

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD

SAN FRANCISCO BAY REGION

ORDER NO. 89-167

SITE CLEANUP REQUIREMENTS FOR:

APPLIED MATERIALS, INC.
3050 BOWERS AVENUE BUILDING 1 FACILITY
CITY OF SANTA CLARA, SANTA CLARA COUNTY

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

1. Location and Responsible Party. Applied Materials, Inc. (AM), hereinafter called the discharger, owns and operates the Building 1 facility at 3050 Bowers Avenue in the City of Santa Clara, for the purpose of manufacturing vapor deposition equipment used in the semiconductor industry. Building 1 is located on a nine-acre site about 6.4 miles south of San Francisco Bay and within one mile of Calabazas, Saratoga, and San Tomas Aquino Creeks. It is in an area of light industrial and commercial development and has been in operation since 1970. Prior use of the area was for agriculture.

Pursuant to Health and Safety Code Sections 25356.1 (c) and (d), the discharger is the only identified or known responsible party associated with the release of pollutants to the subsurface at this location.

2. Chemicals Detected. Volatile organic chemicals (VOCs) were first detected in groundwater in November 1983, in the vicinity of three underground tanks at the west side of Building 1. The predominant pollutant in 1983 was trichloroethane (1,1,1-TCA) at concentrations up to 12,000 parts per billion (ppb); also detected were trichloroethylene (TCE), dichloroethylene (1,1-DCE), dichloroethane (DCA), Freon 113, and other VOCs.

Analytical results of January - June 1989 show the presence in groundwater onsite of: 1,1,1-TCA at 1,100 ppb; 1,1-DCA at 120 ppb; 1,1-DCE at 50 ppb; TCE at 20 ppb; PCE at 9 ppb; 1,2-DCA at 2.3 ppb; 1,2-DCE at 0.6 ppb; 1,1,2-TCA at 1.0 ppb; Freon 113 at 170 ppb; and Freon 11 at 48 ppb. Any other VOCs were below detection limits.

Prior to the discovery of subsurface pollution at Building 1, significant VOC concentrations had been detected at three sites bordering the AM property. However, VOC plumes from neighboring sites do not appear to extend to the AM Building 1 site and it is probable that no VOCs were present in the shallow groundwater at Building 1 prior to onsite release.

VOCs are identified as either carcinogenic (cancer-causing) or noncarcinogenic (not cancer-causing). The VOCs found in the subsurface at this site include several which have been categorized by the EPA as being able to cause cancer in humans: (1) possible human carcinogen - 1,1-DCE, and 1,1,2-TCA; (2) probable human carcinogen - TCE, PCE, 1,1-DCA and 1,2-DCA (EDC). Chloroform, a probable human carcinogen, was reported episodically in onsite samples collected from 1983 through 1986 and in 1988. Methylene chloride, a probable human carcinogen, was reported one time, in 1985. Vinyl chloride, a known human carcinogen, was reported twice, once in 1983 and once in 1985, in samples from two different source-area wells.

3. NPL and Orders. The site is on the National Priorities List (NPL) and is regulated by Regional Board Orders, as indicated herein:

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| a. | October 15, 1984 | Site proposed for the NPL. |
| b. | June 19, 1985 | Regional Board adopted NPDES Permit No. CA0028851, for the discharge of treated water to a storm drain system tributary to San Tomas Aquino Creek and South San Francisco Bay. |
| c. | September 17, 1986 | Regional Board adopted waste discharge requirements for the site. |
| d. | July 22, 1987 | Site added to the final NPL. |
| e. | December 21, 1988 | Regional Board adopted a revised NPDES Permit No. CA0028851 (expires June 19, 1990). |

4. Lead Agency. Pursuant to the South Bay Multi-Site Cooperative Agreement and the South Bay Ground Water Contamination Enforcement Agreement, entered into on May 2, 1985 (as subsequently amended) by the Regional Board, EPA and DHS, the Regional Board has been acting as the lead regulatory agency. The Regional Board will continue to regulate the

discharger's remediation and administer enforcement actions under CERCLA as amended by SARA.

5. Hydrogeology. The facility is in the Santa Clara Valley which is a sedimentary basin filled with unconsolidated heterogeneous alluvial material, sometimes interspersed with layers of marine clay. The alluvium is a mixture of permeable water-bearing sands and gravels interbedded with less permeable silts and clays. The soils are extremely variable over short distances, both horizontally and vertically.

