Weiss Associates *Environmental Science, Engineering, and Management*

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FIFTH FIVE-YEAR REVIEW REPORT

for

Former Fairchild Facility
101 Bernal Road
San Jose, California

prepared for

Schlumberger Technology Corporation
105 Industrial Boulevard
Sugar Land, TX 77478

January 31, 2014

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Weiss Project No. 363-2014-08

Weiss Associates' work for the Schlumberger Technology Corporation at the former Fairchild Semiconductor Facility located at 101 Bernal Road in San Jose, California, was conducted under my supervision. To the best of my knowledge, the data contained herein are true and accurate, are based on what can be reasonably understood as a result of this project, and satisfy the scope of work prescribed by the client for this project. The data, findings, recommendations, specifications, or professional opinions were prepared solely for the use of Schlumberger Technology Corporation in accordance with generally accepted professional engineering and geologic practice. We make no other warranty, either expressed or implied, and are not responsible for the interpretation by others of the contents herein.

January 31, 2014

Thomas Fojut, P.E., P.G., C.Hg. Date
Principal Engineer

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ACRONYMS AND ABBREVIATIONS

ARAR	applicable or relevant and appropriate requirement
bgs	below ground surface
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
COC	compound of concern
1,1-DCE	1,1,-dichloroethene
ESL	Environmental Screening Level
FFS	Focused Feasibility Study
Freon 113	1,1,2-trichloro-1,2,2-trifluoroethane
gpm	gallons per minute
GWETS	groundwater extraction and treatment system
HI	hazard index
IPA	isopropanol
MCL	maximum contaminant level
µg/L	micrograms per liter
NCP	National Contingency Plan
NPL	National Priorities List
PCE	tetrachloroethene
RAP	Remedial Action Plan
ROD	Record of Decision
RSL	Regional Screening Level
SCVWD	Santa Clara Valley Water District
SMP	self-monitoring program
SVE	soil vapor extraction
STC	Schlumberger Technology Corporation
1,1,1-TCA	1,1,1-trichloroethane
USEPA	United States Environmental Protection Agency
Water Board	Regional Water Quality Control Board, San Francisco Bay Region
VOC	volatile organic compound

EXECUTIVE SUMMARY

Weiss Associates, as consultant to Fairchild Semiconductor Corporation, has conducted this fifth five-year review of the remedial actions implemented at the Former Fairchild Facility at 101 Bernal Road in San Jose, California. The review period is January 2009 through December 2013. The triggering action for this review is Fairchild's submittal of the last Five-Year Review Report, submitted before January 1, 2009. This report is due in advance of the United States Environmental Protection Agency's (USEPA) and California Regional Water Quality Control Board, San Francisco Bay Region's (Water Board) completion of their own five-year review report, which is required by September 30, 2014, five years after the completion of the Water Board's last Five-Year Review Report, dated September 30, 2009. This current review was conducted because compounds of concern (COCs) are in on-site groundwater above levels that allow for unlimited use and unrestricted exposure.

The site is 22 acres in a mixed agricultural, industrial, and commercial area located approximately nine miles southeast of downtown San Jose and 20 miles southeast of San Francisco Bay. Between 1977 and 1983, an on-site manufacturing plant etched, cleaned, coated, and inspected silicon wafers. After ceasing operation and plant demolition, the site was redeveloped into the current shopping center, which includes a grocery market, restaurants, other retail businesses, and a surface parking lot.

In November 1981, Fairchild discovered that an underground storage tank, identified as TSU#4, had failed and released industrial solvents into the subsurface. Soil and groundwater sampling confirmed that on-site soil and groundwater in the two shallowest water-bearing zones (A and B Zones) were impacted with volatile organic compounds (VOCs), including acetone, 1,1,2-trichloro-1,2,2-trifluoroethane (Freon 113), isopropanol (IPA), tetrachloroethene (PCE), 1,1,1-trichloroethane (1,1,1-TCA), and xylene. 1,1-Dichloroethene (1,1-DCE), an abiotic degradation product of 1,1,1-TCA, was also detected in groundwater. Impacted groundwater migrated off-site through the B Zone and reached municipal and agricultural supply wells that were screened across the B Zone and underlying C Zone. Groundwater samples collected in December 1981 from drinking water supply well GO-13, located downgradient of the site, contained 1,1,1-TCA. A chronology of events since the discovery of the release is presented in Table 1.

Fairchild's initial response included an extensive subsurface investigation to determine the vertical and lateral extent of compounds in soil and groundwater on-site and off-site. Fairchild also excavated TSU#4, its associated pipelines, and impacted soil to a depth of 52 feet below ground surface (bgs) in 1982; commenced and operated groundwater extraction and treatment on-site and off-site, starting in 1982; installed a slurry wall along the site perimeter in 1985 and 1986; and sealed off-site agricultural and municipal supply wells downgradient of the site between 1982 and 1986.

Water Board Order 89-16 and the Record of Decision (ROD), both issued in 1989, established a remedy consisting of continued groundwater extraction and treatment, soil vapor extraction (SVE), a biodegradation study, a groundwater flushing study, additional groundwater monitoring wells to delineate the VOC plume, long-term groundwater monitoring, and deed restrictions to limit site activities. In 1989 and 1990, SVE operated from a total of 39 extraction wells around the TSU-4 excavation area. After the system removed an estimated total of 15,906 pounds of VOCs and after VOC concentrations in the system influent reached asymptotic conditions, the

Water Board approved shutdown of the system. As VOC concentrations in groundwater declined, the Water Board also approved cessation of groundwater extraction and treatment off-site in 1991 and on-site in 1998. Since 1998, Fairchild has continued groundwater monitoring, and the deed restrictions for the site have remained in effect.

The Water Board completed its last five-year review in 2009, which was "concurred by" the USEPA (Water Board, 2009). The review concluded that the site "is currently protective of human health and the environment. The groundwater plume has been reduced and contained. In the meantime, institutional controls are in place to prevent exposure. There is no exposure risk from vapor intrusion." The report recommended follow-up actions. The status of each is summarized below.

1. *The ROD will need to be amended to reflect the change in remedy and cleanup level for 1,4-dioxane.* The Water Board and the USEPA did not amend the ROD since the fourth five-year review.

2. *Fairchild should continue to assess the long-term success of the slurry cut-off wall in preventing off-property migration of contaminated groundwater and evaluate other remedies such as in situ bioremediation in terms of accelerating groundwater cleanup.* Fairchild assessed the effectiveness of the slurry wall and bioremediation, among other remedial technologies, in a *Draft Focused Feasibility Study* that was submitted to the Water Board and USEPA in 2011 (Weiss, 2011a).

3. *A new restrictive covenant should be recorded for the site that is consistent with current California law.* Fairchild confirmed that deed restrictions that prohibit the use of groundwater from the site for drinking water and restrict excavation below a depth of 20 feet are recorded and in effect for the site.

This fifth five-year review consisted of a review of historical project documents, a review of groundwater elevation and analytical data for the past five years, and a site inspection on October 23, 2013.

Water depths in A Zone wells ranged between 31 and 46 feet bgs and in B Zone wells between 29 and 52 feet bgs. The water depth in C Zone well WCC-06(C) ranged between 47 and 56 feet bgs. Generally, the 2013 water depths are the lowest measured on-site since 2005, but groundwater elevations during this period are within historical ranges. The groundwater flow direction in the off-site B Zone was consistently towards the northwest, with a horizontal gradient of approximately 0.001 foot per foot.

The analytical data from groundwater monitoring indicate that most of the cleanup levels in the ROD have been met for the past five years. All samples collected from 14 on-site wells satisfied the cleanup levels for acetone, Freon 113, IPA, 1,1,1-TCA, and xylene. The cleanup level for PCE was met for all samples from the on-site wells except for one sample from each of two wells. The cleanup level of 6 micrograms per liter (µg/L) for 1,1-DCE was consistently achieved in samples from seven of the fourteen on-site wells sampled. Of the 19 wells sampled outside of the slurry wall, only wells RW-19(B) and RW-25(B) have had a hazard index (HI) greater than 0.25 during this five year period. The HI for RW-19(B) was above 0.25 in 2009 but below 0.25 from 2010 to 2013. The HI for RW-25(B) has been consistently above 0.25 but decreased from 1.9 to 1.0 during the period from 2009 to 2013.

The conclusions of the technical assessment for this five-year review are summarized by the following responses:

A. *Is the remedy functioning as intended by the decision documents?* **Yes.** The remedy is functioning as intended by Water Board Order 89-16 and the ROD. Of the remedy elements, deed restrictions to limit groundwater use and site activities and long-term groundwater monitoring remain in effect. The two remediation elements of the remedy, SVE and groundwater extraction, were shutdown in 1990 and 1998, respectively, because each system met shutdown criteria that were approved by the Water Board. As described above, most of the groundwater cleanup levels have been satisfied. Modeling conducted in 1998 as part of the request to shutdown groundwater extraction (Locus, 1998; Water Board, 1998) and groundwater monitoring results since that time (Weiss, 2013) indicate that the slurry wall is controlling groundwater migration of COCs from the site.

B. *Are the exposure assumptions, toxicity data, cleanup levels, and remedial action objectives used at the time of the remedy still valid?* **No.** Although all of the cleanup levels remain valid and protective, the toxicity data for acetone and IPA and understanding of vapor intrusion as a potential exposure pathway have changed since the ROD was issued. However, the change in the toxicity data for acetone and IPA does not warrant changes to the cleanup levels in the ROD. Also, the Vapor Intrusion Evaluation and Screening Level Risk Assessment included in Appendix B concludes that recent compound concentrations in groundwater are below levels of potential concern for vapor intrusion to indoor air in on-site and off-site buildings.

C. *Has any other information come to light that could call into question the protectiveness of the remedy?* **No.**

The following recommendations are based on the technical assessment in this five-year review:

1. *23 unnecessary wells should be destroyed.* Many monitoring wells are no longer in the sampling program and/or are not necessary to monitor residual COCs in groundwater due to significant reductions in the extent of the groundwater plume since the wells were installed. Many wells are on off-site private properties and could act as conduits for future surface pollutants to groundwater.

2. *The ROD should be amended to include 1,4-dioxane as a COC for on-site groundwater.* 1,4-Dioxane has been detected in on-site groundwater monitoring well samples but is not a COC in the ROD.

3. *The ROD should be amended to remove acetone, Freon 113, IPA, 1,1,1-TCA and xylene as COCs.* Groundwater cleanup levels for these COCs have been satisfied for at least the past five years.

The protectiveness statement for this five-year review is as follows:

> *The remedy at the Former Fairchild Facility in San Jose, California is considered protective because the cleanup levels are still within the USEPA's acceptable risk range and there is no current or potential exposure, including by vapor intrusion.*

If required, Fairchild will submit its next five-year review report in December 2018 in advance of the Water Board and/or USEPA's next five-year review, which will be due in September 2019.

FIVE-YEAR REVIEW SUMMARY FORM

SITE IDENTIFICATION		
Site Name: Former Fairchild Semiconductor Corporation, San Jose		
EPA ID: CAD097012298		
Region: 9	**State:** California	**City/County:** San Jose/Santa Clara
SITE STATUS		
NPL Status: Final		
Remediation Status: Soil vapor extraction and groundwater extraction and treatment systems shutdown with agency approval; groundwater and slurry wall monitoring and a deed restriction remain in effect.		
Multiple Operating Units? No	**Construction Completion Date**: 1987	
Has site been put into reuse? Yes. The site was redeveloped as a shopping center between 1998 and 2000.		
REVIEW STATUS		
Lead agency: California Regional Water Quality Control Board, San Francisco Bay Region (Water Board)		
Author name: Thomas Fojut, P.E., P.G., C.Hg.		
Author title: Principal Engineer	**Author affiliation:** Weiss Associates, consultant to Fairchild Semiconductor Corporation	
Review period: January 2009 through December 2013		
Date(s) of Site Inspection: October 23, 2013		
Type of Review: ___ Post-SARA ___ Pre-SARA ___ NPL-Removal only ___ Non-NPL Remediation Action Site __X__ NPL State/Tribe-lead ___ Regional Discretion		
Review Number: __ 1 (first) __ 2 (second) __ 3 (third) __X__ Other (specify) **5 (fifth)**		
Triggering Action: ___ Actual RA Onsite Construction at OU#__ ___ Actual RA Start at OU#__ ___ Construction Completion __X__ Previous Five-Year Review Report __X__ Other(specify) **Water Board issuance of Order No. 95-084**		
Triggering action date: January 1, 2009 per the Water Board's letter dated April 15, 2008.		
Due Date: January 31, 2014, based on email correspondence from the Water Board (Water Board, 2013c)		

Issues:

The following issues were identified during this review:

1) Several monitoring wells are no longer in the sampling program and/or are not necessary to monitor residual compounds of concern (COCs) in groundwater due to significant reductions in the extent of the groundwater plume since the wells were installed. Many wells are on off-site private properties and could act as conduits for future surface pollutants to groundwater.

2) 1,4-Dioxane has been detected in on-site wells but is not a COC in the Record of Decision (ROD).

3) Five site COCs, including acetone, 1,1,2-trichloro-1,2,2-trifluoroethane (Freon 113), isopropanol (IPA), 1,1,1-trichloroethane (1,1,1-TCA), and xylene, have attained groundwater cleanup levels for at least the past five years.

Recommendations and Follow-up Actions:

1) Destroy 23 unnecessary monitoring and former extraction wells.

2) Amend the ROD to add 1,4-dioxane a COC for groundwater.

3) Amend the ROD to remove acetone; IPA; 1,1,1-TCA; Freon 113; and xylene as COCs.

Protectiveness Statement(s):

The remedy at the Former Fairchild Facility in San Jose, California is considered protective because the cleanup levels are still within the United States Environmental Protection Agency's acceptable risk range and there is no current or potential exposure, including by vapor intrusion.

Other Comments:

Weiss performed a Vapor Intrusion Evaluation and Screening Level Risk Assessment, which is included in Appendix B of this report. This evaluation, which was requested in a December 20, 2013 letter from the Water Board (Water Board, 2013b), concludes that recent compound concentrations in groundwater are below levels of potential concern for vapor intrusion to indoor air in on-site and off-site buildings. This conclusion is consistent with the vapor intrusion assessment that was included in the Water Board's Fourth Five-Year Review Report (Water Board, 2009). The current evaluation applies guidelines summarized in a December 3, 2013 letter from the United States Environmental Protection Agency that requests vapor intrusion evaluations at various National Priorities List Sites in the South Bay (USEPA, 2013c). Many of the guidelines were developed in the *External Review Draft – Final Guidance for Assessing and Mitigating the Vapor Intrusion Pathway from Subsurface Sources to Indoor Air* (USEPA, 2013a).

1. INTRODUCTION

The purpose of five-year reviews is to determine whether the remedy at the site is protective of public health and the environment. The methods, findings, and conclusions of reviews are documented in five-year review reports. In addition, five-year review reports identify issues found during the review, if any, and recommendations to address them.

California Regional Water Quality Control Board, San Francisco Bay Region (Water Board) Order No. 89-016 requires Fairchild Semiconductor Corporation to submit a report every five years (Water Board, 1989) for the Former Fairchild Facility at 101 Bernal Road in San Jose, California (Figures 1&2). The Water Board modified Fairchild's submittal schedule to coordinate with the Water Board's and U.S. Environmental Protection Agency's (USEPA) preparation of their five-year reviews (Water Board, 2008b). After Fairchild submitted the last five-year review report, the Water Board prepared its own five-year review report pursuant to Section 121 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and the National Contingency Plan (NCP). CERCLA §121 states:

If the President selects a remedial action that results in hazardous substances, pollutants, or contaminants remaining at the Site, the President shall review such remedial action no less often than each five years after the initiation of such remedial action to assure that human health and the environment are being protected by the remedial action being implemented. In addition, if upon such review it is the judgment of the President that action is appropriate at such Site in accordance with section [104] or [106], the President shall take or require such action. The President shall report to the Congress a list of facilities for which such review is required, the results of all such reviews, and any actions taken as a result of such reviews.

The USEPA interpreted this requirement further in the NCP; Title 40 of the Code of Federal Regulations (CFR), §300.430(f)(4)(ii) states:

If a remedial action is selected that results in hazardous substances, pollutants, or contaminants remaining at the Site above levels that allow for unlimited use and unrestricted exposure, the lead agency shall review such action no less often than every five years after the initiation of the selected remedial action.

Weiss Associates, consultant to Fairchild, has conducted a five-year review of the remedial actions implemented at the Former Fairchild Facility at 101 Bernal Road in San Jose, California. This review was conducted from September 2013 to December 2013. Weiss Engineers Trish Eliasson and Thomas Fojut performed a site inspection on October 23, 2013. This report documents the results of the review.

This is the fifth five-year review for the Former Fairchild Facility. The triggering action for this review is Fairchild's submittal of the last five-year review report, submitted before January 1, 2009. This report is due in advance of the agencies' completion of their own five-year review report, which is required by September 30, 2014, five years after the Water Board's last review of September 30, 2009. This current review was conducted because compounds are in site groundwater above levels that allow for unlimited use and unrestricted exposure.

2. SITE CHRONOLOGY

A chronology of site events between 1977 and 2013 is presented on Table 1.

3. BACKGROUND

This section describes the physical characteristics, land resources, history of contamination, and initial response actions taken by Fairchild.

3.1 Physical Characteristics

The site is a flat, 22-acre parcel in a mixed agricultural, industrial and commercial area of San Jose, California, near the intersection of Highways 85 and 101. It is located approximately 20 miles southeast of San Francisco Bay and nine miles southeast of downtown San Jose (Figure 1). A shopping center that includes a grocery market, restaurants, other retail businesses, and a surface parking lot occupies the site (Figure 2). Buildings in the immediate vicinity of the site consist of low-rise development containing offices, commercial businesses, and warehouses. Residential development exists east of Bernal Road. Previous project reports have used the "site" term to refer to this parcel and adjacent areas. For the purposes of this report, "site" and "on-site" refers only to the 22-acre parcel depicted in Figures 2 and 3. Adjacent areas are described in this report as "off-site."

The site slopes toward the northwest. Ground surface elevations range from approximately 220 feet above mean sea level at its southeast boundary to approximately 209 feet above mean sea level at its northwest boundary. The site vicinity is located on the Santa Teresa Plain, which is a southern extension of the Santa Clara Valley (Canonie, 1988). The plain is generally flat and slopes gently to the northwest. It is bounded to the southwest by the Santa Teresa Hills, to the northeast by the Diablo Range, to the southeast by the Coyote Narrows and Tulare Hill, and to the northwest by Edenvale Ridge and Oak Hill.

The site is located within a hydrological area designated by California Department of Water Resources as the South Bay Drainage Unit. This unit consists of a broad, alluvial valley sloping northward toward San Francisco Bay. It is flanked by alluvial fans deposited at the foot of the Diablo Range on the east and the Santa Cruz Mountains on the west. Streams that flowed from these surrounding highlands historically deposited large quantities of alluvial debris onto the valley floor in the form of alluvial fans and outwash plains. Four groundwater zones, designated as the A, B, C, and D zones, have been identified at the site.

The A zone extends to as much as 60 feet below ground surface (bgs), with water levels typically between 30 and 50 feet bgs. Logs for some site borings indicate that a sand and gravel unit up to 40-feet thick is present in the upper 50 feet, whereas other site borings show only silty clay, sandy clay or clay over this interval. Thus, it appears that there is no high permeability A Zone in some areas of the site. The Remedial Action Plan (RAP) also indicates that in 1982, prior to the installation of the site slurry wall, the A Zone was completely unsaturated in some areas, suggesting that groundwater did not flow continuously through the A Zone around the time of the volatile organic compound (VOC) release (Canonie, 1988). An aquitard separates the A Zone from the underlying B Zone, consisting of sand and gravel generally between 60 and 120 feet bgs. The RAP also concludes that this aquitard contains interbedded sand lenses, which hydraulically connect the two zones. The RAP indicates that these units are similar downgradient of the site except the A Zone was more consistently unsaturated at the time of the remedial investigation. Cross-sections show that

the A and B Zones merge together into a single unit approximately one mile downgradient of the site. Because there was no distinct, water-bearing A Zone identified, off-site groundwater monitoring wells are mostly screened in the B Zone or deeper. The C zone is generally found between 150 and 190 feet bgs, and the D zone at greater than 300 feet bgs (Figure 4).

3.2 Land and Resource Use

The site was primarily used for agriculture during the early 1900s. The transition from agricultural to industrial and commercial land use in the area occurred in the late 1960s and early 1970s. Fairchild purchased the site in 1975 and constructed a manufacturing plant for electronic devices (Figure 3). In April 1977, manufacturing processes began that involved etching, cleaning, coating, and inspecting of silicon wafers (Remediation Services, 1988-1992). These operations required the on-site use, handling, repackaging, and storage of industrial solvents that included acetone, 1,1,2-trichloro-1,2,2-trifluoroethane (Freon 113), isopropanol (IPA), 1,1,1-trichloroethane (1,1,1-TCA), tetrachloroethene (PCE), and xylene. In 1979, Schlumberger Technology Corporation (STC) acquired Fairchild and, as a result, also acquired the site.

In October 1983, Fairchild discontinued manufacturing and associated chemical storage at the site (Locus, 1999). In 1987, STC sold its Fairchild business unit to National Semiconductor Corporation but retained site ownership. STC has managed the site cleanup on behalf of Fairchild (Locus, 1999). STC sold the site in 1990 to SRDC, Inc., a retail property developer. Between 1988 and 1992, the former manufacturing facilities on the site were decommissioned and demolished (Remediation Services, 1988-1992; Water Board, 1992). In 1997, SRDC sold six acres of the site to American Stores Properties, Inc. The current shopping center was constructed between 1998 and 2000.

Great Oaks Water Company, a local water purveyor, operates wells for municipal use within a mile of the site. An inactive municipal supply well, GO-4(M), is located about 5,000 feet downgradient (west) of the site. Two additional supply wells are located cross-gradient from the site: well GO-7(M) is about 2,000 feet northeast and well GO-16(M) is about 2,000 feet north (Figure 2). Both of these wells are outside of the former off-site plume.

3.3 History of Compounds of Concern at the Site

Waste solvents and waste hydrofluoric acid from site manufacturing were transferred through piping from disposal sinks and floor drains to 6 tank storage units outside the building (Remediation Services, 1988-1992). TSU#4, a single-walled fiberglass tank for waste solvents, was installed below grade (Figure 3).

In November 1981, Fairchild discovered a fractured acid-neutralization pipeline at the facility and, in response, drilled two exploratory borings (Canonie, 1988). The borings encountered VOCs, and a subsequent investigative excavation indicated that TSU#4 was the source (Figure 3). Based on soil and groundwater sampling results, the released solvents included acetone, Freon 113, IPA, PCE, 1,1,1-TCA, and xylene. 1,1-Dichloroethene (1,1-DCE), an abiotic degradation product of 1,1,1-TCA, was also detected in groundwater.

Compounds from the release impacted A Zone groundwater on-site. Some of the compounds, primarily 1,1,1-TCA, migrated into the B Zone because the A and B Zones are hydraulically connected beneath the site, and municipal pumping of the B Zone in the region likely caused a downward gradient between the two zones. Impacted groundwater migrated off-site through the B Zone and reached municipal and agricultural supply wells. Groundwater samples from Great Oaks Water Company well GO-13, located downgradient of the site, contained 1,1,1-TCA. As a result, the well was taken out of service in December 1981 and sealed in October 1986.

3.4 Initial Response

In response to the discovery in 1981 of the release from TSU#4, Fairchild performed extensive subsurface investigations to determine the vertical and lateral extent of compounds in soil and groundwater on-site and off-site. Prior to the Record of Decision (ROD), Fairchild implemented several remedial actions to prevent migration of compounds from the source area, remove VOC mass from the subsurface, and reduce the extent of compound concentrations in the groundwater. These actions included:

- Removal of TSU#4, its associated pipelines and impacted soil to a depth of 52 feet bgs in 1982.
- Groundwater extraction and treatment on-site and off-site, starting in 1982.
- Installation of a slurry wall in 1986.
- Sealing of off-site supply wells between 1982 and 1986.

These initial actions are described further below. Additional remedial actions performed after the ROD was issued in 1989 are described in Section 4.2.

3.4.1 Tank and Soil Removal

Fairchild removed TSU #4, associated pipelines, an acid-waste neutralization tank, a concrete holding vault, the concrete slab beneath the former solvent tank, and a temporary waste solvent tank in 1982 following the discovery of the release (Locus, 1999). Sampling identified VOCs in saturated and unsaturated soil between 15 and 50 feet bgs near former TSU#4. Soil in an area of approximately 50 feet by 65 feet was estimated to have over 1,000 milligrams per kilogram 1,1,1-TCA. Using an augured caisson, Fairchild removed impacted soil within this area (Figure 3). The top 15 feet of soil were segregated as clean soil and temporarily stockpiled. Soil from 15 feet to 52 feet bgs was removed and hauled to a Class I landfill. Approximately 3,400 cubic yards of impacted soil were disposed of, resulting in the removal of an estimated 38,000 pounds of VOCs (Canonie, 1983). Each caisson was backfilled with concrete from 15 feet to 52 feet bgs. The top 15 feet were backfilled with soil from the temporary stockpile. The area was restored to original grade and paved with asphalt to minimize surface water infiltration.

3.4.2 Groundwater Extraction and Treatment

Groundwater extraction and treatment operated from 1982 to 1998. The different operation phases are summarized below.

In January 1982, the former supply well GO-13, renamed "GO-13(M)," was converted into a remediation extraction well to aid in the off-site hydraulic control of VOC-impacted groundwater.

The well initially pumped at approximately 1,260 gallons per minute (gpm). The extracted groundwater was plumbed through four 10,000-pound vessels of granular activated carbon in an on-site groundwater extraction and treatment system (GWETS) compound. The treatment effluent discharged under a National Pollutant Discharge Elimination System permit to a City of San Jose storm drain that emptied into Canoas Creek.

In May 1982, two new on-site extraction wells began operation: A Zone well WCC-41(A) and B Zone well WCC-20(B). Well WCC-20(B) was connected to the GWETS and started at an extraction rate of 150 gpm. Groundwater from well WCC-41(A), which was located immediately downgradient of the former waste solvent storage tank, was pumped into tanker trucks and transported to a Class I disposal facility. This off-site disposal continued until mid-1983, when the well was connected to the GWETS, which had recently been equipped with an aeration tower to improve the treatment efficiency. The tower was operated under a permit issued by the Bay Area Air Quality Management District.

In November 1982, after most of the soil removal described in Section 3.4.1 was completed, well RW-1(A,B) was connected to the GWETS. The well was connected across both the A and B Zones and initially pumped at a rate of 1,500 gpm.

From late 1982 through 1984, numerous off-site wells were connected to the GWETS. These included eight new B Zone wells; five new C Zone wells; and pre-existing agricultural supply wells 17L4, 17N1, 17N11, and 18J1, which were screened across multiple zones. Groundwater production peaked in 1984, at a total flow of approximately 9,500 gpm. By 1987, the total GWETS flow had decreased to 2,500 gpm (Locus, 1999). Groundwater extraction continued after the ROD was issued in 1989 (Section 4.2.1).

3.4.3 Soil-Bentonite Slurry Cutoff Wall

In 1986, construction of a soil-bentonite slurry wall was completed along the inside of the site perimeter (Figure 2) to contain VOC-impacted groundwater to the site (Canonie, 1988). The 3-feet thick wall encloses nearly the entire 22-acre site. The bottom of the wall is keyed into the B-C aquitard by a minimum of 2 feet along its entire length. The wall depth varies based on the depth to the top of the aquitard, and thus, the bottom of the wall varies between 55 and 148 feet bgs.

After it was constructed, the long-term effectiveness of the slurry wall was evaluated using soil measurements and data collected during construction and from field tests after construction (Canonie, 1988). Based on the test results, it was concluded that "the slurry wall provides a positive permanent control measure" and "there is no data to suggest that the slurry wall would ever need to be repaired or replaced." A pumping test indicated that the integrity of the slurry wall was satisfactory and that the wall had substantially decreased groundwater flow onto and through the site. It was determined that loss of fine-grained particles from the wall would not occur if the head differential across the wall remains below 24 feet. Using worst-case assumptions involving the migration of B Zone groundwater through the wall, modeling results indicated that on-site compound concentrations would attenuate to below the off-site cleanup level. A seismic analysis established that the ability of the wall to continue to hydraulically isolate the site would not be adversely affected by a major earthquake.

3.4.4 Sealing of Supply Wells

In 1981 and 1982, Fairchild canvassed the site vicinity for existing water supply wells. In December 1981, municipal supply well GO-13(M) was located downgradient of the site and was determined to screen an interval extending from the A to the D Zone. The well was converted to a remediation extraction well from January 1982 to September 1986 and permanently sealed in October 1986.

Fairchild also identified 25 wells near the site, eight of which were located downgradient of the site within the area of potentially impacted groundwater. Fairchild sealed these eight wells, which were screened in one or more of the A, B, and C Zones, according to Santa Clara Valley Water District (SCVWD) specifications. The other 17 wells were not located in the area of the plume. Of these wells, two wells—17F1 and 18H2—were used for irrigation until 1987. The remaining 15 were inactive, and of these, 13 have been listed by SCVWD as sealed. The remaining two wells, 17L2 and 20B1, were listed as inactive. Because they were not visible at ground surface, they were presumed to have been previously abandoned (Canonie, 1988).

3.5 Summary of Basis for Taking Action

The site overlies the Santa Teresa groundwater basin that is actively used as a source of drinking water. The site was designated as a Superfund site primarily due to past releases that caused supply wells to be taken out of service.

4. REMEDIAL ACTIONS

Fairchild submitted a RAP in October 1988 (Canonie, 1988). The RAP evaluated previous and ongoing remedial actions, groundwater conservation measures and final cleanup alternatives; proposed cleanup levels; recommended a final cleanup plan; and presented a public health evaluation. Some of the portions in the RAP were later revised, and the Water Board prepared an addendum to the RAP in December 1988 (Water Board, 1988).

The Water Board approved the RAP by adopting the Final Site Cleanup Requirements in Order No. 89-16 in January 1989. Subsequently, the USEPA signed the ROD on March 23, 1989. Although a remedial action objective is not explicitly stated in the ROD, it does establish a soil cleanup goal and groundwater cleanup levels for specific compounds of concern (COCs). The groundwater cleanup levels are shown on Table 2.

4.1 Remedy Selection

The ROD concurs with the remedy selected in Water Board Order No. 89-16, which consisted of the following actions:

- Continued groundwater extraction on-site and off-site; treatment by aeration; and reinjection, reuse or discharge to surface water;
- On-site soil vapor extraction (SVE) and treatment;
- A laboratory and field study of biodegradation of compounds in the subsurface;
- An evaluation of the effectiveness of groundwater flushing on-site.
- Deed restrictions to limit groundwater use and site activities;
- Additional monitoring wells to assess the groundwater plume boundaries; and
- Long-term groundwater monitoring.

4.2 Remedy Implementation

Fairchild completed each of the remedy components, which are summarized below.

4.2.1 Continued Groundwater Extraction and Treatment

The groundwater extraction and treatment described in Section 3.4.2 continued on-site and off-site after the ROD was issued in 1989. The purpose was to remove compounds from contaminated groundwater and hydraulically control impacted groundwater off-site.

In 1989, on-site groundwater extraction wells AE-1(B), AE-2(B), AE-3(B), AE-4(B), and RW-28(B) were connected to the GWETS to suppress the water table and facilitate the SVE system described in Section 4.2.2. Pumping from wells AE-2(B), AE-3(B), AE-4(B), and WCC-20(B) ended with the termination of the SVE system. On-site pumping continued in the other wells, and the treated discharge from the system was reinjected into the B Zone using well R-1(B), located outside of the slurry wall on the downgradient boundary of the site (Locus, 1999).

Groundwater monitoring results indicated that C Zone groundwater achieved the off-site groundwater cleanup level, and therefore, extraction ceased in the C Zone extraction wells in 1989. Groundwater extraction in off-site B Zone extraction wells was discontinued in phases and was completely terminated by December 1991. The Water Board approved shutdown of the off-site extraction based on modeling simulations that indicated that pumping was no longer effective for cleanup and to promote water conservation efforts in the Santa Teresa Basin.

In 1998, the Water Board approved the termination of groundwater extraction on-site. COC mass removal had reached asymptotic conditions and modeling results showed that COCs would not migrate off-site after the GWETS was shutdown (Locus, 1999).

4.2.2 Soil Vapor Extraction

A SVE system was installed in January 1989 to remove VOCs from vadose zone soil around the augered caisson excavation described in Section 3.4.1. A total of 39 extraction wells were installed to create pneumatic gradients toward the area with high VOC concentrations and to prevent VOC migration into unimpacted soil in the surrounding area. The wells were connected by underground piping to a vacuum extraction and treatment unit consisting of a blower, a dehumidification unit, and five 3,000-pound vapor-phase granular activated carbon units. The treated air was discharged to the atmosphere.

The SVE system was shutdown in April 1990 with the approval of the Water Board after the system achieved the shutdown criterion of less than 10 pounds of COC mass extracted per day. The removal rate at shutdown was 3.6 pounds per day. Post-remediation soil samples were collected from 10 soil borings to evaluate the residual concentrations of COCs in soil. None of the soil samples contained 1,1,1-TCA above the soil cleanup goal of 1 part per million. The results also indicated that the SVE system reduced COC concentrations in the area of influence by an estimated 99.97 percent. The SVE system removed an estimated total of 15,906 pounds of VOCs (Locus, 1999).

4.2.3 Biodegradation Study

A field and laboratory study of on-site biodegradation was performed by Dr. Perry McCarty of the Department of Civil Engineering at Stanford University. The study indicated no evidence of microbial degradation of 1,1,1-TCA on-site, and established estimated rates of chemotransformation (abiotic degradation) of 1,1,1-TCA to acetate and 1,1-DCE (Locus, 1999).

4.2.4 Groundwater Flushing Evaluation

Flushing pilot studies were conducted in the A Zone in the early 1980s and in the B Zone in the early 1990s. Cyclic pumping, considered a variation of groundwater flushing because it caused the dewatering and resaturation of soil, was also conducted in the B Zone in the early 1990s. The cyclic pumping ceased by 1998 when the Water Board approved the GWETS shutdown (Locus, 1999).

4.2.5 Deed Restrictions

Deed restrictions that prohibit the use of groundwater from the site for drinking water and restrict excavation below a depth of 20 feet are in effect for the site. The following documents have been recorded for site parcels with the Santa Clara County Records Office:

- "Declaration of Covenants, Conditions and Restrictions," recorded on May 17, 1989; and
- "Declaration of Covenants, Conditions and Restrictions and Grant of Easement," recorded on August 9, 1990 after Fairchild sold the site.

In December 2013, Weiss performed a title search for the parcels that comprise the site (Appendix A). The title search confirms that the deed restrictions required in the ROD and the Fourth Five-Year Review Report (Water Board, 2009) have been recorded by the Santa Clara County Recorder's Office. These restrictions prevent human contact with site COCs and provide protection of the monitoring wells and slurry wall.

4.2.6 Additional Monitoring Wells

Monitoring well 144(B) was installed in November 1990. Groundwater samples from the well contained no detectable COC concentrations. This well, combined with the extensive network of groundwater monitoring wells that had been installed previously, completed the assessment of the COC plume (Locus, 1999).

4.2.7 Long-Term Groundwater Monitoring

Groundwater monitoring on-site and off-site has been ongoing since the 1980s and has demonstrated that most of the groundwater cleanup levels have been satisfied (Section 6.2.2). The current Self-Monitoring Program (SMP) consists of measuring water levels and collecting groundwater samples annually from approximately 30 on-site and off-site wells (Water Board, 2007).

4.3 System Operations/Operation and Maintenance

System operation and maintenance ceased when the groundwater extraction and treatment was shutdown in July 1998 with Water Board approval. Currently, operation and maintenance consists of:

- Annual water level measurements and groundwater sampling for approximately 30 wells per the SMP (Water Board, 2007) and off-site disposal of well purge water.
- Maintenance of the wellheads for the currently monitored wells and numerous monitoring and extraction wells that are not included in the SMP.
- Annual reporting of the water level and sampling results and other site-related activities.

In response to an increase in COC concentrations in well RW-25(B) in 2006, Fairchild voluntarily increased the sampling frequency of off-site well RW-25(B) to quarterly from 2007 to 2009 and to semi-annually from 2010 to 2011. For the last several years, COC concentrations in this well have decreased, and thus, annual sampling resumed in 2012. Annual operations and maintenance costs for this five-year period are presented in Table 3.

5. PROGRESS SINCE LAST FIVE-YEAR REVIEW

5.1 Protectiveness Statement from the Last Review

The following protectiveness statement is from the Fourth Five-Year Review Report (Water Board, 2009):

The remedy at the Fairchild San Jose Superfund Site at 101 Bernal Road in San Jose, California is currently protective of human health and the environment. The groundwater plume has been reduced and contained. In the meantime, institutional controls are in place to prevent exposure. There is no exposure risk from vapor intrusion. To be protective in the long term, the feasibility of alternative remedies or improvements to the existing system need to be amended to reflect the change in remedy and to identify 1,4-dioxane as a chemical of concern. Also, new environmental restriction covenant consistent with current California law should be recorded to ensure long-term protectiveness.

5.2 Status of Recommendations and Follow-Up Actions from Last Review

Table 4 presents recommendations and the status of the follow-up actions presented in the Water Board's Fourth Five-Year Review Report (Water Board, 2009).

6. FIVE-YEAR REVIEW PROCESS

For this fifth five-year review, Weiss conducted a document review, data review and site inspection. Weiss assumes that the agencies will publish a public notice in coordination with the agencies' completion of their review.

6.1 Document Review

The five-year review process consisted of reviewing the documents that are listed in the References Section at the end of this report. For this review, the source of the applicable or relevant and appropriate requirements (ARARs) and cleanup levels is the ROD (USEPA, 1989). The ROD includes a statement that it concurs with the Final Site Cleanup Requirements in Water Board Order 89-16 (Water Board, 1989).

6.2 Data Review

Weiss reviewed data collected during this review period, which includes groundwater elevation and sampling data.

6.2.1 Groundwater Elevation Data

Groundwater elevation data was evaluated for the past five years. Table 5 presents the water level measurements from 2009 through 2013, which includes the on-site and off-site monitoring wells in the Revised SMP (Water Board, 2007).

Over the five year period, the depths to water in the on-site A Zone wells ranged between 31 and 46 feet bgs. Water levels in B Zone wells ranged between approximately 29 feet bgs (downgradient of the site) and 52 feet bgs (upgradient of the site). The water depth in C Zone well WCC-06(C) ranged between approximately 47 and 56 feet bgs. Generally, the 2013 water depths are the lowest measured on-site since 2005, but groundwater elevations during this period are within historical ranges.

As part of the SMP, the groundwater flow direction and gradient is only regularly evaluated for the B Zone outside of the slurry wall. Historical water level measurements indicate that horizontal component of groundwater flow in the B Zone is generally towards the northwest, consistent with regional flow patterns (USGS, 2004) (Figure 5). During this five year period, the horizontal gradient has been consistently estimated at 0.001 foot per foot.

Since the on-site GWETS was shutdown in 1998 (Water Board, 1998), relative groundwater elevations for wells inside and outside of the slurry wall indicate a consistent inward hydraulic gradient in the B Zone across the wall along the northeastern, southeastern and southwestern site boundaries (Figures 6 through 8 and Table 6). The relative water levels measured in wells 129(B), 146(B), 128(B), WCC-01(B), 127(B), WCC-02(B), 126(B) and 116(B) during different seasons between 1998 and 2007 indicate that the gradient across the wall along the northwestern side of the

site fluctuated from inward during wetter times of the year to outward in September and October. Since 2007, water levels have been measured only every September, and thus the likely inward gradient during other times of the year is not evident in the data set.

The groundwater level data for WCC-06(C) indicates a downward hydraulic gradient across the B-C aquitard, a 40-feet thick clay unit that separates the B and C Zones. Over the past five year period, the groundwater elevation in B Zone well WCC-02(B) ranged from approximately 8.5 to 10 feet higher than that of C Zone well WCC-06(C) (Figure 9 and Table 5). The VOC concentrations in C Zone well WCC-06C have generally been below detection limits since 1982, which supports the conclusion that the B and C Zones are not in hydraulic communication beneath the site.

6.2.2 Analytical Data for Groundwater

This review includes all groundwater monitoring analytical data collected from 2009 to 2013 as part of the Revised SMP (Water Board, 2007) as well as supplemental data collected during this time period. The analytical tables and other supporting data are included in Figures 10 through 15 and Tables 7 and 8 and discussed below.

The wells sampled inside the slurry wall consist of four A Zone wells—112(A), 115(A), RW-23(A) and WCC-41(A)—and 10 B Zone wells—116(B), 119(B), 122(B), 131(B), 145(B), 146(B), WCC-01(B), WCC-02(B), AE-1(B), and AE-2(B). The wells sampled outside the slurry wall consist of three A Zone wells—82(A), F-6(A), and WCC-04(A)—and 16 B Zone wells: 75(B), 105(B), 106(B), 120(B), 126(B), 127(B), 128(B), 129(B), 135(B), RW-13(B), RW-19(B), RW-20(B), RW-25(B), RW-27(B), WCC-26(B), and WCC-42(B). Also sampled were well WCC-06(C), an on-site C Zone well that screens a depth interval below the slurry wall, and GO-04(M), an inactive supply well located approximately 5,000 feet northwest of the site. The analytical data are summarized below.

Wells inside the slurry wall: All 14 wells have met the on-site groundwater cleanup levels for acetone, Freon 113, IPA, 1,1,1-TCA, and xylene for at least the past five years. The cleanup level for PCE was satisfied for all on-site well samples except for one sample from each of two wells during the past five years. The cleanup level for 1,1-DCE have been achieved consistently in seven of the fourteen wells sampled. Wells with 1,1-DCE above the cleanup level of 6 micrograms per liter (µg/L) are near or downgradient of the former source area. These wells include A Zone wells 115(A), RW-23(A) and WCC-41(A) (Figure 10) and B Zone wells 131(B), 145(B), AE-1(B), AE-2(B), and WCC-1(B) (Figure 11). The percent reduction from the maximum detected 1,1-DCE concentration to the most recent sampling event ranges from 82.5% to 99% at these wells, except for well 131(B), which had a 7% reduction.

Wells outside the slurry wall: Hazard indices (HIs) have been calculated each year based on concentrations of 1,1,1-TCA and 1,1-DCE in off-site monitoring wells (Figures 12 and 13 and Table 9). These HIs are compared annually to the off-site groundwater cleanup level, which is a HI of 0.25. Of the 19 wells sampled outside the slurry wall, only wells RW-19(B) and RW-25(B) have had a HI greater than 0.25 during this five year period. The HI for RW-19(B) was above 0.25 in 2009 but below 0.25 from 2010 to 2013. The HI for RW-25(B) has been consistently above 0.25 but decreased from 1.9 to 1.0 during this period.

Recommended changes to the monitoring program are presented in Section 7.1.2.

6.3 Site Inspection

On October 23, 2013, the following individuals performed a site inspection in preparation for the five-year review process:

- Mr. Max Shahbazian, Water Board
- Ms. Melanie Morash, USEPA
- Ms. Ellen Engberg and Mr. Aaron King, U.S. Army Corps of Engineers, contractor to the USEPA
- Ms. Trish Eliasson and Mr. Thomas Fojut, Weiss Associates, consultant to Fairchild

During the site inspection, Weiss summarized the project history, remediation results, and trends of COC concentrations in groundwater to the other attendees. The inspection consisted of a reconnaissance to the location of the former underground storage tanks, the enclosure for the inactive GWETS, and areas across and downgradient of the site.

7. TECHNICAL ASSESSMENT

7.1 Question A: Is the remedy functioning as intended by the decision documents?

Yes, the remedy is functioning as intended by Water Board Order 89-16 and the ROD.

7.1.1 Remedial Action Performance

Of the remedy elements, deed restrictions to limit groundwater use and site activities and long-term groundwater monitoring remain in effect. The two remediation elements of the remedy, SVE and groundwater extraction, were shutdown in 1990 and 1998, respectively, because each system met shutdown criteria that were approved by the Water Board.

The SVE system included 27 extraction wells, operated for approximately 16 months, and removed an estimated 15,906 pounds of VOCs from the vadose zone (Locus, 1999). The system operated until the VOC mass removal rate declined to below the shutdown criterion of 10 pounds per day. No 1,1,1-TCA was detected in 28 confirmation soil samples above the cleanup goal of 1 part per million.

An estimated 93,285 pounds of VOCs were extracted from on-site and off-site pumping between 1982 and 1998. The Water Board approved shutdown of off-site extraction when based on modeling simulations that indicated that pumping was no longer effective for cleanup and to promote water conservation efforts in the Santa Teresa Basin (Locus, 1999). In 1998, the Water Board approved shutdown of the on-site GWETS because COC mass removal had reached an asymptotic trend and modeling showed that the slurry wall sufficient for controlling groundwater migration of COCs from the site (Locus, 1998; Water Board, 1998).

Data from the current groundwater monitoring program continues to indicate that these previous remediation efforts, combined with the source removal excavation and slurry wall installation that were implemented prior to the ROD, have resulted in attainment of most of the groundwater cleanup levels in the ROD. A comparison of groundwater analytical data for the past five years with the cleanup levels indicates that:

- The on-site cleanup levels were not exceeded for five of the seven COCs (acetone, Freon 113, IPA, 1,1,1-TCA and xylene) in any of the wells.
- Except for one sample from each of two on-site wells, no PCE was detected above the cleanup level of 5 µg/L during the past five years. The highest PCE concentration was 12 µg/L, detected in B Zone well AE-1(B).
- The only COC that was consistently above the on-site cleanup level is 1,1-DCE. Eight of 14 on-site wells yielded samples with concentrations above the cleanup level of 6 µg/L. Regardless, 1,1-DCE has decreased substantially since when remediation first commenced. In June 1982, the maximum site concentration was 1,900,000 µg/L. In September 2013, the maximum concentration was 150 µg/L.

