CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

TENTATIVE ORDER

AMENDMENT OF CLEANUP AND ABATEMENT ORDER NO. R2-2011-0034
ADDING DISCHARGERS

CHARLES KIM, JEAN KIM, AND DAVID ROSENTHAL

FOR THE PROPERTY LOCATED AT:
400 EAST SANTA CLARA STREET
SAN JOSE, SANTA CLARA COUNTY, CALIFORNIA

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

1. **Regional Water Board Order:** On August 30, 2011, the Executive Officer issued Cleanup and Abatement Order No. R2-2011-0034 on behalf of the Regional Water Board requiring the characterization and cleanup of petroleum and chlorinated hydrocarbon contamination at a dry cleaning facility at 400 East Santa Clara Street in San Jose. The Order is attached hereto and incorporated herein by reference.

2. **Reason for Amendment:** Further investigation has led to discovering additional dischargers who owned and/or leased the property while it was operated as a dry cleaner, and/or operated the dry cleaner on the property.

    a. **David Rosenthal:** Mr. Rosenthal operated a dry cleaner business on the property from 1965 to 1975 when the property was owned by his mother, Eve Rosenthal (deceased). Mr. Rosenthal has stated to Regional Board staff that he used tetrachloroethylene (PCE) in his dry cleaning business. Mr. Rosenthal sold the business in 1975 to Ekkehard Aumann (deceased). Mr. Rosenthal owned the property from 1981, when he inherited it from his mother, to 1995, when he sold the property to Hyung Keun Sun and Yeo Nam Sun.

    b. **Charles and Jean Kim:** Mr. and Mrs. Kim leased the property from trustees David Rosenthal and Marion Rosenthal from August 15, 1983 through approximately August 21, 1992, when the lease was assigned to Hyung Keun Sun and Yoe Nam Sun. Mr. and Mrs. Kim operated a dry cleaner business on it during the time they leased the property. The Kim's site history response to Investigative Order R2-2012-0082 issued December 10, 2012, states that Mr. and Mrs. Kim used PCE in their dry cleaning business.

c. **Compliance Dates:** All compliance dates are amended to provide the additional dischargers a reasonable opportunity to comply with Cleanup and Abatement Order No. R2-2011-0034.

3. **California Environmental Quality Act (CEQA):** This action amends an Order to enforce the laws and regulations administered by the Regional Water Board. Amendment 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).)

4. **Notification:** The Regional Water Board has notified the dischargers and the public of its intent under Water Code section 13304 to amend Cleanup and Abatement Order No. R2-2011-0034, and has provided an opportunity to submit written comments.

IT IS HEREBY ORDERED, pursuant to Water Code section 13304, that Cleanup and Abatement Order No. R2-2011-0034 shall be amended as follows:

A. Cleanup and Abatement Order No. R2-2011-0034 is amended to add Mr. David Rosenthal as a discharger subject to the Order.

B. Cleanup and Abatement Order No. R2-2011-0034 is amended to add Mr. Charles Kim and Mrs. Jean Kim as dischargers subject to the Order.

C. Cleanup and Abatement Order No. R2-2011-0034 is amended to change the compliance date for Cleanup and Abatement Task 1. Source Identification and Remedial Investigation Work Plan from October 1, 2011 to July 12, 2013.

D. Cleanup and Abatement Order No. R2-2011-0034 is amended to change the compliance date for Task 2. Implement and Complete Source Identification and Remedial Investigation Work Plan; Submit Technical Report from January 31, 2012 to December 12, 2013.

E. Cleanup and Abatement Order No. R2-2011-0034 is amended to change the compliance date for Cleanup and Abatement Task 3. Interim Remedial Action Work Plan from March 31, 2012 to February 11, 2014.

F. Cleanup and Abatement Order No. R2-2011-0034 is amended to change the compliance date for Cleanup and Abatement Task 4. Implement and Complete Interim Remedial Actions; Submit Technical Report from September 30, 2012 to August 11, 2014.

G. Cleanup and Abatement Order No. R2-2011-0034 is amended to change the compliance date for Cleanup and Abatement Task 5. Remedial Action Plan Including Cleanup Standards from March 31, 2013 to February 10, 2015.

H. Cleanup and Abatement Order No. R2-2011-0034 is amended to change the compliance date for Cleanup and Abatement Task 6. Implement and Complete Remedial Actions; Submit Technical Report from September 30, 2013 to June 15, 2015.

Provisions C through H are summarized in the table below:

Task	Old date	New date
1. Source Identification and Remedial Investigation Work Plan	10/1/11	7/12/13
2. Implement and Complete Source Identification and Remedial Investigation Work Plan; Submit Technical Report	1/31/12	12/12/13
3. Interim Remedial Action Work Plan	3/31/12	2/11/14
4. Implement and Complete Interim Remedial Actions; Submit Technical Report	9/30/12	8/11/14
5. Remedial Action Plan Including Cleanup Standards	3/31/13	2/10/15
6. Implement and Complete Remedial Actions; Submit Technical Report	9/30/13	6/15/15

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Bruce H. Wolfe
Executive Officer

Attachment: Cleanup and Abatement Order No. R2-2011-0034