Water-bearing deposits in the Valley and at the Building 1 site are generally divided into three laterally traceable units, beginning with the near-surface A zone and progressing with depth through the B zone and into the C zone. The top of the A zone is found at depths between nine and 15 feet below the surface, and the B at between 42 and 47 feet. The A and B zones are separated by a layer of silty clay at least five feet thick.

Groundwater is found at a depth of about eight feet in the A zone and is confined or semiconfined. Groundwater flow is to the northeast, at a calculated velocity of about two feet per day. An upward hydraulic gradient between the A and B zones is indicated by water level measurements. Water in the A and B zones at, and in the near vicinity of, this site is not withdrawn for any use other than interim remedial action at present.

The C zone is from 150 to more than 500 feet below the surface, and contains aquifers which produce water for domestic and other uses. The C zone aquifers are separated from the shallow A/B aquifers by clay layers between about 50 and 150 feet. The clay layers can provide an effective natural barrier to vertical groundwater movement, but are not universally present; and the integrity of clay barriers which are present may be compromised at specific locations by abandoned wells which are improperly sealed and act as conduits for the vertical migration of pollutants.

VOCs at this site are found in fine-grained silts and clays in the depth interval of eight to 19 feet, and in the groundwater and soils of the underlying gravelly sand of the A zone aquifer which is five or more feet thick. VOC pollution has also been found in the B zone, to a limited extent. The AM pollutant plume in 1983 had migrated in the subsurface a distance of 700 feet or more from the source area to the northeast, and vertically downward to a depth of about 50 feet below the surface. The present (1989) areal extent of the plume is similar to what it was earlier, but the concentration

of 1,1,1-TCA has decreased from a range of 4,000 to 12,000 ppb in 1983, to 50 to 1,000 ppb at present

No water supply wells, active or abandoned, are located within the AM plume. The nearest former water supply well, more than 500 feet deep and in the C zone, was located east of Building 1 and just beyond the eastern margin of the plume. This well was destroyed in April 1986 under supervision of the Santa Clara Valley Water District. The presence of minor amounts of VOCs has been detected in the C zone in a number of wells in the Santa Clara Valley. The nearest such occurrence to the Building 1 facility is in a municipal water supply well more than 600 feet deep, designated #20-02, about 6000 feet west of Building 1. The source of pollution in this well is not believed to be the plume at the Building 1 site.

6. Interim Actions. The detection of total VOCs in concentrations up to 65 milligrams per liter (mg/l) in soil samples collected in the vicinity of the underground tanks in 1984 and 1985 suggested that the VOCs were released from the tanks and/or associated piping and that this was the source area. The tanks have been excavated and removed. About 60 cubic yards of polluted soil were also removed. More soil was not removed because of a perceived threat to the integrity of the Building 1 structure. The quantity of polluted soil yet remaining in place may be at least equal to that which has been removed.

After the tanks were removed, the excavation was filled and converted into an extraction pit. About 10,000 gallons of water were extracted to remove sediment and develop the pit. An analysis of a water sample collected in 1985 revealed the presence of more than 400 mg/l (400,000 ug/l) total VOCs. This may indicate the presence of soil "hot spots" which can leach VOCs into groundwater.

The discharger has installed and maintains nine onsite monitoring wells, including seven in the A zone and two in the underlying B zone, and three piezometers in the A zone in the vicinity of the extraction pit.

The AM plume was defined by July 1984, after which interim remedial action by extraction wells and groundwater treatment/discharge was implemented. The extraction system consists of two wells and the pit, discharging to a common air-stripper treatment unit. Extraction appears to be effective in containing the AM plume. The quantity of VOCs removed thus far by interim pumping is considerably more than the amount believed to have been in the ground before extraction began. This suggests the presence of concentrated pockets of VOCs in the source area.

