

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

TENTATIVE ORDER

AMENDMENT OF SITE CLEANUP REQUIREMENTS (ORDER NO. R2-2004-0031) FOR:

UNIVERSAL PAINT CORPORATION, TELTEC CORPORATION, RICHARD COTARELO,
JENNY COTARELO, ADELAIDE GAROPPO, AND ROBERT STRIBLING

for the 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 Board), finds that:

1. **Water Board Orders:** The Board adopted final site cleanup requirements for this site on May 19, 2004 (Order No. R2-2004-0031).
2. **Reason for Amendment:** Information has recently become available that Robert Stribling was an owner of the property cited above from 1973 to 1983, a time period when Teltec Corporation operated at the site and likely discharged contaminants to the groundwater.
3. **CEQA:** This action is an amendment of an order to enforce the laws and regulations administered by the 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 Board has notified the discharger 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 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. R2-2004-0031, Finding No. 3 shall be amended as follows:

A. **Named Dischargers:** Universal Paint Corporation and Teltec Corporation are named as dischargers because of substantial evidence that they discharged pollutants to soil and groundwater at the site, including their use of solvents, their use or knowledge of the former underground storage tank, and the presence of solvents in the groundwater in the immediate vicinity of the former underground storage tank.

Robert Stribling, Richard Cotarelo, Jenny Cotarelo, and Adelaide Garoppo are named as dischargers because they owned the property during or after the activity that resulted in the discharge, had knowledge of the discharge or the activities that caused the discharge, and had the legal ability to prevent the discharge.

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 _____.

Bruce H. Wolfe
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 13350, OR REFERRAL TO THE ATTORNEY GENERAL FOR INJUNCTIVE RELIEF OR CIVIL OR CRIMINAL LIABILITY
=====