CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

ORDER No. R2-2019-0025

RESCISSION OF SITE CLEANUP REQUIREMENTS (ORDER NO. 01-031) and REQUIREMENT FOR TECHNICAL REPORT for:

FMC CORPORATION

For the property located at:

333 WEST JULIAN STREET
SAN JOSE, 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 Order:** The Regional Water Board adopted Site Cleanup Requirements for the site located at 333 West Julian Street in San Jose (Site) on March 28, 2001 (Order No. 01-031). The order named FMC Corporation as discharger.

2. **Compliance with Board Order:** Order No. 01-031 required the discharger to implement enhanced bioremediation and a self-monitoring program. The discharger has completed these tasks.

3. **Basis for Rescission:** Rescission of the order is appropriate for the reasons discussed below:

    a. *Pollutant sources are identified and evaluated***:** Pollutant sources included four underground storage tanks (UST) and previous manufacturing operations including production of agricultural machinery, food-processing equipment, and military vehicles.

    b. *The Site is adequately characterized:* The Site was characterized through a series of soil, soil vapor, and groundwater investigations beginning in 1986. The chemicals of concern (COC) at the Site are trichloroethene (TCE), cis-1,2-dichloroethene, (cis-1,2-DCE), trans-1,2-dichloroethene, (trans-1,2-DCE), and vinyl chloride. More than 100 soil borings were advanced to characterize soil and groundwater impacts. Groundwater quality was monitored from 1989 to 2018. Soil vapor was sampled in 2018.

    c. *Exposure pathways, receptors, and potential risks, threats, and other environmental concerns have been identified and assessed***:** The Site is in a commercial/industrial area. Shallow groundwater is not currently used as a source of drinking water. The Site has been redeveloped with three office buildings and a parking garage.

    d. *Pollutant sources are remediated to the extent feasible:* The four USTs and approximately 4,800 cubic yards of affected soil were excavated and removed from the Site in 1988 and 1999. Approximately 32 pounds of

VOCs were removed by a soil vapor extraction system from 1991-1994. Approximately 10 pounds of VOCs were removed by a groundwater extraction and treatment system from 1992-1997. Groundwater was treated in 2001 and 2003 by injecting cheese whey to promote the bioremediation of VOCs.

e. *Unacceptable risks to human health, ecological health, and sensitive receptors, considering current and future land and water uses, are mitigated:* Soil vapor samples collected at eight locations at the Site in February 2018 did not contain COCs at concentrations that would pose a vapor intrusion threat.

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

g. *Groundwater plumes are decreasing:* The following table provides the historic maximum and current concentrations of COCs in groundwater. The remediation at the Site has significantly reduced the magnitude and size of the groundwater plume, which continues to decrease.

Concentrations of COCs in Groundwater (micrograms per liter)

	TCE	Cis-1,2-DCE	Trans-1,2-DCE	Vinyl Chloride
Maximum Concentration	1,000	1,100	26	92
Current Concentration	6.0	85	7.3	54
Cleanup Level	5	6	10	0.5

h. *Cleanup levels can be met within a reasonable timeframe:* Natural attenuation is expected to reduce remaining Site-related contaminant concentrations in shallow groundwater to below cleanup levels (based on drinking water standards) before the shallow groundwater is used as a source of drinking water.

i. *Risk management measures are appropriate, documented, and do not require future Water Board oversight:* A deed restriction was recorded on the Site in 1998; it restricts sensitive land uses and the use of groundwater.

4. **Next Steps Prior to Case Closure:** Monitoring and extraction wells owned or used by the discharger at or near the Site need to be properly closed before this case is closed by the Regional Water Board to eliminate vertical conduits for potential future groundwater contamination. Therefore, submittal of technical report documenting the proper closure of the wells is necessary.

5. **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 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.

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 that Order No. 01-031 is rescinded.

IT IS FURTHER ORDERED that, pursuant to Water Code section 13267, the discharger shall document the proper closure of monitoring and extraction wells in a technical report to be submitted to the Regional Water Board within 30 days following the completion of closure activities.

I, Michael Montgomery, 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 August 12, 2019.

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Michael Montgomery
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 Referral To The Attorney General For Injunctive Relief Or Civil Or Criminal Liability