7. NPDES Discharge. The extracted groundwater currently in the range of 20,000 to 26,000 gallons per day (gpd), is discharged under an NPDES permit, Regional Board Order No. 88-171, after treatment by air-stripping, to a storm drain system tributary to San Tomas Aquino Creek and South San Francisco Bay. Under Order No. 88-171 the discharge of wastes containing constituents in excess of stated limits is prohibited. The discharge of most VOCs must not exceed a concentration of five parts per billion (5 ppb) for each VOC.
8. Remedial Investigation/Feasibility Study and Remedial Action Plan. The discharger has submitted a Remedial Investigation and Feasibility Study (RI/FS) Report which satisfies the requirements of Regional Board Order No. 86-71, Waste Discharge Requirements. This report includes five alternative remedial action plans, an evaluation of remediation alternatives, a public health evaluation, and a proposed final remedial action plan (RAP). The discharger has proposed that: water reuse is infeasible, the benefits of reinjection are doubtful, discharge to a POTW is unacceptable, and discharge to San Tomas Aquino Creek constitutes a beneficial use in enhanced fresh water flow to South San Francisco Bay.

The RI/FS Report, originally dated February 19, 1988 was revised and updated and submitted to the Board on June 14, 1989. The proposed final Remedial Action Plan (RAP) was presented to the Regional Board for informational purposes at the Board Meeting of June 21, 1989, at which the public comment period on the RAP was opened. A Public Meeting to obtain comments on and public input to the proposed final RAP was held in the City of Santa Clara on June 29, 1989.

The RI/FS Report's discussion of Applicable or Relevant and Appropriate Requirements (ARARs) is included within the overall discussion of "Public Health and Environmental Impacts", and is based on statements in the EPA (1986) Superfund Health Evaluation Manual. The report states that, according to the EPA: the predicted exposure point concentrations should be compared to ARARs for the indicator VOCs; Safe Drinking Water Act Maximum Contaminant Levels (MCLs) and Maximum Contaminant Level Goals (MCLGs) are considered the most appropriate ARARs for potential groundwater exposure via drinking water. A MCL represents the allowable lifetime exposure to the chemical for a 70-kg adult who is assumed to ingest two liters of water per day. The MCLs for reported indicator chemicals at this site are: 200 ppb for 1,1,1-TCA and 6 ppb for 1,1-DCE, the same for both the EPA and the DHS. An MCL is not available for 1,1-DCA. The DHS has recommended an Action Level (AL) of 5 ppb, and this is used as an ARAR for the third indicator chemical.

The primary exposure route for the discharger's pollution is through the ingestion (drinking) of polluted water. The discharger has evaluated potential human health effects resulting from the presence of VOCs in the groundwater, by (1) calculating exposure point concentrations for indicator VOCs and comparing these to Applicable or Relevant and Appropriate Requirements (ARARs); and (2) calculating exposure risks for a Maximally Exposed Individual (MEI) at the site of highest estimated exposure, a number of years in the future. The discharger concluded that for (1) all exposures are lower than ARARs, inferring that human health was not threatened, even in the absence of cleanup. For (2), the discharger concluded that there probably would be no health hazards associated with exposure to noncarcinogenic chemicals, but there would be some risk due to the presence of carcinogens, in the absence of cleanup. The Board finds that the projected concentrations of carcinogens in the near-source groundwater, may, upon exposure, be a threat to human health.

The discharger's RI/FS has evaluated five alternative cleanup plans: (1) removal of all soil and groundwater containing VOCs, (2) partial soil removal by excavation with shored sheet piling or sheeting and shoring (two levels of removal) and groundwater pump and treat, (3) partial soil removal by augered caisson excavation (two levels of removal) and groundwater pump and treat, (4) VOC containment and removal by groundwater extraction, treatment and discharge (pump and treat), and (5) a no-action alternative. The discharger also evaluated VOC removal by soil-gas venting and borehole mining. Based on the alternatives evaluated, the discharger recommends groundwater pump and treat as a final remedial action plan. The Board concludes that pump and treat can remove VOCs from groundwater, but that as the sole measure of remediation, it will take a long period of time to achieve cleanup goals; and that soil remediation in conjunction with pump and treat will effectively accelerate VOC removal.

The discharger has implemented a supplemental soil survey program to further evaluate soil pollution in the suspected source area. The purpose of this program is to determine if "hot spots" or concentrated pockets of VOCs exist in or near the suspected source area. The results of this survey will influence the final cleanup plan.

