



San Francisco Bay Regional Water Quality Control Board

Date: November 14, 2012
File Nos. 43S0064 & 43S0110 (RWP)

General Electric
ATTN: Mr. Lance Hauer
640 Freedom Business Center
King of Prussia, PA 19406

lance.hauer@ge.com

Siemens Corporation (SMI Holding LLC)
ATTN: Mr. Gary Jones
170 Wood Avenue South
Iselin, NJ 08830

gary.a.jones@siemens.com

LaSalle Investment Management
ATTN: Mr. Jeff Zaleon
2300 Narrawood Street
Raleigh, NC 27614

Jeff.Zaleon@lasalle.com

Alecta Real Estate USA, LLC
ATTN: Ms. Chrisanne McGuire
235 Pine Street, Suite 1200
San Francisco, CA 94104

Chrisanne.McGuire@us.alecta.com

SUBJECT: Transmittal of Tentative Order – Amendment of Site Cleanup Requirements for 19000 Homestead Road and 10950 North Tantau Avenue, Cupertino, Santa Clara County

Dear Mr.Hauer, Mr. Jones, Mr. Zaleon, and Ms. McGuire:

Attached is a Tentative Order (Amendment of Site Cleanup Requirements) for the subject site. The Tentative Order amends the existing site cleanup requirements to add Alecta Real Estate USA, LLC, and MOF II Tantau Holdings, Inc., as named dischargers.

This matter will be considered by the Regional Water Board during its regular meeting on January 9, 2013. The meeting will start at 9:00 am and will be held in the first floor auditorium of the Elihu Harris Building, 1515 Clay Street, Oakland, California. Any written comments by you or interested persons must be submitted to the Regional Water Board offices by Friday, December 14, 2012. Comments submitted after this date will not be considered by the Regional Water Board.

Pursuant to section 2050(c) of Title 23 of the California Code of Regulations, any party that challenges the Regional Water Board's action on this matter through a petition to the State Water Board under Water Code section 13320 will be limited to raising only those substantive issues or objections that were raised before the Regional Water Board at the public hearing or in timely submitted written correspondence delivered to the Regional Water Board (see above).

If you have any questions, please contact Roger Papler of my staff at (510) 622-2435 [e-mail rpapler@waterboards.ca.gov].

Sincerely,

Bruce H. Wolfe
Executive Officer

Attachment: Tentative Order
cc w/attachment: Mailing List

MAILING LIST

U.S. EPA
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San Francisco, CA 94105

Santa Clara Valley Water District
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City of Sunnyvale
ATTN: Mr. Rick Miller rmiller@ci.sunnyvale.ca.us
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Pristine Earth
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Ms. Susan G. Colman sgcolman@comcast.net
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Shaw Environmental, Inc.
ATTN: Mr. Steven Pierce steven.pierce@shawgrp.com
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CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

TENTATIVE ORDER

AMENDMENT OF SITE CLEANUP REQUIREMENTS (ORDER NO. 90-119) FOR:

INTERSIL CORPORATION
SIEMENS COMPONENTS, INC.
ALECTA REAL ESTATE USA, LLC
MOF II TANTAU HOLDINGS, INC.

for the properties located at

10900 NORTH TANTAU AVENUE
CUPERTINO
SANTA CLARA COUNTY

and

19000 HOMESTEAD ROAD
CUPERTINO
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 this site on August 15, 1990 (Order No. 90-119). Order 90-119 names Intersil Corporation, Siemens Components, Inc., and Vallco Park, Ltd., as dischargers. Order No. 90-119 sets cleanup standards and requires implementation of the dischargers' cleanup plans.
2. **Reason for Amendment:** Order 90-119 named Vallco Park, Ltd., as a secondarily responsible party because it was the owner of 10900 and 10950 North Tantau Avenue at the time Order 90-119 was issued. Vallco Park, Ltd., has since sold the property. Alecta Real Estate USA, LLC, purchased 10900 North Tantau Avenue (Former Intersil Property) in 2011 and is the current property owner. MOF II Tantau Holdings, Inc., purchased 19000 Homestead Road (Former Siemens Property) in 2010 and is the current property owner. Alecta Real Estate USA, LLC, and MOF II Tantau Holdings, Inc., should be named as secondarily responsible parties in place of Vallco Park, Ltd., for the Former Intersil Property and Former Siemens Property, respectively, based on their

current status as property owners. Intersil Corporation and Siemens Components, Inc., continue to be primarily responsible for investigation and cleanup of the two properties.

3. **CEQA:** This action amends an order to enforce the laws and regulations administered by the Regional Water Board. Amendment of Order 90-119 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. (Cal. Code Regs., tit. 14, §§ 15378 and 15061, subd. (b)(3).)
4. **Notification:** The Regional Water Board has notified the dischargers 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 Regional Water Board, at a public meeting, heard and considered all comments pertaining to this amendment.

IT IS HEREBY ORDERED, pursuant to Section 13304 of the California Water Code, that Order No. 90-119 shall be amended as follows:

- 1) Alecta Real Estate USA, LLC, is hereby added to Order 90-119 in place of Vallco Park, Ltd., with respect to the Former Intersil Property, and MOF II Tantau Holdings, Inc., is hereby added to Order 90-119 in place of Vallco Park, Ltd with respect to the Former Siemens Property. In the following sections, delete Vallco Park, Ltd., and insert Alecta Real Estate USA, LLC, (for the Former Intersil Property) and MOF II Tantau Holdings, Inc., (for the Former Siemens Property):
 - Page 1, listing of named dischargers
 - Page 15, Finding 29, third sentence
 - Page 16, sentence beginning with ‘IT IS HEREBY ORDERED’
 - Page 18, Provision C.3, second sentence
 - Page 24, Provision C.14
 - Page 24, Provision C.15
 - Page 24, Provision C.16
 - Self Monitoring Program, Part B, Page 1, Heading
- 2) Page 15, Finding 27 shall be replaced with the following text: Siemens Components, Inc., Intersil Corporation, Alecta Real Estate USA, LLC, and MOF II Tantau Holdings, Inc., are responsible parties under the federal Superfund (CERCLA/SARA) provided Alecta Real Estate USA, LLC, is only responsible for the Former Intersil Property and MOF II Tantau Holdings, Inc., is only responsible for the Former Siemens Property. The Siemens and Intersil properties are jointly listed as a Superfund site on the National Priorities List.

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

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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

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