- Of the 20 off-site wells sampled, samples from two contained 1,1-DCE and 1,1,1-TCA concentrations that exceeded the off-site cleanup level of a HI of 0.25. Only the 2009 sample from well RW-19(B) exceeded this cleanup level; the results for samples collected between 2010 and 2013 from this well were below the cleanup level. The HI for well RW-25(B) has been consistently above the off-site cleanup level, but it has decreased over the last three years (Table 9). The Mann-Kendall statistical analysis presented in the *2013 Annual Status Report* confirms that 1,1-DCE concentrations have followed a decreasing trend in this well since 2007 (Weiss, 2013).

The *Draft Focused Feasibility Study* (FFS) concludes that 1,1-DCE concentrations inside the slurry wall will decline to below the on-site groundwater cleanup level over the long term (Weiss, 2011a). Concentrations of 1,1-DCE in on-site groundwater appear to be dependent on the desorption rate of 1,1-DCE from deep, saturated soil units with low permeability that are in contact with the coarser and more transmissive soil units of the A and B Zones. For this reason, the estimated time to cleanup to the maximum contaminant level (MCL) using other remedial approaches considered in the FFS were not significantly shorter than the current remedy of groundwater monitoring with the slurry wall in place.

Containment of impacted water to the site remains effective. The groundwater monitoring data indicate that COCs are not present in B Zone groundwater immediately downgradient of the site, indicating that the slurry wall is effectively controlling COC migration. The off-site cleanup level was not exceeded in any samples collected from wells 126(B) through 129(B) during the past five years (Figures 12 and 13).

The remaining components of the remedy, deed restrictions to limit groundwater use and site activities and long-term groundwater monitoring, will remain effective in comparing COC concentrations to cleanup levels and assessing the performance of the slurry wall.

7.1.2 Opportunities for Optimization

The groundwater monitoring program could be improved to reduce risk of future groundwater impacts and remedy implementation costs. Weiss recommends revising the SMP and abandoning 23 groundwater monitoring and extraction wells that are no longer necessary to assess remedy effectiveness or monitor groundwater quality. The rationale for destroying these wells is that:

- Most of the wells were installed nearly 30 years ago to delineate an off-site VOC plume that has since decreased significantly in size. The off-site groundwater cleanup level has been achieved in most areas downgradient of the site.
- VOCs have generally not been detected in C Zone wells for the past 30 years, and thus, continued monitoring of this zone is unnecessary.
- Many of the off-site wells are on private properties and some are in locations that make them susceptible to damage (e.g., agricultural fields). Thus, these wells could create conduits for surface contaminants to reach deep groundwater.

Figure 16 shows the well locations, and Table 10 lists the wells, their construction details, and a specific rationale for each proposed abandonment. This well abandonment recommendation was also presented in the 2013 Annual Status Report (Weiss, 2013).

Weiss also recommends removing acetone, IPA, Freon 113, 1,1,1-TCA and xylene as COCs for groundwater on-site. As discussed in Section 6.2.2, the groundwater cleanup levels in the ROD were achieved for these COCs more than 5 years ago.

7.1.3 Implementation of Institutional Controls and Other Measures

In December 2013, Weiss performed a title search for the parcels that comprise the site (Appendix A). The title search confirms that the deed restrictions required in the ROD have been recorded by the Santa Clara County Records Office. These restrictions prevent human contact with site COCs and provide protection of the monitoring wells and slurry wall.

7.2 Question B: Are the exposure assumptions, toxicity data, cleanup levels, and remedial action objectives used at the time of the remedy still valid?

No. Although all of the cleanup levels remain valid and protective, the toxicity data for acetone and IPA and understanding of vapor intrusion as a potential exposure pathway have changed since the ROD was issued. As presented in Section 7.2.3, the toxicity data changes to these COCs do not warrant changes to the groundwater cleanup levels. Also, recent compound concentrations in groundwater are below levels that may indicate a potential vapor intrusion risk to on-site or off-site buildings (Section 7.2.2).

7.2.1 Changes in Standards, Newly Promulgated Standards, and To-Be-Considered Criteria

Weiss reviewed the ARARs and to-be-considered criteria in Water Board Order 89-16 and the ROD to assess if there have been significant changes to these standards and if such changes call into question the protectiveness of the remedy. As shown in Table 11, no changes to action-specific or location-specific were identified.

The only compound-specific standards that have changed since the ROD are California MCLs for drinking water that were adopted for Freon 113, PCE and xylene. Water Board Order 89-16 and the ROD state that groundwater cleanup standards shall change accordingly as MCLs are adopted or change. Thus, these MCLs have been reported as site cleanup levels for approximately the past 20 years (Table 2).

In 2010, the California Department of Public Health established a response level of 35 µg/L for 1,4-dioxane, which has been detected in site monitoring wells. Previous five-year reports recommended adding 1,4-dioxane as a site COC (RMT, 2004; Weiss, 2008b, Water Board, 2009). The Draft FFS (Weiss, 2011) recommended an on-site cleanup standard equivalent to the response goal because:

- No federal or state MCL has been established.
- Except for 7.0 µg/L that was detected from a 2008 sample from well 128(B), no 1,4-dioxane has been detected in any other groundwater samples from outside of the slurry wall.

- The response level is equivalent to a 10-4 carcinogenic risk assuming daily ingestion of drinking water for 70 years of drinking water (USEPA, 2010). The existing site deed restrictions prohibit using site groundwater for drinking water.

No changes to standards affect the off-site groundwater cleanup level. The cleanup level of 0.25 of the HI remains a more stringent level than MCLs or a HI of 1.0, which are considered protective of human health and are thus commonly used as groundwater cleanup levels at other National Priority List sites.

7.2.2 Changes in Exposure Pathways

Since the site was redeveloped as a shopping center in 2000, no significant changes in on-site land use have occurred. Land use downgradient of the site also appears unchanged since the last five-year review. No plans for future land use changes on-site or off-site were identified.

Weiss performed a Vapor Intrusion Evaluation and Screening Level Risk Assessment, which is included in Appendix B. This evaluation, which was requested in a December 20, 2013 letter from the Water Board (Water Board, 2013b), concludes that recent compound concentrations in groundwater are below levels of potential concern for vapor intrusion to indoor air in on-site and off-site buildings. The evaluation applies guidelines summarized in a December 3, 2013 letter from the USEPA that requests vapor intrusion evaluations at various National Priorities List sites in the South Bay (USEPA, 2013c). Many of the guidelines were developed in the *External Review Draft – Final Guidance for Assessing and Mitigating the Vapor Intrusion Pathway from Subsurface Sources to Indoor Air* (USEPA, 2013a).

Since the ROD was issued, 1,4-dioxane has been detected in groundwater and is included in the current groundwater sampling program. The 2009 Five-Year Review Report recommended including 1,4-dioxane as a site COC.

7.2.3 Changes in Toxicity and Other Contaminant Characteristics

The on-site groundwater cleanup levels for acetone and IPA are based on toxicity criteria because no MCLs are other ARARs are established for these COCs. Weiss's review of the current toxicity data for these COCs concludes that the existing groundwater cleanup levels are protective.

Acetone toxicity was last revised in July 2003. The current oral reference dose for chronic oral exposure in the Integrated Risk Information System is 900 milligrams per kilogram per day. Based on this dose, the current tap water Regional Screening Level (RSL) is 12,000 µg/L (USEPA, 2013b) and the drinking water Environmental Screening Level (ESL) is 20,000 µg/L (Water Board, 2013a). These values are higher than the groundwater cleanup level of 3,500 µg/L established by the ROD.

No RSLs or ESLs are currently established for IPA. Based on the current reference dose of 7 milligrams per cubic meter (OEHHA, 2013), the USEPA's Screening Level Calculator provides a drinking water level of 14,600 µg/L (USEPA, 2013b). The groundwater cleanup level in the ROD is 450 µg/L, which was based on a site-specific remediation criterion calculated by the California Department of Public Health.

7.3 Question C: Has any other information come to light that could call into question the protectiveness of the remedy?

No, other information, including newly identified ecological risks or natural disaster impacts, have not been identified. Also, as indicated in Section 7.2.2 and Appendix B, compound concentrations in groundwater are below levels of potential concern for vapor intrusion to indoor air in on-site and off-site buildings.

7.4 Technical Assessment Summary

The remedy has achieved most of the cleanup criteria presented in Water Board Order 89-16 and the ROD. Both SVE and groundwater extraction operated as required by the ROD and were shut down with Water Board approval. SVE near the former source area reduced COC concentrations in soil to below the soil cleanup goal in the ROD. Groundwater extraction on-site and off-site removed COC mass from groundwater and hydraulically controlled the plume off-site as the source area was remediated and as COC concentrations declined over the entire plume area. Five COCs have met the on-site groundwater cleanup levels for at least the past five years. Only one off-site well consistently has had a HI above the stringent off-site cleanup level of 0.25. Continued groundwater monitoring will provide data to assess the likely long-term decline of 1,1-DCE to the on-site groundwater cleanup level and the effectiveness of the site's perimeter slurry wall. The existing deed restriction will assist in preventing human exposure to site groundwater and to protect the existing monitoring wells and slurry wall.

Past remediation efforts have reduced COC concentrations so that they currently do not present significant risk to human health. The slurry wall has cutoff migration of residual COCs in on-site groundwater to areas downgradient of the site and deed restrictions prohibit using on-site groundwater for drinking. Excavation and SVE at the source area have remediated vadose zone soil to a depth of approximately 50 feet, preventing potential future contact with impacted soil. Although groundwater at off-site well RW-25(B) remains above the cleanup level, COC concentrations in this well continue to decline. Previous vapor intrusion assessments and the evaluation included in Appendix B indicate that the vapor intrusion pathway is not a concern for on-site or off-site buildings.

Several optimization recommendations are warranted based on groundwater monitoring results. Groundwater in most areas downgradient of the site has achieved the off-site groundwater cleanup level, and thus, many off-site wells are no longer necessary. Abandoning the wells presented in Table 10 will reduce the risk of future surface pollutants from impacting groundwater. Because acetone, Freon 113, IPA, 1,1,1-TCA and xylene have not been detected above cleanup levels in site groundwater for at least five years, Weiss recommends eliminating them as COCs. Consistent with previous five-year reviews, Weiss recommends adding 1,4-dioxane as a site COC for groundwater.

8. ISSUES, RECOMMENDATIONS AND FOLLOW-UP ACTIONS

Issues identified in the technical assessment of this five-year review, recommendations and follow-up actions are summarized in Table 12.

9. PROTECTIVENESS STATEMENT

The remedy at the Former Fairchild Facility in San Jose, California is considered protective because the cleanup levels are still within the USEPA's acceptable risk range and there is no current or potential exposure, including by vapor intrusion.

10. NEXT REVIEW

If required, Fairchild will submit its next five-year review report in December 2018 in advance of the Water Board and/or USEPA's next five-year review, which will be due in September 2019.

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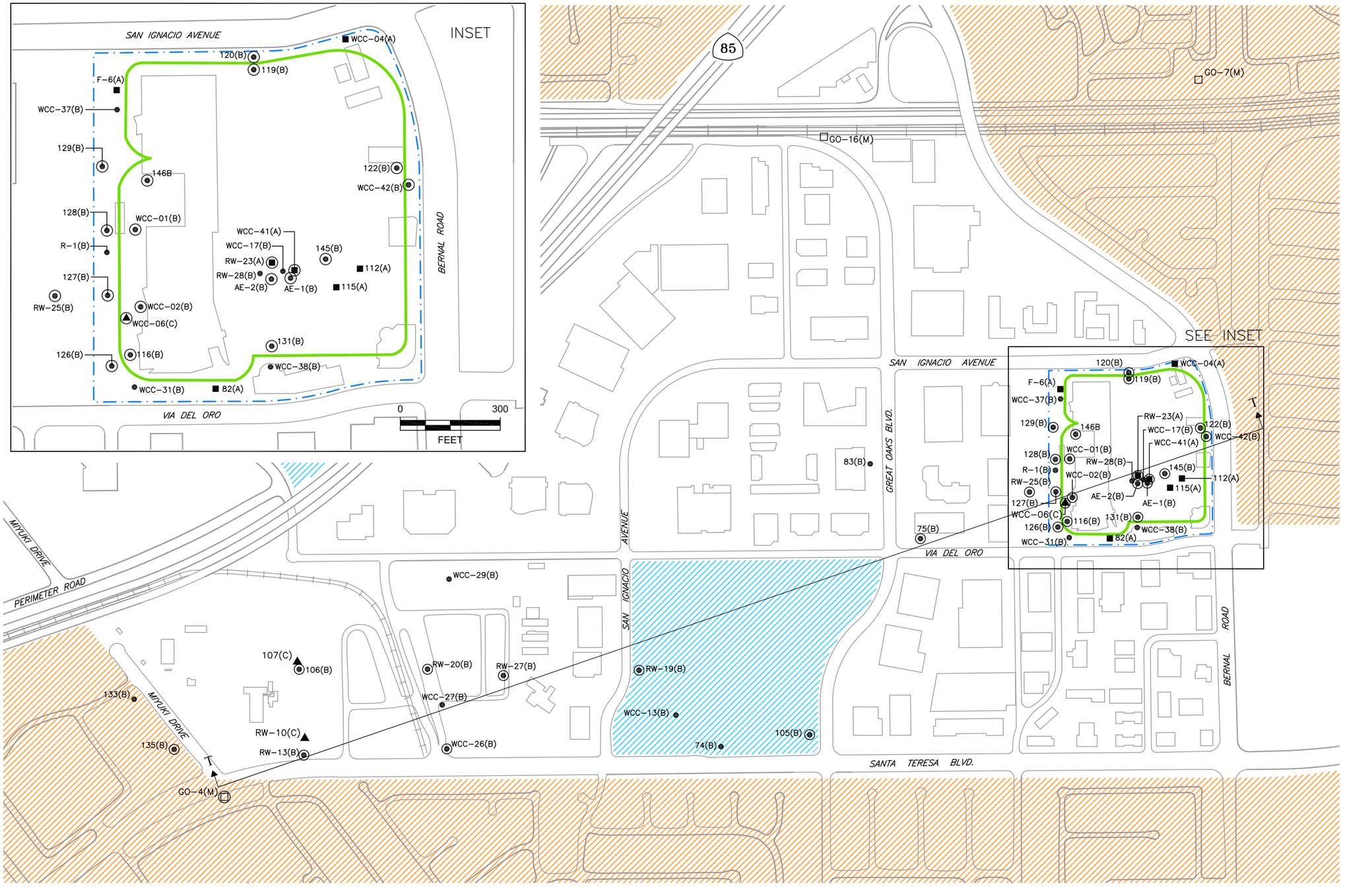
FIGURES

Figure 1. Site Location — 101 Bernal Road, San Jose, California



EXPLANATION:

- A ZONE MONITORING WELL
- B ZONE MONITORING WELL
- C ZONE MONITORING WELL
- GREAT OAKS (GO) WELL, SCREENED IN MULTIPLE AQUIFERS (M)
- RING AROUND WELL SYMBOL INDICATES THAT WELL IS MONITORED PER THE REVISED SELF-MONITORING PROGRAM (WATER BOARD, 2007)
- 120(B) — WELL NUMBER / ZONE
- SITE BOUNDARY
- SLURRY WALL
- T T — T-T CROSS-SECTION

LAND USE:

- COMMERCIAL/INDUSTRIAL
- AGRICULTURAL
- RESIDENTIAL

Figure 2. Monitoring Well Locations — 101 Bernal Road, San Jose, California

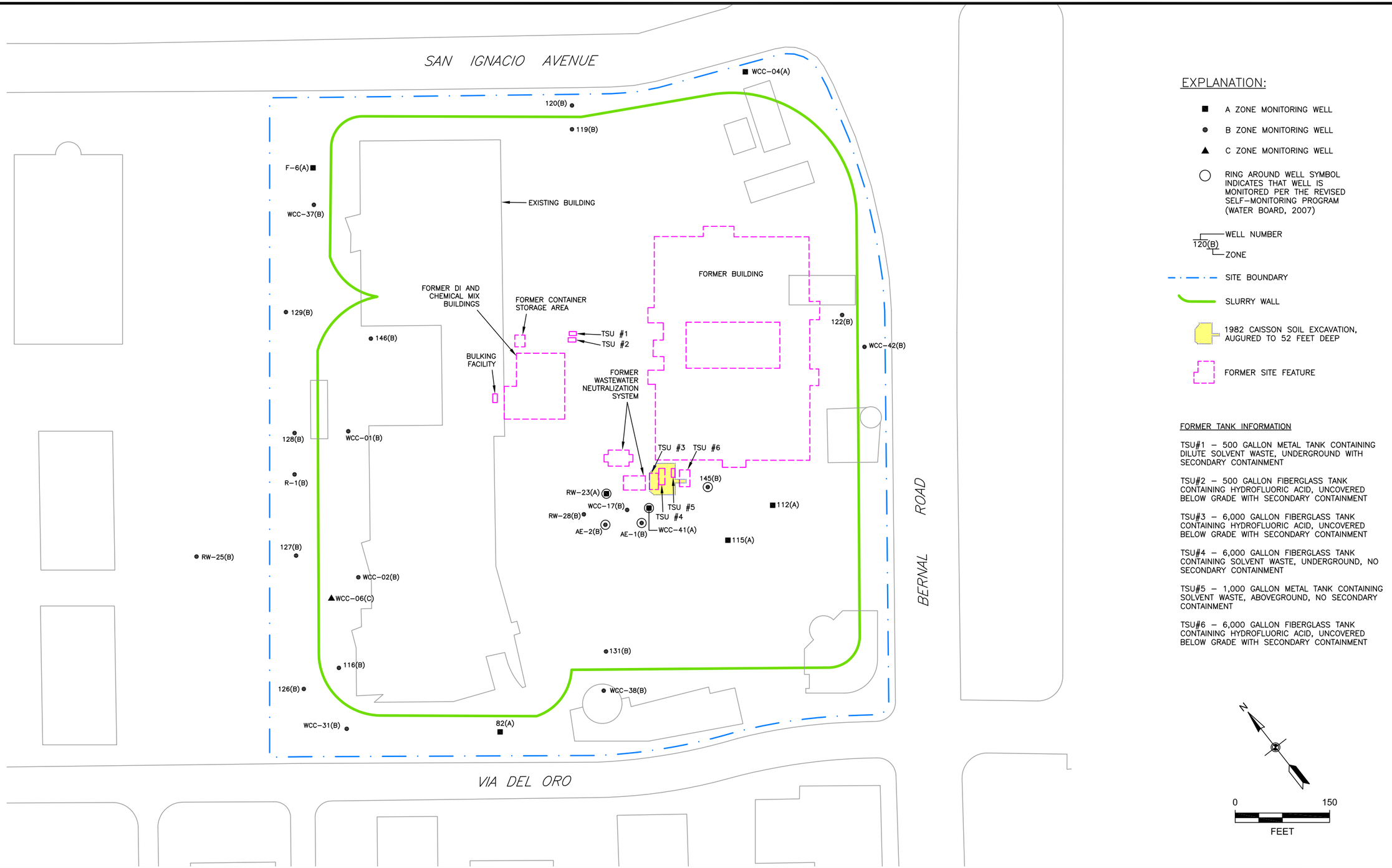
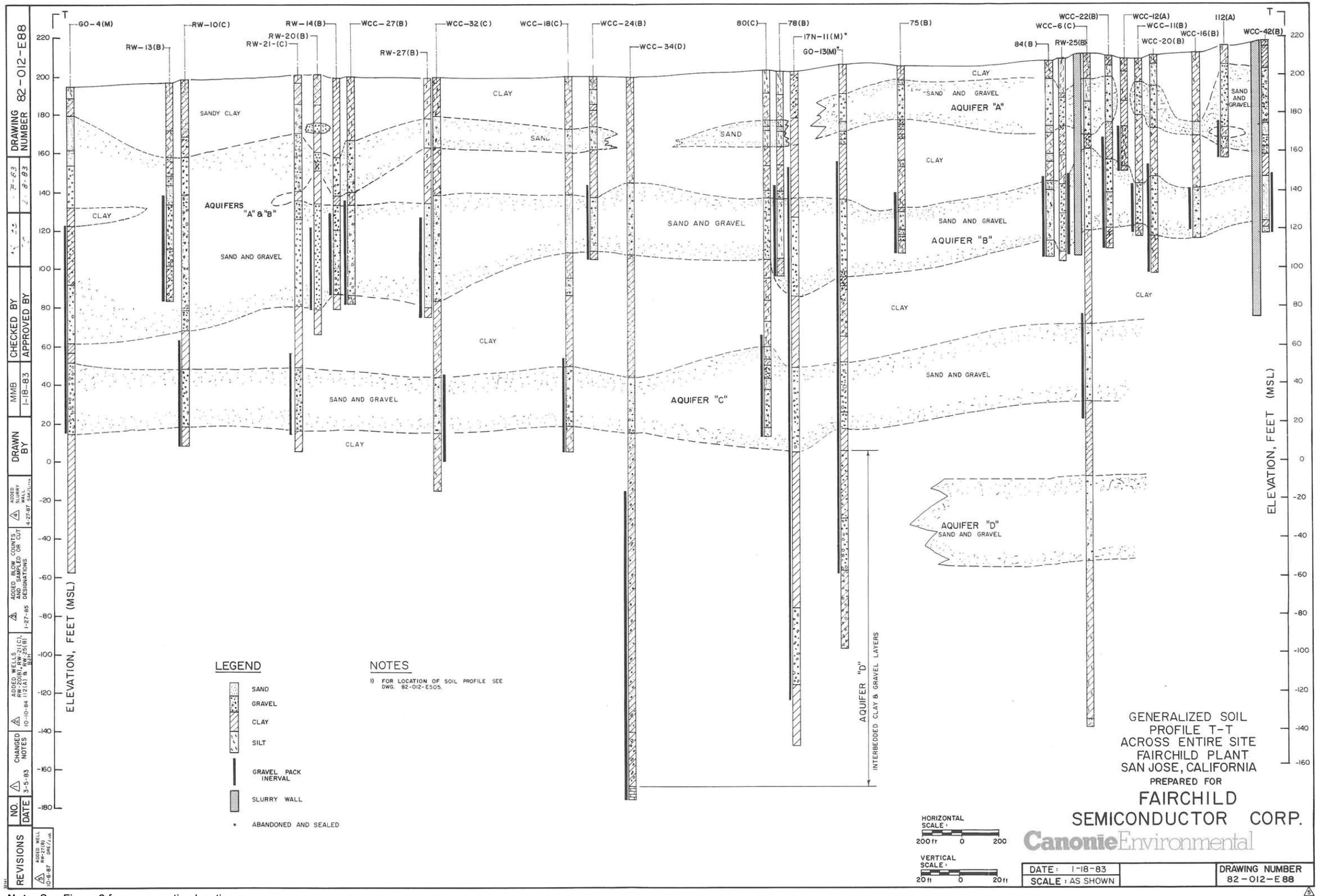
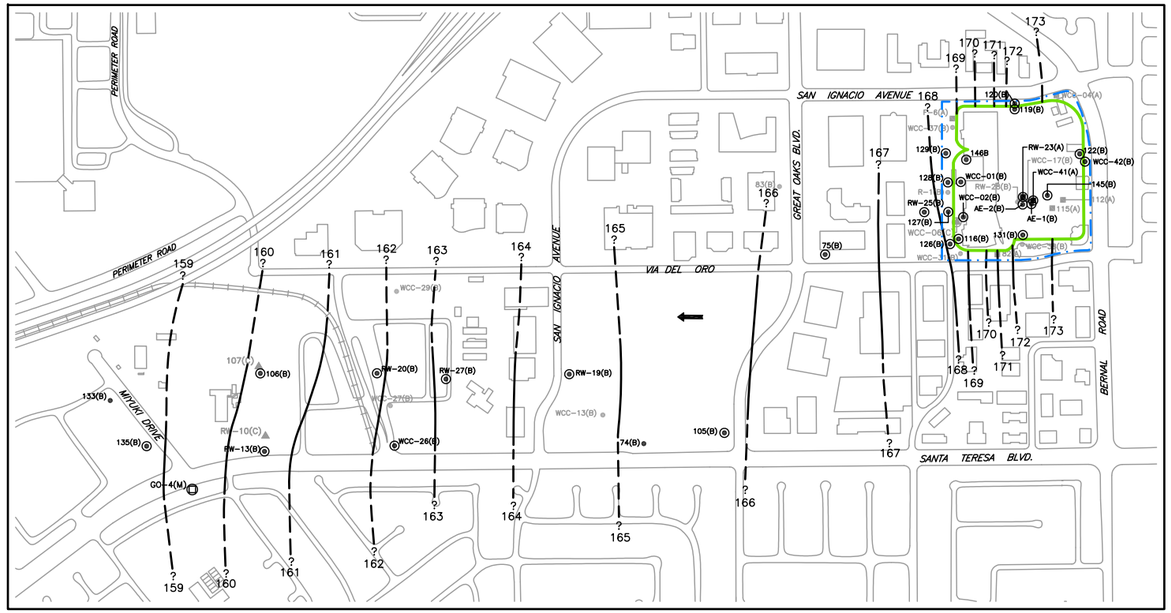


Figure 3. Site Monitoring Wells, Former Site Features and Soil Excavation Location — 101 Bernal Road, San Jose, California

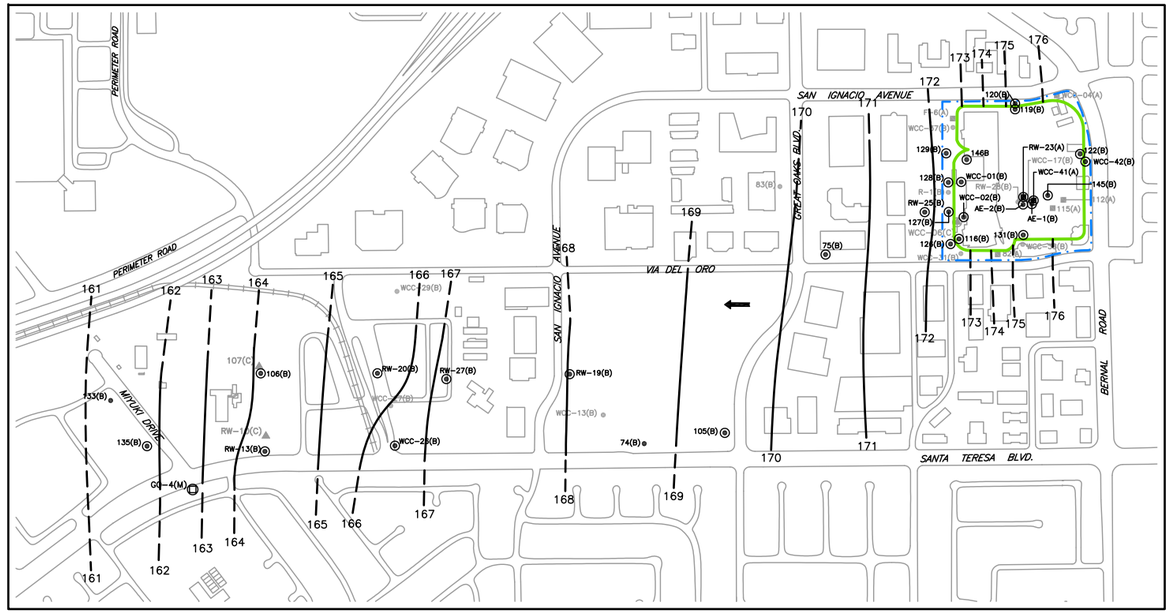


Note: See Figure 2 for cross-section location

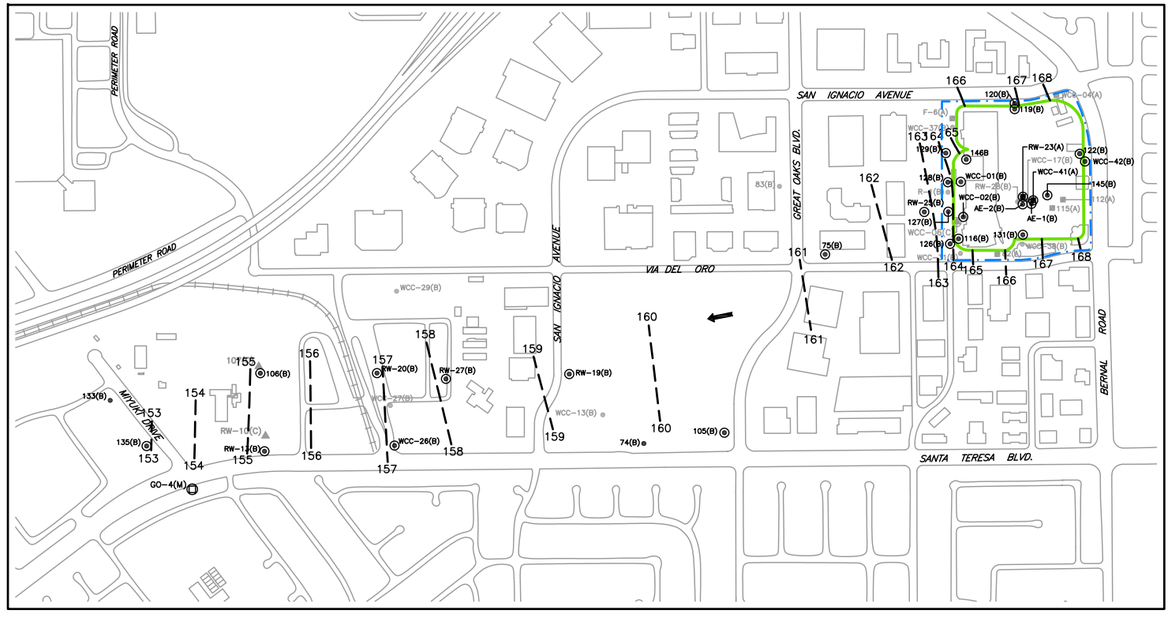
Figure 4. T-T Cross-Section — 101 Bernal Road, San Jose, California



2009



2011



2013

EXPLANATION:

- A ZONE MONITORING WELL
- B ZONE MONITORING WELL
- C ZONE MONITORING WELL
- GREAT OAKS (GO) WELL, SCREENED IN MULTIPLE AQUIFERS (M)
- RING AROUND WELL SYMBOL INDICATES THAT WELL IS MONITORED PER THE REVISED SELF-MONITORING PROGRAM (WATER BOARD, 2007)

120(B) — WELL NUMBER / ZONE

SITE BOUNDARY

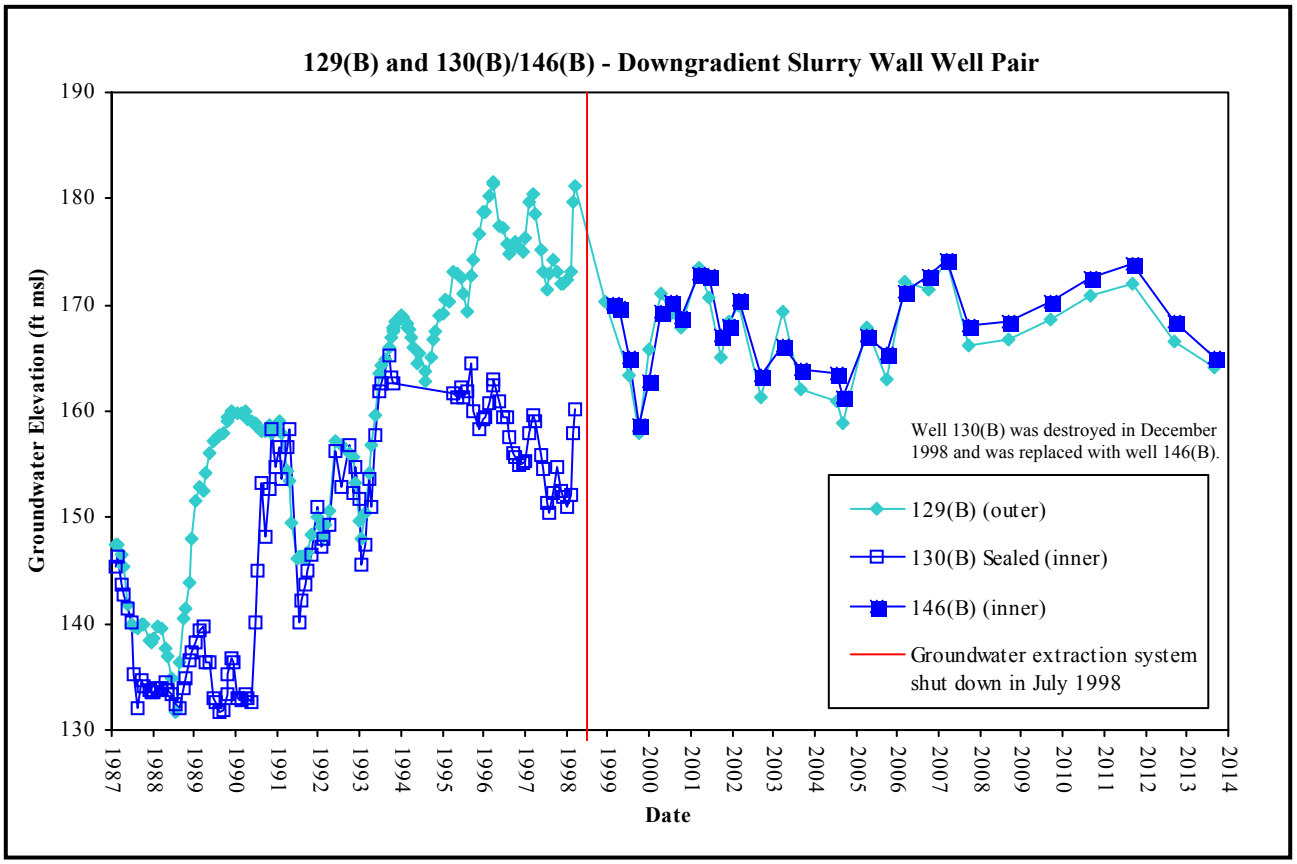
SLURRY WALL

164 — GROUNDWATER ELEVATION CONTOURS BASED ON GROUNDWATER ELEVATIONS FOR MONITORING WELLS, DASHED WHERE INFERRED (FEET ABOVE MEAN SEA LEVEL)

APPROXIMATE DIRECTION OF GROUNDWATER FLOW

0 1,000
FEET

Figure 5. Groundwater Elevation Contours for B Zone — 2009, 2011, & 2013 — 101 Bernal Road, San Jose, California



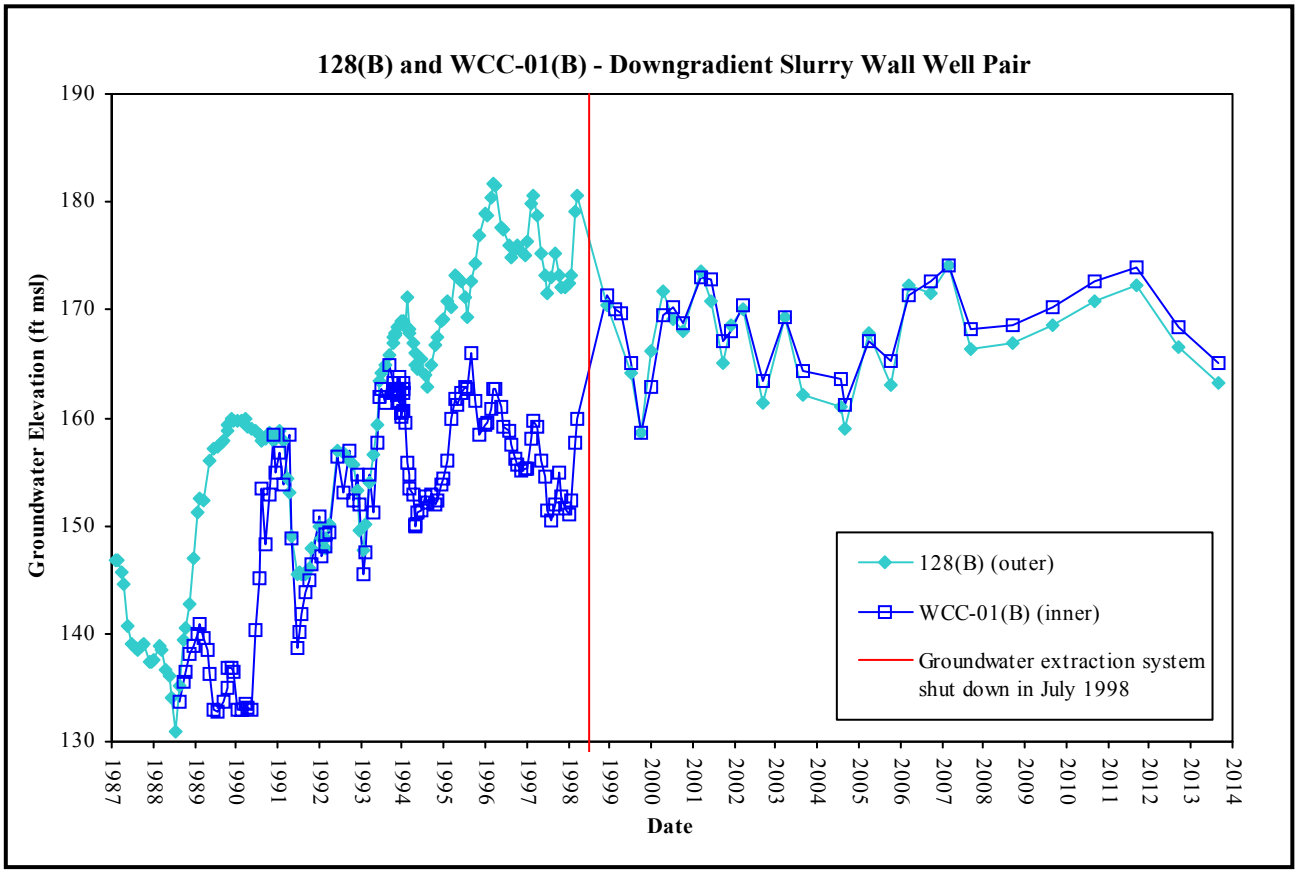
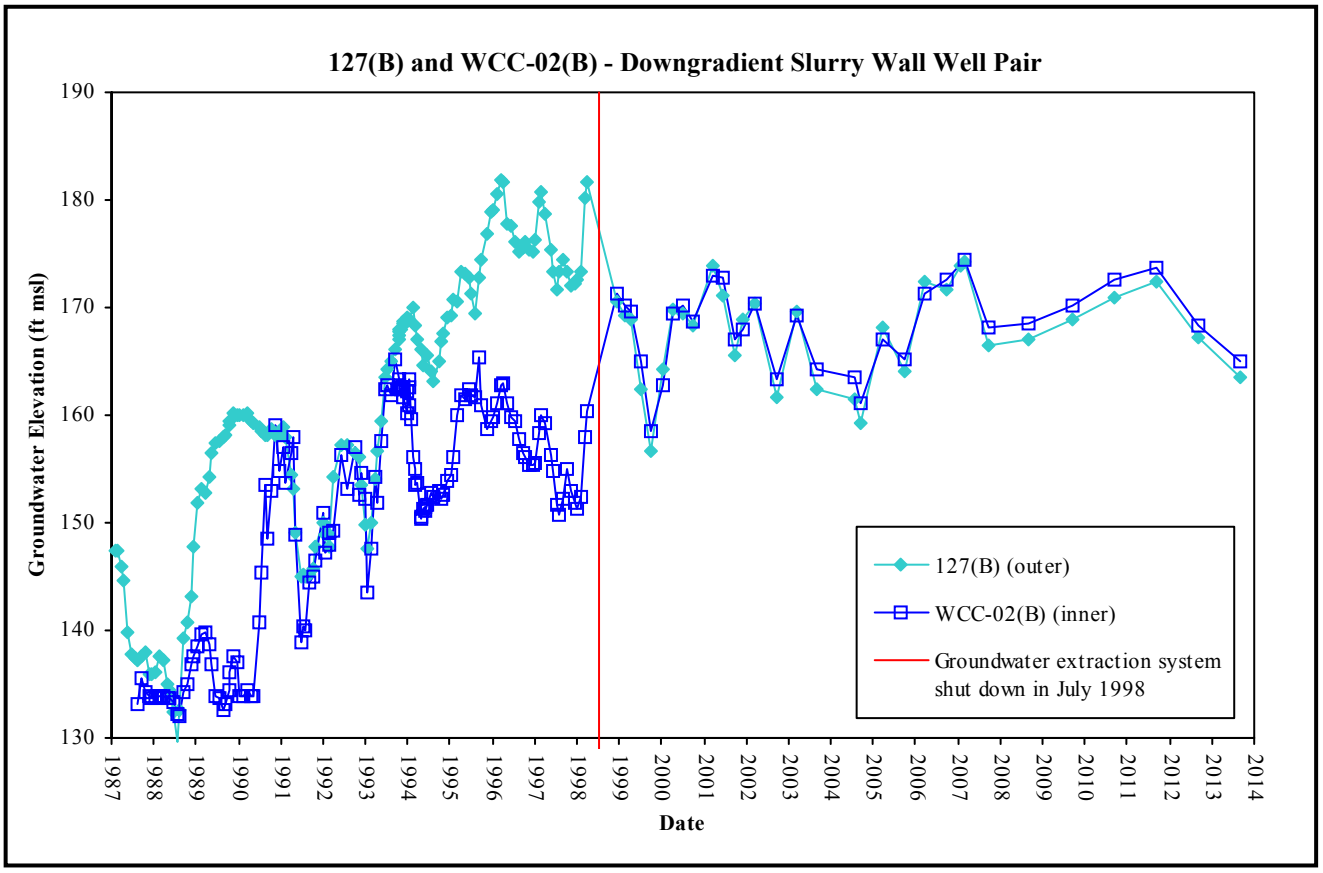


Figure 6. Hydrographs for Wells 129(B) and 130(B)/146(B) and Wells 128(B) and WCC-01(B) - 101 Bernal Road, San Jose, California