The discharger proposes to maintain established cleanup levels throughout the site by extracting and treating groundwater. Based on the historical TCA concentration data, the discharger has estimated that a period of time equal to or in excess of 12 years probably will be required for the pump and treat alternative to achieve cleanup goals. The groundwater extraction/treatment system already exists, so a capital expenditure will not be required. The annual cost for this

alternative is estimated to be \$33,700. An additional cost of \$59,000 will be incurred for the supplemental soil survey program (source investigation) referred to above, and additional remediation to expedite VOC removal from groundwater will require presently unpredictable costs. For the purpose of cost comparison, the present worth cost of this modified pump-and-treat alternative will most likely be less than or equal to that of the alternatives which involve partial soil removal by excavation. The supplemental soil survey has been started; the first phase is projected for completion in October of 1989, and a second phase, if implemented, is projected for completion in February of 1990.

Removal of all soil and groundwater containing VOCs, and associated activities, have an estimated capital cost of \$18,400,000. Alternatives which include partial soil removal by excavation, and groundwater extraction and treatment have estimated capital costs in the range of \$1,480,000 to \$1,770,000 and annual costs of about \$58,700. These latter alternatives may attain cleanup goals in five to seven years. A no-action alternative, which is sampling monitoring wells to track the plume and measuring water levels, has an estimated annual cost of \$30,000.

The proposed final RAP was presented to the Board as an informational item at the Board Meeting of June 21, 1989. A Public Meeting was held by Board staff in Santa Clara on June 29 to receive comments on and public input to the proposed final RAP.

9. Final Cleanup Plan. Based primarily on information submitted by the discharger in the RI/FS Report and review/comment, this Order provides for a final cleanup plan that includes:
 - a. Continued groundwater extraction from onsite aquifers until VOC concentrations are reduced to background levels, which is the primary cleanup objective.
 - b. If it has been determined, after a reasonable effort utilizing best practicable treatment or control, that the primary objective is not cost-effective and zero background concentration cannot be achieved, then achieving drinking water quality at an aggregate risk level not exceeding 1×10^{-4} throughout the source area and plume is an appropriate secondary goal for this site.
 - c. Remediation of soils containing more than one part per million (1 ppm) total VOCs is a cleanup goal. A different soil cleanup level may be acceptable if: (1) the Executive Officer determines that higher levels of total VOCs can remain in soils without adversely affecting groundwater resources now or when groundwater extraction

is terminated, or (2) the Executive Officer determines that it is infeasible to achieve the cleanup goal of 1 ppm and that public health and the environment will be protected. Information obtained from tests conducted on source area soils will be considered in determining if a different soil cleanup level should be established.

- d. Reclamation and/or reuse of 100% of the groundwater that is extracted and treated is a goal of this plan. Considering the long-term nature of the discharger's proposed RAP, and the time that may be required to achieve ARARs throughout the site, it is appropriate for the discharger to fully investigate reclamation and reuse options, including additional treatment following air stripping.
 - e. A review of the presence or potential presence of vinyl chloride within the plume, including (1) the existing sampling and analysis program directed at establishing procedures that will consistently utilize detection limits not to exceed 1 ppb, and (2) chemicals identified onsite which may degrade or transform into vinyl chloride.
 - f. Investigation and implementation of institutional controls which will control and restrict the withdrawal and use of onsite polluted groundwater and control and limit activities that could result in exposure to VOC pollution. Control and restrictions within the plume will be necessary until drinking water levels have been achieved for all VOCs, and these levels have stabilized.
 - g. Long-term monitoring may be required if stability of cleanup levels cannot be maintained for one year after goals are achieved.
10. Hazard Indices and Cancer Risk Numbers. The Hazard Index (HI) is the method used by the Board to assess the public health risk associated with the presence of multiple (usually non-carcinogenic) chemicals. This approach evaluates the sum of proportions of individual chemicals present:

$$HI = \frac{A}{RL \text{ of } A} + \frac{B}{RL \text{ of } B} + \dots + \frac{Z}{RL \text{ of } Z};$$

and assumes that multiple sub-AL/MCL exposures could result in an adverse effect and that the magnitude of the adverse effect will be proportional to the sum of the ratios of the exposures (A, B, Z) to reference levels (RL of A, B, Z). An HI less than or equal to 1 indicates that all chemicals of interest are present at or below relevant drinking water criteria.

