CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

ORDER No. R2-2015-0050

RESCISSION OF CLEANUP AND ABATEMENT ORDER No. R2-2011-0079 for:

MR. DONALD MEDEIROS

for the property located at:

154 SAN LAZARO AVENUE
SUNNYVALE, SANTA CLARA COUNTY

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

1. **Regional Water Board Orders:** The Regional Water Board issued a cleanup and abatement order for the site located at 154 San Lazaro Avenue, Sunnyvale (Site) on November 18, 2011 (Order No. R2-2011-0079). The order names Mr. Donald Medeiros as the discharger.

2. **Compliance with Board Orders:** Order No. R2-2011-079 required Mr. Medeiros to investigate and cleanup the Site. Mr. Medeiros investigated the Site. Cleanup was not needed.

3. **Basis for Rescission:** Rescission of Order No. R2-2011-0079 is appropriate for the reasons discussed below:

    a. **Pollutant sources are identified and evaluated.** The pollutant sources are possible aboveground industrial activities from a metal fabrication business.

    b. **The Site is adequately characterized.** The Regional Water Board issued No. R2-2011-0079 for this Site on November 18, 2011. The Site was characterized by the collection and analysis of 22 soil samples and 11 grab groundwater samples collected from 11 soil borings drilled at locations across at the Site in 2007 and three more soil samples and the installation of one onsite groundwater monitoring well in 2009. The groundwater monitoring well was located near where the highest concentration of trichloroethene (TCE) was detected in a grab groundwater sample (570 micrograms per liter (µg/L)) collected in November 2007. The monitoring well is screened from 10 to 20 feet below grade. Additional vertical characterization was not required because a nearby site demonstrated that a competent aquitard was present below the shallow water bearing zone.

    c. **Exposure pathways, receptors, and potential risks, threats, and other environment concerns are identified and assessed.** The Site is located in a commercial/industrial area. Shallow groundwater in the vicinity of the Site is not currently used as a source of drinking water.

d. **Pollutant sources are remediated to the extent feasible.** No remediation was needed because the analytical results for soil and groundwater samples collected at the Site did not identify a distinct source of TCE.

e. **Unacceptable risks to human health, ecological health, and sensitive receptors, considering current and future and land and water uses are mitigated.** The concentration of TCE detected in samples collected from the well at the Site (120 µg/L) is less than the environmental screening level of 130 µg/L for vapor intrusion concerns for a residential land use where the fine-coarse scenario applies.

f. **Unacceptable threats to groundwater and surface water resources, considering existing and potential beneficial uses, are mitigated.** The low concentrations of TCE in shallow groundwater do not pose an unacceptable threat to the deeper drinking water aquifer because an extensive regional aquitard separates the shallow and deeper groundwater.

g. **Groundwater plume is decreasing.** TCE was detected at 120 µg/L in the groundwater samples collected from the onsite well in 2009 and 2012; TCE was detected in the groundwater samples collected in March 2013 from the two wells located at the former Magnetics facility located at 158 San Lazaro (immediately north and downgradient relative to the groundwater flow direction of the 154 San Lazaro site) at 11.8 and 75.9 µg/L. These are the lowest concentrations of TCE detected in samples collected from these wells since the first samples were collected from these wells in April 2007.

h. **Cleanup levels can be met within a reasonable time frame.** Natural attenuation is expected to reduce the low concentrations of TCE (120 µg/L) detected in shallow groundwater to below drinking water standards before the shallow groundwater will be used as a source of drinking water.

i. **Risk management measures are appropriate, documented, and do not require further Regional Water Board oversight.** There are no risk management measures. The shallow groundwater slightly exceeds drinking water standards for TCE (120 µg/L versus 5 µg/L). A deed restriction is not needed because shallow groundwater beneath the Site is not currently used as a source of drinking water and is not expected to be used in the foreseeable future, the exceedances above the drinking water standard are small, and there are no other pathways of concern. In the event the Site is ever re-zoned residential, it is standard practice for a redeveloper of a site with a history of contamination to perform a current soil gas survey, which would inform the developer of any remaining concentrations.

4. **California Safe Drinking Water Policy:** It is the policy of the State of California that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes. This order promotes that policy because maximum contaminant levels (designed to protect human health and ensure that

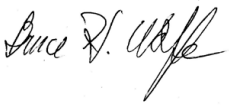
water is safe for domestic use) are and will continue to be met in existing and future water supply wells. The extent of contamination from the Site does not reach any water supply wells and is not expected to migrate to any water supply wells at levels above the maximum contaminant level for TCE.

6. **CEQA**: This action rescinds an order to enforce the laws and regulations administered by the Regional Water Board. Rescission of the order is not a project as defined in the California Environmental Quality Act (CEQA). There is no possibility that the activity in question may have a significant effect on the environment (California Code of Regulations., title 14 §§ 15378 and 15061, subdivision (b) (3).

7. **Notification**: The Regional Water Board has notified the discharger and all interested agencies and persons of its intent under Water Code section 13304 to rescind site cleanup requirements for the discharge, and has provided them with an opportunity to submit their written comments.

IT IS HEREBY ORDERED, pursuant to sections 13304 and 13267 of the Water Code, that Order No. R2-2011-0079 is rescinded.

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 December 9, 2015.



Digitally signed by Bruce H. Wolfe
DN: cn=Bruce H. Wolfe, o=SWRCB, ou=Region 2, email=bwolfe@waterboards.ca.gov, c=US
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Bruce H. Wolfe
Executive Officer