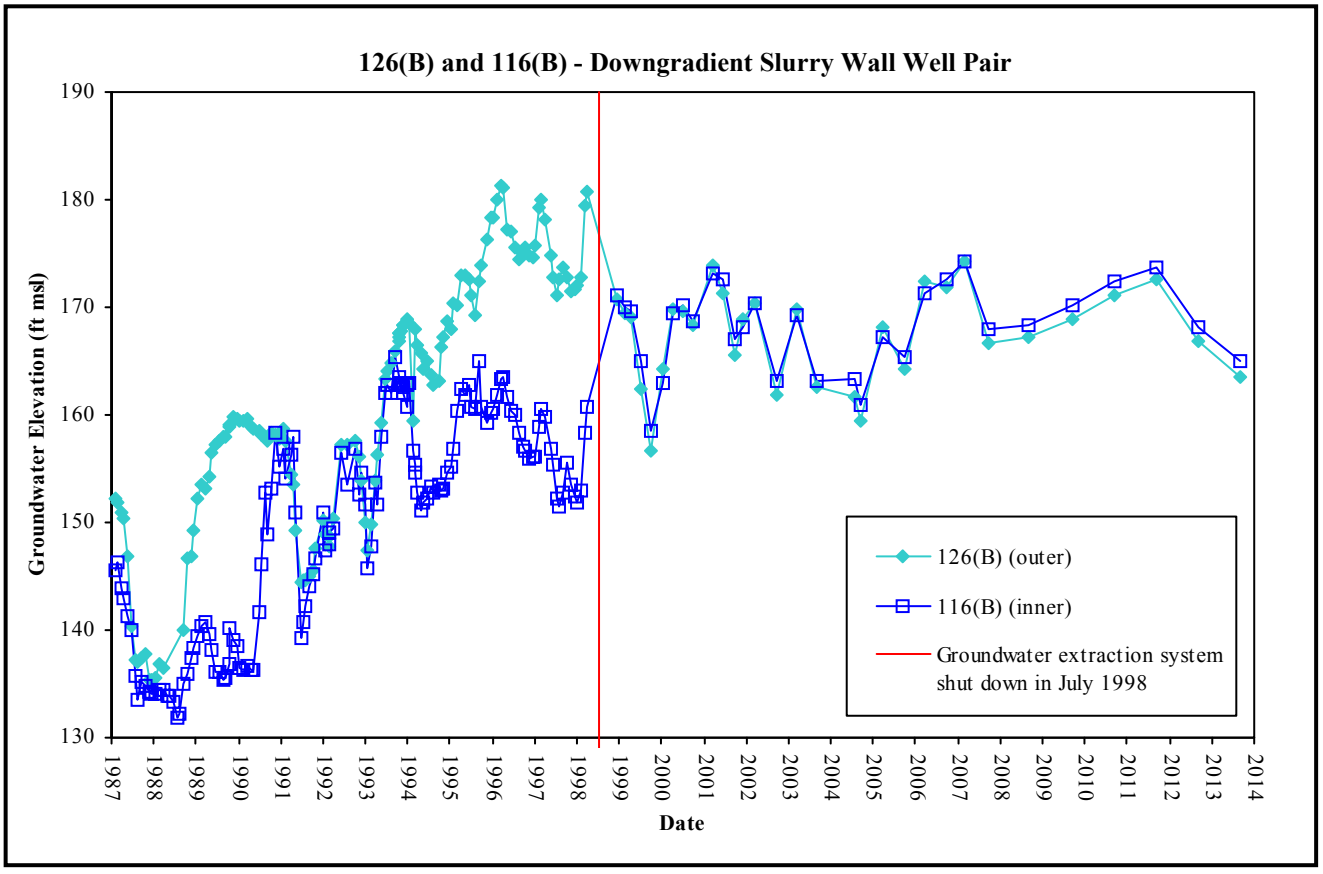
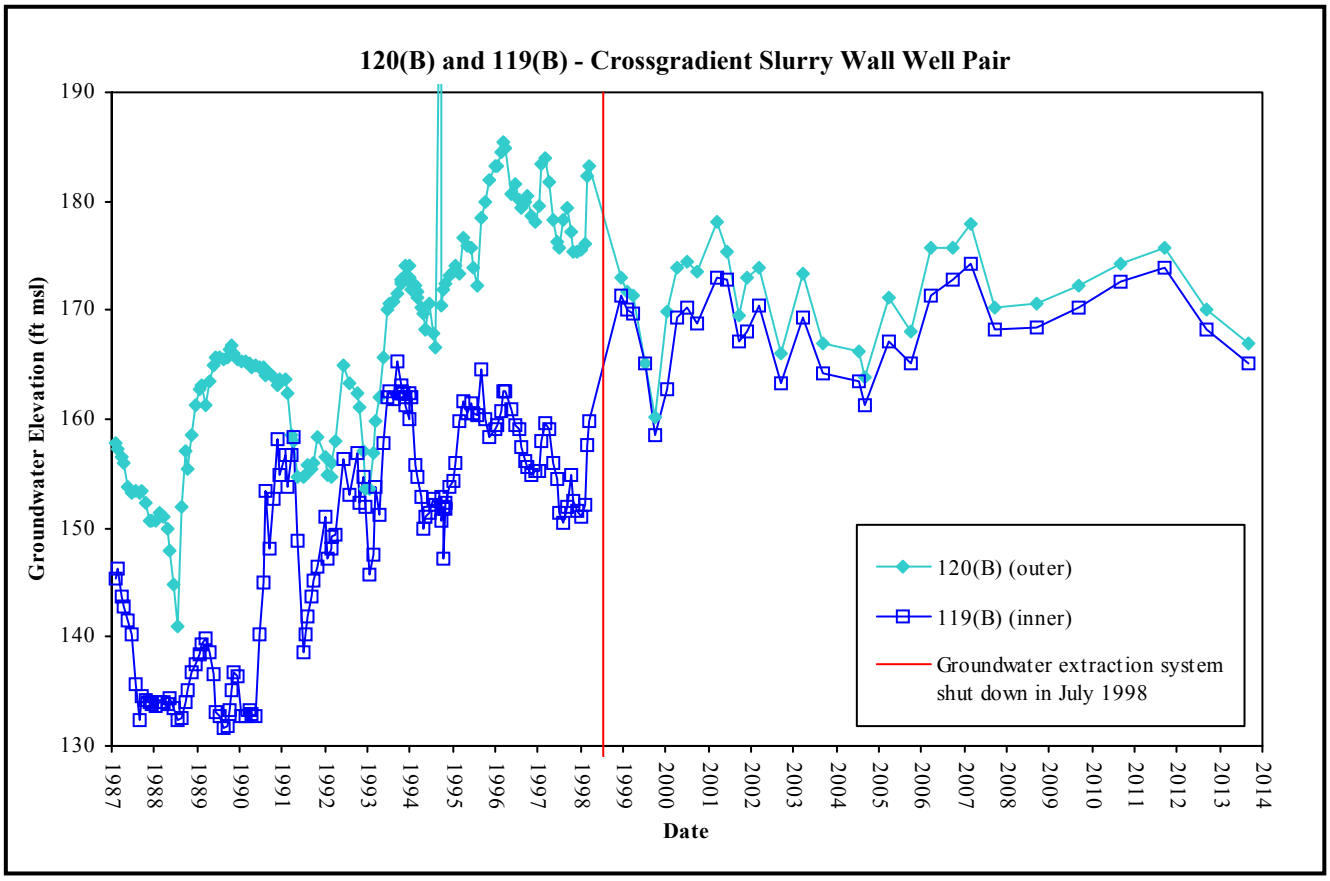


Figure 7. **Hydrographs for Wells 127(B) and WCC-02(B) and Wells 126(B) and 116(B) - 101 Bernal Road, San Jose, California**



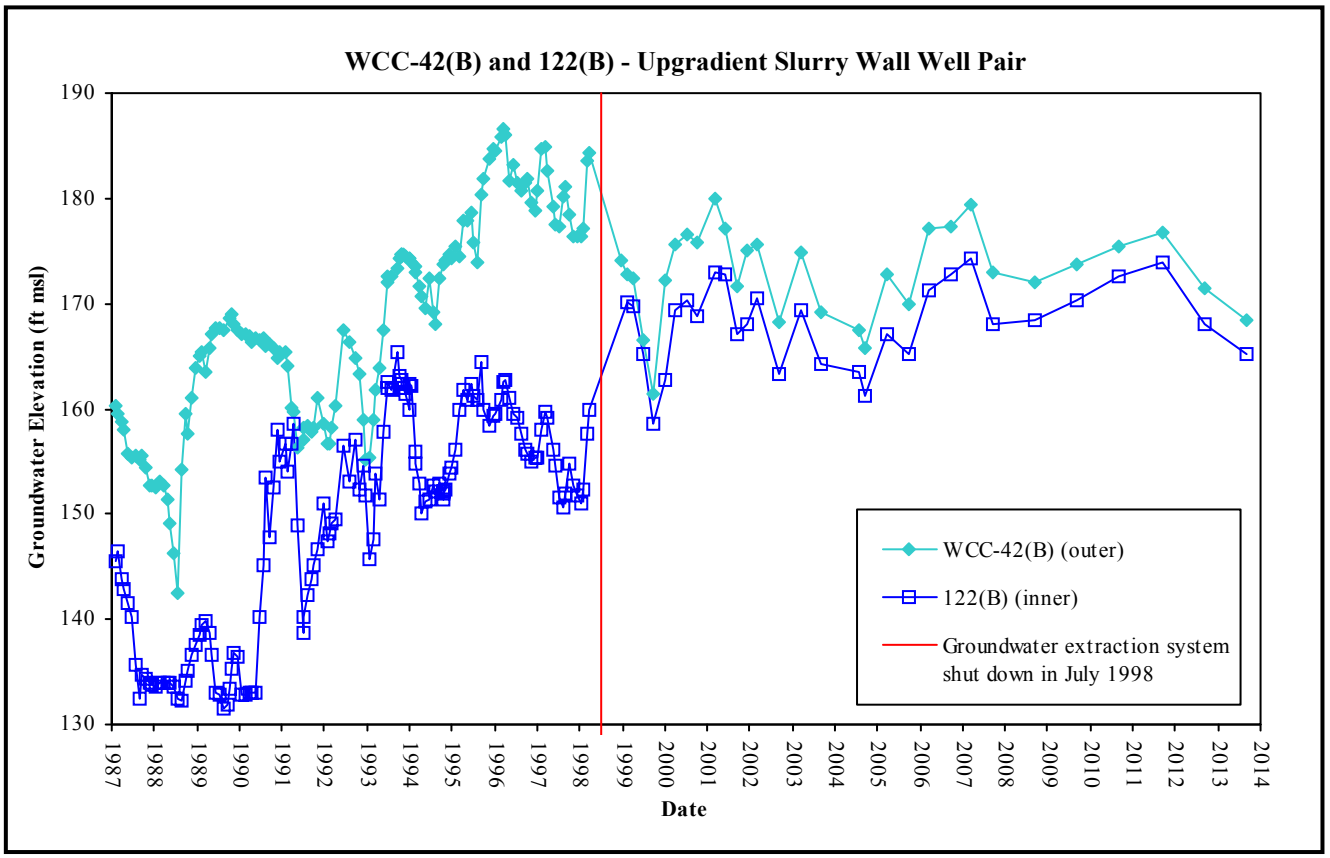


Figure 8. Hydrographs for Wells 120(B) and 119(B) and Wells WCC-42(B) and 122(B) - 101 Bernal Road, San Jose, California

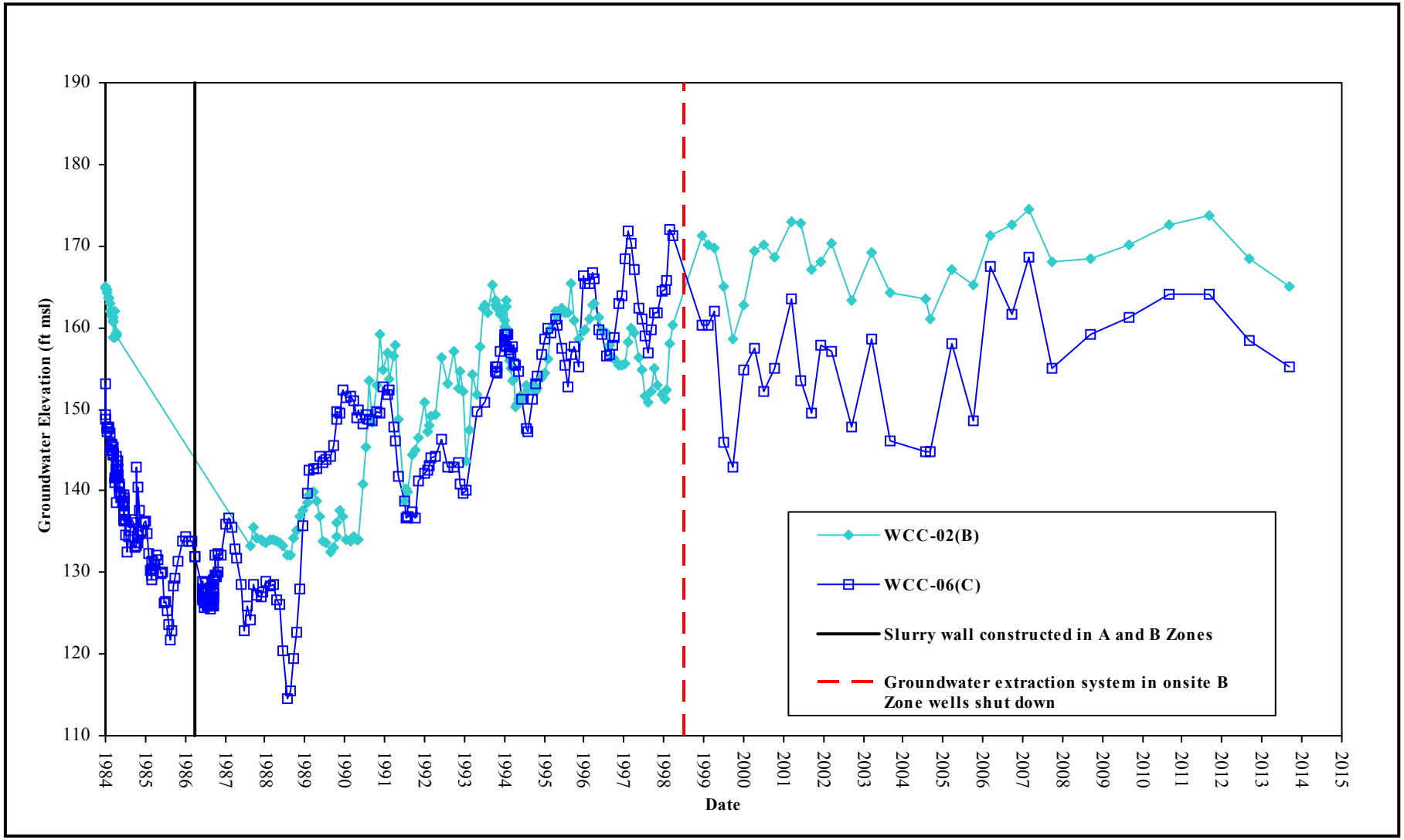
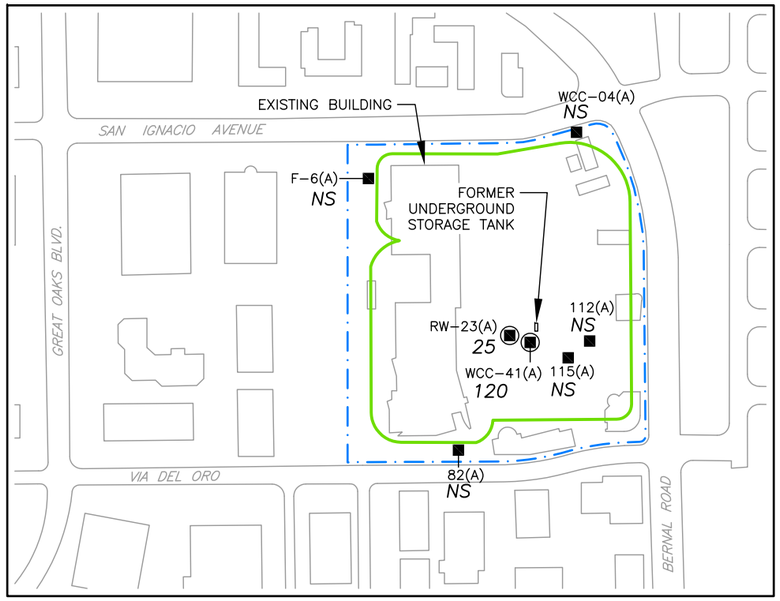
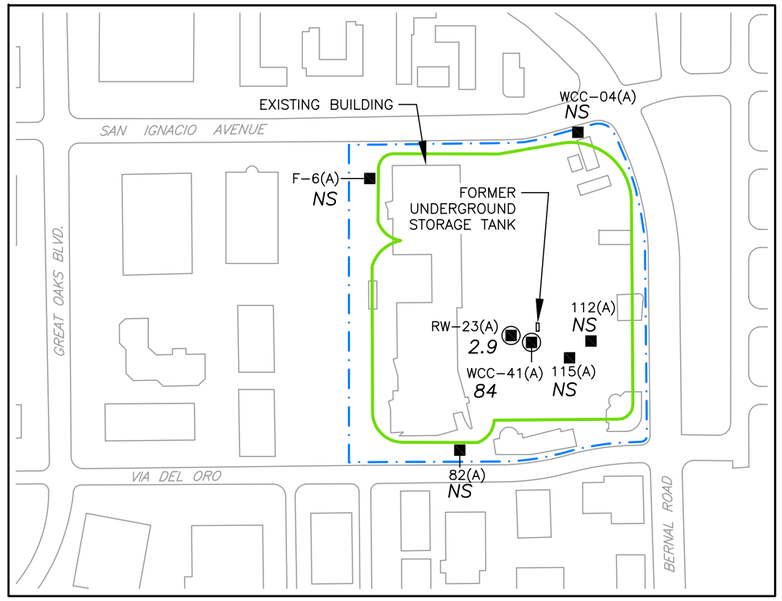


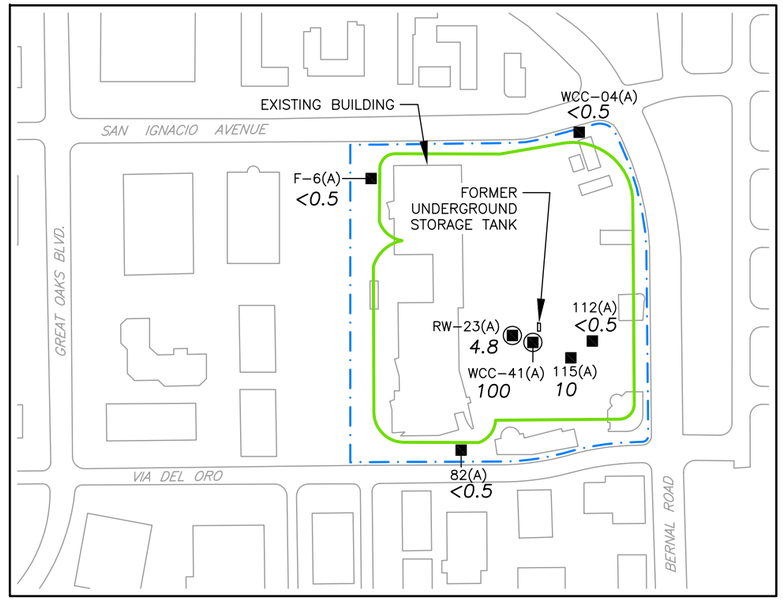
Figure 9. Groundwater Elevations for Wells WCC-02(B) and WCC-06(C) - 101 Bernal Road, San Jose, California



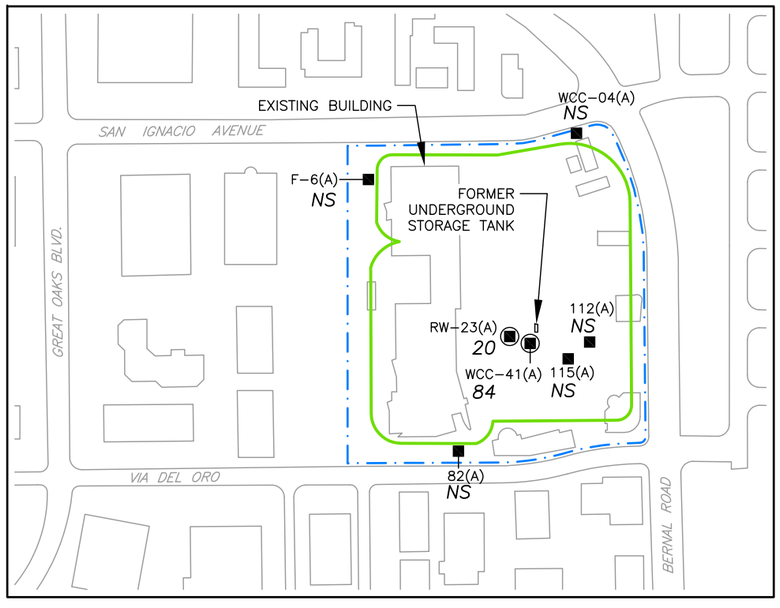
2009



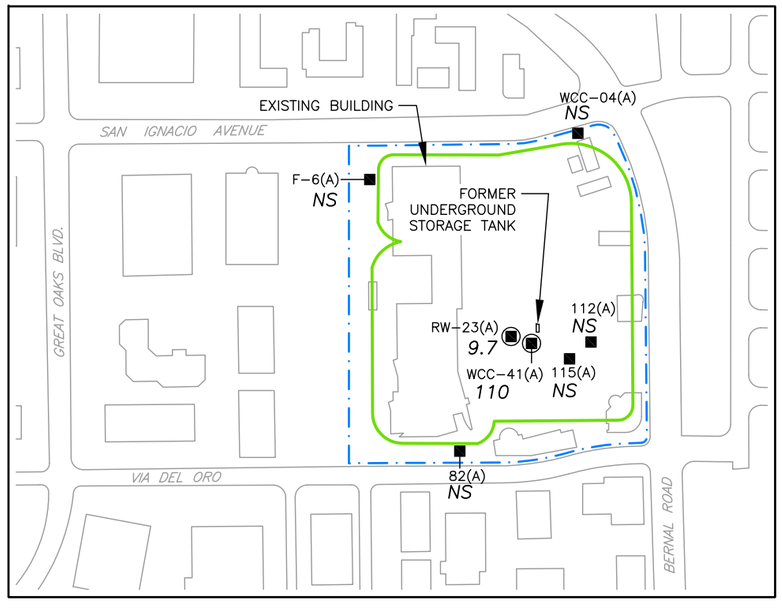
2010



2011



2012



2013

EXPLANATION:

- ■ A ZONE MONITORING WELL
- ◯ RING AROUND WELL SYMBOL INDICATES THAT WELL IS MONITORED PER THE REVISED SELF-MONITORING PROGRAM (WATER BOARD, 2007)
- SITE BOUNDARY
- SLURRY WALL
- 9.7 1,1-DICHLOROETHENE CONCENTRATION IN GROUNDWATER SAMPLE (MICROGRAMS PER LITER)
- NS NOT SAMPLED

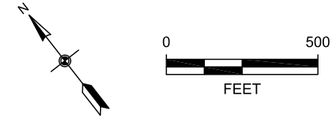
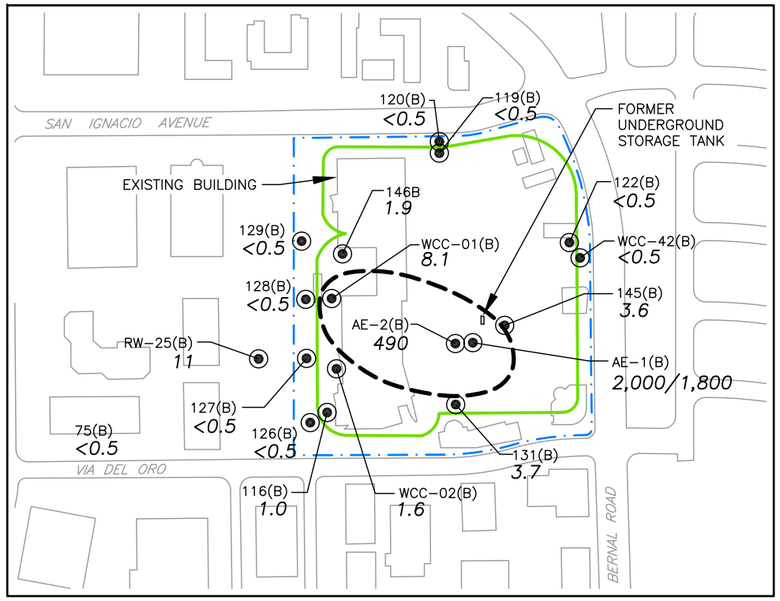
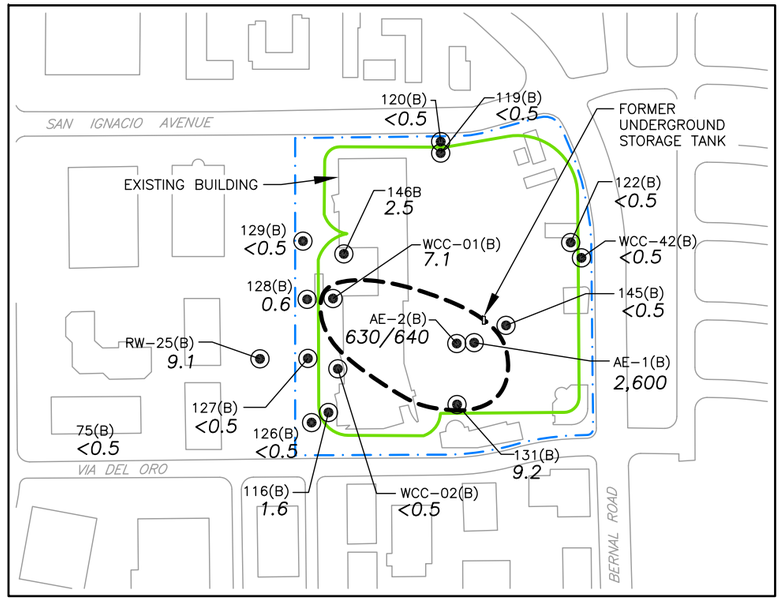


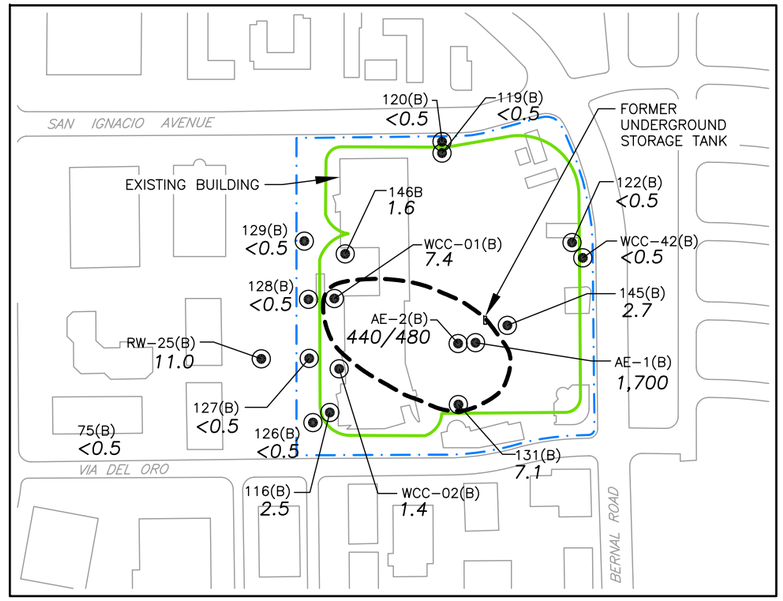
Figure 10. 1,1-Dichloroethene Concentrations in A Zone Groundwater — 2009-2013 — 101 Bernal Road, San Jose, California



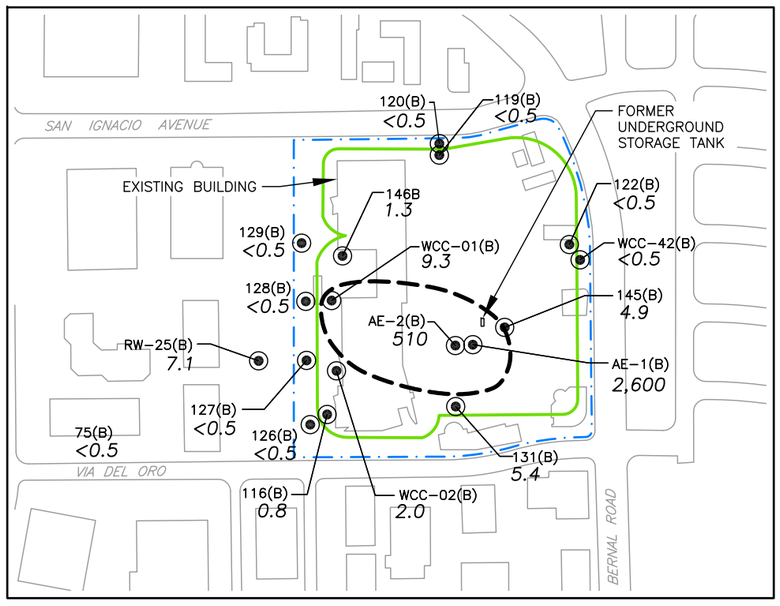
2009



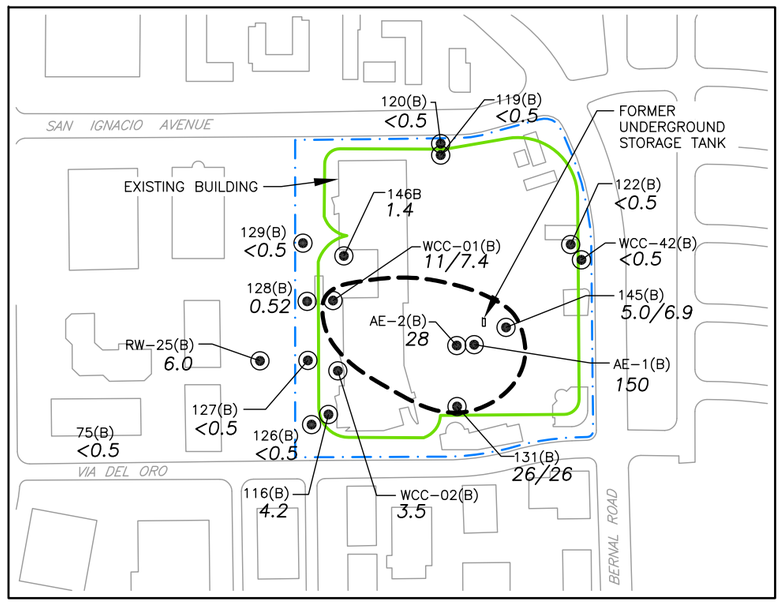
2010



2011



2012



2013

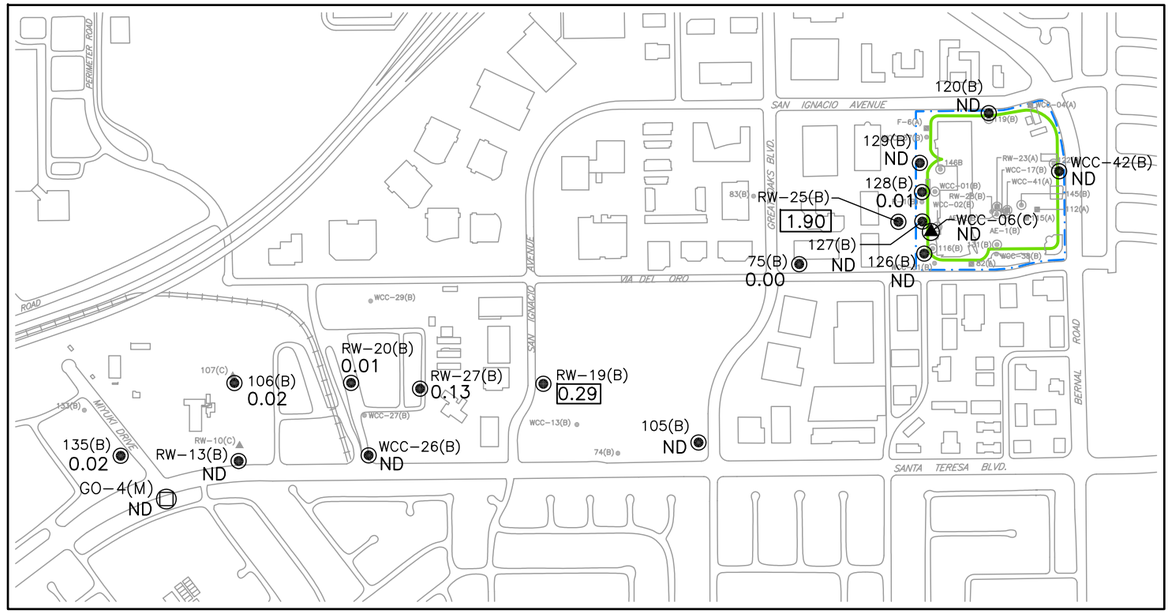
EXPLANATION:

- B ZONE MONITORING WELL
- RING AROUND WELL SYMBOL INDICATES THAT WELL IS MONITORED PER THE REVISED SELF-MONITORING PROGRAM (WATER BOARD, 2007)
- SITE BOUNDARY
- SLURRY WALL
- *7.1* 1,1-DICHLOROETHENE CONCENTRATION IN GROUNDWATER SAMPLE (MICROGRAMS PER LITER)
- *5.0/6.9* PRIMARY AND DUPLICATE SAMPLE RESULTS
- APPROXIMATE LIMIT OF GROUNDWATER WITH 1,1-DICHLOROETHENE ABOVE THE CLEANUP GOAL FOR INSIDE THE SLURRY WALL, WHICH IS 6 MICROGRAMS PER LITER.

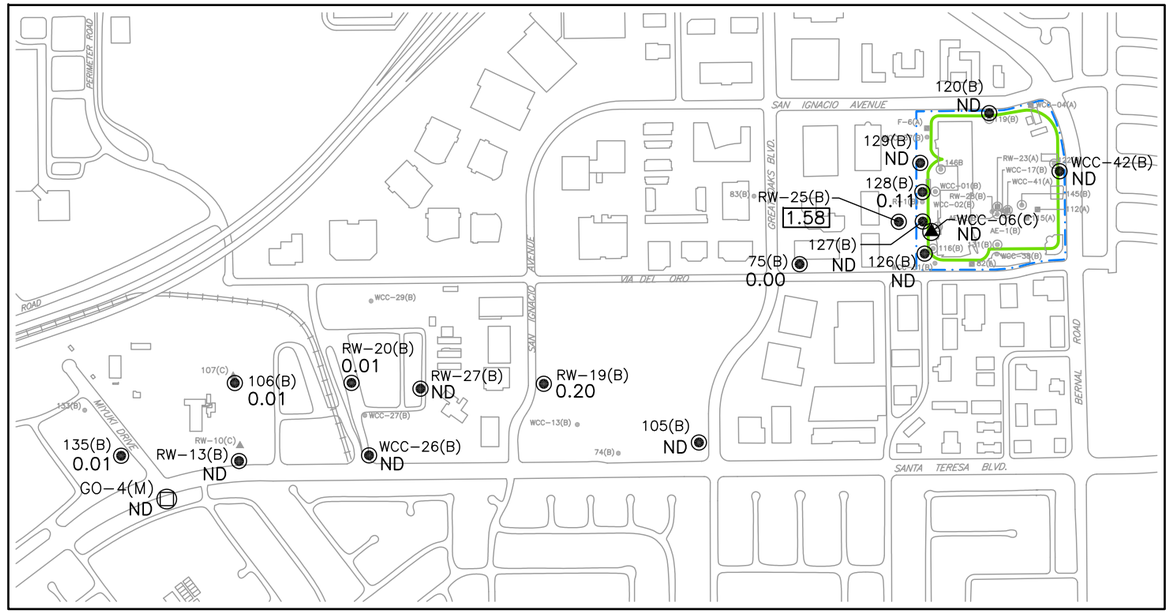
N

0 500
FEET

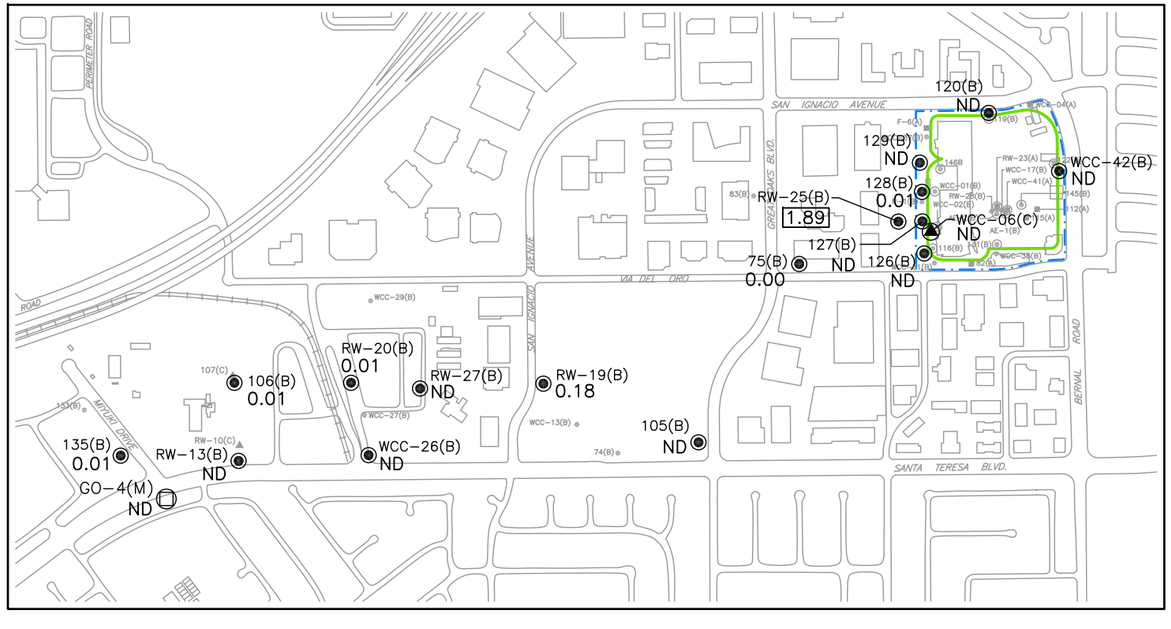
Figure 11. 1,1-Dichloroethene Concentrations in B Zone Groundwater — 2009-2013 — 101 Bernal Road, San Jose, California



SEPTEMBER 2009



SEPTEMBER 2010



SEPTEMBER 2011

EXPLANATION:

- ■ A ZONE MONITORING WELL
- ● B ZONE MONITORING WELL
- ▲ C ZONE MONITORING WELL
- □ GREAT OAKS (GO) WELL, SCREENED IN MULTIPLE AQUIFERS (M)
- ◯ RING AROUND WELL SYMBOL INDICATES THAT WELL IS MONITORED PER THE REVISED SELF-MONITORING PROGRAM (WATER BOARD, 2007)

120(B) — WELL NUMBER / ZONE

SITE BOUNDARY

SLURRY WALL

HI = HAZARD INDEX

MCL = MAXIMUM CONTAMINANT LEVEL FOR DRINKING WATER

0.01 HI FOR GROUNDWATER SAMPLE CALCULATED USING FOLLOWING FORMULA:
HI = [1,1,1-TCA CONC.]/[1,1,1-TCA MCL] + [1,1-DCE CONC.]/[1,1-DCE MCL].

ND = 1,1,1-TCA AND 1,1-DCE NOT DETECTED

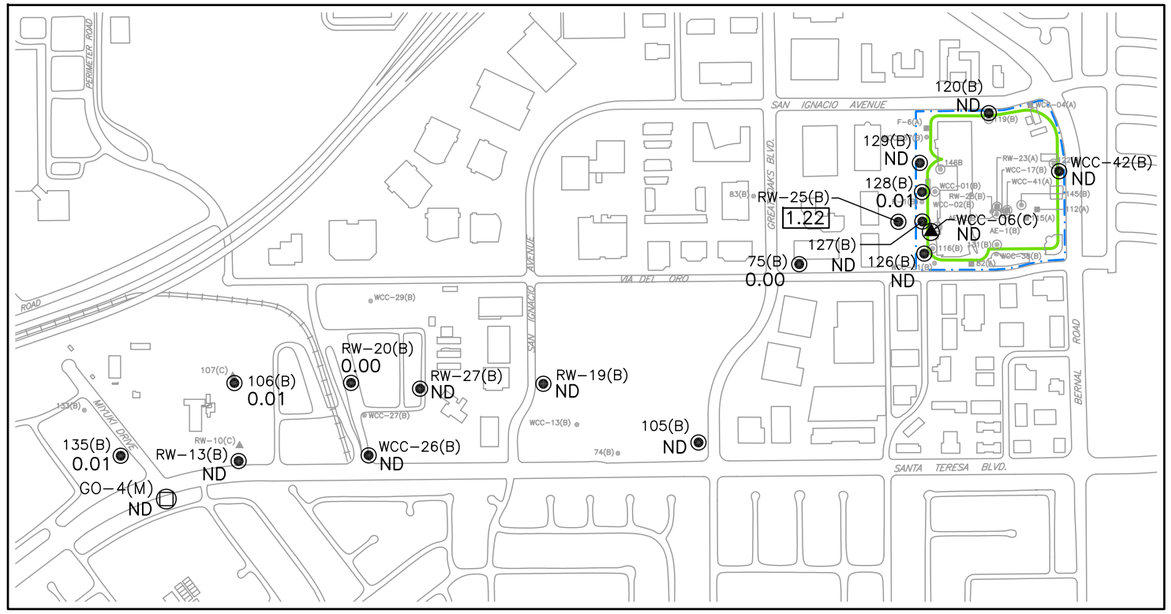
0.29 = HI THAT EXCEEDS THE CLEANUP GOAL FOR OUTSIDE THE SLURRY WALL, WHICH IS 0.25.

N

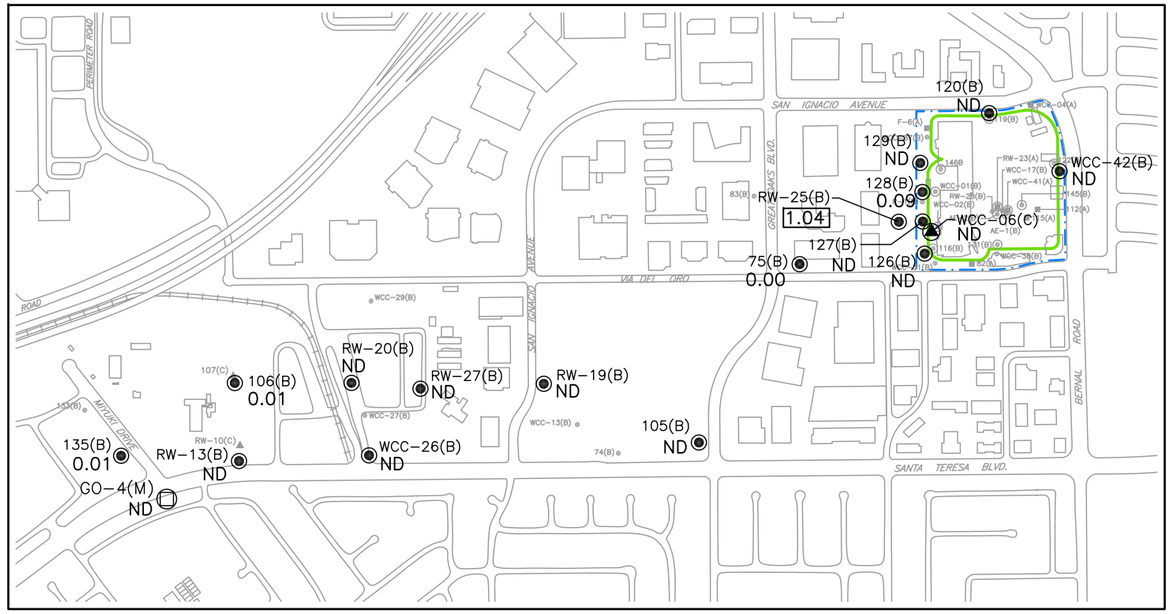
0 1,000

FEET

Figure 12. Calculated Hazard Indices for Groundwater — 2009-2011 — 101 Bernal Road, San Jose, California



SEPTEMBER 2012



SEPTEMBER 2013

EXPLANATION:

- ■ A ZONE MONITORING WELL
- ● B ZONE MONITORING WELL
- ▲ C ZONE MONITORING WELL
- □ GREAT OAKS (GO) WELL, SCREENED IN MULTIPLE AQUIFERS (M)
- ◯ RING AROUND WELL SYMBOL INDICATES THAT WELL IS MONITORED PER THE REVISED SELF-MONITORING PROGRAM (WATER BOARD, 2007)

120(B) — WELL NUMBER; ZONE

SITE BOUNDARY

SLURRY WALL

HI = HAZARD INDEX

MCL = MAXIMUM CONTAMINANT LEVEL FOR DRINKING WATER

0.01 HI FOR GROUNDWATER SAMPLE CALCULATED USING FOLLOWING FORMULA:
HI = [1,1,1-TCA CONC.]/[1,1,1-TCA MCL] + [1,1-DCE CONC.]/[1,1-DCE MCL].

ND = 1,1,1-TCA AND 1,1-DCE NOT DETECTED

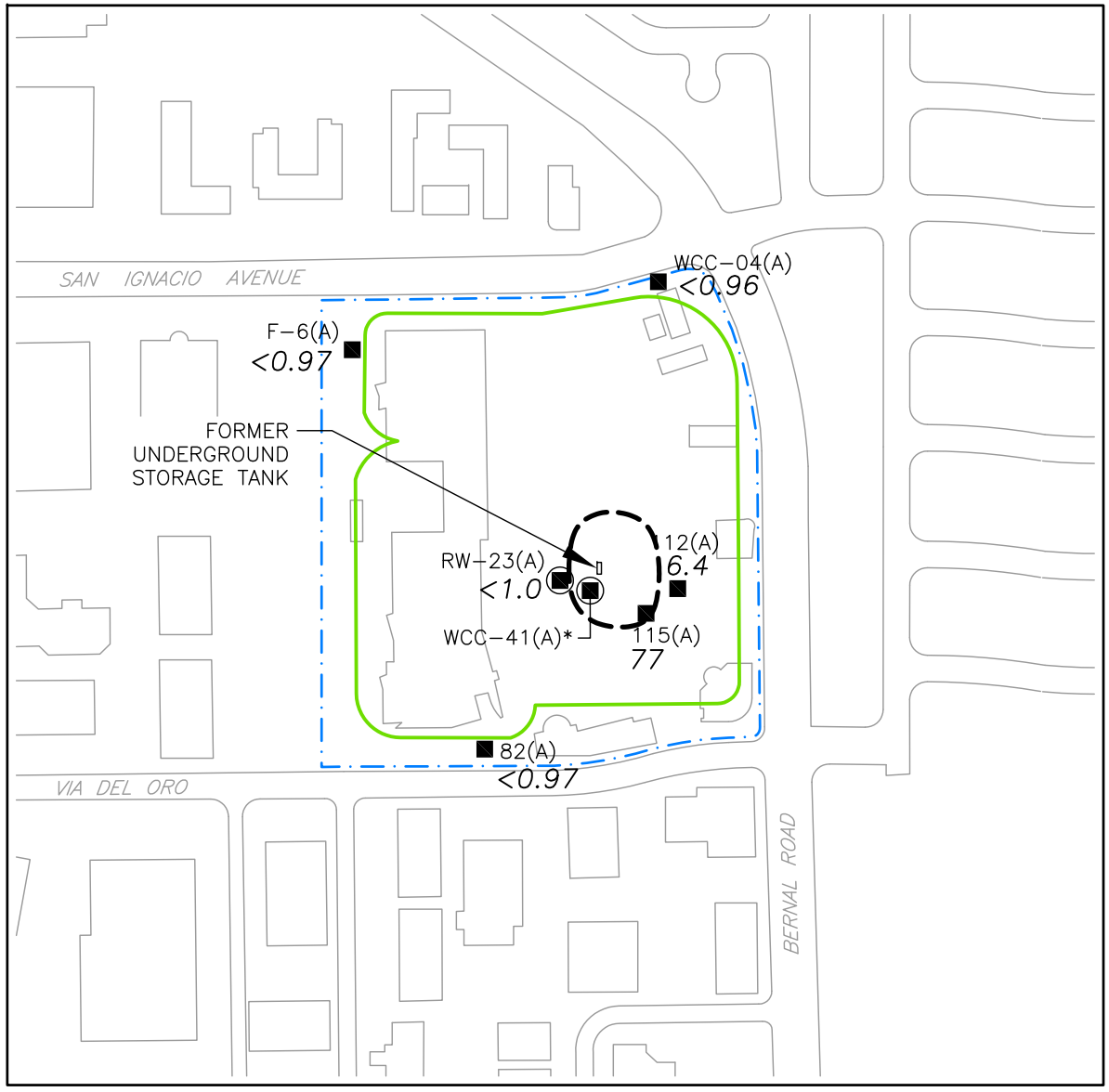
0.29 = HI THAT EXCEEDS THE CLEANUP GOAL FOR OUTSIDE THE SLURRY WALL, WHICH IS 0.25.