The discharger has calculated exposure point concentrations for indicator VOCs (1,1,1-TCA; 1,1-DCA; and 1,1-DCE), and compared these to ARARs. The discharger has also calculated SDI to AIS ratios (subchronic daily intake to acceptable intake for subchronic exposure), and also CDI to AIC ratios (chronic daily intake to acceptable intake for chronic exposure). All the hazard indices resulting from these calculations involving the three indicator chemicals show HIs less than 1. However, for the purpose of determining secondary cleanup levels for this site, the HI should include all the identified VOCs. Table 2 lists all identified VOCs and indicates which are carcinogens as well as the chemicals of interest for HI calculations.

The carcinogens at this site have been identified as possible or probable cancer-causing substances in humans (vinyl chloride is identified as a known carcinogen). When cancer-causing substances are present and a threat of exposure to these substances exists, a potential risk is present. There is no "zero-risk" level associated with the threat of exposure to carcinogens. The potential aggregate effects of carcinogens are evaluated by use of cancer risk numbers, usually expressed as the number of excess cancers that may develop in a population; i. e., the 10^{-6} or one-in-a-million risk, or the 10^{-5} (one-in-100,000) risk. The concentrations (ppb or ug/l) which may result in the 10^{-6} risk for the identified carcinogens (EPA, 1987) are: 0.06 for 1,1-DCE; 0.59 for 1,1,2-TCA; 3.0 for TCE; 0.67 for PCE; 0.38 for 1,2-DCA; 0.43 for chloroform; 5.0 for methylene chloride; and 0.02 for vinyl chloride. The calculated 10^{-6} risk number for 1,1-DCA is 0.39 ppb.

Using the combined sum of 1,1-DCE, TCE and PCE concentrations to represent the concentration of an indicator carcinogen (1,1-DCE), the discharger has calculated a cancer risk number of 3.5×10^{-4} for a hypothetical maximally exposed individual at the AM Building 1 site thirty years from now. In this estimate of impacts to human health (no-action alternative) the discharger reports that concentrations of VOCs at the source area in 30 years will be: 576 ppb 1,1,1-TCA; 57.6 ppb 1,1-DCA; 13 ppb 1,1-DCE; 5 ppb TCE; and 2 ppb PCE.

Even though the risk number of 3.5×10^{-4} results from a hypothetical consideration, it and the associated VOC residual concentrations expected to be present at the source area thirty years in the future are sufficient cause to pursue a remedial alternative other than no-further-action. The risk number of 3.5×10^{-4} is much greater than what would be considered an acceptable risk due to the presence of carcinogens in useable groundwater, and the postulated residual concentrations of onsite VOCs for the no-action

alternative are higher than what would be considered acceptable; the VOC concentrations can be further reduced, and may be reduced to, or below, drinking water MCLs by remediation. The postulated residual VOC concentrations, including carcinogens, 30 years in the future indicates that source-area soil remediation may be necessary in order to achieve background levels and to restore groundwater to its original use-suitability within a reasonable time frame; and, if required, to provide an extra margin of protection for human health and the environment.

The risk potential of all identified carcinogens was evaluated by Board staff, and the total risk was then calculated and compared to EPA's acceptable risk range of 10^{-4} to 10^{-7} . The total risk was greater than 1×10^{-4} ; therefore the cleanup goals for certain carcinogens must be adjusted downward to meet the maximum aggregate risk number of 1×10^{-4} .

The risk due to non-carcinogens at this site was also assessed. The CDI : AIC ratios were summed to produce a Hazard Index (HI) for total toxic risks. The sum was greater than one, due mainly to acetone. The cleanup limit for acetone must be reduced to meet an HI of one.

11. Final Cleanup Levels. The secondary cleanup goal for the site A and B aquifers is the California DHS Action Level (AL) or Maximum Contaminant Level (MCL), whichever is more stringent, for drinking water, or a goal based on other health-related reference information as described herein.

While the cleanup objective is to restore groundwater quality by removing as much VOC-concentration as is technologically and economically feasible, another objective of major importance is to remove the potential threat posed by the presence of cancer-causing chemicals at this site. The process of removing carcinogens to the extent feasible will result in the removal of non-carcinogens as well.

