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September 15, 2015

**VIA E-MAIL** [Elizabeth.Wells@Waterboards.ca.gov](mailto:Elizabeth.Wells@Waterboards.ca.gov)  
**& FIRST CLASS USPS MAIL**

Elizabeth Wells  
California Regional Water Board  
San Francisco Bay Water Region  
1515 Clay Street, Suite 1400  
Oakland, CA 94612

Re: California Regional Water Quality Control Board  
San Francisco Bay Region  
Complaint No. R2-2015-1012  
Administrative Civil Liability In the Matter of  
Mr. Frank Hamed  
Violation of Site Cleanup Requirements  
Former Velcon II Property, 1761 Junction Avenue,  
San Jose, Santa Clara County  
WDID 2 438510N01

My file no: 3470

Dear Ms. Wells:

Frank Hamed, pursuant to Water Code §13228.15 and Government Code §11511.5(b) requests a prehearing conference to address the following matters relating to the California Regional Water Quality Control Board San Francisco Bay Region Order Number 01-108, the Adoption of Final Site Cleanup Requirements and Rescission of Order Number 95-064 for Velcon Filters, Inc., Frank Hamed, former Velcon II property – 1761 Junction Avenue, San Jose, Santa Clara County.

- (a) Is Velcon Filters, Inc. still named as a discharger?
- (b) Is Frank Hamed still named as a secondarily responsible discharger?
- (c) With respect Order Number 01-108 what specific requirements of Order Number 01-108 has Velcon Filters, Inc. failed to comply with?
- (d) Other than a Deed Restriction what other institutional constraints required by Velcon Filters, Inc. to perform have not been performed by Velcon Filters, Inc.?
- (e) Other than the Deed Restriction what other institutional constraints required by Frank Hamed to perform have not been performed?

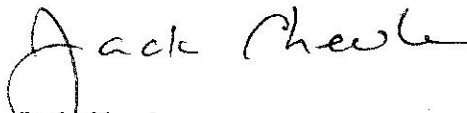
- (f) Have the tasks identified in Order Number 01–108 as C1 and all of its subparagraphs been complied with and if not which tasks identified as C1 and its subparagraphs have not been complied with?
- (g) With respect to Task C2 identified in Order Number 01–108 what is meant by the term “technical report”? Has Velcon Filters, Inc. submitted a technical report required in Task C2 of Order Number 01–108?
- (h) Whether the Deed Restriction signed and delivered by Frank Hamedí included:
  - i. The prohibition of the use of shallow groundwater as a source of drinking water;
  - ii. Whether the Deed Restriction specified any engineering controls implemented to meet cleanup standards contained in Section B.3 for the protection of groundwater;
  - iii. Whether the Deed Restriction included a ban on the use of the site for residential development;
  - iv. The date the first proposed Deed Restriction was presented to Frank Hamedí for his signature and the date the last proposed Deed Restriction was presented to Frank Hamedí for his signature.
- (i) If any of the actions identified in Paragraph (h)(i-iii) above have not been completed which action(s) were required to be completed by Velcon Filters, Inc. and which actions were required to be completed by Frank Hamedí;
- (j) In what way do the words “If the Regional Board, pursuant to its Order No. 01-108 and any amendments, modifications, or rescission of Order No. 01-108, replaced by a new Order of the Regional Board concerning the Burdened Property, has the effect of closing the site cleanup and thereafter a new site cleanup plan is opened due to acts or omissions of Velcon Filters, Inc., then in such event the Regional Board shall name Velcon Filters, Inc. and its successors and assigns as the primary discharger responsible for all further investigation and remediation of the site” limit the Water Board’s authority and discretion in determining responsible parties under the Water Code.
- (k) With respect to Task C3 of Order Number 01–108 what is meant by the words “Technical Report”; “institutional constraints” and who was to cooperate with Frank Hamedí?
- (l) Were Tasks C4 through C9 of Order Number 01-108 timely completed and if not the dates each of these Tasks were to be completed and whether the person or entity responsible for completing these Tasks were fined and/or assessed a penalty for their failure to timely complete each Task and if so the amount of such fine or penalty?

(m) With reference to Task C11 of Order Number 01-108 (Secondarily Responsible Dischargers) how does the inclusion of the added language of the Deed Restriction limit the Water Board's authority and discretion in determining the responsible parties under the Water Code?

It is requested the prehearing conference be scheduled on a date other than:

September 22, 23, 28  
October 12 through 23, 27, 28  
December 8 through 11

Very truly yours,



S. Jack Cheven

SJC:db

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