CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

ORDER NO. 98-033

AMENDMENT OF SITE CLEANUP REQUIREMENTS (ORDER NO. 95-210) FOR:

EATON CORPORATION,
SIGNETICS CORPORATION,
JOHN D. STODDARD TRUST, AND
LIMAR REALTY CORP. #27

for the property located at

680 WEST MAUDE AVENUE
SUNNYVALE
SANTA CLARA COUNTY

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

1. **Regional Board Orders:** The Board adopted site cleanup requirements for this site on October 18, 1995, Order No. 95-210. The Order sets forth tasks and time schedules for investigation and remediation of groundwater contamination emanating from the subject site.

2. **Reason for Amendment:** On May 29, 1998, PaineWebber Qualified Plan Property Fund Four, L.P. ("PaineWebber") sold the property to Limar Realty Corp. #27 ("LRC #27"). Eaton Corporation and Signetics Corporation will continue to be primarily responsible for investigation and cleanup activities. John D. Stoddard Trust shall remain as secondarily responsible. LRC #27 should be named to the site cleanup requirements as secondarily responsible in place of PaineWebber, based on its status as current property owner.

3. **CEQA:** This action is 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.

IT IS HEREBY ORDERED, pursuant to Section 13304 of the California Water Code, that Order No. 95-210 shall be amended as follows:

A. LRC #27 is hereby added to the Order in place of PaineWebber.

A.1. Finding 2, paragraph 5, is revised to read:

"In 1985 Eaton's operations were relocated, the building was demolished and replaced with the current structure. Later in 1985, following the completion of the construction of the presently existing structure, PaineWebber Qualified Plan Property Fund Four, L.P. ("PaineWebber") purchased the underlying real estate without taking title to the recently constructed improvements as part of a ground sale leaseback financing. PaineWebber thereafter took title to the improvements by foreclosure in 1991. Pursuant to letter dated 21 April 1998, PaineWebber and LRC #27 informed the Board that PaineWebber agreed to sell and LRC #27 agreed to purchase the property known as 680 West Maude Avenue, Sunnyvale, California. On May 29, 1998, the title to the site was conveyed to LRC #27."

A.2. Subsequent to May 29, 1998, PaineWebber shall have no further responsibilities or obligations under this Order.

A.3. Finding 3, paragraph 3, is revised to read:

"The Board finds LRC #27 as a secondary discharger because of its current ownership and control of the property. (LRC #27 is hereinafter sometimes referred to as a "Secondary Discharger"). LRC #27 is included as a secondary discharger under this Order solely due to its status as owner of the site and not due to any action or inaction by LRC #27 resulting in the discharge of waste on the site. The Secondary Dischargers will be responsible for compliance only in the event that the Dischargers fail to comply with the requirements of this Order."

A.4. Provision C.9. is revised to read:

"**Reporting of Changed Owner or Operator**: LRC #27 shall file a technical report on any changes in site occupancy or ownership associated with the property described in this Order. Upon providing evidence reasonably satisfactory to the Board that LRC #27 has transferred ownership of the site to a third party, the Board shall consider removing the name of LRC #27 from this Order and substitute the name of LRC #27 transferee in its stead."

EATON CORPORATION,
SIGNETICS CORPORATION,
JOHN D. STODDARD TRUST, AND
LIMAR REALTY CORP. #27
ORDER NO. 98-033

Loretta K. Barsamian

Loretta K. Barsamian
Executive Officer

6.9.98
Signed on this Date

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