If the 10^{-6} cancer risk concentrations for all VOCs are used to establish an aggregate cleanup level, this would be an attempt to approximate the primary objective, but may not be practical. Increased flexibility to use a less stringent aggregate cleanup level is indicated from consideration of the following: (1) the practical detection/quantification limits for some chemicals do not permit measurement by standard methods of such low concentrations; (2) there are no water-tap exposures above health-based levels actually occurring in the vicinity of this site at present or expected in the future; (3) the potential for human exposure from pathways other than drinking water ingestion is minimal to none; (4) there are no sensitive populations or special environmental receptors in the immediate vicinity of the site. As a consequence of these

considerations, the 10^{-6} cancer risk concentrations, with two exceptions, are not used to establish an aggregate cleanup level.

For evaluation of total risk in each of the two categories (carcinogen and non-carcinogen) cleanup levels for the site A and B aquifers are established based on:

- a. California DHS AL or MCL values for 1,1-DCA; 1,2-DCA; PCE; 1,1,1-TCA; vinyl chloride; Freon 113; Freon 11; trans-1,2-DCE; and 1,2-DCP.
- b. EPA (1987) 10^{-6} risk numbers for TCE and methylene chloride;
- c. The Applied Action Level of the DHS Toxic Substances Control Division for chloroform (6 ppb).
- d. The EPA Integrated Risk Information System (IRIS) oral reference dose for acetone (3500 ppb).
- e. The DHS MCL for 1,1,2-TCA (32 ppb).

The soil remediation goal is 1 ppm for total VOCs. There are technical uncertainties associated with soil remediation; excavation and disposal is no longer the preferred remediation method as it does not treat the soil or reduce the volume of chemicals. This goal will be re-examined based on additional information provided by the discharger obtained through soil surveys and soil testing.

12. Future Changes to Cleanup Levels. If new information indicates cleanup goals cannot reasonably be attained or can reasonably be surpassed, the Regional Board will decide if further final cleanup actions beyond those completed shall be implemented at this site. If changes in health criteria, administrative requirements, site conditions, or remediation efficiency occur, the discharger will submit an evaluation of the effects of these changes on cleanup levels as specified in Specification B.4.

The Regional Board recognizes that the discharger has already performed extensive investigative and remedial work onsite and that the discharger is being ordered hereby to perform additional remedial tasks. It is in the public interest to have the discharger undertake such remedial actions promptly and without prolonged litigation or the expenditure of public funds. The Regional Board recognizes that an important element in encouraging the discharger to invest substantial resources in undertaking such remedial actions is to provide the discharger with reasonable assurances that the remedial actions called for in this Order will be the final remedial

actions required to be undertaken by the discharger. On the other hand, the Regional Board also recognizes its responsibility to protect water quality, public health, and the environment and that future developments could indicate that some additional remedial actions may be necessary. The Regional Board has considered and balanced these important considerations, and has determined that the remedial actions ordered herein represent the Regional Board's best, current judgement of the remedial actions to be required of the discharger. The Regional Board will not require the discharger to undertake additional remedial actions with respect to the matters previously described herein unless: (1) conditions on the site, previously unknown to the Regional Board, are discovered after adoption of this Order, or (2) new information is received by the Regional Board, in whole or in part after the date of this Order, and these previously unknown conditions or this new information indicates that the remedial actions required in this Order may not be protective of public health and the environment. The Regional Board will also consider technical practicality, cost effectiveness, State Board Resolution No. 68-16 and other factors evaluated by the Regional Board in issuing this Order in determining whether such additional remedial actions are appropriate and necessary.

13. Groundwater Conservation. The Regional Board intends to strongly encourage, and require to the extent allowed by law, the maximum reclamation or reuse of groundwater feasible either by the discharger or other public or private water users. These measures include reinjection or reuse of extracted groundwater, and requiring the discharger to submit a plan for the reclamation or reuse of 100% of the extracted groundwater. Due to factors beyond the discharger's control, the discharger may be unable to attain the 100% reclamation or reuse goal established by this Order. The discharger will not be found in violation of this Order if documented factors beyond the control of the discharger prevent the discharger from attaining 100%, provided that the discharger made a good faith effort to attain that goal.

14. Evaluation of Final Plan. In accordance with the Health and Safety Code Section 25356.1, Section 121 of CERCLA, the final remedial action plan (including the RI/FS Report submitted by the discharger, this Order, and Order No. 88-171, NPDES Permit No. CA0028851) is equivalent to a feasibility study; satisfies the requirements of the California Water Code Section 13304 and is protective of human health and the environment; attains Applicable or Relevant and Appropriate Requirements (ARARs); utilizes permanent solutions and alternative treatment technologies and resource recovery technologies to the maximum extent possible for short-term effectiveness; is implementable; is cost effective; is acceptable based on State

regulations, policies, and guidance; and reduces toxicity, mobility, and volume of pollutants.