N

0 1,000

FEET

Figure 13. Calculated Hazard Indices for Groundwater — 2012-2013 — 101 Bernal Road, San Jose, California



EXPLANATION:

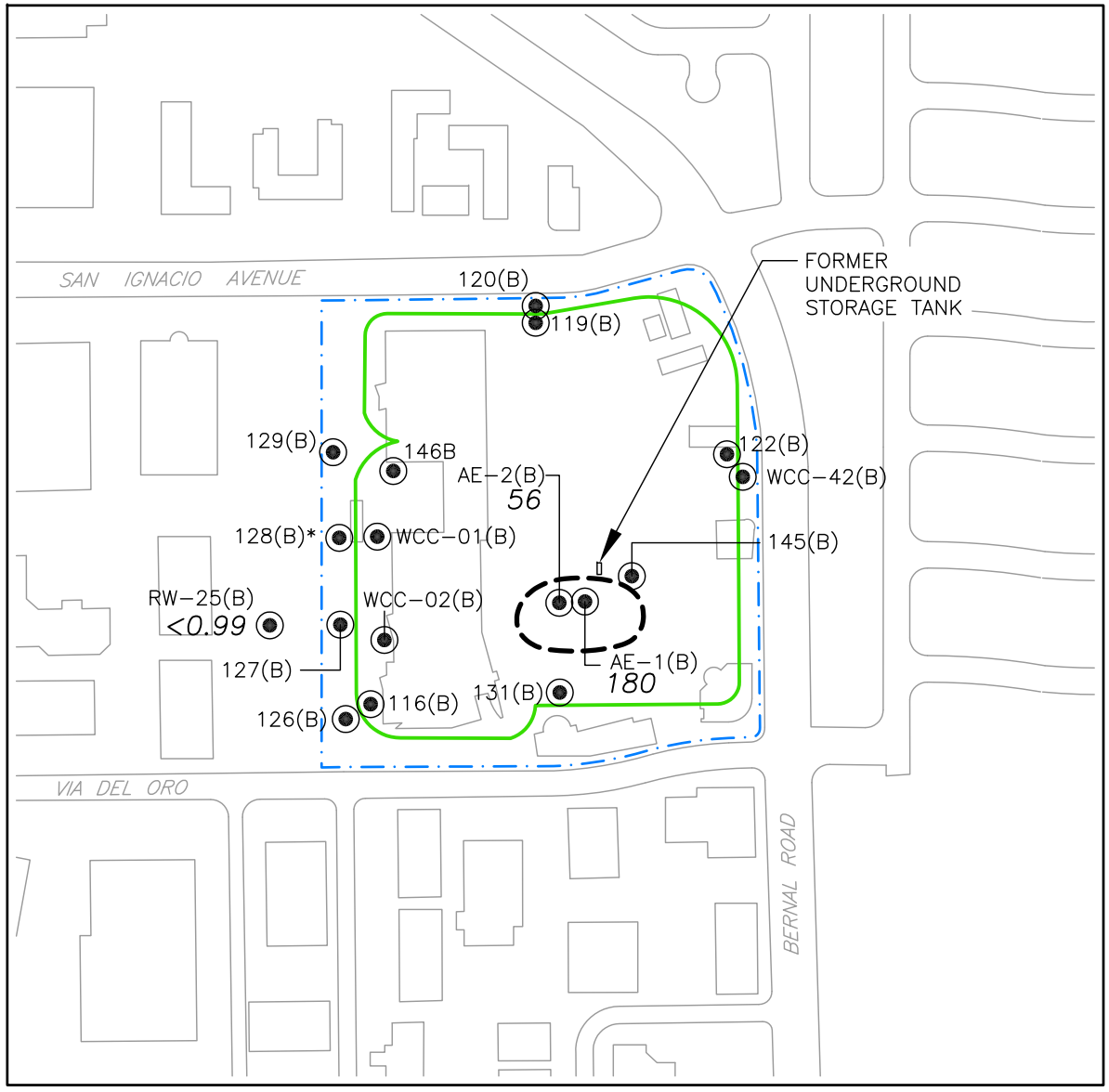
- ■ A ZONE MONITORING WELL
- ◯ RING AROUND WELL SYMBOL INDICATES THAT WELL IS MONITORED PER THE REVISED SELF-MONITORING PROGRAM FOR VOLATILE ORGANIC COMPOUNDS (WATER BOARD, 2007)
- SITE BOUNDARY
- SLURRY WALL
- *93/100* 1,4-DIOXANE CONCENTRATION IN WELL SAMPLE (MICROGRAMS PER LITER); SECOND NUMBER REPRESENTS DUPLICATE SAMPLE
- APPROXIMATE LIMIT OF GROUNDWATER WITH 1,4-DIOXANE ABOVE THE PROPOSED CLEANUP GOAL, WHICH IS 35 MICROGRAMS PER LITER INSIDE THE SLURRY WALL.
- * SAMPLES COLLECTED IN 2009, 2010, 2012, AND 2013 CONTAINED BETWEEN 78 AND 110 MICROGRAMS PER LITER

N

0 400

FEET

Figure 14. 1,4-Dioxane in A Zone Groundwater — 2011 — 101 Bernal Road, San Jose, California



EXPLANATION:

- B ZONE MONITORING WELL
- RING AROUND WELL SYMBOL INDICATES THAT WELL IS MONITORED PER THE REVISED SELF–MONITORING PROGRAM FOR VOLATILE ORGANIC COMPOUNDS (WATER BOARD, 2007)
- SITE BOUNDARY
- SLURRY WALL
- 180 — 1,4–DIOXANE CONCENTRATION IN WELL SAMPLE (MICROGRAMS PER LITER)
- APPROXIMATE LIMIT OF GROUNDWATER WITH 1,4–DIOXANE ABOVE THE PROPSED CLEANUP GOAL, WHICH IS 35 MICROGRAMS PER LITER INSIDE THE SLURRY WALL.
- * SAMPLES COLLECTED IN 2009, 2010, 2012, AND 2013 CONTAINED NO 1,4–DIOXANE ABOVE THE REPORTING LIMIT

N

0 400

FEET

Figure 15. 1,4-Dioxane in B Zone Groundwater — 2011 — 101 Bernal Road, San Jose, California

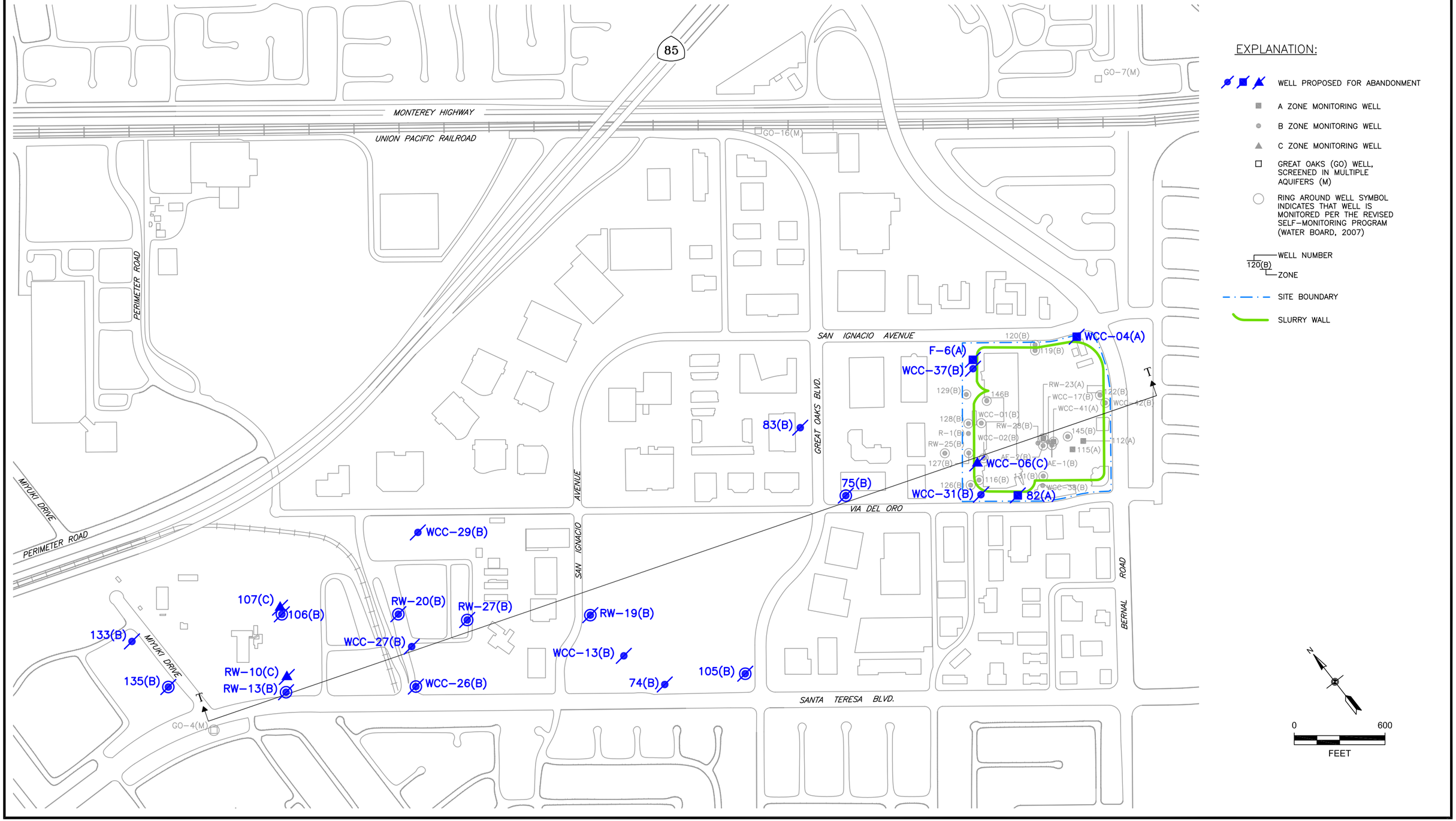


Figure 16. Wells Proposed for Abandonment — 101 Bernal Road, San Jose, California

TABLES

Table 1. Site Chronology—101 Bernal Road, San Jose, California

DATE	EVENT
1977	Manufacturing operations begin at the site.
December 1981	Great Oaks Water Company public supply well GO-13(M), found to contain 1, 1, 1-trichloroethane (1, 1, 1-TCA) and was taken out of service.
November-December 1981	Initial investigations identified a leaking underground waste solvent storage tank and associated soil and groundwater contamination that was the source of 1, 1, 1-TCA in public supply well GO-13(M).
1982	Remedial action at the site began in 1982 with the removal of the leaking tank and the associated piping. Soil was excavated in a 50 feet by 65 feet area to a depth of 50 feet around the tank. An estimated 38,000 pounds of volatile organic compounds (VOCs) were removed during soil excavation. After the excavation work, the site was restored to original grade and paved with asphalt to prevent percolation of surface water through the excavated area.
January 1982	Fairchild begins groundwater extraction to contain contaminant migration. Great Oaks well GO-13(M), which was disconnected and taken out of service in December 1981, was connected to an on-site treatment system and restarted to aid in the off-site hydraulic control of the chemical bearing groundwater. Start of off-site groundwater extraction from B Zone wells RW-2(B), RW-12(B), RW-14(B), RW-19(B), RW-20(B), RW-22(B), RW-25(B), and RW-27(B); C Zone wells RW-3(C), RW-4(C), RW-5(C), RW-9(C), and WCC-18(C); and agricultural wells 17L4, 17N1, 17N11, and 18J1.
May 1982	Start of on-site groundwater extraction from RW-1(A,B), WCC-20(B), and WCC-41(A).
1983	Industrial operations ceased.
1986	An on-site slurry wall was constructed inside site perimeter to contain impacted groundwater. The wall is approximately 3 feet thick, and the depth varies from 55 to 148 feet. It is keyed 2 feet into an aquitard that separates the B and C Zones.
August 1986	Regional Water Quality Control Board, San Francisco Bay Region (Water Board) issues initial interim Site Cleanup Requirements Order 86-62.
1987	Water Board issues Order No. 87-16 that amends interim Site Cleanup Requirements Order 86-62.
1988	A baseline Public Health Evaluation was completed for the site using the data compiled from 1982-1987 as part of the Draft Remedial Action Plan. The assessment concluded that there were no known current chemical exposure to humans, and quantified potential future exposures to groundwater and soil to establish remediation target levels.
1989	1. Fairchild site is added to the National Priorities List. 2. Water Board adopts Final Site Cleanup Requirements Order 89-16. 3. Fairchild terminates groundwater extraction from C Zone wells RW-3(C), RW-4(C), RW-5(C), RW-9(C), and WCC-18(C) in 1989.
January 1989-April 1990	On-site soil vapor extraction in vadose zone, A Zone and in low permeability units between the A and B Zones. Approximately 15,906 pounds (lbs) of VOCs were removed.
January 1989	Water Board issues Final Site Cleanup Requirements in Order 89-16.
March 1989	United States Environmental Protection Agency (USEPA) issues Record of Decision (ROD).
May 1989	A deed restriction was prepared for the property and recorded with the Santa Clara County Records Office on May 16, 1989. The deed restriction prohibits the use of groundwater from the site for drinking water and restricts excavation below a depth of 20 feet.

Table 1. Site Chronology—101 Bernal Road, San Jose, California

DATE	EVENT
May 1990	Water Board issues Order No.90-064, which amends the Final Site Cleanup Requirements Order No.89-16.
1990	The site is sold to SRDC, Inc; Fairchild retains responsibility for site cleanup.
December 1991	Fairchild terminates off-site groundwater extraction from B Zone from wells RW-2(B), RW-12(B), RW-14(B), RW-19(B), RW-20(B), RW-22(B), RW-25(B), and RW-27(B).
1994	Fairchild submits first Five-Year Review Report to Water Board addressing the period between January 1, 1989 through June 30, 1993.
April 1995	Water Board issues Order No. 95-084, which amends Order No.90-064, and the Final Site Cleanup Requirements Order No.89-16.
November 1995	A Supplemental Health Risk Assessment to address vapor intrusion concluded that there were no unacceptable risks to potential human receptors from chemicals of concern (COCs) in groundwater.
July 1998	Fairchild terminates on-site groundwater extraction and treatment in July 1998 after demonstrating that asymptotic VOC concentrations and other conditions had been reached. Between 1982 and 1998, the groundwater extraction and treatment system removed approximately 93,285 lbs of VOCs from groundwater.
July 1999	Second Five-Year Review issued by USEPA and Water Board, addressing the period from July 1993 through December 1998.
1998-2000	Property is redeveloped into a retail shopping center.
September 2004	Third Five-Year Review Report issued by USEPA and Water Board, addressing the period from January 1999 through October 2004.
January 2007	Initiate voluntary quarterly sampling of well RW-25(B) and upgradient monitoring well 127(B) to evaluate concentration increase in RW-25(B). No COCs were detected in well 127(B) above the off-site cleanup level, so quarterly sampling in this well reverted back to annual in January 2008.
July 2007	Revised Self Monitoring Program issued and monitoring and reporting requirements changed from semi-annual to annual. Wells 74(B), 83(B), WCC-13(B), and WCC-27(B) removed from monitoring network because VOCs were not detected in these wells above maximum contaminant levels (MCLs) for the previous 10+ years.
October 2008	Vapor intrusion evaluation for on-site and off-site wells indicates no unacceptable risks under most restrictive scenarios based on Water Board Tier 1 Environmental Screening Levels.
September 2009	Fourth Five-Year Review Report issued by Water Board with USEPA concurrence.
January 2010	Corrected grant deed recorded for site parcels to acknowledge that previously filed deed restrictions remained valid and met California Civil Code Section 1471 requirements.
November 2010	Water Board requested a Focused Feasibility Study.
2010	Fairchild changed the voluntary quarterly sampling for well RW-25B to semi-annual.
June 2011	Fairchild submitted Draft Groundwater Focused Feasibility Study to Water Board and USEPA.
2012	Fairchild changed the voluntary semi-annual sampling of well RW-25(B) to annual.
December 2013	Water Board requests a Vapor Intrusion Evaluation and Risk Screening Level Risk Assessment, which is included in Appendix B of the Five-Year Review Report.

Table 2. Groundwater Cleanup Levels—101 Bernal Road, San Jose, California

Chemical of Concern	Onsite Cleanup Level micrograms per liter (µg/L)	Basis for Cleanup Level
acetone	3,500	No MCL has been established. The ROD based this cleanup goal on the oral reference dose in the Integrated Risk Information System.
1,1-dichloroethene	6	The cleanup goal in the ROD is the current California MCL.
Freon 113	1,200	The cleanup goal in the ROD is the current California MCL.
isopropanol	450	No MCL has been established. The ROD based this cleanup goal on a "Site-Specific Criterion" developed by the California Department of Health Services
tetrachloroethene	5	The cleanup goal in the ROD is the current California MCL.
1,1,1-trichloroethane	200	The cleanup goal in the ROD is the current California MCL.
xylene	1,750	The cleanup goal in the ROD is the current California MCL.

Note:

The off-site cleanup goal is a hazard index of 0.25, calculated as (1,1,1-TCA Concentration/1,1,1-TCA MCL)+ (1,1-DCE Concentration/1,1-DCE MCL)

Abbreviations:

MCL - maximum contaminant level
ROD - Record of Decision
1,1,1-TCA - 1,1,1-trichloroethane
1,1-DCE -1,1,-dichloroethene

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Table 3. Annual Operation and Maintenance Costs—101 Bernal Road, San Jose, California

Dates		Cost Rounded To Nearest $10,000
From	To	
January 2009	December 2009	$40,000
January 2010	December 2010	$30,000
January 2011	December 2011	$50,000
January 2012	December 2012	$50,000
January 2013	December 2013	$40,000

Table 4. Recommendations and Follow-Up Actions from Fourth Five-Year Review—101 Bernal Road, San Jose, California

Issue From Previous Review	Recommendations/ Follow-up Actions	Party Responsible	Milestone Date	Action Taken and Outcome	Date of Action
1,4-Dioxane is present in the contaminated groundwater plume, but is not identified in the ROD and does not have a clean up level.	The ROD will need to be amended to reflect the change in remedy and the new contaminant of concern.	Water Board/ USEPA	2012	ROD amendment pending.	
The slurry cut-off wall around the site is preventing off-property migration of contaminated groundwater, but it may not be capable of achieving groundwater cleanup standards within the slurry wall for many years. The GWETS was shut off in 1998.	Fairchild should continue to assess the long-term success of the slurry cut-off wall in preventing off-property migration of contaminated groundwater and evaluate other remedies such as *in situ* bioremediation in terms of accelerating groundwater cleanup.	Fairchild	2013	Fairchild submitted a Draft Focused Feasibility Study (FFS) to the Water Board and the USEPA (Weiss, 2011a). The FFS concludes that the slurry wall will remain effective in the long term and that no other technologies or remedies, including *in situ* bioremediation, will significantly accelerate cleanup of groundwater inside the slurry wall. Of 17 process options evaluated, the following ten passed preliminary screening and were identified as appropriate for consideration as components of remedial alternatives developed in the FFS: no action, institutional controls, groundwater monitoring, containment with slurry wall, *in situ* chemical oxidation treatment, groundwater extraction, *ex situ* physical/chemical treatment by air stripping, *ex situ* physical/chemical treatment by granular activated carbon, *ex situ* physical/chemical treatment by hydrogen peroxide and ozone, and treated groundwater discharge via reinjection. *In situ* bioremediation did not pass the preliminary screening because other *in situ* processes (e.g., chemical oxidation treatment) are more effective in treating the potential chemicals of concern (e.g., 1,4-dioxane). The conclusion of the remedial alternative evaluation in that none of the technologies evaluated would achieve on-site cleanup levels than the recommended alternative of long-term groundwater and slurry wall monitoring and maintenance of institutional controls.	June 16, 2011
The existing restrictive covenant was recorded prior to the passage of California Civil Code section 1471, which establishes the framework for environmental covenants in California.	A new restrictive covenant should be recorded for the site that is consistent with current California law.	Current Site Owner	2011	Fairchild confirmed that deed restrictions that prohibit the use of groundwater from the site for drinking water and restrict excavation below a depth of 20 feet are in effect for the site. Title search documents presented in Appendix A confirm that the deed restrictions required in the ROD have been recorded by the Santa Clara County Recorder's Office.	June 2, 2010

Abbreviations:
GWETS - ground water extraction and treatment system
ROD - Record of Decision
Water Board - Regional Water Quality Control Board
USEPA - United States Environmental Protection Agency

Table 5. Historical Groundwater Elevations - September 2009 to September 2013, 101 Bernal Road, San Jose, California

Well ID	Top of Casing Elevation (ft amsl)	Date	Depth to Water (ft)	Groundwater Elevation (ft amsl)	+ / - previous measurement (ft)
105(B)	201.72	09/08/09	35.80	165.92	---
		09/08/10	33.50	168.22	2.30
		09/12/11	32.23	169.49	1.27
		09/11/12	37.70	164.02	-5.47
		09/03/13	41.00	160.72	-3.30
106(B)	199.48	09/08/09	39.36	160.12	---
		09/08/10	36.69	162.79	2.67
		09/12/11	35.45	164.03	1.24
		09/11/12	40.80	158.68	-5.35
		09/03/13	44.32	155.16	-3.52
112(A)	212.84	09/08/09	38.58	174.26	---
115(A)	210.82	09/08/09	36.61	174.21	---
116(B)	210.56	09/08/09	40.43	170.13	---
		09/08/10	38.12	172.44	2.31
		09/12/11	36.85	173.71	1.27
		09/11/12	42.35	168.21	-5.50
		09/03/13	45.60	164.96	-3.25
119(B)	212.59	09/08/09	42.30	170.29	---
		09/08/10	39.91	172.68	2.39
		09/12/11	38.75	173.84	1.16
		09/11/12	44.32	168.27	-5.57
		09/04/13	47.50	165.09	-3.18
120(B)	213.47	09/08/09	41.20	172.27	---
		09/08/10	39.25	174.22	1.95
		09/12/11	37.81	175.66	1.44
		09/11/12	43.44	170.03	-5.63
		09/04/13	46.52	166.95	-3.08
122(B)	216.73	09/08/09	46.50	170.23	---
		09/08/10	44.10	172.63	2.40
		09/12/11	42.83	173.90	1.27
		09/11/12	48.60	168.13	-5.77

Table 5. Historical Groundwater Elevations - September 2009 to September 2013, 101 Bernal Road, San Jose, California

Well ID	Top of Casing Elevation (ft amsl)	Date	Depth to Water (ft)	Groundwater Elevation (ft amsl)	+ / - previous measurement (ft)
122(B)	216.73	09/03/13	51.60	165.13	-3.00
126(B)	209.45	09/08/09	40.53	168.92	---
		09/08/10	38.41	171.04	2.12
		09/12/11	36.95	172.50	1.46
		09/11/12	42.63	166.82	-5.68
		09/03/13	45.84	163.61	-3.21
127(B)	210.65	09/08/09	41.84	168.81	---
		09/08/10	39.72	170.93	2.12
		09/12/11	38.23	172.42	1.49
		09/11/12	43.50	167.15	-5.27
		09/03/13	47.15	163.50	-3.65
128(B)	211.29	09/08/09	42.75	168.54	---
		09/08/10	40.53	170.76	2.22
		09/12/11	39.06	172.23	1.47
		09/11/12	44.70	166.59	-5.64
		09/03/13	48.00	163.29	-3.30
129(B)	212.03	09/08/09	43.45	168.58	---
		09/08/10	41.24	170.79	2.21
		09/12/11	39.94	172.09	1.30
		09/11/12	45.43	166.60	-5.49
		09/03/13	47.85	164.18	-2.42
131(B)	209.79	09/08/09	39.50	170.29	---
		09/08/10	37.18	172.61	2.32
		09/12/11	35.96	173.83	1.22
		09/11/12	41.47	168.32	-5.51
		09/03/13	44.85	164.94	-3.38
135(B)	196.74	09/08/09	38.02	158.72	---
		09/08/10	36.35	160.39	1.67
		09/12/11	35.11	161.63	1.24
		09/11/12	40.30	156.44	-5.19
		09/03/13	43.85	152.89	-3.55
145(B)	212.42	09/08/09	42.20	170.22	---

Table 5. Historical Groundwater Elevations - September 2009 to September 2013, 101 Bernal Road, San Jose, California

Well ID	Top of Casing Elevation (ft amsl)	Date	Depth to Water (ft)	Groundwater Elevation (ft amsl)	+ / - previous measurement (ft)
145(B)	212.42	09/08/10	39.80	172.62	2.40
		09/12/11	38.55	173.87	1.25
		09/11/12	44.07	168.35	-5.52
		09/03/13	47.30	165.12	-3.23
146(B)	211.80	09/08/09	41.55	170.25	---
		09/08/10	39.15	172.65	2.40
		09/12/11	37.92	173.88	1.23
		09/11/12	43.41	168.39	-5.49
		09/03/13	46.65	165.15	-3.24
75(B)	205.19	09/08/09	38.66	166.53	---
		09/08/10	36.35	168.84	2.31
		09/12/11	34.87	170.32	1.48
		09/11/12	40.57	164.62	-5.70
		09/03/13	44.03	161.16	-3.46
82(A)	207.85	09/08/09	31.35	176.50	---
AE-1(B)	211.22	09/08/09	40.95	170.27	---
		09/08/10	39.55	171.67	1.40
		09/12/11	37.33	173.89	2.22
		09/11/12	42.85	168.37	-5.52
		09/03/13	46.06	165.16	-3.21
AE-2(B)	210.55	09/08/09	39.90	170.65	---
		09/08/10	37.51	173.04	2.39
		09/12/11	37.31	173.24	0.20
		09/11/12	41.79	168.76	-4.48
		09/03/13	45.02	165.53	-3.23
RW-13(B)	197.97	09/08/09	37.06	160.91	---
		09/08/10	34.57	163.40	2.49
		09/12/11	33.29	164.68	1.28
		09/11/12	38.69	159.28	-5.40
		09/03/13	42.15	155.82	-3.46
RW-19(B)	200.36	09/08/09	35.83	164.53	---
		09/08/10	33.37	166.99	2.46

Table 5. Historical Groundwater Elevations - September 2009 to September 2013, 101 Bernal Road, San Jose, California

Well ID	Top of Casing Elevation (ft amsl)	Date	Depth to Water (ft)	Groundwater Elevation (ft amsl)	+ / - previous measurement (ft)
RW-19(B)	200.36	09/12/11	32.35	168.01	1.02
		09/11/12	37.55	162.81	-5.20
		09/03/13	41.05	159.31	-3.50
RW-20(B)	199.25	09/08/09	37.47	161.78	---
		09/08/10	34.90	164.35	2.57
		09/12/11	33.56	165.69	1.34
		09/11/12	39.00	160.25	-5.44
		09/03/13	42.45	156.80	-3.45
RW-23(A)	206.50	09/08/09	40.75	165.75	---
		09/08/10	38.34	168.16	2.41
		09/12/11	37.32	169.18	1.02
		09/11/12	42.10	164.40	-4.78
		09/03/13	45.75	160.75	-3.65
RW-25(B)	210.07	09/08/09	42.56	167.51	---
		09/08/10	39.96	170.11	2.60
		09/12/11	39.91	170.16	0.05
		09/11/12	44.57	165.50	-4.66
		09/03/13	47.85	162.22	-3.28
RW-27(B)	200.84	09/08/09	37.61	163.23	---
		09/08/10	34.95	165.89	2.66
		09/12/11	33.57	167.27	1.38
		09/11/12	39.11	161.73	-5.54
		09/03/13	42.60	158.24	-3.49
WCC-01(B)	209.93	09/08/09	39.65	170.28	---
		09/08/10	37.27	172.66	2.38
		09/12/11	36.04	173.89	1.23
		09/11/12	41.56	168.37	-5.52
		09/03/13	44.80	165.13	-3.24
WCC-02(B)	210.79	09/08/09	40.56	170.23	---
		09/08/10	38.21	172.58	2.35
		09/12/11	37.01	173.78	1.20
		09/11/12	42.44	168.35	-5.43
		09/03/13	45.70	165.09	-3.26

Table 5. Historical Groundwater Elevations - September 2009 to September 2013, 101 Bernal Road, San Jose, California

Well ID	Top of Casing Elevation (ft amsl)	Date	Depth to Water (ft)	Groundwater Elevation (ft amsl)	+ / - previous measurement (ft)
WCC-06(C)	210.83	09/08/09	49.52	161.31	---
		09/08/10	46.72	164.11	2.80
		09/12/11	46.67	164.16	0.05
		09/11/12	52.48	158.35	-5.81
		09/03/13	55.65	155.18	-3.17
WCC-26(B)	195.13	09/08/09	32.58	162.55	---
		09/08/10	30.11	165.02	2.47
		09/12/11	28.82	166.31	1.29
		09/11/12	34.24	160.89	-5.42
		09/03/13	37.65	157.48	-3.41
WCC-41(A)	206.79	09/08/09	41.30	165.49	---
		09/08/10	38.95	167.84	2.35
		09/12/11	37.82	168.97	1.13
		09/11/12	43.05	163.74	-5.23
		09/03/13	46.15	160.64	-3.10
WCC-42(B)	215.19	09/08/09	41.40	173.79	---
		09/08/10	39.71	175.48	1.69
		09/12/11	38.40	176.79	1.31
		09/11/12	43.83	171.36	-5.43
		09/03/13	46.75	168.44	-2.92

Notes and Abbreviations:

ft - feet
ft amsl - feet above mean sea level

Table 6. Groundwater Elevations, Slurry Wall Well Pairs, January 1997 to September 2013, 101 Bernal Road, San Jose, California

Date	Well ID (outer/B well)	Groundwater Elevation (ft amsl)	Well ID (inner/B well)	Groundwater Elevation (ft amsl)	Difference[1] (ft amsl)
02/11/99	129(B)	NA	146(B)	170.16	NA
04/05/99		NA		169.73	NA
07/06/99		163.42		165.15	-1.73
09/30/99		158.02		158.64	-0.62
01/06/00		165.72		162.82	2.90
04/06/00		171.10		169.43	1.67
07/06/00		169.10		170.29	-1.19
10/04/00		167.90		168.75	-0.85
03/12/01		173.54		173.03	0.51
06/04/01		170.76		172.82	-2.06
09/19/01		165.01		167.19	-2.18
12/06/01		168.46		168.07	0.39
03/11/02		169.98		170.44	-0.46
09/16/02		161.32		163.38	-2.06
03/19/03		169.31		166.28	3.03
09/02/03		162.11		164.02	-1.91
07/20/04		160.98		163.55	-2.57
09/07/04		158.94		161.33	-2.39
03/29/05		167.81		167.18	0.63
10/04/05		163.01		165.41	-2.40
03/14/06		172.25		171.28	0.97
09/27/06		171.51		172.73	-1.22
03/05/07		174.18		174.25	-0.07
09/19/07		166.27		168.14	-1.87
09/08/08		166.84		168.49	-1.65
09/08/09		168.58		170.25	-1.67
09/08/10		170.79		172.65	-1.86
09/12/11		172.09		173.88	-1.79
09/11/12		166.60		168.39	-1.79
09/03/13		164.18		165.15	-0.97
01/06/97	120(B)	179.60	119(B)	155.28	24.32
02/03/97		183.46		158.00	25.46
03/03/97		183.93		159.68	24.25
04/01/97		181.74		159.03	22.71
05/13/97		178.30		155.97	22.33
06/10/97		176.34		154.51	21.83
07/07/97		175.67		151.42	24.25
08/04/97		178.38		150.49	27.89
09/02/97		179.47		151.92	27.55
10/07/97		177.28		154.80	22.48
11/06/97		175.45		152.58	22.87
12/08/97		175.36		151.55	23.81
01/05/98		175.46		150.99	24.47
02/02/98		176.16		152.20	23.96

Table 6. Groundwater Elevations, Slurry Wall Well Pairs, January 1997 to September 2013, 101 Bernal Road, San Jose, California

Date	Well ID (outer/B well)	Groundwater Elevation (ft amsl)	Well ID (inner/B well)	Groundwater Elevation (ft amsl)	Difference[1] (ft amsl)
03/02/98	120(B)	182.31	119(B)	157.55	24.76
03/23/98		183.28		159.87	23.41
07/06/98		NA		NA	NA
12/14/98		172.99		171.31	1.68
02/11/99		171.67		170.14	1.53
04/05/99		171.32		169.72	1.60
07/06/99		165.16		165.13	0.03
09/30/99		160.15		158.61	1.54
01/06/00		169.80		162.78	7.02
04/06/00		173.93		169.41	4.52
07/06/00		174.51		170.27	4.24
10/04/00		173.57		168.72	4.85
03/12/01		178.18		173.02	5.16
06/04/01		175.44		172.81	2.63
09/19/01		169.59		167.18	2.41
12/06/01		172.94		168.04	4.90
03/11/02		173.87		170.42	3.45
09/16/02		166.06		163.37	2.69
03/19/03		173.32		169.32	4.00
09/02/03		167.02		164.28	2.74
07/20/04		166.28		163.51	2.77
09/07/04		163.77		161.19	2.58
03/29/05		171.25		167.15	4.10
10/04/05		168.02		165.14	2.88
03/14/06		175.77		171.27	4.50
09/27/06		175.78		172.73	3.05
03/05/07		177.94		174.24	3.70
09/19/07		170.25		168.15	2.10
09/08/08		170.60		168.49	2.11
09/08/09		172.27		170.29	1.98
09/08/10		174.22		172.68	1.54
09/12/11		175.66		173.84	1.82
09/11/12		170.03		168.27	1.76
09/04/13		166.95		165.09	1.86
01/06/97	WCC-42(B)	180.69	122(B)	155.37	25.32
02/03/97		184.71		158.09	26.62
03/03/97		184.93		159.76	25.17
04/01/97		182.67		159.11	23.56
05/13/97		179.26		156.05	23.21
06/10/97		177.43		154.60	22.83
07/07/97		177.25		151.53	25.72
08/04/97		180.18		150.58	29.60
09/02/97		181.10		152.02	29.08
10/07/97		178.39		154.87	23.52

Table 6. Groundwater Elevations, Slurry Wall Well Pairs, January 1997 to September 2013, 101 Bernal Road, San Jose, California

Date	Well ID (outer/B well)	Groundwater Elevation (ft amsl)	Well ID (inner/B well)	Groundwater Elevation (ft amsl)	Difference[1] (ft amsl)
11/06/97	WCC-42(B)	176.44	122(B)	152.66	23.78
12/08/97		176.32		151.71	24.61
01/05/98		176.43		151.07	25.36
02/02/98		177.19		152.30	24.89
03/02/98		183.60		157.62	25.98
03/23/98		184.39		159.96	24.43
07/06/98		NA		NA	NA
12/14/98		174.13		NA	NA
02/11/99		172.73		170.18	2.55
04/05/99		172.40		169.73	2.67
07/06/99		166.49		165.14	1.35
09/30/99		161.48		158.64	2.84
01/06/00		172.21		162.83	9.38
04/06/00		175.68		169.45	6.23
07/06/00		176.64		170.28	6.36
10/04/00		175.87		168.74	7.13
03/12/01		179.90		173.04	6.86
06/04/01		177.16		172.81	4.35
09/19/01		171.65		167.14	4.51
12/06/01		175.06		168.07	6.99
03/11/02		175.60		170.45	5.15
09/16/02		168.17		163.40	4.77
03/19/03		174.89		169.34	5.55
09/02/03		169.09		164.33	4.76
07/20/04		167.54		163.41	4.13
09/07/04		165.84		161.21	4.63
03/29/05		172.73		167.12	5.61
10/04/05		169.86		165.15	4.71
03/14/06		177.20		171.25	5.95
09/27/06		177.38		172.72	4.66
03/05/07		179.38		174.24	5.14
09/19/07		172.94		168.12	4.82
09/08/08		172.11		168.48	3.63
09/08/09		173.79		170.23	3.56
09/08/10		175.48		172.63	2.85
09/12/11		176.79		173.90	2.89
09/11/12		171.36		168.13	3.23
09/03/13		168.44		165.13	3.31
01/06/97	128(B)	176.33	WCC-01(B)	155.36	20.97
02/03/97		179.79		158.11	21.68
03/03/97		180.61		159.77	20.84
04/01/97		178.72		159.13	19.59
05/13/97		175.23		156.07	19.16
06/10/97		173.22		154.62	18.60

Table 6. Groundwater Elevations, Slurry Wall Well Pairs, January 1997 to September 2013, 101 Bernal Road, San Jose, California

Date	Well ID (outer/B well)	Groundwater Elevation (ft amsl)	Well ID (inner/B well)	Groundwater Elevation (ft amsl)	Difference[1] (ft amsl)
07/07/97	128(B)	171.56	WCC-01(B)	151.48	20.08
08/04/97		173.10		150.57	22.53
09/02/97		175.26		152.01	23.25
10/07/97		173.29		154.89	18.40
11/06/97		172.06		152.69	19.37
12/08/97		172.07		151.67	20.40
01/05/98		172.48		151.11	21.37
02/02/98		173.28		152.25	21.03
03/02/98		179.11		157.62	21.49
03/23/98		180.52		159.96	20.56
07/06/98		NA		NA	NA
12/14/98		170.41		171.32	-0.91
02/11/99		NA		170.15	NA
04/05/99		NA		169.73	NA
07/06/99		164.12		165.15	-1.03
09/30/99		158.60		158.64	-0.04
01/06/00		166.26		162.83	3.43
04/06/00		171.73		169.43	2.30
07/06/00		169.15		170.27	-1.12
10/04/00		167.95		168.76	-0.81
03/12/01		173.57		173.04	0.53
06/04/01		170.83		172.81	-1.98
09/19/01		165.10		167.19	-2.09
12/06/01		168.51		168.07	0.44
03/11/02		170.08		170.44	-0.36
09/16/02		161.38		163.38	-2.00
03/19/03		169.40		169.29	0.11
09/02/03		162.16		164.32	-2.16
07/20/04		161.02		163.58	-2.56
09/07/04		158.97		161.22	-2.25
03/29/05		167.82		167.13	0.69
10/04/05		163.05		165.30	-2.25
03/14/06		172.21		171.28	0.93
09/27/06		171.49		172.71	-1.22
03/05/07		174.11		174.20	-0.09
09/19/07		166.30		168.13	-1.83
09/08/08		166.84		168.50	-1.66
09/08/09		168.54		170.28	-1.74
09/08/10		170.76		172.66	-1.90
09/12/11		172.23		173.89	-1.66
09/11/12		166.59		168.37	-1.78
09/03/13		163.29		165.13	-1.84
01/06/97	126(B)	175.78	116(B)	156.19	19.59
02/03/97		179.28		158.97	20.31

Table 6. Groundwater Elevations, Slurry Wall Well Pairs, January 1997 to September 2013, 101 Bernal Road, San Jose, California

Date	Well ID (outer/B well)	Groundwater Elevation (ft amsl)	Well ID (inner/B well)	Groundwater Elevation (ft amsl)	Difference[1] (ft amsl)
03/03/97	126(B)	180.06	116(B)	160.58	19.48
04/01/97		178.24		159.89	18.35
05/13/97		174.77		156.84	17.93
06/10/97		172.79		155.35	17.44
07/07/97		171.12		152.31	18.81
08/04/97		172.60		151.47	21.13
09/02/97		173.72		152.87	20.85
10/07/97		172.79		155.61	17.18
11/06/97		171.57		153.44	18.13
12/08/97		171.70		152.47	19.23
01/05/98		172.03		151.91	20.12
02/02/98		172.85		153.04	19.81
03/02/98		179.38		158.36	21.02
03/23/98		180.79		160.68	20.11
07/06/98		NA		NA	NA
12/14/98		170.67		171.17	-0.50
02/11/99		169.40		170.04	-0.64
04/05/99		169.02		169.64	-0.62
07/06/99		162.49		164.91	-2.42
09/30/99		156.73		158.43	-1.70
01/06/00		164.23		162.90	1.33
04/06/00		169.87		169.43	0.44
07/06/00		169.57		170.15	-0.58
10/04/00		168.37		168.66	-0.29
03/12/01		173.83		173.06	0.77
06/04/01		171.30		172.61	-1.31
09/19/01		165.61		167.00	-1.39
12/06/01		168.84		168.10	0.74
03/11/02		170.46		170.39	0.07
09/16/02		161.87		163.21	-1.34
03/19/03		169.76		169.34	0.42
09/02/03		162.63		163.12	-0.49
07/20/04		161.59		163.31	-1.72
09/07/04		159.50		161.01	-1.51
03/29/05		168.07		167.21	0.86
10/04/05		164.17		165.41	-1.24
03/14/06		172.45		171.36	1.09
09/27/06		171.79		172.59	-0.80
03/05/07		174.34		174.23	0.11
09/19/07		166.70		167.94	-1.24
09/08/08		167.22		168.31	-1.09
09/08/09		168.92		170.13	-1.21
09/08/10		171.04		172.44	-1.40
09/12/11		172.50		173.71	-1.21
09/11/12		166.82		168.21	-1.39

Table 6. Groundwater Elevations, Slurry Wall Well Pairs, January 1997 to September 2013, 101 Bernal Road, San Jose, California

Date	Well ID (outer/B well)	Groundwater Elevation (ft amsl)	Well ID (inner/B well)	Groundwater Elevation (ft amsl)	Difference[1] (ft amsl)
09/03/13	126(B)	163.61	116(B)	164.96	-1.35
01/06/97	127(B)	176.37	WCC-02(B)	155.55	20.82
02/03/97		179.83		158.30	21.53
03/03/97		180.65		159.94	20.71
04/01/97		178.79		159.31	19.48
05/13/97		175.31		156.26	19.05
06/10/97		173.32		154.80	18.52
07/07/97		171.69		151.67	20.02
08/04/97		173.25		150.79	22.46
09/02/97		174.37		152.24	22.13
10/07/97		173.36		155.08	18.28
11/06/97		172.12		152.88	19.24
12/08/97		172.15		151.80	20.35
01/05/98		172.57		151.32	21.25
02/02/98		173.36		152.42	20.94
03/02/98		180.17		158.01	22.16
03/23/98		181.59		160.35	21.24
07/06/98		NA		NA	NA
12/14/98		170.61		171.26	-0.65
02/11/99		169.34		170.17	-0.83
04/05/99		168.95		169.70	-0.75
07/06/99		162.35		165.08	-2.73
09/30/99		156.66		158.58	-1.92
01/06/00		164.32		162.83	1.49
04/06/00		169.89		169.43	0.46
07/06/00		169.50		170.20	-0.70
10/04/00		168.30		168.69	-0.39
03/12/01		173.84		173.01	0.83
06/04/01		171.19		172.73	-1.54
09/19/01		165.47		167.12	-1.65
12/06/01		168.81		168.04	0.77
03/11/02		170.37		170.38	-0.01
09/16/02		161.74		163.31	-1.57
03/19/03		169.67		169.24	0.43
09/02/03		162.48		164.22	-1.74
07/20/04		161.45		163.44	-1.99
09/07/04		159.35		161.15	-1.80
03/29/05		168.07		167.12	0.95
10/04/05		164.15		165.18	-1.03
03/14/06		172.48		171.27	1.21
09/27/06		171.71		172.68	-0.97
03/05/07		174.33		174.43	-0.10
09/19/07		166.56		168.06	-1.50
09/08/08		167.09		168.44	-1.35

Table 6. Groundwater Elevations, Slurry Wall Well Pairs, January 1997 to September 2013, 101 Bernal Road, San Jose, California

Date	Well ID (outer/B well)	Groundwater Elevation (ft amsl)	Well ID (inner/B well)	Groundwater Elevation (ft amsl)	Difference[1] (ft amsl)
09/08/09	127(B)	168.81	WCC-02(B)	170.23	-1.42
09/08/10		170.93		172.58	-1.65
09/12/11		172.42		173.78	-1.36
09/11/12		167.15		168.35	-1.20
09/03/13		163.50		165.09	-1.59

Notes and Abbreviations:

1 - Positive value denotes either an inward gradient (outer > inner) or an upward gradient (B1 > A)
B - B water-bearing zone
ft - feet
ft amsl - feet above mean sea level
inner - well inside slurry wall
outer - well outside slurry wall
NA - not available
NM - not measured

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Table 7. Analytical Results for Groundwater Samples from Wells Inside Slurry Wall - January 2009 to September 2013, 101 Bernal Road, San Jose, California

