CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

ORDER 93-088

ORDER SETTING ADMINISTRATIVE CIVIL LIABILITY
WESTERN MICROWAVE, INC.
1271 REAMWOOD AVENUE
SUNNYVALE, SANTA CLARA COUNTY

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

1. On February 4, 1993, the Executive Officer of the Board requested Western Microwave, Inc. (WMI) to submit a revised workplan for interim remedial measures and preparation of remedial action plan for WMI's release of volatile organic compounds at its former site 1271 Reamwood Avenue, Sunnyvale. This request was made pursuant to California Water Code Section 13267. WMI submitted an inadequate workplan addendum on April 15, 1993, the due date. The workplan addendum failed to propose key elements that the Executive Officer requested in the February 4 letter, such as how to determine the vertical extent of pollutants, how to define the lateral extent of contaminants in shallow groundwater, and how to initiate groundwater remediation within the already defined source area to limit further migration of contaminants. On April 30, 1993, the Executive Officer sent a notice of violation urging WMI to submit an acceptable workplan as soon as possible. WMI violated Water Code Section 13267 by failing to submit an adequate workplan.

2. The Executive Officer issued Complaint No. 93-051 to WMI on May 24, 1993. The Complaint proposed that administrative civil liability be imposed by the Regional Board in the amount of $9,500 including $1,500 for staff costs, pursuant to California Water Code Section 13268. The Complaint addressed 40 violation days. Since the Complaint was issued, WMI has not waived the public hearing, or submitted an acceptable workplan.

3. WMI met with Board staff on June 10, 1993, to review preliminary results from its recent soil and groundwater investigation at the site. WMI found substantial VOC concentrations in soil and groundwater at its western site boundary. WMI attributes this contamination to the neighboring Intersil site. However, this contamination is much more likely to have come from the WMI site, due to the type and distribution of chemicals.

4. WMI's preliminary results address some but not all of the workplan deficiencies. They define the lateral extent of halogenated chemicals but not aromatic hydrocarbons used by WMI. They do not define the vertical extent of any chemicals, and they fail to propose

any interim measures to stop the spread of contaminants.

5. This Order imposes administrative civil liability of $21,500 including $2,100 for recovery of staff costs. The increase in liability, compared to the original amount recommended in the Complaint, is due to an additional 57 days of violation between Complaint issuance and the date of adoption of this Order and for the additional 10 hours of staff time incurred to prepare agenda materials.

6. The Board has fully considered the factors set forth for determination of the amount of civil liability set forth in Water Code Section 13327.

7. This action is an order to enforce the laws and regulations administered by the Board. This action is categorically exempt from the provisions of CEQA pursuant to Section 15321 of the Resources Agency Guidelines.

8. On July 21, 1993, the Board conducted a public hearing at which WMI appeared, and evidence was received concerning WMI.

IT IS HEREBY ORDERED, PURSUANT TO CALIFORNIA WATER CODE SECTION 13268, that Western Microwave, Inc. is civilly liable for this violation and shall pay administrative liability in the amount of $21,500. The liability shall be paid to the State Water Pollution Cleanup and Abatement Account within 30 days of the date of this Order.

IT IS FURTHER ORDERED, that the Executive Officer is directed to amend the Site Cleanup Requirements to assure future compliance.

I, Steven R. Ritchie, Executive Officer, do hereby certify 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 July 21, 1993.

Steven R. Ritchie
Executive Officer