The Board published a notice in the Santa Clara American on June 15, 1989 announcing the proposed cleanup plan and opportunity for public comment at the Board Meeting of June 21, 1989 in Oakland, prior to the beginning of the public comment period, and announcing opportunity for public comment at an evening public meeting to be held at the Santa Clara Convention Center in the City of Santa Clara on June 29, 1989. The notice was published in the Santa Clara American again on June 22, 1989. Fact Sheets 1 and 2 were mailed to interested residents, local government officials, and media representatives. Fact Sheet 2, dated June 16, 1989 described the proposed final RAP, announced opportunities for public comment at the Board Meeting and the Public Meeting, and the availability of further information at the Information Repository at the Santa Clara Public Library. Public concerns expressed at the Regional Board meeting of June 21, 1989 in Oakland and at the public meeting of June 29, 1989 in Santa Clara, and in comments received by the Regional Board through July 20, 1989, the close of the public comment period; and in comments received at the Regional Board meeting of September 20, 1989 were addressed by review and evaluation, and incorporated by appropriate response in this Order.

15. Development of the Board's final Remedial Action Plan was based on the Regional Board's evaluation of almost five years of water and soil quality data. Random samples have been collected and analyzed by the Regional Board to confirm the validity of data generated by the discharger. Data has been validated using EPA validation guidance. The quality of this data has been taken into consideration and has been used in a manner consistent with the data's quality.
16. State Board Resolution 68-16. On October 28, 1968 the State Board adopted Resolution No. 68-16, "Statement of Policy with Respect to Maintaining High Quality Waters in California". This policy calls for maintaining existing high quality of State waters unless it is demonstrated that any change would be consistent with the maximum public benefit and not unreasonably affect beneficial uses. The original discharge of waste to the groundwater at this site was in violation of this policy; therefore, the groundwater quality needs to be restored to its original or background quality to the extent reasonable. A return to background quality, which is the proposed primary water quality objective, means achieving a restored groundwater throughout the site that has no detectable concentration of any VOC. Even if this condition were achieved for one or more VOCs temporarily, it appears unlikely that all VOCs can be completely removed permanently

without the removal of all existing polluted soil and groundwater on the site. It may not be feasible to remove all the polluted soil and groundwater at this site; therefore it may not be feasible to expect to achieve this water quality objective.

For any VOC which is not reduced to a nondetectable concentration after a good-faith effort, a secondary water quality objective consistent with maximum public benefit is determined, based on existing and potential use-suitability of State waters. The secondary objective is to maintain all VOC concentrations at or below established protective levels throughout the site. The results of inorganic chemical analyses of groundwater in the A and B zones do not preclude the use of this water as a domestic supply. For the purpose of establishing cleanup objectives, the shallow groundwater in the A and B zones is designated a potential source of drinking water, and protective levels shall be those levels which have been established as protective of drinking water. For any VOC which cannot be reduced to a nondetectable concentration onsite, its concentration shall be maintained between a nondetectable level and a level protective of drinking water.

17. The Regional Board adopted a revised Water Quality Control Plan for the San Francisco Bay Basin (Basin Plan) on December 16, 1986. The Basin Plan contains water quality objectives and beneficial uses for South San Francisco Bay and contiguous surface and underground waters.
18. The existing and potential beneficial uses of the groundwater underlying and adjacent to the facility include:
 - a. Industrial process water supply
 - b. Industrial service water supply
 - c. Municipal and domestic water supply
 - d. Agricultural water supply
19. The discharger has caused or permitted, and threatens to cause or permit, waste to be discharged or deposited where it is or probably will be discharged to waters of the State and creates or threatens to create a condition of pollution or nuisance. Final containment and remediation measures need to be implemented to alleviate the threat to the environment posed by the plume of pollutants.
20. This action is an order to enforce the laws and regulations administered by the Regional Board. This action is categorically exempt from the provisions of the CEQA pursuant to Section 15321 of the Resources Agency Guidelines.