Sample Location	Sample Date	1,1,1-TCA	1,1-DCA	1,1-DCE	1,2-DCA	Acetone	cis-1,2-DCE	Freon 113	Isopro-panol	m,p-Xylene	o-Xylene	Total Xylenes	PCE	TCE	Vinyl Chloride	1,4-Dioxane
		<							µg/L							>
112(A)	02/03/11	**5.4**	<0.5	<0.5	<0.5	<10	<0.5	<2.0	---	<0.5	<0.5	<1.0	<0.5	<0.5	<0.5	**6.4**
115(A)	02/03/11	**69**	**1**	**10**	<0.5	<10	<0.5	<2.0	---	<0.5	<0.5	<1.0	<0.5	<0.5	<0.5	**77**
116(B)	09/10/09	**8.8**	<0.5	**1.0**	<0.5	<10	<0.5	<0.5	---	<0.5	<0.5	---	<0.5	<0.5	<0.5	---
116(B)	09/09/10	**6.1**	<0.5	**1.6**	<0.5	<10	<0.5	<2.0	---	<0.5	<0.5	<1.0	<0.5	<0.5	<0.5	---
116(B)	09/14/11	**19**	<0.5	**2.5**	<0.5	<10	<0.5	<2.0	---	<0.5	<0.5	<1.0	<0.5	<0.5	<0.5	---
116(B)	09/12/12	**5.8**	<0.50	**0.80**	<0.50	<50	<0.50	<0.50	<5.0	---	---	<1.0	<0.50	<0.50	<0.50	---
116(B)	09/05/13	**22**	<0.50	**4.2**	<0.50	<50	<0.50	<0.50	<100	---	---	<1.0	<0.50	<0.50	<0.50	---
119(B)	09/09/09	<0.5	<0.5	<0.5	<0.5	<10	<0.5	<2.0	---	<0.5	<0.5	---	<0.5	<0.5	<0.5	---
119(B)	09/09/10	<0.5	<0.5	<0.5	<0.5	<10	<0.5	<2.0	---	<0.5	<0.5	<1.0	<0.5	<0.5	<0.5	---
119(B)	09/13/11	<0.5	<0.5	<0.5	<0.5	<10	<0.5	<2.0	---	<0.5	<0.5	<1.0	<0.5	<0.5	<0.5	---
119(B)	09/13/12	<0.50	<0.50	<0.50	<0.50	<50	<0.50	<0.50	<5.0	---	---	<1.0	<0.50	<0.50	<0.50	---
119(B)	09/04/13	<0.50	<0.50	<0.50	<0.50	<50	<0.50	<0.50	<100	---	---	<1.0	<0.50	<0.50	<0.50	---
122(B)	09/09/09	<0.5	<0.5	<0.5	<0.5	<10	<0.5	<2.0	---	<0.5	<0.5	---	<0.5	<0.5	<0.5	---
122(B)	09/09/10	<0.5	<0.5	<0.5	<0.5	<10	<0.5	<2.0	---	<0.5	<0.5	<1.0	<0.5	<0.5	<0.5	---
122(B)	09/13/11	<0.5	<0.5	<0.5	<0.5	<10	<0.5	<2.0	---	<0.5	<0.5	<1.0	<0.5	<0.5	<0.5	---
122(B)	09/12/12	<0.50	<0.50	<0.50	<0.50	<50	<0.50	<0.50	<5.0	---	---	<1.0	<0.50	<0.50	<0.50	---
122(B)	09/05/13	<0.50	<0.50	<0.50	<0.50	<50	<0.50	<0.50	<100	---	---	<1.0	<0.50	<0.50	<0.50	---
131(B)	09/10/09	**8.1**	<0.5	**3.7**	<0.5	<10	<0.5	<0.5	---	<0.5	<0.5	---	<0.5	<0.5	<0.5	---
131(B)	09/09/10	**9.1**	**0.5**	**9.2**	<0.5	<10	<0.5	<2.0	---	<0.5	<0.5	<1.0	<0.5	<0.5	<0.5	---
131(B)	09/14/11	**7.0**	<0.5	**7.1**	<0.5	<10	<0.5	<2.0	---	<0.5	<0.5	<1.0	<0.5	<0.5	<0.5	---
131(B)	09/12/12	**8.1**	<0.50	**5.4**	<0.50	<50	<0.50	<0.50	<5.0	---	---	<1.0	<0.50	<0.50	<0.50	---
131(B)	09/05/13	**5.9**	**1.3**	**26**	<0.50	<50	<0.50	<0.50	<100	---	---	<1.0	<0.50	<0.50	<0.50	---
131(B) (DUP)	09/05/13	**6.0**	**1.3**	**26**	<0.50	<50	<0.50	<0.50	<100	---	---	<1.0	<0.50	<0.50	<0.50	---
145(B)	09/09/09	**16**	**0.6**	**3.6**	<0.5	<10	<0.5	<2.0	---	<0.5	<0.5	---	<0.5	<0.5	<0.5	---
145(B)	09/09/10	**19**	**1.2**	<0.5	<0.5	<10	<0.5	<2.0	---	<0.5	<0.5	<1.0	<0.5	<0.5	<0.5	---
145(B)	09/13/11	**14**	<0.5	**2.7**	<0.5	<10	<0.5	<2.0	---	<0.5	<0.5	<1.0	<0.5	<0.5	<0.5	---
145(B)	09/13/12	**11**	**0.62**	**4.9**	<0.50	<50	<0.50	<0.50	<5.0	---	---	<1.0	<0.50	<0.50	<0.50	---
145(B)	09/05/13	**9.4**	<0.50	**5.0**	<0.50	<50	<0.50	<0.50	<100	---	---	<1.0	<0.50	<0.50	<0.50	---
145(B) (DUP)	09/05/13	**11**	**0.57**	**6.9**	<0.50	<50	<0.50	<0.50	<100	---	---	<1.0	<0.50	<0.50	<0.50	---

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Table 7. Analytical Results for Groundwater Samples from Wells Inside Slurry Wall - January 2009 to September 2013, 101 Bernal Road, San Jose, California

Sample Location	Sample Date	1,1,1-TCA	1,1-DCA	1,1-DCE	1,2-DCA	Acetone	cis-1,2-DCE	Freon 113	Isopropanol	m,p-Xylene	o-Xylene	Total Xylenes	PCE	TCE	Vinyl Chloride	1,4-Dioxane
		<							µg/L							>
146(B)	09/09/09	**11**	**0.6**	**1.9**	<0.5	<10	<0.5	<2.0	---	<0.5	<0.5	---	<0.5	<0.5	<0.5	---
146(B)	09/10/10	**13**	**0.6**	**2.5**	<0.5	<10	<0.5	<2.0	---	<0.5	<0.5	<1.0	<0.5	<0.5	<0.5	---
146(B)	09/14/11	**9.3**	**0.6**	**1.6**	<0.5	<10	<0.5	<2.0	---	<0.5	<0.5	<1.0	<0.5	<0.5	<0.5	---
146(B)	09/13/12	**5.9**	<0.50	**1.3**	<0.50	<50	<0.50	<0.50	<5.0	---	---	<1.0	<0.50	<0.50	<0.50	---
146(B)	09/05/13	**5.2**	<0.50	**1.4**	<0.50	<50	<0.50	<0.50	<100	---	---	<1.0	<0.50	<0.50	<0.50	---
AE-1(B)	09/08/09	**160**	**120**	**2,000**	<20	<400	<20	<80	---	<20	<20	---	<20	<20	<20	---
AE-1(B) (DUP)	09/08/09	**150**	**110**	**1,800**	<13	<250	<13	<50	---	<13	<13	---	<13	<13	<13	---
AE-1(B)	09/10/10	**200**	**170**	**2,600**	**20**	<250	<13	<50	---	<13	<13	<25	<13	<13	<13	---
AE-1(B)	02/03/11	**170**	**150**	**2,400**	**13**	<250	<13	<50	---	<13	<13	<25	<13	<13	<13	**180**
AE-1(B)	09/14/11	**100**	**180**	**1,700**	**12**	<71	<3.6	<14	---	<3.6	<3.6	<7.1	<3.6	<3.6	<3.6	---
AE-1(B)	09/13/12	**47**	**84**	**2,600**	**9.4**	<50	**1.2**	**6.0**	<5.0	---	---	**80**	**12**	**1.4**	**1.4**	---
AE-1(B)	09/06/13	**7.5**	**12**	**150**	**0.62**	<50	<0.50	<0.50	<100	---	---	<1.0	**1.6**	<0.50	<0.50	---
AE-2(B)	09/09/09	**130**	**120**	**490**	<3.6	<71	<3.6	<14	---	<3.6	<3.6	---	<3.6	<3.6	<3.6	---
AE-2(B)	09/10/10	**120**	**120**	**630**	<3.6	<71	<3.6	<14	---	<3.6	<3.6	<7.1	**5.2**	<3.6	<3.6	---
AE-2(B) (DUP)	09/10/10	**110**	**120**	**640**	<5.0	<100	<5.0	<20	---	<5.0	<5.0	<10	**7.7**	<5.0	<5.0	---
AE-2(B)	02/03/11	**150**	**120**	**990**	<10	<200	<10	<40	---	<10	<10	<20	<10	<10	<10	**56**
AE-2(B)	09/14/11	**180**	**160**	**440**	**3.4**	<40	<2.0	<8.0	---	<2.0	<2.0	<4.0	<2.0	<2.0	<2.0	---
AE-2(B) (DUP)	09/14/11	**140**	**140**	**480**	<2.5	<50	<2.5	<10	---	<2.5	<2.5	<5.0	<2.5	<2.5	<2.5	---
AE-2(B)	09/13/12	**45**	**67**	**510**	**1.7**	<50	**0.52**	**4.7**	<5.0	---	---	<1.0	**4.4**	<0.50	<0.50	---
AE-2(B) (DUP)	09/13/12	**41**	**65**	**510**	**1.7**	<50	<0.50	**3.9**	<5.0	---	---	<1.0	**2.8**	<0.50	<0.50	---
AE-2(B)	09/06/13	**3.4**	**4.4**	**28**	<0.50	<50	<0.50	<0.50	<100	---	---	<1.0	**0.88**	<0.50	<0.50	---
RW-23(A)	09/09/09	**14**	**6.9**	**25**	<0.5	<10	<0.5	<2.0	---	<0.5	<0.5	---	**1.6**	<0.5	<0.5	---
RW-23(A)	09/10/10	**4.8**	**3.2**	**2.9**	<0.5	<10	<0.5	<2.0	---	<0.5	<0.5	<1.0	**0.5**	**0.6**	<0.5	---
RW-23(A)	02/03/11	**9.0**	**8.1**	**19**	<0.5	<10	<0.5	<2.0	---	<0.5	<0.5	<1.0	**0.9**	**1.2**	<0.5	<1.0
RW-23(A)	09/13/11	**6.4**	**6.2**	**4.8**	<0.5	<10	<0.5	<2.0	---	<0.5	<0.5	<1.0	<0.5	**1.1**	<0.5	---
RW-23(A)	09/13/12	**14**	**6.2**	**20**	<0.50	<50	<0.50	<0.50	<5.0	---	---	<1.0	**0.65**	**1.1**	<0.50	---
RW-23(A)	09/05/13	**6.7**	**5.5**	**9.7**	<0.50	<50	<0.50	<0.50	<100	---	---	<1.0	<0.50	**1.0**	<0.50	---
WCC-01(B)	09/09/09	**33**	**2.5**	**8.1**	<0.5	<10	<0.5	<2.0	---	<0.5	<0.5	---	<0.5	<0.5	<0.5	---
WCC-01(B)	09/10/10	**27**	**2.1**	**7.1**	<0.5	<10	<0.5	<2.0	---	<0.5	<0.5	<1.0	<0.5	<0.5	<0.5	---
WCC-01(B)	09/13/11	**40**	**2.6**	**7.4**	<0.5	<10	<0.5	<2.0	---	<0.5	<0.5	<1.0	<0.5	<0.5	<0.5	---
WCC-01(B)	09/13/12	**28**	**2.8**	**9.3**	<0.50	<50	<0.50	**0.50**	<5.0	---	---	<1.0	<0.50	<0.50	<0.50	---
WCC-01(B)	09/05/13	**29**	**2.8**	**11**	<0.50	<50	<0.50	<0.50	<100	---	---	<1.0	<0.50	<0.50	<0.50	---
WCC-01(B) (DUP)	09/05/13	**25**	**2.4**	**7.4**	<0.50	<50	<0.50	<0.50	<100	---	---	<1.0	<0.50	<0.50	<0.50	---

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Table 7. Analytical Results for Groundwater Samples from Wells Inside Slurry Wall - January 2009 to September 2013, 101 Bernal Road, San Jose, California

Sample Location	Sample Date	1,1,1-TCA	1,1-DCA	1,1-DCE	1,2-DCA	Acetone	cis-1,2-DCE	Freon 113	Isopro-panol	m,p-Xylene	o-Xylene	Total Xylenes	PCE	TCE	Vinyl Chloride	1,4-Dioxane
		<							µg/L							>
WCC-02(B)	09/10/09	**28**	<0.5	**1.6**	<0.5	<10	<0.5	<0.5	---	<0.5	<0.5	---	<0.5	<0.5	<0.5	---
WCC-02(B)	09/09/10	**29**	<0.5	<0.5	<0.5	<10	<0.5	<2.0	---	<0.5	<0.5	<1.0	<0.5	<0.5	<0.5	---
WCC-02(B)	09/14/11	**29**	<0.5	**1.4**	<0.5	<10	<0.5	<2.0	---	<0.5	<0.5	<1.0	<0.5	<0.5	<0.5	---
WCC-02(B)	09/12/12	**27**	<0.50	**2.0**	<0.50	<50	<0.50	<0.50	<5.0	---	---	<1.0	<0.50	<0.50	<0.50	---
WCC-02(B)	09/05/13	**28**	<0.50	**3.5**	<0.50	<50	<0.50	<0.50	<100	---	---	<1.0	<0.50	<0.50	<0.50	---
WCC-41(A)	09/08/09	**74**	**21**	**120**	<0.7	<14	<0.7	<2.9	---	<0.7	<0.7	---	**1.5**	<0.7	<0.7	---
WCC-41(A)	09/22/09	---	---	---	---	---	---	---	---	---	---	---	---	---	---	**91**
WCC-41(A) (DUP)	09/22/09	---	---	---	---	---	---	---	---	---	---	---	---	---	---	**86**
WCC-41(A)	09/10/10	**35**	**17**	**84**	**0.6**	<10	<0.5	<2.0	---	<0.5	<0.5	<1.0	**1.9**	<0.5	<0.5	**78**
WCC-41(A) (DUP)	09/10/10	---	---	---	---	---	---	---	---	---	---	---	---	---	---	**84**
WCC-41(A)	02/03/11	**36**	**15**	**90**	**0.5**	<10	<0.5	<2.0	---	<0.5	<0.5	<1.0	**2.0**	<0.5	<0.5	**95**
WCC-41(A)	09/14/11	**34**	**20**	**100**	<1.0	<20	<1.0	<4.0	---	<1.0	<1.0	<2.0	**1.8**	<1.0	<1.0	**93**
WCC-41(A) (DUP)	09/14/11	---	---	---	---	---	---	---	---	---	---	---	---	---	---	**100**
WCC-41(A)	09/13/12	**39**	**23**	**84**	**0.71**	<50	<0.50	<0.50	<5.0	---	---	<1.0	**0.95**	<0.50	<0.50	**110**
WCC-41(A) (DUP)	09/13/12	---	---	---	---	---	---	---	---	---	---	---	---	---	---	**100**
WCC-41(A)	09/05/13	**41**	**30**	**110**	**0.72**	<50	<0.50	<0.50	<100	---	---	<1.0	**1.3**	<0.50	<0.50	**90**
WCC-41(A) (DUP)	09/05/13	---	---	---	---	---	---	---	---	---	---	---	---	---	---	**100**
	Cleanup Goal:	200	NE	6	NE	3,500	NE	1,200	450	1,750*	1,750*	1,750	5	NE	NE	NE

Notes and Abbreviations:

--- - not analyzed for particular analyte
< # - analyte not detected above the reporting limit of "#" µg/L
* - cleanup goal is for total xylenes
DCA - dichloroethane
DCE - dichloroethylene
DUP - duplicate sample
PCE - tetrachloroethene
NE - not established
TCA - trichloroethane
TCE - trichloroethylene
VOCs - volatile organic compounds
µg/L - micrograms per liter

Analytical Methods: VOCs by United States Environmental Protection Agency (USEPA) Method 8260B, 8010 or equivalent method. 1,4-Dioxane by USEPA Method 8270C or equivalent method.

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Table 8. Analytical Results for Groundwater Samples from Wells Outside Slurry Wall - January 2009 to September 2013, 101 Bernal Road, San Jose, California

Sample Location	Sample Date	1,1,1-TCA	1,1-DCA	1,1-DCE	1,2-DCA	Acetone	cis-1,2-DCE	Freon 113	Isopropanol	m,p-Xylene	o-Xylene	Total Xylenes	PCE	TCE	Vinyl Chloride	1,4-Dioxane
		<---------- µg/L ----------														---------->
75(B)	09/09/09	**0.6**	<0.5	<0.5	<0.5	<10	<0.5	<2.0	---	<0.5	<0.5	---	<0.5	<0.5	<0.5	---
75(B)	09/10/10	**0.7**	<0.5	<0.5	<0.5	<10	<0.5	<2.0	---	<0.5	<0.5	<1.0	<0.5	<0.5	<0.5	---
75(B)	09/14/11	**0.9**	<0.5	<0.5	<0.5	<10	<0.5	<2.0	---	<0.5	<0.5	<1.0	<0.5	<0.5	<0.5	---
75(B)	09/13/12	**0.79**	<0.50	<0.50	<0.50	<50	<0.50	<0.50	<5.0	---	---	<1.0	<0.50	<0.50	<0.50	---
75(B)	09/06/13	**0.64**	<0.50	<0.50	<0.50	<50	<0.50	<0.50	<100	---	---	<1.0	<0.50	<0.50	<0.50	---
82(A)	02/02/11	<0.5	<0.5	<0.5	<0.5	<10	<0.5	<2.0	---	<0.5	<0.5	<1.0	<0.5	<0.5	<0.5	<0.97
105(B)	09/08/09	<0.5	<0.5	<0.5	<0.5	<10	<0.5	<2.0	---	<0.5	<0.5	---	<0.5	<0.5	<0.5	---
105(B)	09/10/10	<0.5	<0.5	<0.5	<0.5	<10	<0.5	<2.0	---	<0.5	<0.5	<1.0	<0.5	<0.5	<0.5	---
105(B)	09/13/11	<0.5	<0.5	<0.5	<0.5	<10	<0.5	<2.0	---	<0.5	<0.5	<1.0	<0.5	<0.5	<0.5	---
105(B)	09/12/12	<0.50	<0.50	<0.50	<0.50	<50	<0.50	<0.50	<5.0	---	---	<1.0	<0.50	<0.50	<0.50	---
105(B)	09/05/13	<0.50	<0.50	<0.50	<0.50	<50	<0.50	<0.50	<100	---	---	<1.0	<0.50	<0.50	<0.50	---
106(B)	09/09/09	**3.8**	<0.5	<0.5	<0.5	<10	<0.5	<2.0	---	<0.5	<0.5	---	<0.5	<0.5	<0.5	---
106(B)	09/09/10	**2.8**	<0.5	<0.5	<0.5	<10	<0.5	<2.0	---	<0.5	<0.5	<1.0	<0.5	<0.5	<0.5	---
106(B)	09/12/11	**2.5**	<0.5	<0.5	<0.5	<10	<0.5	<2.0	---	<0.5	<0.5	<1.0	<0.5	<0.5	<0.5	---
106(B)	09/12/12	**2.2**	<0.50	<0.50	<0.50	<50	<0.50	<0.50	<5.0	---	---	<1.0	<0.50	<0.50	<0.50	---
106(B)	09/04/13	**2.1**	<0.50	<0.50	<0.50	<50	<0.50	<0.50	<100	---	---	<1.0	<0.50	<0.50	<0.50	---
120(B)	09/09/09	<0.5	<0.5	<0.5	<0.5	<10	<0.5	<2.0	---	<0.5	<0.5	---	<0.5	<0.5	<0.5	---
120(B)	09/09/10	<0.5	<0.5	<0.5	<0.5	<10	<0.5	<2.0	---	<0.5	<0.5	<1.0	<0.5	<0.5	<0.5	---
120(B)	09/12/11	<0.5	<0.5	<0.5	<0.5	<10	<0.5	<2.0	---	<0.5	<0.5	<1.0	<0.5	<0.5	<0.5	---
120(B)	09/12/12	<0.50	<0.50	<0.50	<0.50	<50	<0.50	<0.50	<5.0	---	---	<1.0	<0.50	<0.50	<0.50	---
120(B)	09/04/13	<0.50	<0.50	<0.50	<0.50	<50	<0.50	<0.50	<100	---	---	<1.0	<0.50	<0.50	<0.50	---
126(B)	09/09/09	<0.5	<0.5	<0.5	<0.5	<10	<0.5	<2.0	---	<0.5	<0.5	---	<0.5	<0.5	<0.5	---
126(B)	09/08/10	<0.5	<0.5	<0.5	<0.5	<10	<0.5	<2.0	---	<0.5	<0.5	<1.0	<0.5	<0.5	<0.5	---
126(B)	09/13/11	<0.5	<0.5	<0.5	<0.5	<10	<0.5	<2.0	---	<0.5	<0.5	<1.0	<0.5	<0.5	<0.5	---
126(B)	09/12/12	<0.50	<0.50	<0.50	<0.50	<50	<0.50	<0.50	<5.0	---	---	<1.0	<0.50	<0.50	<0.50	---
126(B)	09/03/13	<0.50	<0.50	<0.50	<0.50	<50	<0.50	<0.50	<100	---	---	<1.0	<0.50	<0.50	<0.50	---
127(B)	09/10/09	<0.5	<0.5	<0.5	<0.5	<10	<0.5	<0.5	---	<0.5	<0.5	---	<0.5	<0.5	<0.5	---
127(B)	09/10/10	<0.5	<0.5	<0.5	<0.5	<10	<0.5	<2.0	---	<0.5	<0.5	<1.0	<0.5	<0.5	<0.5	---
127(B)	09/12/11	<0.5	<0.5	<0.5	<0.5	<10	<0.5	<2.0	---	<0.5	<0.5	<1.0	<0.5	<0.5	<0.5	---
127(B)	09/13/12	<0.50	<0.50	<0.50	<0.50	<50	<0.50	<0.50	<5.0	---	---	<1.0	<0.50	<0.50	<0.50	---

Table 8. Analytical Results for Groundwater Samples from Wells Outside Slurry Wall - January 2009 to September 2013, 101 Bernal Road, San Jose, California

Sample Location	Sample Date	1,1,1-TCA	1,1-DCA	1,1-DCE	1,2-DCA	Acetone	cis-1,2-DCE	Freon 113	Isopropanol	m,p-Xylene	o-Xylene	Total Xylenes	PCE	TCE	Vinyl Chloride	1,4-Dioxane
		<---------- µg/L ----------														---------->
127(B)	09/04/13	<0.50	<0.50	<0.50	<0.50	<50	<0.50	<0.50	<100	---	---	<1.0	<0.50	<0.50	<0.50	---
128(B)	09/10/09	**1.6**	<0.5	<0.5	<0.5	<10	<0.5	<0.5	---	<0.5	<0.5	---	<0.5	<0.5	<0.5	---
128(B)	09/22/09	---	---	---	---	---	---	---	---	---	---	---	---	---	---	<0.99
128(B)	09/10/10	**1.9**	<0.5	**0.6**	<0.5	<10	<0.5	<2.0	---	<0.5	<0.5	<1.0	<0.5	<0.5	<0.5	<0.99
128(B)	09/12/11	**2.3**	<0.5	<0.5	<0.5	<10	<0.5	<2.0	---	<0.5	<0.5	<1.0	<0.5	<0.5	<0.5	<0.98
128(B)	09/13/12	**1.1**	<0.50	<0.50	<0.50	<50	<0.50	<0.50	<5.0	---	---	<1.0	<0.50	<0.50	<0.50	<1.0
128(B)	09/04/13	**1.5**	<0.50	**0.52**	<0.50	<50	<0.50	<0.50	<100	---	---	<1.0	<0.50	<0.50	<0.50	<1.0
129(B)	09/09/09	<0.5	<0.5	<0.5	<0.5	<10	<0.5	<2.0	---	<0.5	<0.5	---	<0.5	<0.5	<0.5	---
129(B)	09/10/10	<0.5	<0.5	<0.5	<0.5	<10	<0.5	<2.0	---	<0.5	<0.5	<1.0	<0.5	<0.5	<0.5	---
129(B)	09/12/11	<0.5	<0.5	<0.5	<0.5	<10	<0.5	<2.0	---	<0.5	<0.5	<1.0	<0.5	<0.5	<0.5	---
129(B)	09/13/12	<0.50	<0.50	<0.50	<0.50	<50	<0.50	<0.50	<5.0	---	---	<1.0	<0.50	<0.50	<0.50	---
129(B)	09/04/13	<0.50	<0.50	<0.50	<0.50	<50	<0.50	<0.50	<100	---	---	<1.0	<0.50	<0.50	<0.50	---
135(B)	09/09/09	**3.1**	<0.5	<0.5	<0.5	<10	<0.5	<2.0	---	<0.5	<0.5	---	<0.5	<0.5	<0.5	---
135(B)	09/09/10	**2.3**	<0.5	<0.5	<0.5	<10	<0.5	<2.0	---	<0.5	<0.5	<1.0	<0.5	<0.5	<0.5	---
135(B)	09/12/11	**1.9**	<0.5	<0.5	<0.5	<10	<0.5	<2.0	---	<0.5	<0.5	<1.0	<0.5	<0.5	<0.5	---
135(B)	09/11/12	**2.4**	<0.50	<0.50	<0.50	<50	<0.50	<0.50	<5.0	---	---	<1.0	<0.50	<0.50	<0.50	---
135(B)	09/03/13	**1.2**	<0.50	<0.50	<0.50	<50	<0.50	<0.50	<100	---	---	<1.0	<0.50	<0.50	<0.50	---
F-6(A)	02/02/11	<0.5	<0.5	<0.5	<0.5	<10	<0.5	<2.0	---	<0.5	<0.5	<1.0	<0.5	<0.5	<0.5	<0.97
GO-04(M)	08/25/09	<0.5	<0.5	<0.5	<0.5	<10	<0.5	<0.5	---	<0.5	<0.5	---	<0.5	<0.5	<0.5	---
GO-04(M)	08/16/10	<0.5	<0.5	<0.5	<0.5	<10	<0.5	<2.0	---	<0.5	<0.5	<1.0	<0.5	<0.5	<0.5	---
GO-04(M)	08/18/11	<0.5	<0.5	<0.5	<0.5	<10	<0.5	<2.0	---	<0.5	<0.5	<1.0	<0.5	<0.5	<0.5	---
GO-04(M)	08/28/12	<0.50	<0.50	<0.50	<0.50	<50	<0.50	<0.50	**9.0**	---	---	<1.0	<0.50	<0.50	<0.50	---
GO-04(M)	11/06/12	---	---	---	---	---	---	---	<5.0	---	---	---	---	---	---	---
GO-04(M)	09/04/13	<0.50	<0.50	<0.50	<0.50	<50	<0.50	<0.50	<100	---	---	<1.0	<0.50	<0.50	<0.50	---
RW-13(B)	09/09/09	<0.5	<0.5	<0.5	<0.5	<10	<0.5	<2.0	---	<0.5	<0.5	---	<0.5	<0.5	<0.5	---
RW-13(B)	09/09/10	<0.5	<0.5	<0.5	<0.5	<10	<0.5	<2.0	---	<0.5	<0.5	<1.0	<0.5	<0.5	<0.5	---
RW-13(B)	09/12/11	<0.5	<0.5	<0.5	<0.5	<10	<0.5	<2.0	---	<0.5	<0.5	<1.0	<0.5	<0.5	<0.5	---
RW-13(B)	09/11/12	<0.50	<0.50	<0.50	<0.50	<50	<0.50	<0.50	<5.0	---	---	<1.0	<0.50	<0.50	<0.50	---
RW-13(B)	09/04/13	<0.50	<0.50	<0.50	<0.50	<50	<0.50	<0.50	<100	---	---	<1.0	<0.50	<0.50	<0.50	---

Table 8. Analytical Results for Groundwater Samples from Wells Outside Slurry Wall - January 2009 to September 2013, 101 Bernal Road, San Jose, California

Sample Location	Sample Date	1,1,1-TCA	1,1-DCA	1,1-DCE	1,2-DCA	Acetone	cis-1,2-DCE	Freon 113	Isopropanol	m,p-Xylene	o-Xylene	Total Xylenes	PCE	TCE	Vinyl Chloride	1,4-Dioxane
		<---------- µg/L ----------														---------->
RW-19(B)	09/08/09	**5.0**	<0.5	**1.6**	<0.5	<10	<0.5	<2.0	---	<0.5	<0.5	---	<0.5	<0.5	<0.5	---
RW-19(B)	09/09/10	**4.1**	<0.5	**1.1**	<0.5	<10	<0.5	<2.0	---	<0.5	<0.5	<1.0	<0.5	<0.5	<0.5	---
RW-19(B)	09/13/11	**3.4**	<0.5	**1**	<0.5	<10	<0.5	<2.0	---	<0.5	<0.5	<1.0	<0.5	<0.5	<0.5	---
RW-19(B)	09/12/12	<0.50	<0.50	<0.50	<0.50	<50	<0.50	<0.50	<5.0	---	---	<1.0	<0.50	<0.50	<0.50	---
RW-19(B)	09/04/13	<0.50	<0.50	<0.50	<0.50	<50	<0.50	<0.50	<100	---	---	<1.0	<0.50	<0.50	<0.50	---
RW-20(B)	09/09/09	**2.7**	<0.5	<0.5	<0.5	<10	<0.5	<2.0	---	<0.5	<0.5	---	<0.5	<0.5	<0.5	---
RW-20(B)	09/09/10	**2.1**	<0.5	<0.5	<0.5	<10	<0.5	<2.0	---	<0.5	<0.5	<1.0	<0.5	<0.5	<0.5	---
RW-20(B)	09/12/11	**1.4**	<0.5	<0.5	<0.5	<10	<0.5	<2.0	---	<0.5	<0.5	<1.0	<0.5	<0.5	<0.5	---
RW-20(B)	09/11/12	**0.89**	<0.50	<0.50	<0.50	<50	<0.50	<0.50	<5.0	---	---	<1.0	<0.50	<0.50	<0.50	---
RW-20(B)	09/04/13	<0.50	<0.50	<0.50	<0.50	<50	<0.50	<0.50	<100	---	---	<1.0	<0.50	<0.50	<0.50	---
RW-25(B)	03/12/09	<0.5	<0.5	<0.5	<0.5	---	<0.5	<0.5	---	---	---	---	<0.5	<0.5	<0.5	---
RW-25(B)	06/09/09	**16**	**1.3**	**11**	<0.5	---	<0.5	<0.5	---	---	---	---	<0.5	<0.5	<0.5	---
RW-25(B)	09/09/09	**14**	**1.2**	**11**	<0.5	<10	<0.5	<2.0	---	<0.5	<0.5	---	<0.5	<0.5	<0.5	---
RW-25(B)	03/17/10	**13**	**1.4**	**11**	<0.5	<10	<0.5	<2.0	---	<0.5	<0.5	<1.0	<0.5	<0.5	<0.5	---
RW-25(B)-65'	09/09/10	<0.5	**0.9**	**3.1**	<0.5	<10	<0.5	<2.0	---	<0.5	<0.5	<1.0	<0.5	<0.5	<0.5	---
RW-25(B)-75'	09/09/10	**0.8**	**1.2**	**4.3**	<0.5	<10	<0.5	<2.0	---	<0.5	<0.5	<1.0	<0.5	<0.5	<0.5	---
RW-25(B)-90'	09/09/10	**12**	**1**	**9.1**	<0.5	<10	<0.5	<2.0	---	<0.5	<0.5	<1.0	<0.5	<0.5	<0.5	---
RW-25(B)	02/03/11	**1.2**	**1.4**	**5.8**	<0.5	<10	<0.5	<2.0	---	<0.5	<0.5	<1.0	<0.5	<0.5	<0.5	<0.99
RW-25(B)	09/14/11	**11**	**1.2**	**11**	<0.5	<10	<0.5	<2.0	---	<0.5	<0.5	<1.0	<0.5	<0.5	<0.5	---
RW-25(B)	09/13/12	**7.5**	**1.1**	**7.1**	<0.50	<50	<0.50	<0.50	<5.0	---	---	<1.0	<0.50	<0.50	<0.50	---
RW-25(B)	09/04/13	**7.2**	**0.93**	**6.0**	<0.50	<50	<0.50	<0.50	<100	---	---	<1.0	<0.50	<0.50	<0.50	---
RW-27(B)	09/09/09	**5.3**	<0.5	**0.6**	<0.5	<10	<0.5	<2.0	---	<0.5	<0.5	---	<0.5	<0.5	<0.5	---
RW-27(B)	09/09/10	<0.5	<0.5	<0.5	<0.5	<10	<0.5	<2.0	---	<0.5	<0.5	<1.0	<0.5	<0.5	<0.5	---
RW-27(B)	09/13/11	<0.5	<0.5	<0.5	<0.5	<10	<0.5	<2.0	---	<0.5	<0.5	<1.0	<0.5	<0.5	<0.5	---
RW-27(B)	09/11/12	<0.50	<0.50	<0.50	<0.50	<50	<0.50	<0.50	<5.0	---	---	<1.0	<0.50	<0.50	<0.50	---
RW-27(B)	09/04/13	<0.50	<0.50	<0.50	<0.50	<50	<0.50	<0.50	<100	---	---	<1.0	<0.50	<0.50	<0.50	---
WCC-04(A)	02/02/11	<0.5	<0.5	<0.5	<0.5	<10	<0.5	<2.0	---	<0.5	<0.5	<1.0	<0.5	<0.5	<0.5	<0.96
WCC-06(C)	09/10/09	<0.5	<0.5	<0.5	<0.5	<10	<0.5	<0.5	---	<0.5	<0.5	---	<0.5	<0.5	<0.5	---
WCC-06(C)	09/10/10	<0.5	<0.5	<0.5	<0.5	<10	<0.5	<2.0	---	<0.5	<0.5	<1.0	<0.5	<0.5	<0.5	---
WCC-06(C)	09/14/11	<0.5	<0.5	<0.5	<0.5	<10	<0.5	<2.0	---	<0.5	<0.5	<1.0	<0.5	<0.5	<0.5	---
WCC-06(C)	09/12/12	<0.50	<0.50	<0.50	<0.50	<50	<0.50	<0.50	<5.0	---	---	<1.0	<0.50	<0.50	<0.50	---

Table 8. Analytical Results for Groundwater Samples from Wells Outside Slurry Wall - January 2009 to September 2013, 101 Bernal Road, San Jose, California

Sample Location	Sample Date	1,1,1-TCA	1,1-DCA	1,1-DCE	1,2-DCA	Acetone	cis-1,2-DCE	Freon 113	Isopropanol	m,p-Xylene	o-Xylene	Total Xylenes	PCE	TCE	Vinyl Chloride	1,4-Dioxane
		<---------- µg/L ---------->														
WCC-06(C)	09/03/13	<0.50	<0.50	<0.50	<0.50	<50	<0.50	<0.50	<100	---	---	<1.0	<0.50	<0.50	<0.50	---
WCC-26(B)	09/09/09	<0.5	<0.5	<0.5	<0.5	<10	<0.5	<2.0	---	<0.5	<0.5	---	<0.5	<0.5	<0.5	---
WCC-26(B)	09/09/10	<0.5	<0.5	<0.5	<0.5	<10	<0.5	<2.0	---	<0.5	<0.5	<1.0	<0.5	<0.5	<0.5	---
WCC-26(B)	09/13/11	<0.5	<0.5	<0.5	<0.5	<10	<0.5	<2.0	---	<0.5	<0.5	<1.0	<0.5	<0.5	<0.5	---
WCC-26(B)	09/11/12	<0.50	<0.50	<0.50	<0.50	<50	<0.50	<0.50	<5.0	---	---	<1.0	<0.50	<0.50	<0.50	---
WCC-26(B)	09/04/13	<0.50	<0.50	<0.50	<0.50	<50	<0.50	<0.50	<100	---	---	<1.0	<0.50	<0.50	<0.50	---
WCC-42(B)	09/09/09	<0.5	<0.5	<0.5	<0.5	<10	<0.5	<2.0	---	<0.5	<0.5	---	<0.5	<0.5	<0.5	---
WCC-42(B)	09/09/10	<0.5	<0.5	<0.5	<0.5	<10	<0.5	<2.0	---	<0.5	<0.5	<1.0	<0.5	<0.5	<0.5	---
WCC-42(B)	09/12/11	<0.5	<0.5	<0.5	<0.5	<10	<0.5	<2.0	---	<0.5	<0.5	<1.0	<0.5	<0.5	<0.5	---
WCC-42(B)	09/12/12	<0.50	<0.50	<0.50	<0.50	<50	<0.50	<0.50	<5.0	---	---	<1.0	<0.50	<0.50	<0.50	---
WCC-42(B)	09/05/13	<0.50	<0.50	<0.50	<0.50	<50	<0.50	<0.50	<100	---	---	<1.0	<0.50	<0.50	<0.50	---

Notes and Abbreviations:

--- - not analyzed for particular analyte
< # - analyte not detected above the reporting limit of "#" µg/L
DCA - dichloroethane
DCE - dichloroethylene
DUP - duplicate sample
PCE - tetrachloroethene
NE - not established
TCA - trichloroethane
TCE - trichloroethylene
VOCs - volatile organic compounds
µg/L - micrograms per liter

Analytical Methods: VOCs by United States Environmental Protection Agency (USEPA) Method 8260B, 8010 or equivalent method.1,4-Dioxane by EPA Method 8270C or equivalent method.

Table 9. Hazard Indices for Off-site Groundwater Samples, 2009-2013—
101 Bernal Road, San Jose, California

Sample Location	Sampling Date	1,1,1-TCA Concentration (µg/L)	1,1-DCE Concentration (µg/L)	HI
75(B)	09/09/09	0.6	<0.5	0.00
	09/10/10	0.7	<0.5	0.00
	09/14/11	0.9	<0.5	0.00
	09/13/12	0.79	<0.5	0.00
	09/06/13	0.64	<0.5	0.00
105(B)	09/08/09	<0.5	<0.5	---
	09/10/10	<0.5	<0.5	---
	09/13/11	<0.5	<0.5	---
	09/12/12	<0.5	<0.5	---
	09/05/13	<0.5	<0.5	---
106(B)	09/09/09	3.8	<0.5	0.02
	09/09/10	2.8	<0.5	0.01
	09/12/11	2.5	<0.5	0.01
	09/12/12	2.2	<0.5	0.01
	09/04/13	2.1	<0.5	0.01
120(B)	09/09/09	<0.5	<0.5	---
	09/09/10	<0.5	<0.5	---
	09/12/11	<0.5	<0.5	---
	09/12/12	<0.5	<0.5	---
	09/04/13	<0.5	<0.5	---
126(B)	09/09/09	<0.5	<0.5	---
	09/09/10	<0.5	<0.5	---
	09/13/11	<0.5	<0.5	---
	09/12/12	<0.5	<0.5	---
	09/03/13	<0.5	<0.5	---
127(B)	09/10/09	<0.5	<0.5	---
	09/10/10	<0.5	<0.5	---
	09/12/11	<0.5	<0.5	---
	09/13/12	<0.5	<0.5	---
	09/04/13	<0.5	<0.5	---
128(B)	09/10/09	1.6	<0.5	0.01
	09/10/10	1.9	0.6	0.11
	09/12/11	2.3	<0.5	0.01
	09/13/12	1.1	<0.5	0.01
	09/04/13	1.5	0.52	0.09

Table 9. Hazard Indices for Off-site Groundwater Samples, 2009-2013— 101 Bernal Road, San Jose, California

Sample Location	Sampling Date	1,1,1-TCA Concentration (µg/L)	1,1-DCE Concentration (µg/L)	HI
129(B)	09/09/09	<0.5	<0.5	---
	09/10/10	<0.5	<0.5	---
	09/12/11	<0.5	<0.5	---
	09/13/12	<0.5	<0.5	---
	09/04/13	<0.5	<0.5	---
135(B)	09/09/09	3.1	<0.5	0.02
	09/09/10	2.3	<0.5	0.01
	09/12/11	1.9	<0.5	0.01
	09/11/12	2.4	<0.5	0.01
	09/03/13	1.2	<0.5	0.01
GO-4(M)	08/25/09	<0.5	<0.5	---
	08/16/10	<0.5	<0.5	---
	08/18/11	<0.5	<0.5	---
	08/28/12	<0.5	<0.5	---
	09/04/13	<0.5	<0.5	---
RW-13(B)	09/09/09	<0.5	<0.5	---
	09/09/10	<0.5	<0.5	---
	09/12/11	<0.5	<0.5	---
	09/11/12	<0.5	<0.5	---
	09/04/13	<0.5	<0.5	---
RW-19(B)	09/08/09	5.0	1.6	**0.29**
	09/09/10	4.1	1.1	0.20
	09/13/11	3.4	1.0	0.18
	09/12/12	<0.5	<0.5	---
	09/04/13	<0.5	<0.5	---
RW-20(B)	09/09/09	2.7	<0.5	0.01
	09/09/10	2.1	<0.5	0.01
	09/12/11	1.4	<0.5	0.01
	09/11/12	0.89	<0.5	0.00
	09/04/13	<0.5	<0.5	---
RW-25(B)	03/12/09	<0.5	<0.5	---
	06/09/09	16	11	**1.9**
	09/09/09	14	11	**1.9**
RW-25(B)	03/17/10	13	11	**1.9**
	09/09/10	12	9.1	**1.6**
	02/03/11	1.2	5.8	**0.97**
	09/14/11	11	11	**1.9**
	09/13/12	7.5	7.1	**1.2**
	09/04/13	7.2	6.0	**1.0**

Table 9. Hazard Indices for Off-site Groundwater Samples, 2009-2013— 101 Bernal Road, San Jose, California

Sample Location	Sampling Date	1,1,1-TCA Concentration (µg/L)	1,1-DCE Concentration (µg/L)	HI
RW-27(B)	09/09/09	5.3	0.6	0.13
	09/09/10	<0.5	<0.5	---
	09/13/11	<0.5	<0.5	---
	09/11/12	<0.5	<0.5	---
	09/04/13	<0.5	<0.5	---
WCC-06(C)	09/10/09	<0.5	<0.5	---
	09/10/10	<0.5	<0.5	---
	09/14/11	<0.5	<0.5	---
	09/12/12	<0.5	<0.5	---
	09/03/13	<0.5	<0.5	---
WCC-26(B)	09/09/09	<0.5	<0.5	---
	09/09/10	<0.5	<0.5	---
	09/13/11	<0.5	<0.5	---
	09/11/12	<0.5	<0.5	---
	09/04/13	<0.5	<0.5	---
WCC-42(B)	09/09/09	<0.5	<0.5	---
	09/09/10	<0.5	<0.5	---
	09/12/11	<0.5	<0.5	---
	09/12/12	<0.5	<0.5	---
	09/05/13	<0.5	<0.5	---

Notes and Abbreviations:

Boldface text indicates HI is above off-site cleanup level for groundwater of 0.25.

--- - 1,1,1-TCA and 1,1-DCE not detected, therefore, HI not calculated.

1,1-DCE - dichloroethene

1,1,1-TCA - trichloroethane

µg/L - micrograms per liter

HI - Hazard index, calculated as (1,1,1-TCA Concentration/1,1,1-TCA MCL)+ (1,1-DCE Concentration/1,1-DCE MCL)

MCL - California Maximum Contaminant Level for drinking water, (200 µg/L for 1,1,1- TCA and 6 µg/L for 1,1-DCE)

Table 10. Construction Details of Wells Proposed for Destruction—101 Bernal Road, San Jose, California

Well Name	Type of Well	Water-Bearing Zone	Diameter (inches)	Well Depth (feet bgs)	Screen Interval (feet bgs)	Sand Pack Interval (feet bgs)	Location	Rationale
82(A)	monitoring	A	2	60.13	33.5-60	30-61.5	On-site, but outside of southwestern slurry wall.	Well has not been regularly monitored since 1987. During monitoring between 1982 and 1987, only 1,1,1-TCA was detected, at concentrations up to 37 µg/L.
F-6(A)	monitoring	A	2	44.45	26-46	3-46	On-site, but outside of northwestern slurry wall. Crossgradient of former offsite plume.	Well has not been monitored since the 1983. Several COCs were detected concentrations below cleanup goals during monitoring between 1981 and 1983.
WCC-04(A)	monitoring	A	6	57.12	42-54	40-58	On-site, but outside northeastern slurry wall and upgradient from site sources.	Well has not been monitored since 1989. Generally, VOCs were not detected or detected near reporting limits during monitoring between 1982 and 1989.
74(B)	monitoring	B	2	132.4	74-131	70-134	Downgradient of the site, but crossgradient of the former B Zone plume.	Well has not been monitored since 1998. Generally, no VOCs were detected during regular sampling between 1983 and 1998. Well is vulnerable to damage due to its location in an active agricultural field.
75(B)	monitoring	B	2	91.75	66-93	65-96.5	Downgradient of the site	Well is in the current monitoring program. Since 2007, only low levels of 1,1,1-TCA, up to 1.7 µg/L, have been detected in this well. Prior to 2007, low levels of 1,1-DCE and other VOCs have been detected at this well. The HI for this well was 0.003 in 2013, well below the HI goal of 0.25.
83(B)	monitoring	B	2	81.80	51-109	49-112	Downgradient of the site, but crossgradient of the former B Zone plume.	Well has not been monitored since 1998. Generally, no VOCs were detected during regular sampling between 1983 and 1998.
105(B)	monitoring	B	6	121.12	95-125	85-130	Downgradient of the site, but crossgradient of the former B Zone plume.	This well has been monitored since 1984. Well is vulnerable to damage due to its location in an active agricultural field.
106(B)	monitoring	B	6	120.7	90-120	80-130	Downgradient of the site, but crossgradient of the former B Zone plume.	Well is in the current monitoring program. Since 2000, the only VOC detected in this well is 1,1,1-TCA at low concentrations up to 5.2 µg/L. The HI for this well was 0.011 in 2013, well below the HI goal of 0.25.
133(B)	monitoring	B	4	114.9	80-110	77-111	Near the downgradient extent of the plume, downgradient of the site.	Well has not been monitored since 1992. Generally, no VOCs were detected during regular sampling between 1989 and 1992.
135(B)	monitoring	B	4	118.3	83-118	80-119	Near the downgradient extent of the plume, downgradient of the site.	Well is in the current monitoring program. Since 1991 the only VOC detected in this well is 1,1,1-TCA at low concentrations up to 4.0 µg/L. The HI for this well was 0.006 in 2013, well below the HI goal of 0.25.
RW-13(B)	inactive extraction	B	10	102.5	70-100	60-105	Downgradient of the site	Well is in the current monitoring program. No VOCs have been detected in this well since 2002. Prior to 2002, low levels of 1,1,1-TCA and other VOCs have been detected at this well.
RW-19(B)	inactive extraction	B	10	95.32	69-99	60-104	Downgradient of the site	Well is in the current monitoring program. No VOCs have been detected in this well since 2011. Prior to 2011, low levels of 1,1,1-TCA and 1,1-DCE have been detected at this well. The most recent HI was 0.184 in 2011, below the HI goal of 0.25.

