March 25, 2013
File No. 43S1102 (NMK)

Mr. Charles Kim
Ms. Jean Kim
3001 Cardinal Lake
Duluth, GA 30096

Certified Mail
Return Receipt Requested

Mr. David Rosenthal
552 Bean Creek Road #29
Scotts Valley, CA 95066

Certified Mail
Return Receipt Requested

Subject: Transmittal of Tentative Amendment of Cleanup and Abatement Order No. R2-2011-0034, 400 East Santa Clara Street in San Jose, Santa Clara County

Dear Mr. and Mrs. Kim, and Mr. Rosenthal:

Enclosed is the Tentative Amendment of Cleanup and Abatement Order No. R2-2011-0034 (Tentative Order) for the subject Site. This Tentative Order seeks to add you as parties to the Cleanup and Abatement Order that requires the characterization and cleanup of petroleum and chlorinated hydrocarbon contamination at the Site. If the Regional Water Board issues this order, you will be required to submit a number of technical reports including work plans for remedial investigation and action plans to investigate, delineate, cleanup and abate the effects of past discharges at the Site.

Any written comments by you or interested persons must be submitted to the Regional Water Board offices by April 25, 2013. Comments submitted after this date will not be considered by the Regional Water Board. This Tentative Order is open for public comment for approximately 30 days.

After April 25, 2013, the Regional Water Board Executive Officer will review all public comments received and may decide to issue the Tentative Order as it is presently written or with changes, to reject the Tentative Order, or to schedule an evidentiary hearing before the full Regional Water Board to decide whether to adopt, adopt with changes, or to reject the Tentative Order.

Pursuant to section 2050(c) of Title 23 of the California Code of Regulations, any party that challenges the Regional Water Board's action on this matter through a petition to the State Water Board under Water Code section 13320 will be limited to raising only those substantive issues or objections that were raised before the Regional Water Board at the public hearing or in timely submitted written correspondence delivered to the Regional Water Board (see above).

Water Code section 13304 allows the Regional Water Board to recover its reasonable expenses for overseeing the investigation and cleanup of illegal discharges, contaminated properties, and other releases adversely affecting or threatening to adversely affect the state's waters. The Site involved in this matter falls into the category for which the Regional Water Board may recover oversight costs. Our cost

recovery program is more fully described in the enclosed "Reimbursement Process for Regulatory Oversight."

If you have any questions about this matter, please contact either Nathan King (NKing@waterboards.ca.gov) at (510) 622-3966, or Staff Counsel Laura Drabandt (LDrabandt@waterboards.ca.gov) at (916) 341-5180.

Sincerely,

Digitally signed by Stephen Hill
Date: 2013.03.25 12:32:18
-07'00'

Bruce H. Wolfe
Executive Officer

Enclosures: Tentative Order for Amendment of Cleanup and Abatement Order No. R2-2011-0034
Cleanup and Abatement Order No. R2-2011-0034
Reimbursement Process for Regulatory Oversight

cc: Mailing List

Mailing List

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