on its status as current property owner. The site cleanup requirements are unchanged with respect to Safety-Kleen except that the second sentence in Section 3 in the previous order is deleted.
3. **CEQA:** This action is an amendment of an order to enforce the laws and regulations administered by the Water 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.
4. **Notification:** The Water Board has notified the dischargers and all interested agencies and persons of its intent under California Water Code Section 13304 to amend site cleanup requirements for the discharge, and has provided them with an opportunity to submit their written comments.
5. **Public Hearing:** The Water 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 Order No. 00-010 shall be amended as follows:

- A. **Named Dischargers:** Clean Harbors Environmental Services, Inc., is hereby added to the order as a named discharger. Finding 3 is revised to read:

Clean Harbors Environmental Services, Inc., is named as a discharger because it is the current owner of the property on which there is an ongoing discharge of pollutants, it has knowledge of the discharge or the activities that caused the discharge, and it has the legal ability to control the discharge.

Safety-Kleen (San Jose), Inc., is named as a discharger because of substantial evidence that it, or its predecessor companies, discharged pollutants to soil and groundwater at the site.

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 to this order.

I, Bruce H. Wolfe, 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 August 13, 2008.

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Bruce H. Wolfe  
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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