Table 10. Construction Details of Wells Proposed for Destruction—101 Bernal Road, San Jose, California

Well Name	Type of Well	Water-Bearing Zone	Diameter (inches)	Well Depth (feet bgs)	Screen Interval (feet bgs)	Sand Pack Interval (feet bgs)	Location	Rationale
RW-20(B)	inactive extraction	B	10	118.3	90-120	80-135	Downgradient of the site	Well is in the current monitoring program. Since 2005, the only VOC detected in this well is 1,1,1-TCA at low concentrations up to 4.6 µg/L. The most recent HI was 0.004 in 2012, well below the HI goal of 0.25.
RW-27(B)	inactive extraction	B	10	122.6	87-117	75-121	Downgradient of the site	Well is in the current monitoring program. No VOCs have been detected in this well since 2009. Prior to 2009, low levels of 1,1,1-TCA and 1,1-DCE have been detected at this well. The most recent HI was 0.127 in 2009, below the HI goal of 0.25.
WCC-13(B)	monitoring	B	2	71.81	60-80	42-100	Downgradient of the site.	Well has not been monitored since 1998. During monitoring between 1982 and 1998, up to 26 µg/L 1,1,1-TCA and, less frequently, low concentrations of other COCs were detected. Well is vulnerable to damage due to its location in an active agricultural field.
WCC-26(B)	monitoring	B	2	85.82	54-96	34-96	Downgradient of the site.	This well has been monitored regularly since 1982. Generally no VOCs or low VOC concentrations have been detected.
WCC-27(B)	monitoring	B	2	102.6	63-108	64-118	Downgradient of the site.	Well has not been monitored since 1998. During monitoring between 1982 and 1998, up to 14 µg/L 1,1,1-TCA and, less frequently, low concentrations of other COCs were detected.
WCC-29(B)	monitoring	B	2	119.7	64-123	59-127	Downgradient of the site, but crossgradient of the former B Zone plume.	Well has not been monitored since 1990. Generally, no VOCs were detected during regular sampling between 1982 and 1990.
WCC-31(B)	monitoring	B	2	60	40-60	39-60	On-site, but outside western corner of slurry wall.	Well has not been monitored since 1989. In 1982, well contained up to 640 µg/L 1,1,1-TCA, but concentrations remained below 25 µg/L from 1983 to 1989.
WCC-37(B)	monitoring	B	2	87	57-87	52-98	On-site, but outside of northwestern slurry wall. Crossgradient of former off-site plume.	Well has not been monitored since 1994. Generally, no VOCs or low VOC concentrations were detected during regular sampling between 1982 and 1990.
107(C)	monitoring	C	6	178.3	148-178	138-190	Downgradient of the site.	Well has not been monitored since 1991. Generally, no VOCs were detected during regular sampling between 1983 and 1991.
RW-10(C)	inactive extraction	C	10	180	150-180	135-182	Downgradient of the site.	Well has not been monitored since 1991. Generally, no VOCs were detected during regular sampling between 1983 and 1991.
WCC-06(C)	monitoring	C	6	183.6	140-185	135-190	On-site; well is horizontally within slurry wall, but the screen is below wall bottom.	Well is the last actively monitored well for the C Zone and, generally, has not contained VOCs since 1982.

Abbreviations:
µg/L - micrograms per liter
1,1-DCE - 1,1-dichloroethene
1,1,1-TCA - 1,1,1-trichloroethane
bgs - below ground surface
COCs - chemicals of concern
HI - hazard index
VOCs - volatile organic compounds

Table 11. Applicable or Relevant and Appropriate Requirements and To Be Considered Criteria—101 Bernal Road, San Jose, California

ARARs and TBC Criteria	Result of Review
Chemical-Specific	
State: CCR, Title 22,Division 4, Chapter 15 - Establishes California MCLs	The ROD used proposed MCL of 2 µg/L as original cleanup level for tetrachloroethene (TCE) and states, "If the MCL is not the proposed value of 2 ppb, the final cleanup goal shall be modified accordingly." After ROD, California adopted MCL of 5 µg/L, which has been used as the on-site groundwater cleanup level.
State: California Health and Safety Code §116455 - Establishes California Department of Public Health Response Levels	The ROD proposed response (action) levels as site groundwater cleanup levels for Freon 113 and xylene and stated that the levels shall be updated to be equal to any new MCLs for these chemicals of concern. MCLs were later established for both chemicals of concern, and the cleanup levels changed accordingly.
State: Porter-Cologne Water Quality Control Act, promulgated under California Water Code	
1. SWRCB Resolution 68-16. Anti-degradation Policy	No change since ROD
2. SWRCB Resolution 88-63. Sources of Drinking Water	No change since ROD
State: California Water Code, Chapter 1 and Chapter 2.5, Article 3, Sections 100 and 275	No change since ROD
Federal: Resource Conservation and Recovery Act, 42 United States Code, Chapter. 82, §§ 6901–6991[i] - Defines RCRA hazardous waste.	No change since ROD
Location-Specific	
State: CCR, Title 23, Chapter 3, Subchapter 15, Article 3 - Siting Criteria for Waste Management Units	No change since ROD
Action-Specific	
State: California Civil Code Section 1471 - Environmental Covenants	Requirement became effective after the ROD. In 2010, Schlumberger Technology Corporation filed recorded deed restrictions for the site parcels to acknowledge that previously recorded restrictions, which had already met the new requirement, still applied.
State: CCR, Title 23, Chapter 3, Subchapter 15, Article 3 - Siting Criteria for Waste Management Units	No change since ROD
State: CCR, Title 22, Division 4.5, Chapter 11 - Defines State Hazardous Waste	No change since ROD
Federal and State: Federal Clean Air Act as implemented by the Bay Area Air Quality Management District	
1. BAAQMD Regulation 2, Rule 5	No change since ROD
2. BAAQMD Regulation 8, Rule 2	No change since ROD
3. BAAQMD Regulation 8, Rule 47	No change since ROD
Federal: RCRA, 42 United States Code, Chapter. 82, §§ 6901–6991[i] - Defines RCRA hazardous waste.	No change since ROD

Table 11. Applicable or Relevant and Appropriate Requirements and To Be Considered Criteria—101 Bernal Road, San Jose, California

ARARs and TBC Criteria	Result of Review

Abbreviations:
ARARs - Applicable or Relevant and Appropriate Requirements
BAAQMD - Bay Area Air Quality Management District
CCR - california code of regulations
CFR - code of federal regulations
MCL - maximum contaminant level
ppb - parts per billion
RCRA - resource conservation and recovery Act
ROD - record of decision
§ - section
SWRCB - State Water Resources Control Board
TBC - to be considered
µg/L - micrograms per liter

Table 12. Issues, Recommendations and Follow-up Action Items for the Fifth Five-Year Review—101 Bernal Road, San Jose, California

Issue	Recommendations/ Follow-up Actions	Party Responsible	Oversight Agency	Milestone Date	Affects Protectiveness? (Yes/No)	
					Current	Future
Several monitoring wells are no longer in the sampling program and/or are not necessary to monitor residual COCs in groundwater due to significant reductions in the extent of the groundwater plume since the wells were installed. Many wells are on off-site private properties and could act as conduits for future surface pollutants to groundwater.	Destroy 23 unnecessary wells.	Fairchild	Water Board and SCVWD	November 2014	Yes	Yes
1,4-Dioxane has been detected in on-site wells but is not a COC in the ROD.	Amend the ROD to include 1,4-dioxane as a COC and an on-site cleanup for 1,4-dioxane in groundwater.	Water Board	USEPA	2019	No	Yes
Five site COCs, including; acetone, Freon 113, isopropanol, 1,1,1-trichloroethane and xylene have attained groundwater cleanup levels for at least the past five years.	Amend the ROD to remove these COCs.	Water Board	USEPA	2019	No	No

Abbreviations:
COC – chemical of concern
ROD – Record of Decision
SCVWD – Santa Clara Valley Water District
Water Board – Regional Water Quality Control Board
USEPA – United States Environmental Protection Agency

APPENDIX A

TITLE SEARCH RESULTS

101 Bernal Road
101 Bernal Road
San Jose, CA 95119

Inquiry Number: 3808723.1S
December 17, 2013

The EDR Chain of Title Report

EDR Environmental Data Resources Inc

440 Wheelers Farms Road
Milford, CT 06461
800.352.0050
www.edrnet.com

EDR Chain of Title

The EDR Chain of Title Report tracks a line of successive owners from the present back to 1940 of a particular parcel of property, linked together by recorded transactions which pass title. Available nationwide, this report provides a summary of a property's ownership history and is a valuable source for determining the prior uses of a property

A network of professional abstractors following established procedures, uses client supplied address Information to locate:

- Historical Chain of Title research
- Leases and Miscellaneous

Thank you for your business.
Please contact EDR at 1-800-352-0050
with any questions or comments.

EDR Chain of Title

TARGET PROPERTY INFORMATION

ADDRESS

101 Bernal Road
101 Bernal Road
San Jose, CA 95119

Research Source

Source 1:	Santa Clara County Assessor
Source 2:	Santa Clara County Recorder
Examiner's Note:	Public records of Santa Clara County, California were searched from January 1, 1940 to December 17, 2013, and no other deeds vesting title in the subject property were found of record during the period searched.

PROPERTY DESCRIPTION

Current Owner:	Save Mart Supermarkets
Legal Description:	All that certain piece or parcel of land Parcel 1, as shown on that certain Parcel Map filed for record in the Office of the Recorder of the County of Santa Clara, State of California on 04/24/1998 in Book 701 of Maps, Pages 21 and 22, situate and lying in the County of Santa Clara, State of California.
Property Identifiers:	706-01-084
Current Owner:	Michael T. LaBarbera and Jennifer S. LaBarbera, as trustees of the Michael and Jennifer LaBarbera Revocable Trust, dated 12/16/2008 (as to an undivided 25% interest); Salvatore P. LaBarbera, as Trustee of the Salvatore P. LaBarbera Revocable Trust, dated 02/11/2010 (as to an undivided 13.55% interest); Salvatore P. LaBarbera, Trustee of the testamentary trust created under the last will of John Danna (as to an undivided 17.86% interest); Salvatore P. LaBarbera, Trustee of the testamentary trust created under the last will of Carmella Danna (as to an undivided 26.58% interest); Facchino Properties, Inc., (as to an undivided 15.41% interest) and Robert Bernard Facchino, II, trustee of the Robert Bernard Facchino, II Separate Property Trust (as to an undivided 1.60% interest), as Tenants in Common
Legal Description:	All that certain piece or parcel of land Parcel 3, as shown on that certain Parcel Map filed for record in the Office of the Recorder of the County of Santa Clara, State of California on 04/24/1998 in Book 701 of Maps, Pages 21 and 22, situate and lying in the County of Santa Clara, State of California.
Property Identifiers:	706-01-085
Current Owner:	Michael T. LaBarbera and Jennifer S. LaBarbera, as trustees of the Michael and Jennifer LaBarbera Revocable Trust, dated 12/16/2008 (as to an undivided 25% interest); Salvatore P. LaBarbera, as Trustee of the Salvatore P. LaBarbera Revocable Trust, dated 02/11/2010 (as to an undivided 13.55% interest); Salvatore P. LaBarbera, Trustee of the testamentary trust created under the last will of John Danna (as to an undivided 17.86% interest); Salvatore P. LaBarbera, Trustee of the testamentary trust created under the last will of Carmella Danna (as to an undivided 26.58% interest); Facchino Properties, Inc., (as to an undivided 15.41% interest) and Robert Bernard Facchino, II, trustee of the Robert Bernard Facchino, II Separate Property Trust (as to an undivided 1.60% interest), as Tenants in Common
Legal Description:	All that certain piece or parcel of land Parcel 4, as shown on that certain Parcel Map filed for record in the Office of the Recorder of the County of Santa Clara, State of California on 04/24/1998 in Book 701 of Maps, Pages 21 and 22, situate and lying in the County of Santa Clara, State of California.
Property Identifiers:	706-01-086

Current Owner:	Michael T. LaBarbera and Jennifer S. LaBarbera, as trustees of the Michael and Jennifer LaBarbera Revocable Trust, dated 12/16/2008 (as to an undivided 25% interest); Salvatore P. LaBarbera, as Trustee of the Salvatore P. LaBarbera Revocable Trust, dated 02/11/2010 (as to an undivided 13.55% interest); Salvatore P. LaBarbera, Trustee of the testamentary trust created under the last will of John Danna (as to an undivided 17.86% interest); Salvatore P. LaBarbera, Trustee of the testamentary trust created under the last will of Carmella Danna (as to an undivided 26.58% interest); Facchino Properties, Inc., (as to an undivided 15.41% interest) and Robert Bernard Facchino, II, trustee of the Robert Bernard Facchino, II Separate Property Trust (as to an undivided 1.60% interest), as Tenants in Common
Legal Description:	All that certain piece or parcel of land Parcel 5, as shown on that certain Parcel Map filed for record in the Office of the Recorder of the County of Santa Clara, State of California on 04/24/1998 in Book 701 of Maps, Pages 21 and 22, situate and lying in the County of Santa Clara, State of California.
Property Identifiers:	706-01-087
Current Owner:	Michael T. LaBarbera and Jennifer S. LaBarbera, as trustees of the Michael and Jennifer LaBarbera Revocable Trust, dated 12/16/2008 (as to an undivided 25% interest); Salvatore P. LaBarbera, as Trustee of the Salvatore P. LaBarbera Revocable Trust, dated 02/11/2010 (as to an undivided 13.55% interest); Salvatore P. LaBarbera, Trustee of the testamentary trust created under the last will of John Danna (as to an undivided 17.86% interest); Salvatore P. LaBarbera, Trustee of the testamentary trust created under the last will of Carmella Danna (as to an undivided 26.58% interest); Facchino Properties, Inc., (as to an undivided 15.41% interest) and Robert Bernard Facchino, II, trustee of the Robert Bernard Facchino, II Separate Property Trust (as to an undivided 1.60% interest), as Tenants in Common
Legal Description:	All that certain piece or parcel of land Parcel 6, as shown on that certain Parcel Map filed for record in the Office of the Recorder of the County of Santa Clara, State of California on 04/24/1998 in Book 701 of Maps, Pages 21 and 22, situate and lying in the County of Santa Clara, State of California.
Property Identifiers:	706-01-088
Current Owner:	Michael T. LaBarbera and Jennifer S. LaBarbera, as trustees of the Michael and Jennifer LaBarbera Revocable Trust, dated 12/16/2008 (as to an undivided 25% interest); Salvatore P. LaBarbera, as Trustee of the Salvatore P. LaBarbera Revocable Trust, dated 02/11/2010 (as to an undivided 13.55% interest); Salvatore P. LaBarbera, Trustee of the testamentary trust created under the last will of John Danna (as to an undivided 17.86% interest); Salvatore P. LaBarbera, Trustee of the testamentary trust created under the last will of Carmella Danna (as to an undivided 26.58% interest); Facchino Properties, Inc., (as to an undivided 15.41% interest) and Robert Bernard Facchino, II, trustee of the Robert Bernard Facchino, II Separate Property Trust (as to an undivided 1.60% interest), as Tenants in Common
Legal Description:	All that certain piece or parcel of land Parcel 7, as shown on that certain Parcel Map filed for record in the Office of the Recorder of the County of Santa Clara, State of California on 04/24/1998 in Book 701 of Maps, Pages 21 and 22, situate and lying in the County of Santa Clara, State of California.
Property Identifiers:	706-01-089
Current Owner:	Michael T. LaBarbera and Jennifer S. LaBarbera, as trustees of the Michael and Jennifer LaBarbera Revocable Trust, dated 12/16/2008 (as to an undivided 25% interest); Salvatore P. LaBarbera, as Trustee of the Salvatore P. LaBarbera Revocable Trust, dated 02/11/2010 (as to an undivided 13.55% interest); Salvatore P. LaBarbera, Trustee of the testamentary trust created under the last will of John Danna (as to an undivided 17.86% interest); Salvatore P. LaBarbera, Trustee of the testamentary trust created under the last will of Carmella Danna (as to an undivided 26.58% interest); Facchino Properties, Inc., (as to an undivided 15.41% interest) and Robert Bernard Facchino, II, trustee of the Robert Bernard Facchino, II Separate Property Trust (as to an undivided 1.60% interest), as Tenants in Common
Legal Description:	All that certain piece or parcel of land Parcel 2, as shown on that certain Parcel Map filed for record in the Office of the Recorder of the County of Santa Clara, State of California on 04/24/1998 in Book 701 of Maps, Pages 21 and 22, situate and lying in the County of Santa Clara, State of California.
Property Identifiers:	706-01-090

HISTORICAL CHAIN OF TITLE

See Exhibit “A”

LEASES AND MISCELLANEOUS

See Exhibit “B” – Leases Not Requested

EDR Chain of Title

Chain of Title

Exhibit “A”

EDR Chain of Title

HISTORICAL CHAIN OF TITLE

PARCEL NO. 706-01-084

Chain 1

Type of Deed: Deed
Title received from: Michael H. Merz
Title is vested in: IBM Business Park Partners
Date Recorded: 02/05/1943
Instrument Number: 2541

Type of Deed: Deed
Title received from: IBM Business Park Partners
Title is vested in: IBM Business Park IV
Date Recorded: 09/06/1958
Instrument Number: 107414

Type of Deed: Deed
Title received from: IBM Business Park IV
Title is vested in: Industrial Business Plaza
Date Recorded: 06/23/1963
Book: 1904
Page: 102

Type of Deed: Deed
Title received from: Industrial Business Plaza
Title is vested in: Fairchild Camera and Instrument Corp.
Date Recorded: 05/17/1977
Book: 2601
Page: 14

Type of Deed: Corporation Quitclaim Deed
Title received from: Fairchild Semiconductor Corporation, formerly known as Fairchild Camera and Instrument Corp.
Title is vested in: Schlumberger Technology Corporation
Date Recorded: 10/09/1987
Instrument Number: 9461639

Type of Deed: Corporation Grant Deed
Title received from: Schlumberger Technology Corporation
Title is vested in: SRDC, Inc., a California corporation
Date Recorded: 08/09/1990
Instrument Number: 10617053

Type of Deed: Corporation Grant Deed
Title received from: SRDC, Inc., a California corporation
Title is vested in: Lucky Stores Props, Inc.
Date Recorded: 05/04/1998
Instrument Number: 14169384

Type of Deed: Warranty Deed
Title received from: Lucky Stores Properties, Inc., a corporation
Title is vested in: LSP Properties, LLC
Date Recorded: 09/29/2006
Instrument Number: 19124248
Comments: According to the Santa Clara County Assessor, the current owner of the subject property is Save Mart Supermarkets. No conveyance was found of record transferring fee title ownership into Save Mart Supermarkets.

PARCEL NO. 706-01-085

Chain 2

Type of Deed: Deed
Title received from: Michael H. Merz
Title is vested in: IBM Business Park Partners
Date Recorded: 02/05/1943
Instrument Number: 2541

Type of Deed: Deed
Title received from: IBM Business Park Partners
Title is vested in: IBM Business Park IV
Date Recorded: 09/06/1958
Instrument Number: 107414

Type of Deed: Deed
Title received from: IBM Business Park IV
Title is vested in: Industrial Business Plaza
Date Recorded: 06/23/1963
Book: 1904
Page: 102

Type of Deed: Deed
Title received from: Industrial Business Plaza
Title is vested in: Fairchild Camera and Instrument Corp.
Date Recorded: 05/17/1977
Book: 2601
Page: 14

Type of Deed: Corporation Quitclaim Deed
Title received from: Fairchild Semiconductor Corporation, formerly known as Fairchild Camera and Instrument Corp.
Title is vested in: Schlumberger Technology Corporation
Date Recorded: 10/09/1987
Instrument Number: 9461639

Type of Deed: Corporation Grant Deed
Title received from: Schlumberger Technology Corporation
Title is vested in: SRDC, Inc., a California corporation
Date Recorded: 08/09/1990
Instrument Number: 10617053

Type of Deed: Grant Deed
Title received from: SRDC, Inc., a California corporation
Title is vested in: Portofino II Investment Company, LLC, a California limited liability company
Date Recorded: 04/29/1998
Instrument Number: 14162770

Type of Deed: Grant Deed
Title received from: Portofino II Investment Company, LLC, a California limited liability company
Title is vested in: Michael T. LaBarbera, Bernal Plaza, LLC (as to an undivided 25% interest); S.P. LaBarbera, Bernal Plaza, LLC (as to an undivided 13.55% interest); John Danna Trust, Bernal Plaza LLC (as to an undivided 17.86% interest); Carmella Danna Trust, Bernal Plaza LLC (as to an undivided 26.58% interest); Facchino Properties, Bernal Plaza LLC (as to an undivided 15.41% interest) and Robert B. Facchino, II, Bernal Plaza LLC (as to an undivided 1.60% interest), as Tenants in Common
Date Recorded: 04/30/2003
Instrument Number: 17003813

Type of Deed: Grant Deed
Title received from: Michael T. LaBarbera, Bernal Plaza, LLC (as to an undivided 25% interest); S.P. LaBarbera, Bernal Plaza, LLC (as to an undivided 13.55% interest); John Danna Trust, Bernal Plaza LLC (as to an undivided 17.86% interest); Carmella Danna Trust, Bernal Plaza LLC (as to an undivided 26.58% interest); Facchino Properties, Bernal Plaza LLC (as to an undivided 15.41% interest) and Robert B. Facchino, II, Bernal Plaza LLC (as to an undivided 1.60% interest), as Tenants in Common
Title is vested in: Michael T. LaBarbera (as to an undivided 25% interest); S.P. LaBarbera, as Trustee of the Salvatore P. LaBarbera 1987 Trust, dated 06/03/1987 (as to an undivided 13.55% interest); Salvatore P. LaBarbera, Trustee of the testamentary trust created under the last will of John Danna (as to an undivided 17.86% interest); Salvatore P. LaBarbera, Trustee of the testamentary trust created under the last will of Carmella Danna (as to an undivided 26.58% interest); Facchino Properties, Inc., (as to an undivided 15.41% interest) and Robert B. Facchino, II (as to an undivided 1.60% interest), as Tenants in Common
Date Recorded: 12/08/2011
Instrument Number: 21450376

Type of Deed: Grant Deed
Title received from: Robert B. Facchino, also known as Robert Bernard Facchino, II
Title is vested in: Robert Bernard Facchino, II, trustee of the Robert Bernard Facchino, II Separate Property Trust
Date Recorded: 12/08/2011
Instrument Number: 21450377

Type of Deed: Grant Deed
Title received from: Michael T. LaBarbera
Title is vested in: Michael T. LaBarbera and Jennifer S. LaBarbera, as trustees of the Michael and Jennifer LaBarbera Revocable Trust, dated 12/16/2008
Date Recorded: 12/08/2011
Instrument Number: 21450378

Type of Deed: Grant Deed
Title received from: S. P. Labarbera (also known as Salvatore P. LaBarbera), as Trustee of the Salvatore P. LaBarbera 1987 Trust, dated 06/03/1987
Title is vested in: Salvatore P. LaBarbera, as Trustee of the Salvatore P. LaBarbera Revocable Trust, dated 02/11/2010
Date Recorded: 12/08/2011
Instrument Number: 21450379

PARCEL NO. 706-01-086

Chain 3

Type of Deed: Deed
Title received from: Michael H. Merz
Title is vested in: IBM Business Park Partners
Date Recorded: 02/05/1943
Instrument Number: 2541

Type of Deed: Deed
Title received from: IBM Business Park Partners
Title is vested in: IBM Business Park IV
Date Recorded: 09/06/1958
Instrument Number: 107414

Type of Deed: Deed
Title received from: IBM Business Park IV
Title is vested in: Industrial Business Plaza
Date Recorded: 06/23/1963
Book: 1904
Page: 102

Type of Deed: Deed
Title received from: Industrial Business Plaza
Title is vested in: Fairchild Camera and Instrument Corp.
Date Recorded: 05/17/1977
Book: 2601
Page: 14

Type of Deed: Corporation Quitclaim Deed
Title received from: Fairchild Semiconductor Corporation, formerly known as Fairchild Camera and Instrument Corp.
Title is vested in: Schlumberger Technology Corporation
Date Recorded: 10/09/1987
Instrument Number: 9461639

Type of Deed: Corporation Grant Deed
Title received from: Schlumberger Technology Corporation
Title is vested in: SRDC, Inc., a California corporation
Date Recorded: 08/09/1990
Instrument Number: 10617053

Type of Deed: Grant Deed
Title received from: SRDC, Inc., a California corporation
Title is vested in: Portofino II Investment Company, LLC, a California limited liability company
Date Recorded: 04/29/1998
Instrument Number: 14162770

Type of Deed: Grant Deed
Title received from: Portofino II Investment Company, LLC, a California limited liability company
Title is vested in: Michael T. LaBarbera, Bernal Plaza, LLC (as to an undivided 25% interest); S.P. LaBarbera, Bernal Plaza, LLC (as to an undivided 13.55% interest); John Danna Trust, Bernal Plaza LLC (as to an undivided 17.86% interest); Carmella Danna Trust, Bernal Plaza LLC (as to an undivided 26.58% interest); Facchino Properties, Bernal Plaza LLC (as to an undivided 15.41% interest) and Robert B. Facchino, II, Bernal Plaza LLC (as to an undivided 1.60% interest), as Tenants in Common
Date Recorded: 04/30/2003
Instrument Number: 17003813

Type of Deed: Grant Deed
Title received from: Michael T. LaBarbera, Bernal Plaza, LLC (as to an undivided 25% interest); S.P. LaBarbera, Bernal Plaza, LLC (as to an undivided 13.55% interest); John Danna Trust, Bernal Plaza LLC (as to an undivided 17.86% interest); Carmella Danna Trust, Bernal Plaza LLC (as to an undivided 26.58% interest); Facchino Properties, Bernal Plaza LLC (as to an undivided 15.41% interest) and Robert B. Facchino, II, Bernal Plaza LLC (as to an undivided 1.60% interest), as Tenants in Common
Title is vested in: Michael T. LaBarbera (as to an undivided 25% interest); S.P. LaBarbera, as Trustee of the Salvatore P. LaBarbera 1987 Trust, dated 06/03/1987 (as to an undivided 13.55% interest); Salvatore P. LaBarbera, Trustee of the testamentary trust created under the last will of John Danna (as to an undivided 17.86% interest); Salvatore P. LaBarbera, Trustee of the testamentary trust created under the last will of Carmella Danna (as to an undivided 26.58% interest); Facchino Properties, Inc., (as to an undivided 15.41% interest) and Robert B. Facchino, II (as to an undivided 1.60% interest), as Tenants in Common
Date Recorded: 12/08/2011
Instrument Number: 21450376

Type of Deed: Grant Deed
Title received from: Robert B. Facchino, also known as Robert Bernard Facchino, II
Title is vested in: Robert Bernard Facchino, II, trustee of the Robert Bernard Facchino, II Separate Property Trust
Date Recorded: 12/08/2011
Instrument Number: 21450377

Type of Deed: Grant Deed
Title received from: Michael T. LaBarbera
Title is vested in: Michael T. LaBarbera and Jennifer S. LaBarbera, as trustees of the Michael and Jennifer LaBarbera Revocable Trust, dated 12/16/2008
Date Recorded: 12/08/2011
Instrument Number: 21450378

Type of Deed: Grant Deed
Title received from: S. P. Labarbera (also known as Salvatore P. LaBarbera), as Trustee of the Salvatore P. LaBarbera 1987 Trust, dated 06/03/1987
Title is vested in: Salvatore P. LaBarbera, as Trustee of the Salvatore P. LaBarbera Revocable Trust, dated 02/11/2010
Date Recorded: 12/08/2011
Instrument Number: 21450379

PARCEL NO. 706-01-087

Chain 4

Type of Deed: Deed
Title received from: Michael H. Merz
Title is vested in: IBM Business Park Partners
Date Recorded: 02/05/1943
Instrument Number: 2541

Type of Deed: Deed
Title received from: IBM Business Park Partners
Title is vested in: IBM Business Park IV
Date Recorded: 09/06/1958
Instrument Number: 107414

Type of Deed: Deed
Title received from: IBM Business Park IV
Title is vested in: Industrial Business Plaza
Date Recorded: 06/23/1963
Book: 1904
Page: 102

Type of Deed: Deed
Title received from: Industrial Business Plaza
Title is vested in: Fairchild Camera and Instrument Corp.
Date Recorded: 05/17/1977
Book: 2601
Page: 14

Type of Deed: Corporation Quitclaim Deed
Title received from: Fairchild Semiconductor Corporation, formerly known as Fairchild Camera and Instrument Corp.
Title is vested in: Schlumberger Technology Corporation
Date Recorded: 10/09/1987
Instrument Number: 9461639

Type of Deed: Corporation Grant Deed
Title received from: Schlumberger Technology Corporation
Title is vested in: SRDC, Inc., a California corporation
Date Recorded: 08/09/1990
Instrument Number: 10617053

Type of Deed: Grant Deed
Title received from: SRDC, Inc., a California corporation
Title is vested in: Portofino II Investment Company, LLC, a California limited liability company
Date Recorded: 04/29/1998
Instrument Number: 14162770

Type of Deed: Grant Deed
Title received from: Portofino II Investment Company, LLC, a California limited liability company
Title is vested in: Michael T. LaBarbera, Bernal Plaza, LLC (as to an undivided 25% interest); S.P. LaBarbera, Bernal Plaza, LLC (as to an undivided 13.55% interest); John Danna Trust, Bernal Plaza LLC (as to an undivided 17.86% interest); Carmella Danna Trust, Bernal Plaza LLC (as to an undivided 26.58% interest); Facchino Properties, Bernal Plaza LLC (as to an undivided 15.41% interest) and Robert B. Facchino, II, Bernal Plaza LLC (as to an undivided 1.60% interest), as Tenants in Common
Date Recorded: 04/30/2003
Instrument Number: 17003813

Type of Deed: Grant Deed
Title received from: Michael T. LaBarbera, Bernal Plaza, LLC (as to an undivided 25% interest); S.P. LaBarbera, Bernal Plaza, LLC (as to an undivided 13.55% interest); John Danna Trust, Bernal Plaza LLC (as to an undivided 17.86% interest); Carmella Danna Trust, Bernal Plaza LLC (as to an undivided 26.58% interest); Facchino Properties, Bernal Plaza LLC (as to an undivided 15.41% interest) and Robert B. Facchino, II, Bernal Plaza LLC (as to an undivided 1.60% interest), as Tenants in Common
Title is vested in: Michael T. LaBarbera (as to an undivided 25% interest); S.P. LaBarbera, as Trustee of the Salvatore P. LaBarbera 1987 Trust, dated 06/03/1987 (as to an undivided 13.55% interest); Salvatore P. LaBarbera, Trustee of the testamentary trust created under the last will of John Danna (as to an undivided 17.86% interest); Salvatore P. LaBarbera, Trustee of the testamentary trust created under the last will of Carmella Danna (as to an undivided 26.58% interest); Facchino Properties, Inc., (as to an undivided 15.41% interest) and Robert B. Facchino, II (as to an undivided 1.60% interest), as Tenants in Common
Date Recorded: 12/08/2011
Instrument Number: 21450376

Type of Deed: Grant Deed
Title received from: Robert B. Facchino, also known as Robert Bernard Facchino, II
Title is vested in: Robert Bernard Facchino, II, trustee of the Robert Bernard Facchino, II Separate Property Trust
Date Recorded: 12/08/2011
Instrument Number: 21450377

Type of Deed: Grant Deed
Title received from: Michael T. LaBarbera
Title is vested in: Michael T. LaBarbera and Jennifer S. LaBarbera, as trustees of the Michael and Jennifer LaBarbera Revocable Trust, dated 12/16/2008
Date Recorded: 12/08/2011
Instrument Number: 21450378

Type of Deed: Grant Deed
Title received from: S. P. Labarbera (also known as Salvatore P. LaBarbera), as Trustee of the Salvatore P. LaBarbera 1987 Trust, dated 06/03/1987
Title is vested in: Salvatore P. LaBarbera, as Trustee of the Salvatore P. LaBarbera Revocable Trust, dated 02/11/2010
Date Recorded: 12/08/2011
Instrument Number: 21450379

PARCEL NO. 706-01-088

Chain 5

Type of Deed: Deed
Title received from: Michael H. Merz
Title is vested in: IBM Business Park Partners
Date Recorded: 02/05/1943
Instrument Number: 2541

Type of Deed: Deed
Title received from: IBM Business Park Partners
Title is vested in: IBM Business Park IV
Date Recorded: 09/06/1958
Instrument Number: 107414

Type of Deed: Deed
Title received from: IBM Business Park IV
Title is vested in: Industrial Business Plaza
Date Recorded: 06/23/1963
Book: 1904
Page: 102

Type of Deed: Deed
Title received from: Industrial Business Plaza
Title is vested in: Fairchild Camera and Instrument Corp.
Date Recorded: 05/17/1977
Book: 2601
Page: 14

Type of Deed: Corporation Quitclaim Deed
Title received from: Fairchild Semiconductor Corporation, formerly known as Fairchild Camera and Instrument Corp.
Title is vested in: Schlumberger Technology Corporation
Date Recorded: 10/09/1987
Instrument Number: 9461639

Type of Deed: Corporation Grant Deed
Title received from: Schlumberger Technology Corporation
Title is vested in: SRDC, Inc., a California corporation
Date Recorded: 08/09/1990
Instrument Number: 10617053

Type of Deed: Grant Deed
Title received from: SRDC, Inc., a California corporation
Title is vested in: Portofino II Investment Company, LLC, a California limited liability company
Date Recorded: 04/29/1998
Instrument Number: 14162770

Type of Deed: Grant Deed
Title received from: Portofino II Investment Company, LLC, a California limited liability company
Title is vested in: Michael T. LaBarbera, Bernal Plaza, LLC (as to an undivided 25% interest); S.P. LaBarbera, Bernal Plaza, LLC (as to an undivided 13.55% interest); John Danna Trust, Bernal Plaza LLC (as to an undivided 17.86% interest); Carmella Danna Trust, Bernal Plaza LLC (as to an undivided 26.58% interest); Facchino Properties, Bernal Plaza LLC (as to an undivided 15.41% interest) and Robert B. Facchino, II, Bernal Plaza LLC (as to an undivided 1.60% interest), as Tenants in Common
Date Recorded: 04/30/2003
Instrument Number: 17003813

Type of Deed: Grant Deed
Title received from: Michael T. LaBarbera, Bernal Plaza, LLC (as to an undivided 25% interest); S.P. LaBarbera, Bernal Plaza, LLC (as to an undivided 13.55% interest); John Danna Trust, Bernal Plaza LLC (as to an undivided 17.86% interest); Carmella Danna Trust, Bernal Plaza LLC (as to an undivided 26.58% interest); Facchino Properties, Bernal Plaza LLC (as to an undivided 15.41% interest) and Robert B. Facchino, II, Bernal Plaza LLC (as to an undivided 1.60% interest), as Tenants in Common
Title is vested in: Michael T. LaBarbera (as to an undivided 25% interest); S.P. LaBarbera, as Trustee of the Salvatore P. LaBarbera 1987 Trust, dated 06/03/1987 (as to an undivided 13.55% interest); Salvatore P. LaBarbera, Trustee of the testamentary trust created under the last will of John Danna (as to an undivided 17.86% interest); Salvatore P. LaBarbera, Trustee of the testamentary trust created under the last will of Carmella Danna (as to an undivided 26.58% interest); Facchino Properties, Inc., (as to an undivided 15.41% interest) and Robert B. Facchino, II (as to an undivided 1.60% interest), as Tenants in Common
Date Recorded: 12/08/2011
Instrument Number: 21450376

Type of Deed: Grant Deed
Title received from: Robert B. Facchino, also known as Robert Bernard Facchino, II
Title is vested in: Robert Bernard Facchino, II, trustee of the Robert Bernard Facchino, II Separate Property Trust
Date Recorded: 12/08/2011
Instrument Number: 21450377

Type of Deed: Grant Deed
Title received from: Michael T. LaBarbera
Title is vested in: Michael T. LaBarbera and Jennifer S. LaBarbera, as trustees of the Michael and Jennifer LaBarbera Revocable Trust, dated 12/16/2008
Date Recorded: 12/08/2011
Instrument Number: 21450378

Type of Deed: Grant Deed
Title received from: S. P. Labarbera (also known as Salvatore P. LaBarbera), as Trustee of the Salvatore P. LaBarbera 1987 Trust, dated 06/03/1987
Title is vested in: Salvatore P. LaBarbera, as Trustee of the Salvatore P. LaBarbera Revocable Trust, dated 02/11/2010
Date Recorded: 12/08/2011
Instrument Number: 21450379

PARCEL NO. 706-01-089

Chain 6

Type of Deed: Deed
Title received from: Michael H. Merz
Title is vested in: IBM Business Park Partners
Date Recorded: 02/05/1943
Instrument Number: 2541

Type of Deed: Deed
Title received from: IBM Business Park Partners
Title is vested in: IBM Business Park IV
Date Recorded: 09/06/1958
Instrument Number: 107414

Type of Deed: Deed
Title received from: IBM Business Park IV
Title is vested in: Industrial Business Plaza
Date Recorded: 06/23/1963
Book: 1904
Page: 102

Type of Deed: Deed
Title received from: Industrial Business Plaza
Title is vested in: Fairchild Camera and Instrument Corp.
Date Recorded: 05/17/1977
Book: 2601
Page: 14

Type of Deed: Corporation Quitclaim Deed
Title received from: Fairchild Semiconductor Corporation, formerly known as Fairchild Camera and Instrument Corp.
Title is vested in: Schlumberger Technology Corporation
Date Recorded: 10/09/1987
Instrument Number: 9461639

Type of Deed: Corporation Grant Deed
Title received from: Schlumberger Technology Corporation
Title is vested in: SRDC, Inc., a California corporation
Date Recorded: 08/09/1990
Instrument Number: 10617053

Type of Deed: Grant Deed
Title received from: SRDC, Inc., a California corporation
Title is vested in: Portofino II Investment Company, LLC, a California limited liability company
Date Recorded: 04/29/1998
Instrument Number: 14162770

Type of Deed: Grant Deed
Title received from: Portofino II Investment Company, LLC, a California limited liability company
Title is vested in: Michael T. LaBarbera, Bernal Plaza, LLC (as to an undivided 25% interest); S.P. LaBarbera, Bernal Plaza, LLC (as to an undivided 13.55% interest); John Danna Trust, Bernal Plaza LLC (as to an undivided 17.86% interest); Carmella Danna Trust, Bernal Plaza LLC (as to an undivided 26.58% interest); Facchino Properties, Bernal Plaza LLC (as to an undivided 15.41% interest) and Robert B. Facchino, II, Bernal Plaza LLC (as to an undivided 1.60% interest), as Tenants in Common
Date Recorded: 04/30/2003
Instrument Number: 17003813

Type of Deed: Grant Deed
Title received from: Michael T. LaBarbera, Bernal Plaza, LLC (as to an undivided 25% interest); S.P. LaBarbera, Bernal Plaza, LLC (as to an undivided 13.55% interest); John Danna Trust, Bernal Plaza LLC (as to an undivided 17.86% interest); Carmella Danna Trust, Bernal Plaza LLC (as to an undivided 26.58% interest); Facchino Properties, Bernal Plaza LLC (as to an undivided 15.41% interest) and Robert B. Facchino, II, Bernal Plaza LLC (as to an undivided 1.60% interest), as Tenants in Common
Title is vested in: Michael T. LaBarbera (as to an undivided 25% interest); S.P. LaBarbera, as Trustee of the Salvatore P. LaBarbera 1987 Trust, dated 06/03/1987 (as to an undivided 13.55% interest); Salvatore P. LaBarbera, Trustee of the testamentary trust created under the last will of John Danna (as to an undivided 17.86% interest); Salvatore P. LaBarbera, Trustee of the testamentary trust created under the last will of Carmella Danna (as to an undivided 26.58% interest); Facchino Properties, Inc., (as to an undivided 15.41% interest) and Robert B. Facchino, II (as to an undivided 1.60% interest), as Tenants in Common
Date Recorded: 12/08/2011
Instrument Number: 21450376

Type of Deed: Grant Deed
Title received from: Robert B. Facchino, also known as Robert Bernard Facchino, II
Title is vested in: Robert Bernard Facchino, II, trustee of the Robert Bernard Facchino, II Separate Property Trust
Date Recorded: 12/08/2011
Instrument Number: 21450377

Type of Deed: Grant Deed
Title received from: Michael T. LaBarbera
Title is vested in: Michael T. LaBarbera and Jennifer S. LaBarbera, as trustees of the Michael and Jennifer LaBarbera Revocable Trust, dated 12/16/2008
Date Recorded: 12/08/2011
Instrument Number: 21450378

Type of Deed: Grant Deed
Title received from: S. P. Labarbera (also known as Salvatore P. LaBarbera), as Trustee of the Salvatore P. LaBarbera 1987 Trust, dated 06/03/1987
Title is vested in: Salvatore P. LaBarbera, as Trustee of the Salvatore P. LaBarbera Revocable Trust, dated 02/11/2010
Date Recorded: 12/08/2011
Instrument Number: 21450379

PARCEL NO. 706-01-090

Chain 7

Type of Deed: Deed
Title received from: Michael H. Merz
Title is vested in: IBM Business Park Partners
Date Recorded: 02/05/1943
Instrument Number: 2541

Type of Deed: Deed
Title received from: IBM Business Park Partners
Title is vested in: IBM Business Park IV
Date Recorded: 09/06/1958
Instrument Number: 107414

Type of Deed: Deed
Title received from: IBM Business Park IV
Title is vested in: Industrial Business Plaza
Date Recorded: 06/23/1963
Book: 1904
Page: 102

Type of Deed: Deed
Title received from: Industrial Business Plaza
Title is vested in: Fairchild Camera and Instrument Corp.
Date Recorded: 05/17/1977
Book: 2601
Page: 14

Type of Deed: Corporation Quitclaim Deed
Title received from: Fairchild Semiconductor Corporation, formerly known as Fairchild Camera and Instrument Corp.
Title is vested in: Schlumberger Technology Corporation
Date Recorded: 10/09/1987
Instrument Number: 9461639

Type of Deed: Corporation Grant Deed
Title received from: Schlumberger Technology Corporation
Title is vested in: SRDC, Inc., a California corporation
Date Recorded: 08/09/1990
Instrument Number: 10617053

Type of Deed: Grant Deed
Title received from: SRDC, Inc., a California corporation
Title is vested in: Portofino II Investment Company, LLC, a California limited liability company
Date Recorded: 04/29/1998
Instrument Number: 14162770

Type of Deed: Grant Deed
Title received from: Portofino II Investment Company, LLC, a California limited liability company
Title is vested in: Michael T. LaBarbera, Bernal Plaza, LLC (as to an undivided 25% interest); S.P. LaBarbera, Bernal Plaza, LLC (as to an undivided 13.55% interest); John Danna Trust, Bernal Plaza LLC (as to an undivided 17.86% interest); Carmella Danna Trust, Bernal Plaza LLC (as to an undivided 26.58% interest); Facchino Properties, Bernal Plaza LLC (as to an undivided 15.41% interest) and Robert B. Facchino, II, Bernal Plaza LLC (as to an undivided 1.60% interest), as Tenants in Common
Date Recorded: 04/30/2003
Instrument Number: 17003813

Type of Deed: Grant Deed
Title received from: Michael T. LaBarbera, Bernal Plaza, LLC (as to an undivided 25% interest); S.P. LaBarbera, Bernal Plaza, LLC (as to an undivided 13.55% interest); John Danna Trust, Bernal Plaza LLC (as to an undivided 17.86% interest); Carmella Danna Trust, Bernal Plaza LLC (as to an undivided 26.58% interest); Facchino Properties, Bernal Plaza LLC (as to an undivided 15.41% interest) and Robert B. Facchino, II, Bernal Plaza LLC (as to an undivided 1.60% interest), as Tenants in Common
Title is vested in: Michael T. LaBarbera (as to an undivided 25% interest); S.P. LaBarbera, as Trustee of the Salvatore P. LaBarbera 1987 Trust, dated 06/03/1987 (as to an undivided 13.55% interest); Salvatore P. LaBarbera, Trustee of the testamentary trust created under the last will of John Danna (as to an undivided 17.86% interest); Salvatore P. LaBarbera, Trustee of the testamentary trust created under the last will of Carmella Danna (as to an undivided 26.58% interest); Facchino Properties, Inc., (as to an undivided 15.41% interest) and Robert B. Facchino, II (as to an undivided 1.60% interest), as Tenants in Common
Date Recorded: 12/08/2011
Instrument Number: 21450376

Type of Deed: Grant Deed
Title received from: Robert B. Facchino, also known as Robert Bernard Facchino, II
Title is vested in: Robert Bernard Facchino, II, trustee of the Robert Bernard Facchino, II Separate Property Trust
Date Recorded: 12/08/2011
Instrument Number: 21450377

Type of Deed: Grant Deed
Title received from: Michael T. LaBarbera
Title is vested in: Michael T. LaBarbera and Jennifer S. LaBarbera, as trustees of the Michael and Jennifer LaBarbera Revocable Trust, dated 12/16/2008
Date Recorded: 12/08/2011
Instrument Number: 21450378

Type of Deed: Grant Deed
Title received from: S. P. Labarbera (also known as Salvatore P. LaBarbera), as Trustee of the Salvatore P. LaBarbera 1987 Trust, dated 06/03/1987
Title is vested in: Salvatore P. LaBarbera, as Trustee of the Salvatore P. LaBarbera Revocable Trust, dated 02/11/2010
Date Recorded: 12/08/2011
Instrument Number: 21450379

EDR Chain of Title

LEASES and MISCELLANEOUS

Exhibit "B"

EDR Chain of Title

LEASES and MISCELLANEOUS

1. Type of Instrument: Declaration of Covenants Conditions and Restrictions
First Party: Schlumberger Technology Corporation
Second Party: Regional Water Quality Control Board
Recorded: 05/17/18989
Book: K953
Page: 959
Document No.: 10113311
Comments: Fairchild operated an electronics manufacturing plant from 1977 to 1983 at the 22-acre site. Chemicals used in the manufacturing process and wastes generated from this process were handled and stored onsite in drums and underground storage tanks. In 1981, leaks discovered in pipelines and underground tanks resulted in releases of 1,1,1 trichloroethane (TCA), xylene, isopropanol, acetone and freon to soil and groundwater. The site was listed on the National Priority List (NPL) by the United States Environmental Protection Agency (U.S. EPA). The Regional Water Quality Control Board (RWQCB) was named the lead agency. Approximately 3,400 cubic yards of contaminated soil was excavated and disposed offsite in June 1982. A soil vapor extraction system (SVE) operated from 1989 until 1995. Groundwater treatment began on the four affected aquifers. Off-site groundwater extraction was suspended in December 1991 due to an asymptotic trend. On-site extraction of groundwater was suspended in July 1998. No groundwater pumping, treatment, or reinjection is currently being performed at the site. A deed restriction was recorded limiting use of groundwater, prohibiting installation of new wells and no excavation below 5 feet without an approved remediation program. American Store Properties, Inc. bought a 6-acre parcel within the site that did not contain contamination and entered into a covenant not to sue with RWQCB on February 19, 1997. Approval for the shopping center plan was given by U.S. EPA. After demolition of the Fairchild structures, a shopping center was built on the site under the oversight of the San Jose Redevelopment Agency.

2. Type of Instrument:
First Party:
Second Party:
Recorded:
Book:
Page:
Document No.:

RECORDING REQUESTED BY:
Fidelity National Title Company

WHEN RECORDED MAIL DOCUMENT AND TAX STATEMENT TO:
Bruce Cybul
C/O Schulte Roth & Zabel LLP
919 Third Avenue
New York, NY 10022

s.t. 7163
Escrow No.: 06-143620-MM
Locate No.: CAFNT0943-0938-0014-0051036655
Title No.: 06-51036655-PM

DOCUMENT: 19124248

Pages: 8

Fees. 48 00 +
Taxes .
Copies
AMT PAID 48.00

BRENDA DAVIS
SANTA CLARA COUNTY RECORDER
Recorded at the request of
Fidelity National Title Ins.

RDE # 006
9/29/2006
8:00 AM

SPACE ABOVE THIS LINE FOR RECORDER'S USE

793.21_ev3.31

Warranty Deed

MAIL TAX STATEMENTS AS DIRECTED ABOVE
THIS PAGE ADDED TO PROVIDE ADEQUATE SPACE FOR RECORDING INFORMATION
(Additional recording fee applies)

(recoversc)(02-06)

RECORDING REQUESTED BY AND WHEN RECORDED MAIL DOCUMENT AND TAX STATEMENTS TO:

SCHULTE ROTH & ZABEL LLP
919 Third Avenue
New York, New York 10022
Attention: Bruce Cybul

(Space Above This Line For Recorder's Use)

APN: 706-01-084
Unit No.: 7163

WARRANTY DEED

THE UNDERSIGNED GRANTOR DECLARES:

Declaring Agent: Peter Morles

No Tax due per R&TC 11925(d). Parties continue to hold the same proportional interests in the property.

Date: June 2, 2006

For valuable consideration, LUCKY STORES PROPERTIES, INC., a corporation under the laws of Delaware, Grantor, whose address is 250 East Park Center Blvd., Boise, Idaho 83726, by these presents does hereby grant to LSP Properties LLC, Grantee, whose address is 250 East Park Center Blvd., Boise, Idaho 83726, a limited liability company under the laws of Delaware, real property in Santa Clara County, California, described as follows:

See Exhibit A attached hereto and made a part hereof, together with all hereditaments and appurtenants belonging thereto (collectively, the "Property"), subject to the following encumbrances:

subject to the following encumbrances:

See Exhibit B attached hereto and made a part hereof,

to have and to hold the same, unto Grantee, in fee simple, forever.

Grantor hereby covenants with Grantee that Grantor is lawfully seized of the Property in fee simple and that Grantor has good right and lawful authority to sell and convey the Property. Grantor hereby warrants the title to the Property. Grantor warrants that the Property is free of all encumbrances except those described on Exhibit B.

In the case of any breach of Grantor's warranties herein contained, whether such warranties are express or implied, the liability of Grantor shall be limited to Grantor's interest in the Property hereby conveyed (immediately prior to the conveyance described in this Warranty Deed) and all amounts (collectively, "Indemnified Amounts") which are recovered from the non-affiliated transferors prior to Grantor in the Property's chain of title ("Prior Transferors") or pursuant to any title insurance policies for the Property existing prior to the date of this Warranty Deed ("Pre-Existing Title Policy").

Grantor irrevocably assigns to Grantee all of Grantor's right, title and interest in and to all Indemnified Amounts, including without limitation all claims, actions, rights of recovery and indemnity, losses, damages, expenses and fees (including, without limitation, reasonable attorneys' fees and court costs), at law, in equity or by contract, which Grantor may now or hereafter have against any and all Prior Transferors or under any Pre-Existing Title Policy, and Grantor hereby irrevocably designates and appoints Grantee as Grantor's attorney-in-fact, coupled with an interest, with respect to all Indemnified Amounts.

Notwithstanding any provision herein to the contrary, the warranties and covenants contained herein shall be solely for the benefit of and enforceable by Grantee hereunder and for no other party including heirs, successors and assigns of Grantee and under no circumstances shall such warranties and covenants be deemed to run with the land.

Without limiting the foregoing provisions of this Warranty Deed, if Grantee makes any claim against Grantor as the result of any alleged breach of any covenants or warranties in this Warranty Deed, upon Grantor's receipt of Grantee's written notice of such breach to the address set forth below, Grantor shall either (i) make and diligently pursue all claims against the Prior Transferors and against any title insurance company under any applicable Pre-Existing Title Policy, or (ii) permit Grantee, in the name of Grantor, to make any or all such claims, in all cases at the sole cost and expense of Grantee, including without limitation counsel selected and retained by Grantee as is reasonably acceptable to Grantor. If Grantor is named by any third-party in any proceeding in connection with any such claim, Grantee (at Grantee's sole cost) shall with counsel reasonably acceptable to Grantor defend and procure the dismissal of Grantor from such proceeding (subject to the requirements of law in connection with pursuing the claims against the Prior Transferors and the title insurance company, as applicable).

Grantor's address for notice pursuant to the immediately foregoing paragraph is:

250 East Park Center Blvd.
Boise, Idaho 83726

IN WITNESS WHEREOF, Grantor has executed and delivered this Warranty Deed to Grantee as of the date first written above.

GRANTOR:

LUCKY STORES PROPERTIES, INC.

By: _____

Name: Patrick Madigan

Title: AUTHORIZED SIGNATORY

Unit No.: ~~STORE~~ 7163

10150188.1

California

STATE OF NEW YORK)

) SS.

COUNTY OF NEW YORK)

On June 1st, 2006, before me, Joseph A. Sarcinella, a notary public in and for said County and State, personally appeared Patrick Madigan, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature: _____ SPACE FOR NOTARY SEAL OR STAMP

JOSEPH A. SARCINELLA
Notary Public, State of New York
No. 02SA6039567
Qualified in Westchester County
Commission Expires April 3, 20 10

DRAFTED BY:

SCHULTE ROTH & ZABEL LLP
919 Third Avenue
New York, New York 10022
Attention: Bruce Cybul

10150188.1

California

EXHIBIT A

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF SAN JOSE, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

Parcel One:

Parcel 1, as shown on that certain Parcel Map entitled, "PARCEL MAP SAN IGNACIO CENTER (FOR COMMERCIAL PURPOSES) BEING A PORTION OF LOTS AS SHOWN UPON THAT MAP ENTITLED "MAP OF THE S. COBB PARTITION" FILED FOR RECORD IN BOOK 1 OF MAPS AT PAGE 139, CITY OF SAN JOSE, SANTA CLARA COUNTY, CALIFORNIA", filed in the office of the Recorder of the County of Santa Clara, State of California on April 24, 1998 in Book 701 of Maps at Pages 21 & 22.

Parcel Two:

Non-exclusive easements for ingress, egress, parking, utility lines and building encroachments as said easements are set forth in that certain Declaration and Grant of Easements recorded May 4, 1998 as Instrument No. 14169385, Official Records.

APN: 706-01-084

EXHIBIT B

Permitted Exceptions

1. Real estate taxes and special assessments that are not delinquent as of the date of this Warranty Deed.

2. Easements, covenants, conditions and restrictions that do not interfere with the current use and occupancy of the Property.

RECORDING REQUESTED BY
Schlumberger Technology Corporation
Escrow No. 202695-PB (INSURED)
APN 706-1-79 CA# 40-233

AND WHEN RECORDED MAIL TO
SRDC, INC.
P.O. Box 1316
Mountain View, CA 94042
Attn: Ray Ferrari, Vice President

L443PAGE1062

10617053

REC FEE	8
RMF	6
MICRO	1
LIEN	
SMPF	1.0
PCOR	

AUG 9 1990

Recorded at the request of
Valley Title Company

AUG 9 1990 8:00AM

LAURIE KANE, Recorder
Santa Clara County, Official Records

SPACE ABOVE THIS LINE FOR RECORDER'S USE

MAIL TAX STATEMENTS TO
SRDC, INC.
P.O. Box 1316
Mountain View, CA 94042
Attn: Ray Ferrari, Vice President

FILOR REQUESTS DO NOT RECORD STAMP VALUE

DOCUMENTARY TRANSFER TAX $ _____
_____ COMPUTED ON FULL VALUE OF PROPERTY CONVEYED, OR
_____ COMPUTED ON FULL VALUE LESS LIENS AND ENCUMBRANCES REMAINING AT TIME OF SALE.

Signature of Declarant or Agent determining tax. Firm Name

Corporation Grant Deed

FILOR REQUESTS DO NOT RECORD STAMP VALUE

GD 865 HS

THIS FORM FURNISHED BY TRUSTORS SECURITY SERVICE

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged.

SCHLUMBERGER TECHNOLOGY CORPORATION

a corporation organized under the laws of the state of Texas hereby GRANTS to

SRDC, INC., a California corporation

the following described real property in the City of San Jose, County of Santa Clara, State of California:

See Attached Exhibit A.

The real property conveyed by this deed is subject to that certain Declaration dated May 16, 1989 and recorded on May 17, 1989 in official records of the County of Santa Clara, State of California as Document No. 10113311, which Declaration imposes certain covenants, conditions and restrictions on the installation of groundwater wells, excavation or other disturbance of soils, and interference with the operation of remedial program equipment at the real property described herein.

In Witness Whereof, said corporation has caused its corporate name and seal to be affixed hereto and this instrument to be executed by its President/Vice President ~~Secretary/Assistant Secretary~~ thereunto duly authorized.

Dated: 8/7/90

STATE OF CALIFORNIA, COUNTY OF Santa Clara } ss.

On August 7, 1990 before me, the undersigned, a Notary Public in and for said County and State, personally appeared C. R. EOSTIC known to me to be the President/Vice President ~~Secretary/Assistant Secretary~~ of the Corporation that executed the within instrument, known to me to be the persons who executed the within instrument on behalf of the Corporation therein named, and acknowledged to me that such Corporation executed the within instrument pursuant to its by-laws or a resolution of its board of directors.

WITNESS my hand and official seal.

(Seal)

Signature Nusrat J. Ahmad

NUSRAT J. AHMAD
Name (Typed or Printed)

Notary Public in and for said County and State

SCHLUMBERGER TECHNOLOGY CORPORATION,
a Texas corporation

By C R Bostic

Title: Dir. of Env. Progs.
Its Representative

OFFICIAL SEAL
NUSRAT J AHMAD
Notary Public-California
SANTA CLARA COUNTY
My Comm. Exp. Oct. 18, 1991

Title Order No. _____

File, Escrow or Loan No. _____

RECORDING REQUESTED BY
Alliance Title Company
AND WHEN RECORDED MAIL TO

Name
Street Address Michael T. LaBarbera, et al
c/o Terracommercial Real Estate
18770 Cox Avenue
City, State Zip Saratoga, CA 95070

Order No. 11124769-006-KAY

DOCUMENT: 17003813

17003813

Pages 4

Fees .. 46.00
Taxes .. 118360.00
Copies.
AMT PAID 118406 00

BRENDA DAVIS
SANTA CLARA COUNTY RECORDER
Recorded at the request of
Alliance Title Company

RDE # 022
4/30/2003
1:30 PM

SPACE ABOVE THIS LINE FOR RECORDER'S USE

GRANT DEED

THE UNDERSIGNED GRANTOR(s) DECLARE(s)
City of San Jose
Conveyance Tax is $88,770.00
Parcel No. 706-01-085; 706-01-086, 087, 088, 089 + 090

Documentary Transfer Tax is $29,590.00
☑ computed on full value of interest or property conveyed, or
☐ full value less value of liens or encumbrances remaining at the time of sale

Declarant or Agent Determining Tax

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

Portofino II Investment Company, LLC, a California Limited Liability Company

hereby GRANT(s) to

See Exhibit "A" attached hereto for Grantees

the following real property in the city of **San Jose,** county of **Santa Clara**, state of **California**:
See Exhibit B attached hereto and made a part hereof.

Dated: April 28, 2003

STATE OF CALIFORNIA
COUNTY OF Santa Clara } S.S.

On April 29, 2003 before me,

K. Marcelino

a Notary Public in and for said County and State, personally appeared

Remo Ferrari and Larry Ferrari

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies) and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s), acted, executed the instrument.

WITNESS my hand and official seal.

Signature

Portofino II Investment Company, LLC, a California limited liability company

By: Aulla Management Company, a Delaware corporation, Managing Member

By: Remo Ferrari, President

By: Larry Ferrari, Vice President

ESI1 K. MARCELINO
COMM. #1246897
Notary Public-California
SANTA CLARA COUNTY
My Comm. Exp. Jan. 21, 2004 ESI1

(This area for official notorial seal)

MAIL TAX STATEMENTS TO PARTY SHOWN ON THE FOLLOWING LINE; IF NO PARTY SHOWN, MAIL AS DIRECTED ABOVE

Name | Street Address | City & State

ARB 703-21-003.03, 003.03.02, 003.03.02, 003.03.03, 003.03.04, 003.03.05 + 003.03.06

EXHIBIT "A"

GRANTEES:

Michael T. LaBarbera, Bernal Plaza LLC, as to an undivided 25% interest; S.P. LaBarbera, Bernal Plaza LLC, as to an undivided 13.55% interest; John Danna Trust, Bernal Plaza LLC, as to an undivided 17.86% interest; Carmella Danna Trust, Bernal Plaza LLC, as to an undivided 26.58% interest; Facchino Properties, Bernal Plaza LLC, as to an undivided 15.41% interest and Robert B. Facchino, II, Bernal Plaza LLC, as to an undivided 1.60% interest, as Tenants in Common

Exhibit B

All that certain real property situate in the City of San Jose, County of Santa Clara, State of California, described as follows:

PARCEL ONE:

Parcel 2, as shown on that certain Parcel Map filed for record in the Office of the Recorder of the County of Santa Clara, State of California on April 24, 1998 in Book 701 of Maps, pages 21 and 22.

Reserving therefrom reciprocal easement for ingress and egress shown on the map as Reciprocal COE Ingress & Egress Easement for the benefit of Parcels 1, 3, 4, 5, 6, and 7, as shown on the Map filed for record April 24, 1998 in Book 701 of Maps, pages 21 and 22.

PARCEL ONE A:

A reciprocal easement for ingress and egress over those portions of 1, 3, 4, 5, 6, and 7, shown as Reciprocal (COE) Ingress & Egress Easement, as shown on the Map filed for record April 24, 1998 in Book 701 of Maps, pages 21 and 22.

PARCEL ONE B:

Those certain rights and easements provided in the Declaration of Restrictions and Grant of Easements dated May 1, 1998, recorded May 4, 1998, as Recorder's Series No. 14169385, Official Records.

PARCEL TWO:

Parcel 3, as shown on that certain Parcel Map filed for record in the Office of the Recorder of the County of Santa Clara, State of California on April 24, 1998 in Book 701 of Maps, pages 21 and 22.

Reserving therefrom reciprocal easement for ingress and egress shown on the map as Reciprocal COE Ingress & Egress Easement for the benefit of Parcels 1, 2, 4, 5, 6 and 7, as shown on the Map filed for record April 24, 1998 in Book 701 of Maps, pages 21 and 22.

PARCEL TWO A:

A reciprocal easement for ingress and egress over those portions of Parcels 1, 2, 4, 5, 6 and 7, shown as Reciprocal (COE) Ingress & Egress Easement, as shown on the Map filed for record April 24, 1998 in Book 701 of Maps, pages 21 and 22.

PARCEL TWO B:

Those certain rights and easements provided in the Declaration of Restrictions and Grant of Easements dated May 1, 1998, recorded May 4, 1998, as Recorder's Series No. 14169385, Official Records.

PARCEL THREE:

Parcel 4, as shown on that certain Parcel Map filed for record in the Office of the Recorder of the County of Santa Clara, State of California on April 24, 1998 in Book 701 of Maps, pages 21 and 22.

Reserving therefrom reciprocal easement for ingress and egress shown on the map as Reciprocal COE Ingress & Egress Easement for the benefit of Parcels 1, 2, 3, 5, 6, and 7, as shown on the Map filed for record April 24, 1998 in Book 701 of Maps, pages 21 and 22.

PARCEL THREE A:

A reciprocal easement for ingress and egress over those portions of Parcels 1, 2, 3, 5, 6, and 7, shown as Reciprocal (COE) Ingress & Egress Easement, as shown on the Map filed for record April 24, 1998 in Book 701 of Maps, pages 21 and 22.

PARCEL THREE B:

Those certain rights and easements provided in the Declaration of Restrictions and Grant of Easements dated May 1, 1998, recorded May 4, 1998, as Recorder's Series No. 14169385, Official Records.

PARCEL FOUR:

Parcel 5, as shown on that certain Parcel Map filed for record in the Office of the Recorder of the County of Santa Clara, State of California on April 24, 1998 in Book 701 of Maps, pages 21 and 22.

Reserving therefrom reciprocal easement for ingress and egress shown on the map as Reciprocal COE Ingress & Egress Easement for the benefit of Parcels 1, 2, 3, 4, 6 and 7, as shown on the map filed for record April 24, 1998 in Book 701 of Maps, pages 21 and 22.

PARCEL FOUR A:

A reciprocal easement for ingress and egress over those portions of Parcels 1, 2, 3, 4, 6 and 7, shown as Reciprocal (COE) Ingress & Egress Easement, as shown on the Map filed for record April 24, 1998 in Book 701 of Maps, pages 21 and 22.

PARCEL FOUR B:

Those certain rights and easements provided in the Declaration of Restrictions and Grant of Easements dated May 1, 1998, recorded May 4, 1998, as Recorder's Series No. 14169385, Official Records.

PARCEL FIVE:

Parcel 6, as shown on that certain Parcel Map filed for record in the Office of the Recorder of the County of Santa Clara, State of California on April 24, 1998 in Book 701 of Maps, pages 21 and 22.

Reserving therefrom reciprocal easement for ingress and egress shown on the map as Reciprocal COE Ingress & Egress Easement for the benefit of Parcels 1, 2, 3, 4, 5, and 7, as shown on the Map filed for record April 24, 1998 in Book 701 of Maps, pages 21 and 22.

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A reciprocal easement for ingress and egress over those portions of Parcels 1, 2, 3, 4, 5, and 7, shown as Reciprocal (COE) Ingress & Egress Easement, as shown on the Map filed for record April 24, 1998 in Book 701 of Maps, pages 21 and 22.

PARCEL FIVE B:

Those certain rights and easements provided in the Declaration of Restrictions and Grant of Easements dated May 1, 1998, recorded May 4, 1998, as Recorder's Series No. 14169385, Official Records.

PARCEL SIX:

Parcel 7, as shown on that certain Parcel Map filed for record in the Office of the Recorder of the County of Santa Clara, State of California on April 24, 1998 in Book 701 of Maps, pages 21 and 22.

Reserving therefrom reciprocal easement for ingress and egress shown on the map as Reciprocal COE Ingress & Egress Easement for the benefit of Parcels 1, 2, 3, 4, 5, and 6, as shown on the map filed for record April 24, 1998 in Book 701 of Maps, pages 21 and 22.

PARCEL SIX A:

A reciprocal easement for ingress and egress over those portions of Parcels 1, 2, 3, 4, 5, and 6, shown as Reciprocal (COE) Ingress & Egress Easement, as shown on the Map filed for record April 24, 1998 in Book 701 of Maps, pages 21 and 22.

PARCEL SIX B:

Those certain rights and easements provided in the Declaration of Restrictions and Grant of Easements dated May 1, 1998, recorded May 4, 1998, as Recorder's Series No. 14169385, Official Records.

DOCUMENT: 21450376

Pages: 8

Fees... 56 00
Taxes...
Copies...
AMT PAID 56.00

REGINA ALCOMENDRAS
SANTA CLARA COUNTY RECORDER
Recorded at the request of
Chicago Title

RDE # 024
12/08/2011
11:43 AM

RECORDING REQUEST BY AND
WHEN RECORDED MAIL TO:
SWEENEY, MASON, WILSON & BOSOMWORTH
STUART G. SCHMIDT, ESQ.
983 University Ave., Suite 104C
Los Gatos, CA 95032

MAIL TAX STATEMENTS TO:
Michael T. LaBarbera, et. al.
c/o Terracommercial Real Estate
18770 Cox Avenue
San Jose, CA 95070

The undersigned grantors declare the Documentary Transfer Tax is $0.00.

SPACE ABOVE THIS LINE FOR RECORDER'S USE

GRANT DEED

APN: 706-01-085, 086, 087, 088, 089 & 90

FOR NO CONSIDERATION, Michael T. LaBarbera, Bernal Plaza LLC, as to an undivided 25% interest; S.P. LaBarbera, Bernal Plaza LLC, as to an undivided 13.55% interest; John Danna Trust, Bernal Plaza LLC, as to an undivided 17.86% interest; Carmella Danna Trust, Bernal Plaza LLC, as to an undivided 26.58% interest; Facchino Properties, Bernal Plaza LLC, as to an undivided 15.41% interest and Robert B. Facchino, II, Bernal Plaza LLC, as to an undivided 1.60% interest, as Tenants in Common, HEREBY GRANT to Michael T. LaBarbera, as to an undivided 25% interest; S.P. LaBarbera, as Trustee of the Salvatore P. LaBarbera 1987 Trust, dated June 3,1987, as to an undivided 13.55% interest; Salvatore P. LaBarbera, Trustee of the testamentary trust created under the last will of John Danna, as to an undivided 17.86% interest; Salvatore P. LaBarbera, Trustee of the testamentary trust created under the last will of Carmella Danna, as to an undivided 26.58% interest; Facchino Properties, Inc., as to an undivided 15.41% interest and Robert B. Facchino, II, as to an undivided 1.60% interest, as Tenants in Common, the following real property located in the city of San Jose, county of Santa Clara, state of California:

See Exhibit A attached hereto and made a part hereof

This transfer is between individual(s) and a legal entity that results in a change in method of holding title only, the proportional ownership interests in the realty have not changed and therefore is exempt from reassessment pursuant to Rev. & Tax. Code §62(a)(2) and documentary transfer taxes pursuant RTC § 11925(d).

Executed on this 29 day of September, 2011, at San Jose, California.

Michael T. LaBarbera, Bernal Plaza LLC

Michael T. LaBarbera, President & sole member

S.P. LaBarbera, Bernal Plaza LLC

Salvator P. LaBarbera, President & sole member

John Danna Trust, Bernal Plaza LLC

Salvator P. LaBarbera, President & sole member

Carmella Danna Trust, Bernal Plaza LLC

Salvator P. LaBarbera, President & sole member

Facchino Properties, Bernal Plaza LLC

Facchino Properties, Inc.
By: Robert B. Facchino
Its: Pres.

Robert B. Facchino II, Bernal Plaza LLC

Robert B. Facchino II, President & sole member

California All-Purpose Acknowledgment

State of California
County of Santa Clara } S.S.

On September 29, 2011 before me, Tracy Patino Notary
Name of Notary Public, Title

personally appeared Michael T. LaBarbera
Name of Signer (1)

Name of Signer (2)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Tracy Patino
Signature of Notary Public

TRACY PATINO
COMM. #1942987
Notary Public - California
Santa Clara County
My Comm. Expires July 2, 2015

Seal

OPTIONAL INFORMATION

Although the information in this section is not required by law, it could prevent fraudulent removal and reattachment of this acknowledgment to an unauthorized document and may prove useful to persons relying on the attached document

Description of Attached Document

The preceding Certificate of Acknowledgment is attached to a document titled/for the purpose of _____

containing _____ pages, and dated _____.

The signer(s) capacity or authority is/are as:

- ☐ Individual(s)
- ☐ Attorney-in-fact
- ☐ Corporate Officer(s) _____
  Title(s)
- ☐ Guardian/Conservator
- ☐ Partner - Limited/General
- ☐ Trustee(s)
- ☐ Other: _____

representing: _____
Name(s) of Person(s) Entity(ies) Signer is Representing

Additional Information

Method of Signer Identification

Proved to me on the basis of satisfactory evidence

☐ form(s) of identification ☐ credible witness(es)

Notarial event is detailed in notary journal on:

Page # _____ Entry # _____

Notary contact: _____

Other

☐ Additional Signer ☐ Signer(s) Thumbprints(s)

☐ _____

California All-Purpose Acknowledgment

State of California
County of Santa Clara } S.S.

On September 29, 2011 before me, Tracy Patino
Name of Notary Public, Title

personally appeared Salvator P. LaBarbera
Name of Signer (1)

Name of Signer (2)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature of Notary Public

TRACY PATINO
COMM. #1942987
Notary Public - California
Santa Clara County
My Comm. Expires July 2, 2015

Seal

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- ☐ Individual(s)
- ☐ Attorney-in-fact
- ☐ Corporate Officer(s) _____
  Title(s)
- ☐ Guardian/Conservator
- ☐ Partner - Limited/General
- ☐ Trustee(s)
- ☐ Other: _____

representing: _____
Name(s) of Person(s) Entity(ies) Signer is Representing

Additional Information

Method of Signer Identification

Proved to me on the basis of satisfactory evidence.

☐ form(s) of identification ☐ credible witness(es)

Notarial event is detailed in notary journal on:

Page # _____ Entry # _____

Notary contact: _____

Other

☐ Additional Signer ☐ Signer(s) Thumbprints(s)

☐ _____

California All-Purpose Acknowledgment

State of California
County of Santa Clara } S.S.

On September 29, 2011 before me, Tracy Patino
Name of Notary Public, Title

personally appeared Robert B. Facchino
Name of Signer (1)

Name of Signer (2)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Tracy Patino
Signature Notary Public

TRACY PATINO
COMM. #1942987
Notary Public - California
Santa Clara County
My Comm. Expires July 2, 2015

Seal

OPTIONAL INFORMATION

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containing _____ pages, and dated _____.

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- ☐ Individual(s)
- ☐ Attorney-in-fact
- ☐ Corporate Officer(s) _____
  Title(s)
- ☐ Guardian/Conservator
- ☐ Partner - Limited/General
- ☐ Trustee(s)
- ☐ Other: _____

representing: _____
Name(s) of Person(s) Entity(ies) Signer is Representing

Additional Information

Method of Signer Identification

Proved to me on the basis of satisfactory evidence.
☐ form(s) of identification ☐ credible witness(es)

Notarial event is detailed in notary journal on:
Page # _____ Entry # _____

Notary contact: _____

Other

☐ Additional Signer ☐ Signer(s) Thumbprints(s)
☐ _____

California All-Purpose Acknowledgment

State of California
County of Santa Clara } S.S.

On September 29, 2011 before me, Tracy Patino
Name of Notary Public, Title

personally appeared Robert B. Facchino II
Name of Signer (1)

Name of Signer (2)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Tracy Patino
Signature of Notary Public

TRACY PATINO
COMM. #1942987
Notary Public - California
Santa Clara County
My Comm. Expires July 2, 2015

Seal

OPTIONAL INFORMATION

Although the information in this section is not required by law it could prevent fraudulent removal and reattachment of this acknowledgment to an unauthorized document and may prove useful to persons relying on the attached document

Description of Attached Document

The preceding Certificate of Acknowledgment is attached to a document titled/for the purpose of _____

containing _____ pages, and dated _____.

The signer(s) capacity or authority is/are as:

- ☐ Individual(s)
- ☐ Attorney-in-fact
- ☐ Corporate Officer(s) _____
  Title(s)
- ☐ Guardian/Conservator
- ☐ Partner - Limited/General
- ☐ Trustee(s)
- ☐ Other: _____

representing: _____
Name(s) of Person(s) Entity(ies) Signer is Representing

Additional Information

Method of Signer Identification

Proved to me on the basis of satisfactory evidence.

☐ form(s) of identification ☐ credible witness(es)

Notarial event is detailed in notary journal on:

Page # _____ Entry # _____

Notary contact: _____

Other

☐ Additional Signer ☐ Signer(s) Thumbprints(s)

☐ _____

EXHIBIT "A"

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF SAN JOSE, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

PARCEL ONE:

Parcel 2, as shown on that certain Parcel Map filed for record in the Office of the Recorder of the County of Santa Clara, State of California on April 24, 1998 in Book 701 of Maps, pages 21 and 22.

PARCEL ONE A:

A reciprocal easement for ingress and egress over those portions of 1, 3,4, 5, 6, and 7, shown as Reciprocal (COE) Ingress & Egress Easement, as shown on the Map filed for record April 24, 1998 in Book 701 of Maps, pages 21 and 22.

PARCEL ONE B:

Those certain rights and easements provided in the Declaration of Restrictions and Grant of Easements dated May 1, 1998, recorded May 4, 1998, as Recorder's Series No. 14169385, Official Records.

PARCEL TWO:

Parcel 3, as shown on that certain Parcel Map filed for record in the Office of the Recorder of the County of Santa Clara, State of California on April 24, 1998 in Book 701 of Maps, pages 21 and 22.

PARCEL TWO A:

A reciprocal easement for ingress and egress over those portions of Parcels 1, 2,4, 5, 6 and 7, shown as Reciprocal (COE) Ingress & Egress Easement, as shown on the Map filed for record April 24, 1998 in Book 701 of Maps, pages 21 and 22.

PARCEL TWO B:

Those certain rights and easements provided in the Declaration of Restrictions and Grant of Easements dated May 1, 1998, recorded May 4, 1998, as Recorder's Series No. 14169385, Official Records.

PARCEL THREE:

Parcel 4, as shown on that certain Parcel Map filed for record in the Office of the Recorder of the County of Santa Clara, State of California on April 24, 1998 in Book 701 of Maps, pages 21 and 22.

PARCEL THREE A:

A reciprocal easement for ingress and egress over those portions of Parcels 1, 2, 3, 5, 6, and 7, shown as Reciprocal (COE) Ingress & Egress Easement, as shown on the Map filed for record April 24, 1998 in Book 701 of Maps, pages 21 and 22.

PARCEL THREE B:

Those Certain rights and easements provided in the Declaration of Restrictions and Grant of Easements dated May 1, 1998, recorded May 4, 1998, as Recorder's Series No.14169385, Official Records.

PARCEL FOUR:

Parcel 5, as shown on that certain Parcel Map filed for record in the Office of the Recorder of the County of Santa Clara, State of California on April 24, 1998 in Book 701 of Maps, pages 21 and 22.

PARCEL FOUR A:

A reciprocal easement for ingress and egress over those portions of Parcels 1, 2, 3, 4, 6 and 7, shown as Reciprocal (COE) Ingress & Egress Easement, as shown on the Map filed for record April 24, 1998 in Book 701 of Maps, pages 21 and 22.

PARCEL FOUR B:

Those certain rights and easements provided in the Declaration of Restrictions and Grant of Easements dated May 1, 1998, recorded May 4, 1998, as Recorder's Series No. 14169385, Official Records.

PARCEL FIVE:

Parcel 6, as shown on that certain Parcel Map filed for record in the Office of the Recorder of the County of Santa Clara, State of California on April 24, 1998 in Book 701 of Maps, pages 21 and 22.

PARCEL FIVE A:

A reciprocal easement for ingress and egress over those portions of Parcels 1, 2, 3, 4, 5, and 7, shown as Reciprocal (COE) Ingress & Egress Easement, as shown on the Map filed for record April 24, 1998 in Book 701 of Maps, pages 21 and 22.

PARCEL FIVE B:

Those certain rights and easements provided in the Declaration of Restrictions and Grant of Easements dated May 1, 1998, recorded May 4, 1998, as Recorder's Series No. 14169385, Official Records.

PARCEL SIX:

Parcel 7, as shown on that certain Parcel Map filed for record in the Office of the Recorder of the County of Santa Clara, State of California on April 24, 1998 in Book 701 of Maps, pages 21 and 22.

PARCEL SIX A:

A reciprocal easement for ingress and egress over those portions of Parcels 1, 2, 3, 4, 5, and 6, shown as Reciprocal (COE) Ingress & Egress Easement, as shown on the Map filed for record April 24, 1998 in Book 701 of Maps, pages 21 and 22.

PARCEL SIX B:

Those certain rights and easements provided in the Declaration of Restrictions and Grant of Easements dated May 1, 1998, recorded May 4, 1998, as Recorder's Series No.14169385, Official Records.

APN: 706-01-085 through 090

DOCUMENT: 21450377

Pages: 4

Fees . . . 44.00
Taxes .
Copies
AMT PAID 44 00

REGINA ALCOMENDRAS
SANTA CLARA COUNTY RECORDER
Recorded at the request of
Chicago Title

RDE # 024
12/08/2011
11:43 AM

RECORDING REQUEST BY AND
WHEN RECORDED MAIL TO:
SWEENEY, MASON, WILSON & BOSOMWORTH
STUART G. SCHMIDT, ESQ.
983 University Ave., Suite 104C
Los Gatos, CA 95032

MAIL TAX STATEMENTS TO:
Robert B. Facchino
c/o Terracommercial Real Estate
18770 Cox Avenue
San Jose, CA 95070

The undersigned grantors declare the Documentary Transfer Tax is $0.00.

SPACE ABOVE THIS LINE FOR RECORDER'S USE

GRANT DEED

APN: 706-01-085, 086, 087, 088, 089 & 90

FOR NO CONSIDERATION, ROBERT B. FACCHINO, also known as ROBERT BERNARD FACCHINO, II, HEREBY GRANTS to ROBERT BERNARD FACCHINO, II, trustee of the ROBERT BERNARD FACCHINO, II SEPARATE PROPERTY TRUST all his interest in the following real property located in the city of San Jose, county of Santa Clara, state of California:

See Exhibit A attached hereto and made a part hereof

This conveyance is to a revocable living trust created by grantors; it does not constitute a change of ownership and is not subject to reassessment pursuant to Rev. & Tax. Code § 62. Further, no consideration was paid for the transfer and therefore it is exempt from documentary transfer taxes pursuant to Rev. & Tax. Code § 11930.

Executed on this 30 day of October, 2011, at San Jose, California.

ROBERT B. FACCHINO

STATE OF CALIFORNIA)
) ss.
COUNTY OF SANTA CLARA)

On this 30 day of October, 2011, before me, Tracy Patino, Notary Public, personally appeared ROBERT B. FACCHINO, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

TRACY PATINO
COMM. #1942987
Notary Public - California
Santa Clara County
My Comm. Expires July 2, 2015

Tracy Patino, Notary Public

MAIL TAX STATEMENTS AS DIRECTED ABOVE

Escrow No.: 11-98206974-SK
Locate No.: CACTI7743-7743-2982-0098206974
Title No.: 11-98206974-MO

EXHIBIT "A"

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF SAN JOSE, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

PARCEL ONE:

Parcel 2, as shown on that certain Parcel Map filed for record in the Office of the Recorder of the County of Santa Clara, State of California on April 24, 1998 in Book 701 of Maps, pages 21 and 22.

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Parcel 3, as shown on that certain Parcel Map filed for record in the Office of the Recorder of the County of Santa Clara, State of California on April 24, 1998 in Book 701 of Maps, pages 21 and 22.

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A reciprocal easement for ingress and egress over those portions of Parcels 1, 2,4, 5, 6 and 7, shown as Reciprocal (COE) Ingress & Egress Easement, as shown on the Map filed for record April 24, 1998 in Book 701 of Maps, pages 21 and 22.

PARCEL TWO B:

Those certain rights and easements provided in the Declaration of Restrictions and Grant of Easements dated May 1, 1998, recorded May 4, 1998, as Recorder's Series No. 14169385, Official Records.

PARCEL THREE:

Parcel 4, as shown on that certain Parcel Map filed for record in the Office of the Recorder of the County of Santa Clara, State of California on April 24, 1998 in Book 701 of Maps, pages 21 and 22.

PARCEL THREE A:

A reciprocal easement for ingress and egress over those portions of Parcels 1, 2, 3, 5, 6, and 7, shown as Reciprocal (COE) Ingress & Egress Easement, as shown on the Map filed for record April 24, 1998 in Book 701 of Maps, pages 21 and 22.

PARCEL THREE B:

Those Certain rights and easements provided in the Declaration of Restrictions and Grant of Easements dated May 1, 1998, recorded May 4, 1998, as Recorder's Series No.14169385, Official Records.

PARCEL FOUR:

Parcel 5, as shown on that certain Parcel Map filed for record in the Office of the Recorder of the County of Santa Clara, State of California on April 24, 1998 in Book 701 of Maps, pages 21 and 22.

PARCEL FOUR A:

A reciprocal easement for ingress and egress over those portions of Parcels 1, 2, 3, 4, 6 and 7, shown as Reciprocal (COE) Ingress & Egress Easement, as shown on the Map filed for record April 24, 1998 in Book 701 of Maps, pages 21 and 22.

PARCEL FOUR B:

Those certain rights and easements provided in the Declaration of Restrictions and Grant of Easements dated May 1, 1998, recorded May 4, 1998, as Recorder's Series No. 14169385, Official Records.

PARCEL FIVE:

Parcel 6, as shown on that certain Parcel Map filed for record in the Office of the Recorder of the County of Santa Clara, State of California on April 24, 1998 in Book 701 of Maps, pages 21 and 22.

PARCEL FIVE A:

A reciprocal easement for ingress and egress over those portions of Parcels 1, 2, 3, 4, 5, and 7, shown as Reciprocal (COE) Ingress & Egress Easement, as shown on the Map filed for record April 24, 1998 in Book 701 of Maps, pages 21 and 22.

PARCEL FIVE B:

Those certain rights and easements provided in the Declaration of Restrictions and Grant of Easements dated May 1, 1998, recorded May 4, 1998, as Recorder's Series No. 14169385, Official Records.

PARCEL SIX:

Parcel 7, as shown on that certain Parcel Map filed for record in the Office of the Recorder of the County of Santa Clara, State of California on April 24, 1998 in Book 701 of Maps, pages 21 and 22.

PARCEL SIX A:

A reciprocal easement for ingress and egress over those portions of Parcels 1, 2, 3, 4, 5, and 6, shown as Reciprocal (COE) Ingress & Egress Easement, as shown on the Map filed for record April 24, 1998 in Book 701 of Maps, pages 21 and 22.

PARCEL SIX B:

Those certain rights and easements provided in the Declaration of Restrictions and Grant of Easements dated May 1, 1998, recorded May 4, 1998, as Recorder's Series No.14169385, Official Records.

APN: 706-01-085 through 090

DOCUMENT: 21450378

Pages: 4

Fees . . . 44.00
Taxes .
Copies .
AMT PAID 44.00

REGINA ALCOMENDRAS
SANTA CLARA COUNTY RECORDER
Recorded at the request of
Chicago Title

RDE # 024
12/08/2011
11:43 AM

RECORDING REQUEST BY AND
WHEN RECORDED MAIL TO:
SWEENEY, MASON, WILSON & BOSOMWORTH
STUART G. SCHMIDT, ESQ.
983 University Ave., Suite 104C
Los Gatos, CA 95032

MAIL TAX STATEMENTS TO:
Michael T. LaBarbera
c/o Terracommercial Real Estate
18770 Cox Avenue
San Jose, CA 95070

The undersigned grantors declare the Documentary Transfer Tax is $0.00.

SPACE ABOVE THIS LINE FOR RECORDER'S USE

GRANT DEED

APN: 706-01-085, 086, 087, 088, 089 & 90

FOR NO CONSIDERATION, MICHAEL T. LaBARBERA, HEREBY GRANTS toMICHAEL T. LaBARBERA and JENNIFER S. LaBARBERA, as trustees of the MICHAEL AND JENNIFER LaBARBERA REVOCABLE TRUST, dated December 16, 2008, all his interest in the following real property located in the city of San Jose, county of Santa Clara, state of California:

See Exhibit A attached hereto and made a part hereof

This conveyance is to a revocable living trust created by grantors; it does not constitute a change of ownership and is not subject to reassessment pursuant to Rev. & Tax. Code § 62. Further, no consideration was paid for the transfer and therefore it is exempt from documentary transfer taxes pursuant to Rev. & Tax. Code § 11930.

Executed on this 30 day of October, 2011, at San Jose, California.

MICHAEL T. LaBARBERA

STATE OF CALIFORNIA)
) ss.
COUNTY OF SANTA CLARA)

On this 30 day of October, 2011, before me, Tracy Patino, Notary Public, personally appeared MICHAEL T. LABARBERA, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Tracy Patino, Notary Public

TRACY PATINO
COMM. #1942987
Notary Public - California
Santa Clara County
My Comm. Expires July 2, 2015

MAIL TAX STATEMENTS AS DIRECTED ABOVE

EXHIBIT "A"

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF SAN JOSE, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

PARCEL ONE:

Parcel 2, as shown on that certain Parcel Map filed for record in the Office of the Recorder of the County of Santa Clara, State of California on April 24, 1998 in Book 701 of Maps, pages 21 and 22.

PARCEL ONE A:

A reciprocal easement for ingress and egress over those portions of 1, 3,4, 5, 6, and 7, shown as Reciprocal (COE) Ingress & Egress Easement, as shown on the Map filed for record April 24, 1998 in Book 701 of Maps, pages 21 and 22.

PARCEL ONE B:

Those certain rights and easements provided in the Declaration of Restrictions and Grant of Easements dated May 1, 1998, recorded May 4, 1998, as Recorder's Series No. 14169385, Official Records.

PARCEL TWO:

Parcel 3, as shown on that certain Parcel Map filed for record in the Office of the Recorder of the County of Santa Clara, State of California on April 24, 1998 in Book 701 of Maps, pages 21 and 22.

PARCEL TWO A:

A reciprocal easement for ingress and egress over those portions of Parcels 1, 2,4, 5, 6 and 7, shown as Reciprocal (COE) Ingress & Egress Easement, as shown on the Map filed for record April 24, 1998 in Book 701 of Maps, pages 21 and 22.

PARCEL TWO B:

Those certain rights and easements provided in the Declaration of Restrictions and Grant of Easements dated May 1, 1998, recorded May 4, 1998, as Recorder's Series No. 14169385, Official Records.

PARCEL THREE:

Parcel 4, as shown on that certain Parcel Map filed for record in the Office of the Recorder of the County of Santa Clara, State of California on April 24, 1998 in Book 701 of Maps, pages 21 and 22.

PARCEL THREE A:

A reciprocal easement for ingress and egress over those portions of Parcels 1, 2, 3, 5, 6, and 7, shown as Reciprocal (COE) Ingress & Egress Easement, as shown on the Map filed for record April 24, 1998 in Book 701 of Maps, pages 21 and 22.

PARCEL THREE B:

Those Certain rights and easements provided in the Declaration of Restrictions and Grant of Easements dated May 1, 1998, recorded May 4, 1998, as Recorder's Series No.14169385, Official Records.

PARCEL FOUR:

Parcel 5, as shown on that certain Parcel Map filed for record in the Office of the Recorder of the County of Santa Clara, State of California on April 24, 1998 in Book 701 of Maps, pages 21 and 22.

PARCEL FOUR A:

A reciprocal easement for ingress and egress over those portions of Parcels 1, 2, 3, 4, 6 and 7, shown as Reciprocal (COE) Ingress & Egress Easement, as shown on the Map filed for record April 24, 1998 in Book 701 of Maps, pages 21 and 22.

PARCEL FOUR B:

Those certain rights and easements provided in the Declaration of Restrictions and Grant of Easements dated May 1, 1998, recorded May 4, 1998, as Recorder's Series No. 14169385, Official Records.

PARCEL FIVE:

Parcel 6, as shown on that certain Parcel Map filed for record in the Office of the Recorder of the County of Santa Clara, State of California on April 24, 1998 in Book 701 of Maps, pages 21 and 22.

PARCEL FIVE A:

A reciprocal easement for ingress and egress over those portions of Parcels 1, 2, 3, 4, 5, and 7, shown as Reciprocal (COE) Ingress & Egress Easement, as shown on the Map filed for record April 24, 1998 in Book 701 of Maps, pages 21 and 22.

PARCEL FIVE B:

Those certain rights and easements provided in the Declaration of Restrictions and Grant of Easements dated May 1, 1998, recorded May 4, 1998, as Recorder's Series No. 14169385, Official Records.

PARCEL SIX:

Parcel 7, as shown on that certain Parcel Map filed for record in the Office of the Recorder of the County of Santa Clara, State of California on April 24, 1998 in Book 701 of Maps, pages 21 and 22.

PARCEL SIX A:

A reciprocal easement for ingress and egress over those portions of Parcels 1, 2, 3, 4, 5, and 6, shown as Reciprocal (COE) Ingress & Egress Easement, as shown on the Map filed for record April 24, 1998 in Book 701 of Maps, pages 21 and 22.

PARCEL SIX B:

Those certain rights and easements provided in the Declaration of Restrictions and Grant of Easements dated May 1, 1998, recorded May 4, 1998, as Recorder's Series No.14169385, Official Records.

APN: 706-01-085 through 090

DOCUMENT: 21450379

Pages: 4

Fees . 44 00
Taxes ..
Copies..
AMT PAID 44 00

REGINA ALCOMENDRAS
SANTA CLARA COUNTY RECORDER
Recorded at the request of
Chicago Title

RDE # 024
12/08/2011
11:43 AM

RECORDING REQUEST BY AND
WHEN RECORDED MAIL TO:
SWEENEY, MASON, WILSON & BOSOMWORTH
STUART G. SCHMIDT, ESQ.
983 University Ave., Suite 104C
Los Gatos, CA 95032

MAIL TAX STATEMENTS TO:
Michael T. LaBarbera
c/o Terracommercial Real Estate
18770 Cox Avenue
San Jose, CA 95070

The undersigned grantors declare the Documentary Transfer Tax is $0.00.

SPACE ABOVE THIS LINE FOR RECORDER'S USE

GRANT DEED

APN: 706-01-085, 086, 087, 088, 089 & 90

FOR NO CONSIDERATION, S.P. LABARBERA (also known as Salvatore P. LaBarbera), as Trustee of the Salvatore P. LaBarbera 1987 Trust, dated June 3,1987, HEREBY GRANTS to SALVATORE P. LaBARBERA, as Trustee of the SALVATORE P. LaBARBERA REVOCABLE TRUST, dated February 11, 2010, all his interest in the following real property located in the city of San Jose, county of Santa Clara, state of California:

See Exhibit A attached hereto and made a part hereof

This conveyance is to a revocable living trust created by grantors; it does not constitute a change of ownership and is not subject to reassessment pursuant to Rev. & Tax. Code § 62. Further, no consideration was paid for the transfer and therefore it is exempt from documentary transfer taxes pursuant to Rev. & Tax. Code § 11930.

Executed on this 29 day of November, 2011, at San Jose, California.

S.P. LABARBERA, Trustee of the
Salvatore P. LaBarbera 1987 Trust

STATE OF CALIFORNIA)
) ss.
COUNTY OF SANTA CLARA)

On this 29 day of November, 2011, before me, Tracy Patino, Notary Public, personally appeared S.P. LABARBERA, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Tracy Patino, Notary Public

TRACY PATINO
COMM. #1942987
Notary Public - California
Santa Clara County
My Comm. Expires July 2, 2015

MAIL TAX STATEMENTS AS DIRECTED ABOVE

EXHIBIT "A"

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF SAN JOSE, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

PARCEL ONE:

Parcel 2, as shown on that certain Parcel Map filed for record in the Office of the Recorder of the County of Santa Clara, State of California on April 24, 1998 in Book 701 of Maps, pages 21 and 22.

PARCEL ONE A:

A reciprocal easement for ingress and egress over those portions of 1, 3,4, 5, 6, and 7, shown as Reciprocal (COE) Ingress & Egress Easement, as shown on the Map filed for record April 24, 1998 in Book 701 of Maps, pages 21 and 22.

PARCEL ONE B:

Those certain rights and easements provided in the Declaration of Restrictions and Grant of Easements dated May 1, 1998, recorded May 4, 1998, as Recorder's Series No. 14169385, Official Records.

PARCEL TWO:

Parcel 3, as shown on that certain Parcel Map filed for record in the Office of the Recorder of the County of Santa Clara, State of California on April 24, 1998 in Book 701 of Maps, pages 21 and 22.

PARCEL TWO A:

A reciprocal easement for ingress and egress over those portions of Parcels 1, 2,4, 5, 6 and 7, shown as Reciprocal (COE) Ingress & Egress Easement, as shown on the Map filed for record April 24, 1998 in Book 701 of Maps, pages 21 and 22.

PARCEL TWO B:

Those certain rights and easements provided in the Declaration of Restrictions and Grant of Easements dated May 1, 1998, recorded May 4, 1998, as Recorder's Series No. 14169385, Official Records.

PARCEL THREE:

Parcel 4, as shown on that certain Parcel Map filed for record in the Office of the Recorder of the County of Santa Clara, State of California on April 24, 1998 in Book 701 of Maps, pages 21 and 22.

PARCEL THREE A:

A reciprocal easement for ingress and egress over those portions of Parcels 1, 2, 3, 5, 6, and 7, shown as Reciprocal (COE) Ingress & Egress Easement, as shown on the Map filed for record April 24, 1998 in Book 701 of Maps, pages 21 and 22.

PARCEL THREE B:

Those Certain rights and easements provided in the Declaration of Restrictions and Grant of Easements dated May 1, 1998, recorded May 4, 1998, as Recorder's Series No.14169385, Official Records.

PARCEL FOUR:

Parcel 5, as shown on that certain Parcel Map filed for record in the Office of the Recorder of the County of Santa Clara, State of California on April 24, 1998 in Book 701 of Maps, pages 21 and 22.

PARCEL FOUR A:

A reciprocal easement for ingress and egress over those portions of Parcels 1, 2, 3, 4, 6 and 7, shown as Reciprocal (COE) Ingress & Egress Easement, as shown on the Map filed for record April 24, 1998 in Book 701 of Maps, pages 21 and 22.

PARCEL FOUR B:

Those certain rights and easements provided in the Declaration of Restrictions and Grant of Easements dated May 1, 1998, recorded May 4, 1998, as Recorder's Series No. 14169385, Official Records.

PARCEL FIVE:

Parcel 6, as shown on that certain Parcel Map filed for record in the Office of the Recorder of the County of Santa Clara, State of California on April 24, 1998 in Book 701 of Maps, pages 21 and 22.

PARCEL FIVE A:

A reciprocal easement for ingress and egress over those portions of Parcels 1, 2, 3, 4, 5, and 7, shown as Reciprocal (COE) Ingress & Egress Easement, as shown on the Map filed for record April 24, 1998 in Book 701 of Maps, pages 21 and 22.

PARCEL FIVE B:

Those certain rights and easements provided in the Declaration of Restrictions and Grant of Easements dated May 1, 1998, recorded May 4, 1998, as Recorder's Series No. 14169385, Official Records.

PARCEL SIX:

Parcel 7, as shown on that certain Parcel Map filed for record in the Office of the Recorder of the County of Santa Clara, State of California on April 24, 1998 in Book 701 of Maps, pages 21 and 22.

PARCEL SIX A:

A reciprocal easement for ingress and egress over those portions of Parcels 1, 2, 3, 4, 5, and 6, shown as Reciprocal (COE) Ingress & Egress Easement, as shown on the Map filed for record April 24, 1998 in Book 701 of Maps, pages 21 and 22.

PARCEL SIX B:

Those certain rights and easements provided in the Declaration of Restrictions and Grant of Easements dated May 1, 1998, recorded May 4, 1998, as Recorder's Series No.14169385, Official Records.

APN: 706-01-085 through 090

SP 9-1736-DZ
ACCOMMODATION ONLY

K953PAGE 959

10113311

Recording Requested by and
When Recorded Return to:

Schlumberger Technology Corporation
c/o Landels, Ripley & Diamond
450 Pacific Avenue
San Francisco, California 94133

Attn.: Thomas D. Trapp, Esq.

ACCOMMODATION ONLY

REC FEE	15
RMF	1.3
MICRO	1
LIEN	
SMPF	
PCOR	

Recorded at the request of
SANTA CLARA LAND TITLE CO.

MAY 17 1989 8:00 A.M.

LAURIE KANE, Recorder
Santa Clara County, Official Records

DECLARATION OF COVENANTS CONDITIONS AND RESTRICTIONS

THIS DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS ("Declaration") is made this 16 day of May, 1989 by SCHLUMBERGER TECHNOLOGY CORPORATION ("Schlumberger"), a Texas corporation.

RECITALS

A. Schlumberger is the owner of all of that certain real property (the "Property") located in the City of San Jose, County of Santa Clara, State of California, and more particularly described in Exhibit A, which is attached to and made a part of this Declaration.

B. The Property is the former site of an electronics manufacturing facility that was owned and operated by Fairchild Semiconductor Corporation ("Fairchild"). Operation of the facility ceased in 1983. Schlumberger, the former parent corporation of Fairchild, retained ownership of the Property following its sale of all of the issued and outstanding capital stock of Fairchild to National Semiconductor Corporation in 1987.

C. In 1981, Fairchild discovered the presence of certain chemicals in soil and groundwater at and in the vicinity of the Property. Immediately following that discovery, Fairchild initiated a subsurface investigation and began implementing interim remedial measures at the Property to remove chemicals from the soil and groundwater and to prevent their further migration. Those interim remedial measures included the construction of a soil-bentonite slurry wall around the perimeter of the Property and the installation and operation of a groundwater extraction and treatment system.

D. Pursuant to Site Cleanup Requirements Order No. 89-16 ("Order No. 89-16"), issued by the Regional Water Quality Control Board for the San Francisco Bay Region ("RWQCB"), Fairchild is conducting soil and groundwater cleanup measures at and in the vicinity of the Property. The remedial program specified in Order No. 89-16 includes continued groundwater extraction to maintain an inward hydraulic gradient within the slurry wall, in-situ aeration of soils within the slurry wall, and treatment of groundwater and air extracted during these processes. Order No. 89-16 also requires Fairchild to arrange for appropriate restrictions on future use of the Property to allow completion of the remedial program.

DECLARATION

Schlumberger declares, in accordance with California Civil Code Section 1468, that the Property is and shall be held,

transferred, sold, conveyed, and occupied by Schlumberger and its successors and assigns subject to the covenants, conditions and restrictions hereinafter set forth, the observance of which shall benefit the Property and any portion thereof.

1. The Grantor of each deed and the Landlord of each ground lease hereafter executed conveying an interest in the Property or any portion thereof shall cause such deed or ground lease to contain the following statement:

> The [real property/interest in real property] conveyed by this [deed/ground lease] is subject to that certain Declaration dated May 16, 1989 and recorded on May 18, 1989 in the Official Records of the County of Santa Clara, State of California as Document No. _____, which Declaration imposes certain covenants, conditions and restrictions on the installation of groundwater wells, excavation or other disturbance of soils, and interference with the operation of remedial program equipment at the real property described herein.

The purchase or ground lease of all or any portion of the Property by a purchaser or ground lessee shall constitute acceptance by such purchaser or ground lessee, and its successors and assigns, of the covenants, conditions and restrictions contained in this Declaration. Any purchaser or ground lessee of all or any portion of the Property shall notify the RWQCB of the purchase or ground lease within 15 days after the close of escrow of the sale or the commencement of the term of the lease.

2. The owner or ground lessee of the Property shall refrain from and prohibit third parties from installing any groundwater well or wells on the Property except in connection

with the remedial program approved by the RWQCB (the "Remedial Program").

3. The owner or ground lessee of the Property shall refrain from and prohibit third parties from excavating or otherwise disturbing soils on the Property below a depth of five feet except in connection with the Remedial Program.

4. The owner or ground lessee of the Property shall refrain from and prohibit third parties from destroying, damaging or otherwise interfering with the operation of Remedial Program equipment on the Property, including but not limited to groundwater extraction wells, groundwater monitoring wells, groundwater treatment equipment, soil aeration equipment and all or any part of the slurry wall surrounding the Property, except to allow the removal of Remedial Program equipment not including the slurry wall following termination of the remedial program.

5. This Declaration shall remain in full force and effect with respect to the Property, or any portion thereof, and shall run with the land until such time as the then-current owner of the Property, or any portion thereof, records a release of the Property, or a portion thereof, from the provisions of this Declaration. Any such release shall contain a sworn statement that the owner of the property to be released has demonstrated, to the reasonable satisfaction of the RWQCB (acting on behalf of all governmental agencies having jurisdiction), that the covenants, conditions and restrictions set forth herein are no longer reasonably necessary for the remedial program for the

Property, or that portion of the Property, to be released from this Declaration. In addition, any such release shall have attached to the release an acknowledgment by the RWQCB (acting on behalf of all governmental agencies having jurisdiction) of the statements contained in the release. Any such release shall be effective without the concurrence of the owner of any portion of the Property not released or any adjacent property provided that the release conforms to the requirements of this paragraph.

6. With the written concurrence of the RWQCB this Declaration may be amended from time to time in a writing signed by all of the then owners of the Property or any portions of the Property thereof which then remain subject to this Declaration. Any such amendment shall be effective only upon the recording of the amendment, with the written concurrence of the RWQCB attached thereto, in official records of the County of Santa Clara.

7. This Declaration shall be enforced for the mutual benefit of the owners and ground lessees of the Property and for the State of California, by the RWQCB and any successor agency thereto. In addition, Schlumberger or Fairchild shall have the right but no obligation to enforce the covenants, conditions and restrictions contained herein against other or future owners or ground lessees of the Property or any portion thereof. This Declaration shall not create any private right of action against Schlumberger, Fairchild or any owner or ground lessee of the Property or any portion thereof.

8. Within twenty (20) days following receipt of a written request from any owner or ground lessee of the Property or any portion thereof, the RWQCB shall provide to such owner or ground lessee a written statement, substantially in the form attached hereto as Exhibit B, indicating whether to the RWQCB's knowledge such owner or ground lessee is operating in compliance with the provisions of this Declaration, and such confirmation shall be conclusive as of the date prepared. Failure of the RWQCB to provide such a statement within the twenty-day period shall create a conclusive presumption that the RWQCB has no knowledge of any failure of the owner or ground lessee to comply with this Declaration.

This Declaration is executed as of the day and year first above written.

SCHLUMBERGER TECHNOLOGY CORPORATION

By: Charles A. Bostic

Title: Director of Environmental Programs

STATE OF CALIFORNIA)
) ss.
COUNTY OF Santa Clara)

On the 16 day of May, 1989, before me, the undersigned, a Notary Public, in and for said State, personally appeared Charles R Beatie, and _____, personally known to me (or proved to me on the basis of satisfactory evidence) to be the persons who executed the within instrument as the Director of Environment ~~President and Secretary,~~ on behalf of Schlumberger Technology Corporation the corporation therein named, and acknowledged to me that such corporation executed the within instrument pursuant to its bylaws or a resolution of its board of directors.

WITNESS my hand and official seal.

(SEAL)

OFFICIAL SEAL
MARIE E HEADLEY
NOTARY PUBLIC - CALIFORNIA
SANTA CLARA COUNTY
My comm. expires JUL 2, 1990

Marie E Headley
Notary Public

LEGAL DESCRIPTION OF PROPERTY

EXHIBIT A

LEGAL DESCRIPTION:

REAL property situated in the City of San Jose, County of Santa Clara, State of California, described as follows:

Parcel One

All of Lot 5, as shown upon that certain Map entitled, "Map of the S. Cobb Partition", which Map was filed for record in the Office of the Recorder of the County of Santa Clara, State of California, on August 28, 1900 in Book I of Maps, at Page 139.

Excepting therefrom that portion thereof as conveyed to Wolverine Development, Inc., a California corporation, by Deed recorded May 10, 1979 in Book B415 Page 600, Official Records and being more particularly described as follows:

Commencing at the most Easterly corner of that certain Map of Tract 4640 recorded in Book 261 of maps at Pages 5 and 6, Santa Clara County Records, said point of commencement as shown on said Map also being the intersection of the centerline of Bernal Road with the monument line of Santa Teresa Boulevard; thence from said point of commencement along said centerline of Bernal Road North 37° 00' 26" East 1257.72 feet; thence North 52° 49° 20" West 85.00 feet to True Point of Beginning; thence from said True Point of Beginning North 52° 49' 20" West 208.34 feet; thence from a tangent which bears South 65° 38' 33" East on a curve to the right through a central angle of 14° 58' 13" having a radius of 860.00 feet an arc length of 224.70 feet to a point of compound curvature; thence on a curve to the right through a central angle of 90° 00' 00" having a radius of 20.00 feet an arc length of 31.42 feet; thence South 37° 00' 26" West 1.50 feet to the True Point of Beginning.

Also excepting therefrom that portion thereof as conveyed to the City of San Jose, a municipal corporation, by Deed recorded March 10, 1976 in Book B900, Page 202, Official Records and being more particularly described as follows:

LEGAL DESCRIPTION (Continued)

Parcel A:

Beginning at the most Northerly corner of Lot 5, as shown on that certain record of survey of Lot 5 of the S. Cobb Partition which was recorded in Book 272 of Maps, at Page 43. Santa Clara County Records; thence South 53° 02' 00" East along the North sterly line of said Lot 5, 690.35 feet to a point on a curve concave to the Northeast, thence Northwesterly along a curve to the right, from a radial bearing of North 8° 58' 24" East, with a radius of 453.00 feet through an angle of 27° 59' 36" an arc distance of 221.32 feet thence North 53° 02' 00" West, tangent to the last mentioned curve, 477.49 feet to a point in the Northwesterly line of said Lot 5; thence North 36° 43' 13" East along said Northwesterly line 33.00 feet to the point of beginning.

Parcel B:

Beginning at the most Southerly corner of Lot 5, as shown on that certain Record of Survey of Lot 5 of S. Cobb Partition as recorded in Book 272 of Maps, at Page 43 of Santa Clara County Records; thence North 36° 47' 45" East along the Southeasterly line of said Lot 5, 692.94 feet to a point on a tangent curve to the left; thence along said tangent curve to the left having a radius of 1,000.00 feet and a central angle of 26° 23' 33", an arc distance of 460.64 feet to a point on the Northeasterly line of said Lot 5; thence leaving said curve North 33° 02' 00" West along said Northeasterly line 73.31 feet to a point on a curve concave to the West at said point having a radial bearing of North 81° 36' 24" West; thence Southerly along said curve concave to the West having a radius of 935.00 feet through a central angle of 28° 24' 09", an arc distance of 463.49 feet to a point of tangency; thence South 36° 47' 45" West 692.49 feet; to the Southwesterly line of said Lot 5; thence South 53° 04' 54" East along said Southwesterly line, 65.00 feet to the point of beginning.

LEGAL DESCRIPTION (Continued)

Parcel C:

Beginning at the most Easterly corner of Lot 5, as shown on that certain Record of Survey of Lot 5, in the S. Cobb Partition, which was filed for record in Book 272 of Maps, at Page 43, Santa Clara County Records; thence South 36° 47' 45" West along the Southeasterly line of said Lot 5, 444.21 feet to a point of cusp; thence Northerly along a tangent curve concave to the West having a radius of 1,000.00 feet through a central angle of 26° 23' 35" an arc distance of 460.64 feet to a point in the Northeasterly line of said Lot 5; thence leaving said curve South 53° 02' 00° West, along said Northeasterly line 104.23 feet to the point of beginning.

Parcel D:

Beginning at the most Southerly corner of Lot 5, as shown on that certain Record of Survey of Lot 5 of the S. Cubb Partition which is recorded in Book 272 of Maps, at Page 43, Santa Clara County Records; thence North 53° 04' 54" West 65.00 feet; thence North 36° 47' 45" East 0.10 feet to a point on a tangent curve to the left said point also being the True Point of Beginning of this description; thence along said tangent curve to the left having a radius of 20.00 feet through a central angle of 89° 52' 39", an arc distance of 31.37 feet to a point of compound curvature; thence continuing along said compound curve to the left having a radius of 860.00 feet through a central angle of 12° 23' 38" an arc distance of 186.11 feet to a point in the Southwesterly line of said Lot 5; thence North 53° 04' 54" West along said Southwesterly line 726.55 feet to the most Westerly corner thereof; thence North 36° 43' 13" East along the Northwesterly line of said Lot 5, 40.00 feet; thence South 53° 04' 54" East 454.19 feet to a point on a tangent curve; thence along said tangent curve to the left having a radius of 830.00 feet through a central angle of 14° 58' 07" an arc distance of 216.84 feet to a point of reverse curvature; thence along a curve to the right with a radius of 940.00 feet through a central angle of 14° 37' 12", an arc distance of 245.32 feet to a point of reverse curvature; thence along a curve to the left having a radius of 20.00 feet through a central angle of 90° 06' 26", an arc distance of 31.45 feet; thence South 36° 47' 45" West 120.00 feet to the True Point o Beginning.

LEGAL DESCRIPTION CONTINUED

Also excepting therefrom that portion thereof as conveyed to the City of San Jose, a Municipal Corporation by deed recorded July 19, 1983 in Book M727, page 657, Official Records and being more particularly described as follows:

Parcel B-1:

Commencing from point lying on the Westerly right-of-way of San Ignacio Avenue 106.00 feet wide (formerly Cobb Road), said point also being the most Northerly corner of certain 21.998 Acres Parcel of land as shown on certain record of survey; recorded February 3, 1976 in Book 367 at Page 30, Santa Clara County Records; thence along said right-of-way Line South 52° 24' 50" East 477.49 feet to a point of curvature; thence along a tangent curve to the left having a radius of 483.00 feet through a central angle of 14° 19' 26" an arc distance of 113.25 feet to the True Point of Beginning of this description; thence along said same curve continuing left through a central angle of 10° 09' 18" an arc distance of 79.76 feet to a point; thence South 52° 24' 50" East 28.31 feet to a point; thence North 66° 44' 16" West 106.78 feet to True Point of Beginning of said Parcel B-1.

Parcel B-2:

Commencing from point lying on the Westerly right-of-way line of San Ignacio Avenue 106.00 feet wide (formerly Cobb Road), said point also being the most Northerly corner of certain 21.998 acres Parcel of land as shown on certain record of survey; recorded February 3, 1976 in Book 367 at Page 30, Santa Clara County Records; thence along said right-of-way line South 52° 24' 50" East 477.49 feet to the point of curvature; thence along a tangent curve to the left having a radius of 483.00 feet through a central angle of 24° 24' 44" an arc distance of 193.01 feet to a point; thence South 52° 30' East 161.53 feet to the True Point of Beginning of this description; thence along non-tangent curve to the right having a radius of 50.00 feet with radial bearing of North 86° 39' 58" West through a central angle of 6° 54' 17" an arc distance of 6.03 feet to a point on curvature; thence along a tangent curve to the left having a radius of 939.00 feet through a central angle of 0° 21' 27" an arc distance of 5.83 feet to a point; thence North 52° 24' 50" West 0.39 feet to True Point of Beginning of said Parcel B-2.

LEGAL DESCRIPTION (Continued)

Parcel Two:

Commencing from point lying on the Westerly right-of-way line of San Ignacio Avenue 106.00 feet wide (formerly Cobb Road), said point also being the most Northerly corner of certain 21.998 acre parcel of land as shown on certain Record of Survey; recorded February 3, 1976 in Book 367 at Page 30, Santa Clara County Records; thence along said right-of-way line South 52° 24' 50" East 477.49 feet to a point of curvature; thence along tangent curve to the left having a radius of 453.00 feet through a central angle of 24° 24' 44", an arc distance of 193.01 feet to a point; thence South 52° 24' 50" East 28.31 feet; thence South 66° 44' 16" East 30.52 feet to the True Point of Beginning of this description; thence South 66° 4. 16" East 31.55 feet to a point of curvature; thence along a tangent curve to the right having a radius of 50.00 feet through a central angle of 49° 57' 04" an arc distance of 43.59 feet to a point, thence North 52° 24' 50" West 72.06 feet to the True Point of Beginning.

APN: 706-1-73
ARD: 703-21-3, 3.02, 4.01.03

EXHIBIT "B"

Date: _____, 19___

_____
_____
_____

Dear _____:

This is to notify [Property Owner/Lessee] in response to a request dated _____ made pursuant to the terms of that certain Declaration of Covenants, Conditions and Restrictions (the "Declaration") recorded in the Official Records of Santa Clara County at Page _____ of Book _____, that the Regional Water Quality Control Board for the San Francisco Bay Region (the "RWQCB") has no knowledge of any failure of [Property Owner/Lessee] to comply with the provisions of the Declaration [or that the RWQCB has knowledge of the following facts: _____ _____.] In providing this statement, the RWQCB has relied upon a review of its official records and has made no other inquiries and has made no inspection of the property [owned by Property Owner or leased by Lessee].

REGIONAL WATER QUALITY CONTROL BOARD FOR THE SAN FRANCISCO BAY REGION

By: _____

Title: _____

APPENDIX B

VAPOR INTRUSION EVALUATION AND
SCREENING LEVEL RISK ASSESSMENT

APPENDIX B

Vapor Intrusion Evaluation and Screening Level Risk Assessment

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Introduction

This Vapor Intrusion Evaluation and Screening Level Risk Assessment was prepared for the former Fairchild Semiconductor Corporation facility located at 101 Bernal Road in San Jose, California. This evaluation was performed in response to a request by the Regional Water Quality Control Board (Water Board) in its letter dated December 20, 2013 (Water Board, 2013b). Results of this evaluation indicate that recent concentrations of constituents in groundwater are below levels of potential concern for vapor intrusion to indoor air in on-site and off-site buildings.

Although the Water Board and United States Environmental Protection Agency (USEPA) concluded in the Fourth Five-Year Review Report that there is no exposure risk from vapor intrusion (Water Board, 2009), the USEPA requested in a December 3, 2013 letter (USEPA, 2013c) that the pathway be evaluated at various National Priorities List (NPL) sites in the South Bay using guidelines presented in the letter (Guidelines). The Guidelines are based on the approach described in *External Review Draft – Final Guidance for Assessing and Mitigating the Vapor Intrusion Pathway from Subsurface Sources to Indoor Air* (USEPA, 2013a).

In its December 20, 2013 letter (Water Board, 2013b), the Water Board requested an evaluation *"that analyzes the most recent groundwater data and compares it to updated Regional Water Board environmental screening levels and updated USEPA regional screening levels for groundwater."* The evaluation includes a comparison of current maximum concentrations of site compounds of concern (COCs)[1], 1,4-dioxane, and trichloroethene (TCE) to updated Water Board environmental screening levels (ESLs) (Water Board, 2013a) and to groundwater screening levels developed from the updated USEPA regional screening levels (RSLs) (USEPA, 2013b). Two methods were used to estimate target groundwater concentrations based upon the industrial air RSLs: 1) the USEPA's vapor intrusion screening level (VISL) calculator (USEPA, 2013d), and 2) the Johnson & Ettinger (J&E) model spreadsheet developed by USEPA (USEPA, 2004) with toxicity value updates by Cal/EPA (DTSC, 2009).

The Water Board also requested that the Guidelines be evaluated to determine how they apply to this site. Therefore, this evaluation also includes a summary of the Guidelines and their applicability to the site.

[1] COCs include acetone, 1,1-dichloroethene, isopropanol, tetrachloroethene, 1,1,1-trichloroethane, 1,1,2-trichloro-1,2,2-trifluoroethane (Freon 113), and xylene as defined in the Record of Decision (USEPA, 1989).

Screening Level Comparison

While the Guidelines establish the threshold for a vapor intrusion study area as 5 micrograms per liter (µg/L) TCE in shallow groundwater, they do not establish similar screening levels for the site COCs or for 1,4-dioxane. The evaluation below includes a description of the exposure pathway, review of the most recent groundwater sampling event results, development of equivalent vapor intrusion screening levels for site COCs, TCE, and 1,4-dioxane in groundwater, comparison of the results to screening levels, and a summary of the risk-based screening.

Exposure Pathway

The exposure pathway under evaluation is the volatilization of constituents from the top of the saturated zone (either A or B Zones) and migration through the vadose zone into overlying commercial/industrial buildings, where the vapors could be inhaled by workers. The site is a flat, 22-acre property that consists of a shopping center, which includes a grocery market, restaurants, other retail businesses, and a surface parking lot. Areas in the immediate vicinity and downgradient of the site consist of low-rise buildings containing offices, commercial businesses, warehouses, and agricultural fields. Field observations and local zoning maps indicate that there is no residential development above groundwater containing site COCs, TCE, or 1,4-dioxane. Therefore, residential exposures are not included in this evaluation.

The Remedial Action Plan (RAP) describes soil in the vadose zone on-site as predominantly silty clay and sandy clay (Canonie, 1988). The shallowest water-bearing zone on-site is the "A Zone," which extends to as much as 60 feet below ground surface (bgs), with water levels typically between 30 and 50 feet bgs. Logs for some site borings and wells show no sand or gravel units in the upper 50 feet, suggesting that there is no high permeability A Zone in some areas of the site. The RAP also indicates that in 1982, prior to the installation of the site slurry wall, the A Zone was completely unsaturated in some areas, suggesting that groundwater did not flow continuously through the A Zone around the time of the release. An aquitard separates the A Zone from the underlying B Zone, consisting of sand and gravel generally between 60 and 120 feet bgs. The RAP also concludes that this aquitard contains interbedded sand lenses, which hydraulically connect the two zones.

The RAP indicates that these units are similar downgradient of the site except the A Zone was more consistently unsaturated at the time of the remedial investigation. Cross-sections show that the A and B Zones merge together into a single unit approximately one mile downgradient of the site. Because there was no distinct, water-bearing A Zone identified, off-site groundwater monitoring wells are mostly screened in the B Zone or deeper. Water levels in the off-site B Zone wells ranged between 38 and 48 feet bgs in September 2013.

Constituent Concentrations in Groundwater

Constituents for this evaluation include site COCs, TCE, and 1,4-dioxane. The Water Board's December 20, 2013 letter requests that TCE be included in the evaluation. 1,4-Dioxane is included because it has been proposed as a site COC.

The Water Board requested that the most recent groundwater data be used in this evaluation (Water Board, 2013b). Because of the discontinuous nature and inconsistent saturation of the A Zone in many on-site and off-site areas, Weiss selected the maximum constituent concentrations of both A or B Zone wells for the evaluation (Table B-1).

Comparison to Screening Levels

A comparison of the September 2013 groundwater concentrations to the various screening levels is discussed in the following sections and shown in Table B-1.

Environmental Screening Levels

The Water Board ESLs are screening values for various media that can be compared to site-specific sampling results to evaluate potential risks to human health and the environment (Water Board, 2013a). The ESLs for the groundwater-to-indoor-air pathway in a commercial/industrial setting were used for this evaluation. The ESLs for evaluating the potential for vapor intrusion are calculated using attenuation factors derived from the J&E model (J&E, 1991). The risk factors in the ESLs for TCE and 1,1-dichloroethene (1,1-DCE) are based upon federal toxicity values. The ESL model assumes an exposure time of 8 hours per day for occupational exposure. The ESLs presented in Table B-1 are for a fine-coarse mix soil type, which is the region-specific soil type selected by the Water Board for Bay Area sites, and is consistent with the on-site and off-site vadose zone. The screening levels are considered appropriate for sites with groundwater depth of at least 10 feet bgs. A groundwater-to-indoor air ESL is not established for acetone, 1,1,1-TCA, 1,4-dioxane, Freon 113, isopropanol, or xylene. The Water Board also used region-specific building parameters to determine vapor intrusion ESLs.

As shown in Table B-1, maximum concentrations of TCE, tetrachloroethene (PCE), and 1,1-DCE detected in on-site A and B Zone groundwater during the last sampling event are two to three orders of magnitude below the Water Board ESLs for the groundwater-to-indoor-air pathway. In the off-site wells, TCE and PCE were not detected above the reporting limits. The maximum detected off-site concentration of 1,1-DCE was 6.0 micrograms per liter (µg/L), more than four orders of magnitude below the ESL of 130,000 µg/L.

Vapor Intrusion Screening Level Calculator

The USEPA VISL calculator is a spreadsheet tool that provides screening-level concentrations for groundwater as well as other media for default target risk levels and exposure scenarios (USEPA, 2013d). The VISL calculator can be used to determine whether the vapor intrusion pathway has the potential to pose an unacceptable level of risk to human health by comparing site-specific subsurface data against screening levels provided in the calculator. The receptors in the model are assumed to be occupants in buildings with poured concrete foundations. For the selected commercial scenario, the exposure time is 8 hours per day. Target groundwater concentrations are calculated in the spreadsheet tool by dividing the target indoor air concentration by a generic attenuation factor and converting the vapor concentration to an equivalent groundwater concentration using Henry's Law.

The VISL calculator incorporates the latest toxicity values in the May 2013 RSLs. As noted in the Guidelines, the California Office of Environmental Health Hazard Assessment (OEHHA) toxicity value for PCE is more conservative than the federal value used to calculate USEPA's RSL of 47.2 micrograms per cubic meter (µg/m^3). In accordance with the Guidelines, the California-modified indoor air screening level of 2 µg/m^3 for commercial/industrial exposures was used in the VISL calculator rather than the RSL.

The USEPA developed empirically-based attenuation factors for groundwater to derive VISLs for health protection (USEPA, 2013a). The generic groundwater attenuation factor is 0.001, while a more site-specific attenuation factor of 0.0005 can be used for sites with fine-grained vadose zone soils, when laterally extensive layers are present. As shown in Table B-1, the VISL calculator was run using the generic groundwater attenuation factor of 0.001.

The VISL calculator was run to determine risk-based groundwater concentrations for a target carcinogenic risk of 1E-6 and target hazard quotient of 1.0. The VISL calculator does not include an evaluation of 1,4-dioxane or isopropanol. The target groundwater concentrations of the constituents available in the VISL calculator are shown in Table B-1. As shown, the on-site and off-site maximum groundwater concentrations from 2013 are below the target groundwater concentrations calculated using the VISL calculator.

Site-Specific Screening Levels

The vapor intrusion-to-indoor air pathway was also evaluated using site-specific parameters in a J&E-based model spreadsheet developed by USEPA (USEPA, 2004) with toxicity value updates by Cal/EPA (DTSC, 2009). This model simulates the transport of soil vapor through subsurface soil into indoor air by both diffusion and advection. The model contains a health risk component added by the USEPA to calculate the risk from inhaling a specific constituent at an estimated indoor air concentration (USEPA, 2004). For this evaluation, a modified version of the model that incorporates human health criteria specific to California, as developed by OEHHA, was used (DTSC, 2009). This model is referred to as the "OEHHA Spreadsheet" below.

As noted in the Guidelines, the California OEHHA toxicity value for PCE is higher (more conservative) than the federal value used to calculate USEPA's RSL (47.2 $\mu g/m^3$). In accordance with the Guidelines, the California-modified inhalation unit risk (IUR) that corresponds to an indoor air screening level of 2 $\mu g/m^3$ for commercial/industrial exposures is used in the OEHHA Spreadsheet rather than the federal IUR.

Site-specific groundwater depth and soil classifications were obtained from project documents for model parameters. Based on review of soil boring logs, the model was run for two different vadose zone soil types: silty clay and sandy clay. Default USEPA soil/groundwater temperature and building parameter assumptions are used in the OEHHA Spreadsheet. Commercial/industrial exposure parameters were assumed.

The OEHHA Spreadsheet was used to determine risk-based groundwater concentrations for a target carcinogenic risk of 1E-6 and target hazard quotient of 1.0. The target groundwater concentrations are shown in Table B-1. 1,4-Dioxane, isopropanol, 1,1,1-TCA, and 1,1,2-trichloro-1,2,2-trifluoroethane (Freon 113) do not have established vapor intrusion screening levels. As shown in Table B-1, the on-site and off-site maximum groundwater concentrations from 2013 are two to six orders of magnitude below the target groundwater concentrations calculated from the OEHHA Spreadsheet for both vadose zone soil types.

Summary

Previous vapor intrusion assessments indicate that the migration of constituent vapors into on-site and off-site buildings does not present a significant human health risk. In light of the USEPA's recent new concerns about this pathway, the vapor intrusion pathway was re-evaluated at the Water Board's request. This evaluation indicates that site COCs, TCE, and 1,4-dioxane are not present in groundwater above screening level concentrations for this pathway based upon ESLs, the VISL calculator, or the OEHHA Spreadsheet (Table B-1). Therefore, residual concentrations of these constituents are below levels of potential concern for vapor intrusion to indoor air in on-site or off-site buildings and no further assessment is necessary.

EVALUATION OF GUIDELINES

The Water Board also requested that the Guidelines be evaluated to determine how they apply to this site. The Guidelines and their potential application to the site are discussed below.

Item #1 – Interim TCE Indoor Air Short-term Response Action Levels and Guidelines

The USEPA established an indoor air short-term response action level for TCE of 7 $\mu g/m^3$ for the commercial/industrial exposure scenario at the South Bay sites. The indoor air commercial/industrial RSL for an indoor worker is 2.99 $\mu g/m^3$ for TCE. Because the RSL is more conservative than the short-term response action level, the RSL was used in the screening-level evaluation.

Item #2 – PCE Indoor Air Screening Levels

As noted in the Guidelines, the OEHHA toxicity value for PCE is higher (more conservative) than the federal value used to calculate USEPA's RSL (47.2 $\mu g/m^3$). In accordance with the Guidelines, the California-modified indoor air screening level of 2 $\mu g/m^3$ for commercial/industrial exposures was used in the screening-level evaluation rather than the RSL.

Item #3 – Residential Building Sampling Approach – Multiple Rounds of Sampling including Colder Weather and Crawlspace Sampling

As discussed in the Exposure Pathway section above, the residential pathway is not present. Therefore, this item does not apply to the site.

Item #4 – Commercial Building Sampling Approach – Building Ventilation System (HVAC)-Off, HVAC-On and Pathway Sampling

During a meeting with representatives of the Water Board, USEPA, Schlumberger Technology Corporation, Geosyntec Consultants, and Weiss Associates on December 17, 2013, it was concluded that this evaluation would be performed to determine whether sampling of commercial buildings off-site is necessary. Based on the results of the evaluation, sampling is not necessary and this item does not apply.

Item #5 – On-Property Study Area Building Sampling

During the December 17, 2013 meeting, it was concluded that this evaluation would be performed to determine whether sampling of commercial buildings on-site is necessary. Based on the results of the evaluation, sampling is not necessary and this item does not apply.

Item #6 – Phased Approach and Clarification of Vapor Intrusion Off-Property Study Areas to Include Buildings Overlying 5 µg/L TCE Shallow-Zone Groundwater Contamination

The Guidelines establish the threshold for a vapor intrusion study area as 5 µg/L TCE in shallow groundwater. TCE is not a COC at this site and, as shown in Table B-1, the maximum TCE concentration detected on-site in September 2013 was 1.0 µg/L, and TCE was not detected off-site above a reporting limit of 0.5 µg/L. Therefore, neither on-site nor off-site qualify as a vapor intrusion study area based upon groundwater TCE concentrations. The above evaluation also demonstrates that vapor intrusion screening levels for other site COCs and 1,4-dioxane are not exceeded in on-site or off-site wells. Therefore, no additional assessment of the vapor intrusion pathway is warranted.

REFERENCES

California Department of Toxic Substances Control (DTSC), 2009. *Johnson and Ettinger Models Website*, http://www.dtsc.ca.gov/AssessingRisk/JE_Models.cfm.

Canonie Environmental Services (Canonie), 1988. *Remedial Action Plan, Fairchild Semiconductor Corporation, San Jose Facility,* October.

Johnson, P.C. and Ettinger, R.A. (J&E), 1991. *Heuristic Model for Predicting the Intrusion of Contaminant Vapors into Buildings*, Environmental Science and Technology, v. 25, n. 8, p. 1445 – 1452.

USEPA, 1989. *EPA Superfund Record of Decision: Fairchild Semiconductor Corp. (South San Jose Plant) EPA ID: CAD097012298, OU 01, San Jose, California,* March 20.

USEPA, 2004. *User's Guide for Evaluating Subsurface Vapor Intrusion into Buildings*, February 22.

USEPA, 2013a. *OSWER Final Guidance for Assessing and Mitigating the Vapor Intrusion Pathway from Subsurface Sources to Indoor Air (External Review Draft)*. April 11.

USEPA, 2013b. *USEPA Region 9 Regional Screening Levels: http://www.epa.gov/region9/superfund/prg/*. May 2013.

USEPA, 2013c. *USEPA Region 9 Guidelines and Supplemental Information Needed for Vapor Intrusion Evaluations at the South Bay National Priorities List (NPL) Sites*. Letter from USEPA to RWQCB, December 3, 2013.

USEPA, 2013d. *Vapor Intrusion Screening Level (VISL) Calculator User's Guide*. December.

Regional Water Quality Control Board (Water Board), 2009. *Five-Year Review for the Fairchild Semiconductor Corp. Superfund Site*, San Jose, California, September 30.

Water Board, 2013a. *Environmental Screening Levels, Interim Final* – May 2013. Accessed at http://www.waterboards.ca.gov/rwqcb2/water_issues/programs/esl.shtml on October 25, 2013.

Water Board, 2013b. *Requirement for Vapor Intrusion Evaluation and Screening Level Risk Assessment Report for Former Fairchild Semiconductor Corporation Site, 101 Bernal Road, San Jose, Santa Clara County.* Letter from Water Board to Schlumberger Technology Corporation, December 20.

Table B-1. Comparison of Constituent Concentrations in Groundwater from September 2013 Sampling with Screening Levels for the Vapor Intrusion Pathway—101 Bernal Road, San Jose, California

	On-site Groundwater Monitoring Data			Off-site Groundwater Monitoring Data			Commercial/Industrial Screening Levels			
Constituent	Maximum Concentration Detected	Depth to Water	Well	Maximum Concentration Detected	Depth to Water	Well	ESL	VISL Calculator	OEHHA Spreadsheet, Silty Clay	OEHHA Spreadsheet, Sandy Clay
	µg/L	**(feet bgs)**		**µg/L**	**(feet bgs)**		**µg/L**	**µg/L**	**µg/L**	**µg/L**
Acetone	<50	---	---	<50	---	---	NE	95,000,000	250,000,000	430,000,000
1,1-Dichloroethene (1,1-DCE)	150	46.06	AE-1(B)	6.0	47.85	RW-25(B)	130,000	820	16,000	16,000
1,4-Dioxane	100	46.15	WCC-41(A)	<1.0	---	---	NE	NE	NSV	NSV
Isopropanol (IPA)	<100	---	---	<100	---	---	NE	NE	NSV	NSV
Tetrachloroethene (PCE)*	1.6	46.06	AE-1(B)	<0.5	---	---	640	3	180	170
1,1,1-Trichloroethane (1,1,1-TCA)	41	46.15	WCC-41(A)	7.2	47.85	RW-25(B)	NE	31,000	NOC	NOC
Trichloroethene (TCE)	1.0	45.75	RW-23(A)	<0.5	---	---	1,300	7.4	370	320
1,1,2-Trichloro-1,2,2-trifluoroethane (Freon 113)	<0.5	---	---	<0.5	---	---	NE	6,100	NOC	NOC
Xylene	<1.0	---	---	<1.0	---	---	NE	2,100	76,000	62,000

Notes:

* - screening levels were determined using the California-modified indoor air screening level of 2 µg/m^3.

<0.5 - not detected above the reporting limit shown.

--- not applicable due to compound was not detected in any well above reporting limit.

Abbreviations:

ESL - Environmental Screening Level, groundwater-to-Indoor-air-pathway (Water Board, 2013a). Soil type is fine-coarse mix.

feet bgs - feet below ground surface

µg/m^3 - micrograms per cubic meter

µg/L - micrograms per liter

NE - not established (the screening level was not established)

NOC - not of concern (screening level is at or above the solubility limit and is not of concern for this pathway).

NSV - not sufficiently volatile (USEPA considers chemicals with Henry's Law constants below 1E-5 atm-m3/mole as not sufficiently volatile for vapor intrusion risk assessment) (EPA, 2004).

OEHHA Spreadsheet - Office of Environmental Health Hazard Assessment Spreadsheet Site-specific screening levels California (DTSC, 2009). Soil type as indicated, well-specific depth to water data used, target risk = 1e-6, hazard quotient = 1.

USEPA - United States Environmental Protection Agency

VISL Calculator - vapor intrusion screening level calculator (USEPA, 2013d). Attenuation factor = 0.001, default groundwater temperature = 25 degrees Celsius, target risk = 1e-6, hazard quotient = 1.